

City Council Minutes  
March 26, 2019

Regular Meeting  
City Hall Council Chambers

Tuesday, March 26, 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 and City Solicitor Jonathan Pottle were also present.

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 26, 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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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, March 26, 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 March 5, 2019 Regular Meeting** (Councilor Morelli)
- B. Awards, Petitions and Public Comments.**
  - 1. (2019-B007) RESOLVE Recognize Sharon Field – Fickett (Councilor Goss)
  - 2. (2019-B008) RESOLVE Recognize the Brewer Girls Indoor Track Team (Councilor Goss)
  - 3. Public Comments
- IV. Public Hearing**
  - 1. Applications for Renewal of City Amusement Licenses
- V. Adjourn Public Hearing**
- C. Consent Calendar.**
  - 1. (2019-A013) ORDER Accept grant funds from Bangor Greendrinks to purchase a decorative bike rack for the Riverwalk Trail (Councilor Morelli)
  - 2. (2019-A014) ORDER Accept easements for water main and clustered curbstops (Councilor O’Connell)
  - 3. (2019-A015) ORDER Commit waster assessment to Treasurer for collection (Councilor Goss)
  - 4. (2019-A016) ORDER Commit sewer assessment to Treasurer for collection (Councilor Ferris)
  - 5. (2019-A017) ORDER Accept Forest Firefighting Grant Funds (Councilor Morelli)
  - 6. (2019-A018) ORDER Award contract for the resurfacing of a portion of Eastern Avenue (Councilor O’Connell)
  - 7. (2019-A019) ORDER Authorize discontinuance of a portion of Hardy Street (Councilor Goss)
  - 8. (2019-A020) ORDER Agree to hold a public hearing on the discontinuance of a portion of Hardy Street (Councilor Ferris)
  - 9. (2019-A021) ORDER Authorize the conveyance of a 10’ x 50’ strip of city-owned property to Hardy Street LLC (dba Mason’s Brewery) or their successors (Councilor Morelli)
  - 10. (2019-A022) ORDER Authorize amendment to existing easement held by the City of Brewer regarding property owned by Hardy Street LLC or their successors (Councilor O’Connell)
  - 11. (2019-A023) ORDER Issue amusement license to Del Merritt d/b/a Cap’s Tavern, 494 So. Main St. (Councilor Goss)
  - 12. (2019-A024) ORDER Issue amusement license to Fraternal Order of Eagles #3177, 22 Atlantic Avenue (Councilor Ferris)
  - 13. (2019-A025) ORDER Issue amusement license to RMB&G, Inc. d/b/a Brewster’s Fine Food & Drink, 359 Wilson Street (Councilor

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- Morelli)
14. (2019-A026) ORDER Issue amusement license to Jeffrey E. Ashe and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way (Councilor O'Connell)
  15. (2019-A027) ORDER Issue amusement license to Bangor Area Recovery Network, 142 Center Street (Councilor Goss)
  16. (2019-A028) ORDER Issue amusement license to CTK, Inc. d/b/a City Side Restaurant/Jester's Food & Spirit, 393 North Main Street (Councilor Ferris)
  17. (2019-A029) ORDER Issue amusement license to Between Friends, Inc. d/b/a Between Friends/Generation Theatre, 39 Center Street (Councilor Morelli)
  18. (2019-A030) ORDER Issue amusement license to Charles Henry, Inc. at Bangor Brewer Bowling Lanes d/b/a Penny Lane Bar & Grill, 534 Wilson Street (Councilor O'Connell)
  19. (2019-A031) ORDER Issue amusement license to Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street (Councilor Goss)
  20. (2019-A032) ORDER Issue amusement license to Andrew Geaghan, Timka, Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street #4 (Councilor Ferris)
  21. (2019-A033) ORDER Issue amusement license to Mason's Brewing Company, LLC, 15 Hardy Street (Councilor Morelli)
  22. (2019-A034) ORDER Issue amusement license to Thomas Shanos, d/b/a Kosta's Restaurant & Bar, 429 Wilson Street (Councilor O'Connell)
  23. (2019-A035) ORDER Issue amusement license to Robert Thomas, Timeout Enterprises, LLC, d/b/a Timeout Pizza & The Loft, 30 Clisham Road (Councilor Goss)
  24. (2019-A036) ORDER Authorize supplemental appropriation to cover overages in winter maintenance materials if needed (Councilor Ferris)
  25. (2019-A037) ORDER Award annual contract for resurfacing of city streets (Councilor Morelli)
  26. (2019-A038) ORDER Accept donation to the Brewer Fire Department (Councilor O'Connell)
  27. (2019-A039) ORDER Accept speed feedback sign from Maine DOT (Councilor Goss)
  28. (2019-A040) ORDER Authorize contract with Woodard and Curran for engineering and construction administration services (Councilor Ferris)
  29. (2019-A041) ORDER Tax release deed Map 42, Lot 113, 12 Birchwood Blvd (Councilor Morelli)

**D. Monthly Reports.** (Councilor O'Connell)

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

**Consent Calendar**

1. (2019-B009) RESOLVE Accept resignations of members of the Planning Board of

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2. (2019-A042) ORDER the City of Brewer (Councilor Ferris)  
Reappoint Inspector of Buildings (Councilor Morelli)
3. (2019-A043) ORDER Reappoint Inspector of Plumbing (Councilor O'Connell)
4. (2019-B010) RESOLVE Confirm City Manager's Appointments of Constables  
(Councilor Goss)
5. (2019-A044) ORDER Reappoint member to the Board of Appeals of the City of  
Brewer (Councilor O'Connell & Councilor Morelli)
6. (2019-A045) ORDER Reappoint members to the Brewer Board of Assessment  
Review (Councilor O'Connell & Councilor Morelli)
7. (2019-A046) ORDER Reappoint members to the Conservation Commission of the  
City of Brewer (Councilor O'Connell & Councilor Morelli)
8. (2019-A047) ORDER Reappoint members to the Board of Commissioners of the  
Housing Authority of the City of Brewer (Councilor  
O'Connell & Councilor Morelli)
9. (2019-A048) ORDER Reappoint members to the Library Board of Trustees of the  
City of Brewer (Councilor O'Connell & Councilor Morelli)
10. (2019-A049) ORDER Reappoint members to the Parks & Recreational Advisory  
Commission of the City of Brewer (Councilor O'Connell &  
Councilor Morelli)
11. (2019-A050) ORDER Reappoint members to the Brewer Planning Board  
(Councilor O'Connell & Councilor Morelli)

**F. Unfinished Business.**

**G. New Business.**

1. (2019-A051) ORDER Convene in Executive Session Pursuant to  
Title 36, M.R.S.A. §841(2)(A) on a hardship/poverty  
matter. (Councilor O'Connell & Jerry Goss)

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

**I. ADJOURN.**

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**A. Minutes of March 5, 2019 Regular Meeting**

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

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**B. Awards, Petitions and Public Comments**

2019-B007

March 26, 2019

TITLE: RESOLVE, RECOGNIZE SHARON FIELD-FICKETT FOR HER LEADERSHIP  
AND ADVOCACY AS VOLUNTEER COORDINATOR FOR THE  
BARN

Filed March 19, 2019  
By Jerry Goss

WHEREAS, in 2013, Sharon Field-Fickett began her Recovery journey; and

WHEREAS, at the encouragement of her counselor, Sharon walked through the doors of the BARN (Bangor Area Recovery Network) seeking support; and

WHEREAS, Sharon volunteered her time and services to the BARN as it provided Sharon with a positive outlet and peer support for her Recovery from substance use disorder; and

WHEREAS, in 2014, Sharon received appropriate training and was brought on as an official BARN volunteer and Sharon continued this volunteer service on a daily basis; and

WHEREAS, Sharon was eventually appointed Volunteer Coordinator in August 2014, a position that she has held since; and

WHEREAS, Sharon oversees the day to day operations and is responsible for the management of BARN's core of volunteers; and

WHEREAS, Sharon has mentored and developed countless individuals in their Recovery journey, has created a professional and friendly core of volunteers and is a community leader and Recovery advocate for all; and

WHEREAS, Sharon's leadership and support has brought forth programming and forums to the BARN promoting Recovery access; and

WHEREAS, Sharon and her spouse, Robert have been recognized by the Governor for their community contributions in making Recovery visible and accessible.

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NOW THEREFORE BE IT RESOLVED, that the Brewer City Council recognizes Sharon Field-Fickett for her leadership and advocacy for Recovery and the BARN and her positive impact for the betterment of our community as a whole.

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

Councilor Goss read the resolve into the record and presented the resolution to Sharon. Councilor Goss presented Sharon with a challenge coin to pass along to someone else who is on the road to recovery to help them stay on the road. Councilor Goss stated that Sharon has had an enormous impact on the success of the BARN, he noted that you will see what Sharon has done but you just won't know it because she has helped numerous people who were having a hard time become productive, successful members of our community. Councilor Goss said the BARN is a wonderful tool in the fight against opioid addiction and Sharon is an instrumental part of that tool and he is confident that the BARN will win against this epidemic.

Councilor O'Connell wanted to make sure that everyone understood that the work that Sharon is doing has a domino effect, he stated that it is very important and will be felt for years and she should be very proud, as her community is of her.

The resolve was adopted by unanimous vote.

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2019-B008

March 26, 2019

**TITLE: RESOLVE, RECOGNIZE THE BREWER HIGH SCHOOL STATE CLASS B GIRLS INDOOR TRACK TEAM**

Filed February 27, 2019  
By Jerry Goss, Joseph L.  
Ferris, Beverly Uhlenhake,  
Kevin O'Connell and  
Thomas Morelli

WHEREAS, the Brewer High School Girls Indoor Track Team earned the 2019 Class B State Championship; and

WHEREAS, the Brewer team held off York and Greely High Schools with a total of 71 points to earn them their first State Championship in 20 years; and

WHEREAS, the Brewer Girls Indoor Track now has 8 State Championships in total.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council on behalf of the Citizens of the City of Brewer Maine, herewith recognizes and congratulates the 2019 Brewer Girls Indoor Track Team for earning the Class B State Championship and carrying on the tradition of Brewer excellence; and

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BE IT FURTHER RESOLVED, that the Brewer City Council congratulates the following list of athletes on their outstanding achievement:

**Seniors:** Hannah Hopkins & Kaitlyn Helfen

**Juniors:** Megan Friel, Rylie Hall, Sophie Inman, Michaela Hersey & Madison Gibbs

**Sophomores:** Madasin Snowman, Abby Stroup, Morgan Honey & Olivia Mosca

**Freshman:** Sydney Pine.

**Head Coach:** Dan Juilli

**Assistant Coaches:** Glen Holyoke, Adam Lufkin, Cameron Oxley, Josh Donnelly & Jonathan Karp

**Athletic Director:** David Utterback

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

Councilor Goss read the resolve into the record and presented the resolution to the Brewer Girls Track team and coaches. Councilor Goss presented challenge coins to the two senior team members to pass out to their teammates and challenge them to continue the dedication in life that got them the state championship in track. He challenges the underclassmen to continue their dedication into the next year and recruit others to believe in themselves and try.

All the Council congratulated the girls and honorary plaques were presented and the Council celebrated with the Girls State Champions with cake and punch.

The resolve was adopted by unanimous vote.

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### **PUBLIC COMMENTS**

John Norris, resident of South Brewer, spoke to the Council hoping that they would consider improving the conditions of Derusha Lane and Callaghan Court. He stated that the road is very narrow, very short and falling apart and really needs some attention. Chairman Uhlenhake asked to clarify the problem, is it the width of the road or the condition? Councilor O'Connell attested to the narrow width of the street. Chairman Uhlenhake called on Public Works Director, David Cote to report on whether there are plans to improve the street. Cote said the streets are on the long list of streets needing repair. City Manager, Stephen Bost, had David Cote give an update on the scheduled improvements of South Main Street. City Manager, Stephen Bost, addressed Mr. Norris thanking him for bringing his concerns to the City Council and assured him that the City will be up and take a look at the street and help the best they can.

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### **IV. Public Hearing**

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

The public hearing was called to order by Chairman Uhlenhake.

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The City Clerk called the roll:

Councilor Morelli – present  
Councilor Goss – present  
Chairman Uhlenhake – present

Councilor O’Connell – present  
Councilor Ferris – present

Chairman Uhlenhake declared all members were present.

Chairman Uhlenhake read the public notice.

**CITY OF BREWER  
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 26th day of March 2019 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider applications from the following businesses for renewal of city amusement licenses to permit them to have dancing and live entertainment on their premises, non-alcoholic, as well as those which are licensed by the State of Maine for the sale of alcohol:

1. Cap’s Tavern, 494 South Main Street
2. Fraternal Order of Eagles, 22 Atlantic Ave.
3. Brewster’s Fine Food & Drink, 359 Wilson Street
4. Jeff’s Catering, 15 Littlefield Way
5. The Bangor Area Recovery Network, 142 Center Street
6. City Side Restaurant & Jester’s Food and Spirits, 393 No. Main Street
7. Between Friends/Generations Theatre, 39 Center Street
8. Charles Henry, Inc. at Bangor Brewer Bowling Lanes, 534 Wilson Street
9. High Tide Restaurant, 5 South Main Street
10. Humble, 518 South Main Street
11. Geaghan Brothers Brewing Company, 34 Abbott Street, #4
12. Mason’s Brewing Company, 15 Hardy Street
13. Kosta’s Restaurant & Bar, 429 Wilson Street
14. TimeOut Enterprises, LLC, 30 Clisham Road
15. Eagles Convention Center, 22 Atlantic Ave.

Any person may present written or oral comments at this public hearing on these applications.

Ronda J. Hogan  
City Clerk, Brewer, Maine

Chairman Uhlenhake asked if there were any public comments regarding these applications. There were none.

Chairman Uhlenhake inquired if we had received any written comments in regard to the applications. The City Clerk stated that there were no written comments received.



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Chairman Uhlenhake closed the public hearing.

The City Clerk called the role and all members of the Council were present.

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

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**C. Consent Calendar**

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

2019-A013

March 26, 2019

**TITLE:** ORDER, ACCEPT GRANT FUNDS FROM BANGOR GREENDRINKS TO PURCHASE DECORATIVE BIKE RACK FOR THE RIVERWALK TRAIL

Filed March 8, 2019

By Thomas Morelli

WHEREAS, the City has received a \$2,485.00 Green Grant from Bangor Greendrinks for the purchase of a 10' decorative fish-shaped bike rack to be installed on the Riverwalk Trail near Mason's; and

WHEREAS, the City's Public Works Department has agreed to install the bike rack and estimates the material and supply costs to do that will not exceed \$2,000; and

WHEREAS, costs associated with the bike rack would be TIF eligible expenses.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$2,485.00 in Green Grant funds and directs that they be deposited into the Green Grant Bike Rack revenue account (0500100-360000-67801).

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds together with up to \$2,000.00 in TIF Special Revenue funds from the Waterfront Trail Bike Rack expense account (0510121-551102-67801) to purchase and install this bike rack along the Riverwalk Trail.

**Statement of Fact**

This order accepts \$2,485.00 from Bangor Greendrinks to be used to purchase a 10' fish shaped bike rack for the Riverwalk Trail as well as up to \$2,000.00 in TIF monies to cover site prep and installation costs.

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2019-A014

March 26, 2019

**TITLE:** ORDER, ACCEPT EASEMENTS FOR WATER MAIN AND CLUSTERED

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CURBSTOPS

Filed March 5, 2019  
By Kevin O'Connell

WHEREAS, we have water piping on private land and it is important to have access to this piping, mainline valves and curb stops for maintenance and repair; and

WHEREAS, this line has existed since 1996 outside of the current right of ways and easements; and

WHEREAS, by PUC definition in Chapter 65 this line serves multiple properties and was installed post May 7, 1986 therefore is a public main line; and

WHEREAS, the Water Department Superintendent has negotiated permanent easement to access the existing line; and

WHEREAS, these easements have been reviewed and approved by the City Solicitor.

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts permanent easements from the following property owners.

David & Tracy Burgason, Todd & Karen Turner Night Road, Brewer Compensation = \$0

BE IT FURTHER ORDERED, the City Council ratifies all actions taken in regard to the permanent easement and acceptance of the main line located on Night Road.

**Statement of Fact**

This order accepts easements negotiated by the Brewer Water Department Superintendent. Easement 1 give us access to our 4-inch main installed from Lambert road down the private drive know as Night Road. This line by PUC definition was a public line this easement gives us the right to access and maintain the line.

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2019-A015

March 26, 2019

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER FOR COLLECTION

Filed March 6, 2019  
By Jerry Goss

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

NOW, THEREFORE BE IT ORDERED, that the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$628,879.10** at the established

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rate, as provided by Title 35-A M.R.S.A. §6105 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
March	\$622,335.55	
December	\$1,142.67	
January	\$3,032.91	
February	\$2,367.97	
<b>TOTAL</b>	<b>\$628,879.10</b>	

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2019-A016

March 26, 2019

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER FOR COLLECTION

Filed March 6, 2019  
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 BE IT ORDERED, that the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$564,196.57** at the established rate, as provided by Title 30-A M.R.S.A. §3406 and Title 38 M.R.S.A. §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
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March	\$555,724.52	
December	\$3,112.49	
January	\$1,381.33	
February	\$3,978.23	
<b>TOTAL</b>	<b>\$564,196.57</b>	

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2019-A017

March 26, 2019

TITLE:       ORDER,       ACCEPT FOREST FIREFIGHTING GRANT FUNDS

Filed March 18, 2019  
By Thomas Morelli

WHEREAS, the City of Brewer Fire Department has been awarded \$2,421.00 in grant funding from the USDA Forest Service administered by the Maine Fire Chief's Forestry Committee; and

WHEREAS, the Fire Department will use the funding to purchase forest firefighting equipment including 17 helmets, 17 goggles, 10 coats, Class A Foam, and 1.5" fire hose; and

WHEREAS, the Brewer Fire Department will purchase the equipment for a total cost of \$4,842.00 and accept \$2,421.00 as reimbursement for half of the costs; and

WHEREAS, the Fire Department's share of costs will come from its Minor Equipment account (0115911-5030000).

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that they be deposited in the FY19 ME Forest Service Grant special revenue account (0600059-360000-59026).

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of the grant funds, along with the City's required 50% share, from the FY19 ME Forest Service Grant Expense special revenue account (0600059-560000-59026) to purchase the equipment specified above.

**Statement of Fact**

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The Brewer Fire Department received a grant of \$2,421 forest firefighting equipment. These funds will be used to offset 50% of the total purchase.

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2019-A018

March 26, 2019

TITLE: ORDER, AWARD CONTRACT FOR THE RESURFACING OF A PORTION OF EASTERN AVENUE

Filed March 13, 2019  
By Kevin O'Connell

WHEREAS, on February 13, 2018 Council authorized a Municipal Partnership Initiative (MPI) agreement with the Maine Department of Transportation (Order 2018-A011) in the amount of \$300,000.00 for the resurfacing of Eastern Avenue from State Street to Oak Grove Drive on a 50/50 cost sharing basis; and

WHEREAS, this agreement was executed with the MDOT on February 21, 2018; and

WHEREAS, the Engineering department has prepared and competitively bid plans and specifications for the project (see attached bid summary).

NOW, THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with B&B Paving of Hermon, Maine, the low bidder, in an amount not to exceed \$250,000.00 (the bid amount plus approximately 20% for contingencies) for the completion of the 2019 Eastern Avenue Resurfacing project.

BE IT FURTHER ORDERED, that the Finance Director shall include a line item in the amount of \$300,000.00 in the FY 2020 CIP for the 2019 Resurfacing of Eastern Avenue to be shared on a 50/50 basis with the MDOT per the terms and conditions of the MPI agreement signed February 21, 2018.

**Statement of Fact**

This order awards the contract for the 2019 Eastern Avenue Resurfacing project and directs the Finance Director to include the request for funding thereof in the FY 2020 CIP. The City anticipates it will need to bond finance its 50% share of project costs, which are estimated to total up to \$150,000.00.

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2019-A019

March 26, 2019

TITLE: ORDER, AUTHORIZE DISCONTINUANCE OF A PORTION OF HARDY STREET

Filed March 20, 2019  
By Jerry Goss

WHEREAS, the owner of Mason's Brewing has requested that a portion of Hardy Street be discontinued in order to facilitate an expansion to the existing building, said portion being shown on Exhibit A, attached hereto and made part hereof; and

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WHEREAS, the portion of Hardy Street requested to be discontinued provides ingress and egress for pedestrian and vehicular traffic to the Brewer Riverwalk; and

WHEREAS, the abutters have agreed to waive damages, if any would even result, if a portion of Hardy Street is discontinued pursuant to Title 23 M.R.S. § 3026-A; and

WHEREAS, the City Assessor has determined if the portion of Hardy Street shown in Exhibit A is discontinued that there will be no damages to the abutters, who are Hardy Street LLC and J.R. Redemption, Inc.; and

WHEREAS, the above abutting property owners still have access to a public way even if the portion the portion of Hardy Street shown in Exhibit A is discontinued; and

WHEREAS, the City Engineer has recommended discontinuance of the portion of Hardy Street as shown in Exhibit A, with a public easement and utility easement retained by the City of Brewer; and

WHEREAS, notice of this proposed discontinuance of a portion of Hardy Street has been provided to the abutting owners.

NOW, THEREFORE, BE IT ORDERED, that City Council hereby adopts this Order as an Order of Discontinuance of a portion of Hardy Street, the location of which is described in Exhibit A; and

FURTHER, BE IT FURTHER, that the City Council hereby makes the following determination on the amount of damages for each abutting owner as a result of discontinuing the portion of Hardy Street described in Exhibit A:

Hardy Street LLC = \$0.00

J.R. Redemption Center = \$0.00

FURTHER, BE IT ORDERED, that the City of Brewer hereby retains a public easement and utility easement regarding the discontinued portion of Hardy Street described in Exhibit A; and

FURTHER, BE IT ORDERED, that upon adoption the City Council shall cause this Order of Discontinuance to be filed with the City Clerk; and

FURTHER, BE IT ORDERED, that the City Clerk shall send a copy of this Order to the abutters of that portion of Hardy Street to be discontinued, as well as a notice of the public hearing to be held by the City Council at a time and location to be separately established by Council Order; and

FURTHER, BE IT ORDERED, that the City Engineer, or his designee, shall post an attested copy of this Order in the area of that portion of Hardy Street to be discontinued.

**Statement of Fact**

This Order constitutes an Order of Discontinuance for a portion of Hardy Street to help facilitate an expansion of the existing Mason's Brewing building.

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2019-A020

March 26, 2019

TITLE: ORDER, AGREE TO HOLD A PUBLIC HEARING ON THE  
DISCONTINUANCE OF A PORTION OF HARDY STREET

Filed March 20, 2019  
By Joseph L. Ferris

WHEREAS, the City Council issued an Order of Discontinuance of a portion of Hardy as described in Order No. 2019-A019; and

WHEREAS, the City Council made the following determination on the amount of damages for each abutting owner as a result of discontinuing that portion of Hardy Street:

Hardy Street LLC = \$0.00                      J.R. Redemption Center = \$0.00; and

WHEREAS, the City of Brewer will retain a public easement and utility easement regarding the discontinued portion of Hardy Street; and

WHEREAS, the Order of Discontinuance will be filed with the City Clerk; and

WHEREAS, the City Clerk will provide a copy of the Order of Discontinuance to the abutters of that portion of Hardy Street to be discontinued, as well as a notice of the public hearing to be held by the City Council; and

WHEREAS, the City Engineer, or his designee, will post an attested copy of the Order of Discontinuance in the area of that portion of Hardy Street to be discontinued;

WHEREAS, the City Council desires to set a public hearing date for the purposes of receiving public comment regarding the proposed discontinuance of a portion of Hardy Street described above.

NOW, THEREFORE, BE IT ORDERED, that the City Council will hold a public hearing on Monday, April 29, 2019, at 8:00 AM in Council Chambers to hear public comments on the Order of Discontinuance for a portion of Hardy Street; and

FURTHER, BE IT ORDERED, that the Order of Discontinuance of a portion of Hardy Street will take effect when and if it is approved by a vote of the Brewer City Council at a later date following the April 29, 2019 public hearing.

**Statement of Fact**

This Order schedules a Public Hearing on the Order of Discontinuance for a portion of Hardy Street to help facilitate an expansion of the existing Mason's Brewing building.

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2019-A021

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TITLE: ORDER, AUTHORIZE THE CONVEYANCE OF A 10' X 50' STRIP OF CITY-OWNED PROPERTY TO HARDY STREET LLC (DBA MASON'S BREWERY) OR THEIR SUCCESSORS

Filed March 18, 2019  
By Thomas Morelli

WHEREAS, during the construction of the Mason's Brewery facility on Hardy Street the owner inadvertently constructed an accessory structure which encroached upon the adjacent city-owned Hardy Street pump station lot by approximately 3 feet; and

WHEREAS, City staff including the City Engineer, the Director of Environmental Services, the Code Enforcement Officer and the City Planner have reviewed the encroachment area and determined that the best solution would be to convey a 10' wide strip of property adjacent to the location of the encroachment, upon the full width of which the City would retain a Permanent Utility Easement; and

WHEREAS, the Engineering Department has prepared a Sketch Plan, attached hereto, showing the location of the proposed area to be conveyed.

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a deed and any other documents necessary to convey a 10' X 50' strip of property from the Hardy Street Pump Station lot (Map 28, lot 186-1) to Hardy Street LLC , or their successors (owner of abutting lot , Map 28, lot 186) conditional upon the retention of a Permanent Utility Easement over the entire area conveyed.

BE IT FURTHER ORDERED, that the said deed and any other necessary documents shall be reviewed by the City Solicitor prior to execution. and shall, upon final execution, be recorded by the City Clerk at the Penobscot County Registry of Deeds.

FURTHER, BE IT ORDERED, that the Brewer City Council herewith, in consideration of the fact that the City shall retain a permanent utility easement over the entire conveyed parcel, determines that no additional consideration of value is necessary to convey the above-described property.

**Statement of Fact**

This order authorizes the conveyance of a 10' X 50' strip of the city-owned Hardy Street pump station lot to the adjacent Mason's Brewery lot in order to address an inadvertent encroachment. The city will retain a permanent utility easement over the entire conveyed area and the operation and maintenance of the pump station facility will not be affected.

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2019-A022

March 26, 2019



City Council Minutes

March 26, 2019

TITLE: ORDER; AUTHORIZE AMENDMENT TO EXISTING EASEMENT HELD BY THE CITY OF BREWER REGARDING PROPERTY OWNED BY HARDY STREET LLC OR THEIR SUCCESSORS.

Filed March 20, 2019

By Kevin O'Connell

WHEREAS, the owner of Mason's Brewing is planning a proposed expansion of the existing building located on property currently owned by Hardy Street LLC identified as Map 28, Lot 186 according to the current municipal tax records of the City of Brewer; and

WHEREAS, the proposed expansion, as planned, would encroach upon an existing easement held by the City of Brewer as described in the Quitclaim Deed with Covenant recorded in Book 14075, Page 236 of the Penobscot County Registry of Deeds and identified as the Public Uses and Shore Stabilization Easement; and

WHEREAS, City staff including the City Engineer, the Director of Environmental Services, the Code Enforcement Officer, and the City Planner have reviewed the proposed expansion in relation to the Public Uses and Shore Stabilization Easement and determined that the best solution would be to amend this easement by modifying the boundary as depicted in Exhibit A, attached hereto and incorporated herein, being that such amendment would not materially impair or prejudice the City's property interests in the view of City staff; and

WHEREAS, City staff recommends that the City Council authorize the above-described amendment to the existing Public Uses and Shore Stabilization Easement for the purpose of facilitating the proposed expansion of the existing Mason's Brewing building.

NOW, THEREFORE, BE IT ORDERED that the City Manager, or his designee, is authorized to execute an amendment to the existing Public Uses and Shore Stabilization Easement referenced herein and any other documents necessary to effectuate this amendment; and

FURTHER, BE IT ORDERED, that said amendment and any other necessary documents shall be reviewed by the City Solicitor prior to execution and shall, upon final execution, be recorded by the City Clerk at the Penobscot County Registry of Deeds.

**Statement of Fact**

This order authorizes an amendment to the existing Public Uses and Shore Stabilization Easement concerning property currently owned by Hardy Street LLC to help facilitate a proposed expansion of the Mason's Brewing building.

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2019-A023

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO DEL MERRITT D/B/A CAP'S TAVERN, 494 SOUTH MAIN STREET

City Council Minutes  
March 26, 2019

Filed March 19, 2019  
By Jerry Goss

WHEREAS, Del Merritt's application for a City of Brewer Amusement License for Cap's Tavern, 494 So. Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

# City Council Minutes

March 26, 2019

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Del Merritt d/b/a Cap's Tavern, 494 So. Main Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

## Statement of Fact

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A024

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO FRATERNAL ORDER OF EAGLES #3177, 22 ATLANTIC AVENUE

Filed March 19, 2019  
By Joseph L. Ferris

WHEREAS, the Fraternal Order of Eagles #3177's application for a City of Brewer Amusement License for the Eagles Club, 22 Atlantic Avenue, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

City Council Minutes

March 26, 2019

- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to the Fraternal Order of Eagles #3177, 22 Atlantic Aveune, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A025

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO RMB&G, INC D/B/A  
BREWSTER'S FINE FOOD & DRINK, 359 WILSON STREET

Filed March 19, 2019

By Thomas Morelli

WHEREAS, the RMB&G Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

City Council Minutes

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WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to RMB&G, Inc. d/b/a Brewster's Fine Food & Drinks, 359 Wilson Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A026

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO JEFFREY E. ASHEY AND JEFF'S CATERING AND BAKESHOP, INC. D/B/A JEFF'S CATERING, 15 LITTLEFIELD WAY

Filed March 19, 2019  
By Kevin O'Connell

City Council Minutes  
March 26, 2019

WHEREAS, Jeffrey E. Ashe and Jeff's Catering and Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering, 15 Littlefield Way, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Jeff E. Ashe and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

City Council Minutes  
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**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A027

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BANGOR AREA RECOVERY NETWORK, 142 CENTER STREET

Filed March 19, 2019  
By Jerry Goss

WHEREAS, Sharon Fields-Fickett's application for a City of Brewer Amusement License for Bangor Area Recovery Network, 142 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;

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- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Bangor Area Recovery Network, 142 Center Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

### Statement of Fact

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A028

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CTK, INC. D/B/A CITY SIDE RESTAURANT/JESTERS FOOD & SPIRIT, 393 NORTH MAIN STREET

Filed March 19, 2019  
By Joseph L. Ferris

WHEREAS, CTK'S Inc.'s application for a City of Brewer Amusement License for City Side Restaurant/Jesters Food & Spirit, 393 North Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;



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- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirit, 393 North Main Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A029

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BETWEEN FRIENDS, INC.  
D/B/A BETWEEN FRIENDS/GENERATIONS THEATRE, 39 CENTER STREET

Filed March 19, 2019

By Thomas Morelli

WHEREAS, Tracey Marceron, Between Friends, Inc.'s application for a City of Brewer Amusement License for Between Friends/Generations Theatre, 39 Center Street, has been received by the City Clerk; and

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WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Tracey Marceron, Between Friends, Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

City Council Minutes  
March 26, 2019

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A030

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CHARLES HENRY INC. D/B/A PENNY LANE BAR & GRILL, 534 WILSON STREET

Filed March 19, 2019  
By Kevin O'Connell

WHEREAS, Charles Henry Inc.'s application for a City of Brewer Amusement License for Penny Lane Bar & Grill, 534 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;

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- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Charles Henry Inc. d/b/a Penny Lane Bar & Grill, 534 Wilson Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A031

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO THOMAS SHANOS, HIGH TIDE RESTAURANT, LLC D/B/A HIGH TIDE RESTAURANT, 5 SOUTH MAIN STREET

Filed March 19, 2019  
By Jerry Goss

WHEREAS, Thomas Shanos, High Tide Restaurant, LLC's application for a City of Brewer Amusement License for High Tide Restaurant, 5 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

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- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

### Statement of Fact

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A032

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO ANDREW GEAGHAN, TIMKA, INC. D/B/A GEAGHAN BROTHERS BREWING COMPANY, 34 ABBOTT STREET #4

Filed March 19, 2019  
By Joseph L. Ferris

WHEREAS, Andrew Geaghan's, application for a City of Brewer Amusement License for Timka, Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street, #4, has been received by the City Clerk; and

## City Council Minutes

March 26, 2019

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Andrew Geaghan, Timka, Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street #4, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

City Council Minutes  
March 26, 2019

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

\*\*\*

2019-A033

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO MASON'S BREWING COMPANY, LLC., 15 HARDY STREET

Filed March 19, 2019  
By Thomas Morelli

WHEREAS, Mason's Brewing Company LLC's, application for a City of Brewer Amusement License for Mason's Brewing Company, LLC, 15 Hardy Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;

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- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Mason's Brewing Company, LLC, 15 Hardy Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

**Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

\*\*\*

2019-A034

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO THOMAS SHANOS, D/B/A KOSTA'S RESTAURANT & BAR, 429 WILSON STREET

Filed March 19, 2019  
By Kevin O'Connell

WHEREAS, Thomas Shanos, Kosta's Restaurant & Bar's, application for a City of Brewer Amusement License for Kosta's Restaurant & Bar, 429 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:



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March 26, 2019

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Thomas Shanos, Kosta's Restaurant & Bar, 429 Wilson Street, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

### Statement of Fact

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2019-A035

March 26, 2019

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO ROBERT THOMAS, TIMEOUT ENTERPRISES, LLC D/B/A TIMEOUT PIZZA & THE LOFT, 30 CLISHAM ROAD

Filed March 19, 2019  
By Jerry Goss

WHEREAS, Robert Thomas, TimeOut Enterprises, LLC's, application for a City of Brewer Amusement License for TimeOut Pizza & The Loft, has been received by the City Clerk; and

## City Council Minutes

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WHEREAS, the City Council held a public hearing on this application on March 26, 2019 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- a. Conviction of the applicant of any Class A, Class B or Class C crime;
- b. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- c. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- d. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- e. A violation of any provision of the Maine Liquor Laws;
- f. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- g. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request.

NOW THEREFORE BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Robert Thomas, TimeOut Enterprises, LLC, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

### **Statement of Fact**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

City Council Minutes  
March 26, 2019

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2019-A036

March 26, 2019

TITLE: ORDER, AUTHORIZE SUPPLEMENTAL APPROPRIATION TO  
COVER OVERAGES IN WINTER MAINTENANCE MATERIALS IF  
NEEDED

Filed March 19, 2019  
By Joseph L. Ferris

WHEREAS, due to unusual storms this winter season, above average amount of storms, and a substantial increase in miles of salt priority roads, the budget for rock salt has been exceeded; and

WHEREAS, the rock salt budget is currently over by \$19,287.00 and the potential for winter weather still exists;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the supplemental appropriation and expenditure of up to \$30,000.00 from the Public Works account 0116671-502530 (Rock Salt) to cover the cost of overages for winter maintenance materials, if needed; and

BE IT FURTHER ORDERED, that funding for this supplemental appropriation come from the City's account 0109800-300901 (Fund Balance – Undesignated).

**Statement of Fact**

This order authorizes an increase in the City's Rock Salt expense line of up to \$30,000.00 if needed. Unusual weather conditions, above average amount of winter events, and the addition of approximately 24 lane miles of salt priority roads have caused an overage in the Public Works rock salt budget. Some of the overage may be absorbed in the existing Public Works budget, but with still 30% of the fiscal year remaining, it is difficult to determine how much at this time.

\*\*\*

2019-A037

March 26, 2019

TITLE: ORDER, AWARD ANNUAL CONTRACT FOR RESURFACING OF CITY  
STREETS

Filed March 18, 2019  
By Thomas Morelli

WHEREAS, bids were publicly solicited, and 4 bids were received and reviewed for the City's 2019 Paving Contract.

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Hopkins Landscaping and Paving, the lowest acceptable bidder, in an amount not to exceed \$165,000.00 for the Annual Paving of City Streets.

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March 26, 2019

BE IT FURTHER ORDERED, that charges to this contract shall be to the approved CIP account (0510113-551311) Paving (General).

**Statement of Fact**

This order awards the annual contract for paving City Streets. This Order authorizes spending of currently available funding. Authorization for the spending of anticipated funding in the FY2020 budget is not included in this Order. The bid tabulation for the project is attached.

\*\*\*

2019-A038

March 26, 2019

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER FIRE DEPARTMENT

Filed March 20, 2019  
By Kevin O'Connell

WHEREAS, the City of Brewer Fire Department has received a \$50.00 donation from JR Redemption and a \$500.00 donation from Somic America; and

WHEREAS, the Fire Department would like to use these funds to purchase chainsaw safety equipment.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these donations totaling \$550.00 and directs that they be deposited in the Fire Miscellaneous Revenue account (0105904-300490).

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from the Fire Minor Equipment account (0115911-503000) for the purchase of chainsaw equipment.

**Statement of Fact**

The Brewer Fire Department received a total of \$550.00 in donations that will be used to purchase chainsaw safety equipment. Thank you notes have been sent to Somic America and JR Redemption.

\*\*\*

2019-A039

March 26, 2019

TITLE: ORDER, ACCEPT SPEED FEEDBACK SIGN FROM MAINE DOT

Filed March 20, 2019  
By Jerry Goss

WHEREAS, the City of Brewer has been awarded a dynamic speed feedback sign valued at \$4,000.00 from the Maine Department of Transportation; and

WHEREAS, the sign will be used to help reduce speeding infractions and enhance the safety of Brewer streets for both pedestrians and motorists; and

# City Council Minutes

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WHEREAS, the Police Department and Public Works Department will work cooperatively to deploy the sign to a suitable location; and

WHEREAS, the City will be responsible for maintaining the device and returning it to MDOT should the City discontinue its use for more than 6 months or before the completion of three years;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve accept this speed feedback sign.

### **Statement of Fact**

The City of Brewer received a donated speed feedback sign from the Maine Department of Transportation valued at \$4,000.00. The purpose of the sign is to reduce speeding infractions and enhance pedestrian and motorist safety.

\*\*\*

2019-A040

March 26, 2019

TITLE: ORDER, AUTHORIZE CONTRACT WITH WOODARD AND CURRAN FOR ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES.

Filed March 20, 2019

By Joseph L. Ferris

WHEREAS, the application of Ozone to raw water from Hatcase pond is the primary disinfection utilized at Hayes Treatment Plant; and

WHEREAS, the application of Ozone to water is a highly effective treatment process for the inactivation of microbial contaminants; and

WHEREAS, the Hayes Treatment Plant on average annually treats and delivers in excess of 270,000,000 gallons drinking water to its customers; and

WHEREAS, the ozone generation equipment at Hayes Treatment Plant is in excess of 23 years old and has exceeded its expected life; and

WHEREAS, the vendors of our current equipment no longer support or produce spare parts for this equipment; and

WHEREAS, the Water Department's FY2019 & proposed FY2020 CIP and operating budget include funding for the estimated \$3,246,140.00 in bond financing needed to cover the total cost for the design and construction of the proposed project; and

WHEREAS, the Water Department proposes to use Woodard and Curran to design the project and administer the construction contract since the company has a long-standing partnership and thorough understanding of Brewer Water Department's treatment process and systems.

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NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to enter into a contract not to exceed \$460,000.00 with Woodard and Curran for Design, Construction Administration, and Construction Inspection services for the proposed Ozone treatment upgrade.

BE IT FURTHER ORDERED, that the costs of these services be charged to account 0571003-573038 (Ozone generation and application system replacement) to be funded with a bond to be issued in FY2019 or FY2020 and its associated interim bond anticipation note financing; and

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

### Statement of Fact

Our current ozone equipment is no longer supported and when the current bank of parts runs out there will no longer be spare parts to purchase. This has already happened on many parts. To keep the Hayes treatment plant producing water for the next 20 to 30 years it is necessary to replace the current ozone system.

\*\*\*

2019-A041

March 26, 2019

TITLE: ORDER, TAX RELEASE DEED, MAP 42, LOT 113, 12 BIRCHWOOD BLV.

Filed March 20, 2019  
By Thomas Morelli

ORDERED that a municipal Release Deed be issued to Christopher J. Young and Angela R. Debeck, of Brewer, Maine, County of Penobscot releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property.

BE IT 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 \$1540.03 was collected, \$1065.60 in principal, along with \$305.00 in interest and \$169.43 in costs.

\*\*\*

### D. Monthly Reports.

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

\*\*\*

### E. Nominations, Appointments, Elections

City Council Minutes  
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**ACTION:** Councilor Goss moved the orders on the consent calendar have passage and the resolves be adopted. The motion was seconded and passed unanimously.

2019-B009

March 26, 2019

**TITLE:** RESOLVE; ACCEPT RESIGNATIONS OF MEMBERS OF THE  
PLANNING BOARD OF THE CITY OF BREWER

Filed March 19, 2019  
By Joseph L. Ferris

WHEREAS, James Mullen has submitted a letter of resignation dated February 22, 2019 with an effective date of March 7, 2019 as a member of the Brewer Planning Board; and

WHEREAS, Kenneth White has submitted a letter of resignation as a member of the Brewer Planning Board; and

WHEREAS the City Council must vote to accept these resignations and declare vacancies before proceeding to fill these vacancies.

NOW THEREFORE BE IT RESOLVED, that the City Council herewith accepts the resignations of James Mullen and Kenneth White as members of the Brewer Planning Board and declares that a vacancy will exist on the Planning Board for a full-time member and an associate member.

\*\*\*

2019-A042

March 26, 2019

**TITLE:** ORDER, REAPPOINT INSPECTOR OF BUILDINGS

Filed March 19, 2019  
By Thomas Morelli

WHEREAS, Title 25 M.R.S.A. §2351 provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Stewart Brooks is the Brewer Code Enforcement Officer for the City of Brewer; and

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs as part of his duty's inspection of buildings.

NOW, THEREFORE, BE IT ORDERED that Stewart Brooks is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2019 and expiring March 31, 2020.

**Statement of Fact**

City Council Minutes  
March 26, 2019

This is a yearly order for appointment or reappointment of person to position of inspector of buildings with approval by Council.

\*\*\*

2019-A043

March 26, 2019

TITLE: ORDER, REAPPOINT INSPECTOR OF PLUMBING

Filed March 19, 2019  
By Kevin O'Connell

ORDERED, that Stewart Brooks is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2019 and expiring on March 31, 2020.

FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

**Statement of Fact**

This is a yearly order for appointment or reappointment of person to position of inspector of plumbing with approval by Council.

\*\*\*

2019-B010

March 26, 2019

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENTS OF  
CONSTABLES

Filed March 19, 2019  
By Jerry Goss

RESOLVED, that the City Council herewith confirms the City Manager's appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2019 and expiring March 31, 2020:

- Public Safety Director Jason Moffitt
- Deputy Police Chief Chris Martin
- Captain Anthony Pinette
- Cpl. Levi Sewall
- Cpl. Amy Nickerson
- Cpl. Zachary Caron
- Cpl. Thomas Tardiff
- Cpl. Scott Jones
- Sgt. Edward Willey
- Sgt. Paul Gauvin
- Sgt. Nelson Feero
- Sgt. Fred Luce
- Stewart Brooks, Code Enforcement Officer



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- Dan Joy, Animal Control Officer

**Statement of Fact**

This is a yearly order to confirm City Manager's appointment of constables for the City of Brewer.  
\*\*\*

2019-A044

March 26, 2019

TITLE: ORDER; REAPPOINT MEMBER TO THE BOARD OF APPEALS OF THE  
CITY OF BREWER

Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Moe Schinck, 726 Easten Avenue is herewith reappointed to the Board of Appeals of the City of Brewer for a three-year term; and

ORDERED, that Mr. Schinck's term will commence April 1, 2019 and expire March 31, 2022.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.  
\*\*\*

2019-A045

March 26, 2019

TITLE: ORDER; REAPPOINT MEMBERS TO THE BREWER BOARD OF  
ASSESSMENT REVIEW

Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Kevin Hughes, 22 Adams Court and Alan Soltys, 40 Hillcrest Drive are herewith reappointed to the Brewer Board of Assessment Review for a three-year term; and

BE IT FURTHER ORDERED, that Mr. Hughes and Mr. Soltys' terms will commence April 1, 2019 and expire March 31, 2022.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.  
\*\*\*

2019-A046

March 26, 2019

TITLE: ORDER; REAPPOINT MEMBERS TO THE CONSERVATION COMMISSION  
OF THE CITY OF BREWER

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Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Kevin Hughes, 22 Adams Court and Mark Deschesne, 40 Canterbury Road are herewith reappointed to the Conservation Commission of the City of Brewer for a three-year term; and

BE IT FURTHER ORDERED, that Mr. Hughes and Mr. Deschesne's terms will commence April 1, 2019 and expire March 31, 2022.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

\*\*\*

2019-A047

March 26, 2019

TITLE: ORDER; REAPPOINT MEMBERS TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER

Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Bobbi Johnson, 37 Allison Park and Louis Tardiff, 25 McKinnon Drive, are herewith reappointed to the Board of Commissioners of the Housing Authority of the City of Brewer for five-year terms; and

ORDERED that Ms. Johnson's and Mr. Tardiff's terms will commence April 1, 2019 and expire on March 31, 2024.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

\*\*\*

2019-A048

March 26, 2019

TITLE: ORDER; REAPPOINT MEMBERS TO THE LIBRARY BOARD OF TRUSTEES OF THE CITY OF BREWER

Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Patricia D. Kelley, 49 Alan-A-Dale Road and Cynthia Curtis, 15 Sunset Strip are herewith reappointed to the Library Board of Trustees of the City of Brewer for three-year terms; and

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BE IT FURTHER ORDERED, that Mrs. Kelley and Mrs. Curtis' terms will commence April 1, 2019 and expire March 31, 2022.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

\*\*\*

2019-A049

March 26, 2019

TITLE: ORDER; REAPPOINT MEMBERS TO THE PARKS AND RECREATIONAL  
ADVISORY COMMISSION OF THE CITY OF BREWER

Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Daniel J. O'Connell, 98 Oak Grove Drive and Jeffery Bryant, 100 Grove Street are herewith reappointed to the Parks and Recreational Advisory Commission of the City of Brewer for three-year terms; and

BE IT FURTHER ORDERED, that Mr. O'Connell and Mr. Bryant's terms will commence April 1, 2019 and expire March 31, 2022.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

\*\*\*

2019-A050

March 26, 2019

TITLE: ORDER; APPOINT AND REAPPOINT MEMBERS TO THE BREWER  
PLANNING BOARD

Filed March 19, 2019  
By Kevin O'Connell &  
Thomas Morelli

ORDERED, that Thomas McGary, 22 Chapman Street and Karen Morelli, 319 Wiswell Road are herewith reappointed to the Brewer Planning Board of the City of Brewer for three-year terms; and

ORDERED, that Kenneth White, 11 Canterbury Road, is herewith appointed as a full-time member to the Brewer Planning Board to fill a vacancy; and

BE IT FURTHER ORDERED, that Mr. McGary and Mrs. Morelli's terms will commence April 1, 2019 and expire March 31, 2022 and Mr. White's term will commence April 1, 2019 and expire

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March 31, 2021.

**Statement of Fact**

This is a yearly order for appointment or reappointment of persons to the city boards and commissions with approval by Council.

\*\*\*

**F. Unfinished Business**

There were no new items.

\*\*\*

**G. New Business**

**ACTION:** Councilor O'Connell made a motion to add order 2019-A153 to the regular agenda under new business. The motion was seconded and passed unanimously.

Councilor Goss made a motion to take up order 2019-A153 before order 2019-A151 on the regular agenda. The motion was seconded and passed unanimously.

Councilor Goss moved that order 2019-A153 have passage. Councilor Ferris seconded the motion. The motion passed unanimously.

Councilor O'Connell made a motion to go into executive session pursuant to Title 36, M.R.S.A. §841(2)(A) on a hardship/poverty matter. The motion was seconded and passed unanimously.

Chairman Uhlenhake said the meeting would resume after executive session.

2019-A153

March 26, 2019

TITLE: ORDER, AMEND CITY MANAGER'S EMPLOYMENT CONTRACT

Filed March 25, 2019  
By Jerry Goss &  
Kevin O'Connell

WHEREAS, the City Manager wishes to participate in the health insurance program offered to City employees; and

WHEREAS, the City Manager's employment contract must be amended to allow this option;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the amendment of Section 8 of the City Manager's Employment Contract Continuation to include an option to participate in the City's health insurance plan as well as amendments to Section 3 and Section 6 of the Contract Continuation.

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**Statement of Fact**

This order amends the City Manager's employment contract to provide him the option of participating in the City's health insurance plan as well as other changes.

2019-A151

March 26, 2019

TITLE: ORDER, Convene in Executive Session Pursuant to Title 36, M.R.S.A. §841(2)(A) on a hardship/poverty matter.

Filed March 22, 2019  
By Kevin O'Connell &  
Jerry Goss

\*\*\*

The regular meeting was called back to order by Chairman Uhlenhake.

The City Clerk called the role:

Councilor Morelli – present  
Councilor O'Connell – present  
Chairman Uhlenhake – present

Councilor Goss – present  
Councilor Ferris – present

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

**ACTION:** Councilor Ferris moved that the order have passage. The motion was seconded and passed with a vote of 4-0-1 with Councilor Morelli abstaining.

2019-A152

March 26, 2019

TITLE: ORDER, DENY ABATEMENT REQUESTED UNDER TITLE 36, M.R.S.A. §841(2)(A) FOR HARDSHIP/POVERTY

Filed March 22, 2019  
By Joseph L. Ferris &  
Beverly Uhlenhake

WHEREAS, the City received an application to abate property taxes on a primary residence due to hardship; and

WHEREAS, the City reviewed the information provided and held multiple executive sessions on the matter with a representative of the applicant in attendance; and

WHEREAS, it is the recommendation of City staff that the application be denied;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby denies the

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abatement requested.

**Statement of Fact**

This order denies the poverty abatement requested on a primary residence located in Brewer.

\*\*\*

**I. Adjourn**

Chairman Uhlenhake said she would accept a motion for adjournment.

**ACTION:** Councilor Goss moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote.

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

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