

City Council Minutes  
May 14, 2019

Regular Meeting  
City Hall Council Chambers

Tuesday, May 14, 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, May 14, 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	Feero	Sgt.	05/10/19	09:50
Thomas Morelli	Feero	Sgt.	05/10/19	10:50
Beverly Uhlenhake	Feero	Sgt.	05/10/19	10:00
Jerry Goss	Feero	Sgt.	05/10/19	10:58
Kevin O’Connell	Feero	Sgt.	05/10/19	11:54

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, May 14, 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 26, 2019 Regular Meeting & the April 29, 2019 Special Meeting**  
(Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
  1. (2019-B006) RESOLVE Resolution of respect for Brenda H. Meehan (Councilor Goss)
  2. (2019-B011) RESOLVE Recognize Katie Connor for 8 years of service to the Brewer Public Library (Councilor O'Connell)
  3. (2019-B012) RESOLVE Recognize Kenneth Hanscom for 30 years of service to the Brewer Parks and Recreation Department (Councilor Ferris)
  4. (2019-B013) RESOLVE Recognize Noah Tibbetts for his continued support of the Children's Miracle Network (Councilor Goss)
  5. Presentation by the 4<sup>th</sup> of July Corporation
  6. Public Comments
- IV. Public Hearing**
  1. Application of Penobscot Aerie #3177 Fraternal Order of Brewer Eagles Club, d/b/a Eagles Convention Center, 22 Atlantic Avenue for a City of Brewer amusement license.
- C. Consent Calendar.**
  1. (2019-A052) ORDER Tax release deed, map 28, lot 17, 12 Spring Street (Councilor Morelli)
  2. (2019-A053) ORDER Tax release deed, map 29, lot 143, 172 Wilson Street (Councilor O'Connell)
  3. (2019-A054) ORDER Approving discontinuance of a portion of Hardy Street (Councilor Goss)
  4. (2019-A055) ORDER Authorize the non-exclusive lease of twenty-five parking spaces in the parking lot located on the former public safety lot on City of Brewer tax assessors map 28, lot 47 to Mason's Brewing Company, LLC (Councilor Ferris)
  5. (2019-A056) ORDER Authorize amendments to the BACTS/Municipal/State Agreements for the resurfacing of a portion of South Main Street (MDOT WIN 22410) (Councilor Morelli)
  6. (2019-A057) ORDER Accept donation to the Brewer Parks & Recreation Department for special events (Councilor O'Connell)
  7. (2019-A058) ORDER Amend the City Manager's appointment of constables (Councilor Goss)
  8. (2019-A059) ORDER Issue an Amusement License to Fraternal Order of Eagles #3177 d/b/a Eagles Convention Center (Councilor Ferris)
  9. (2019-A060) ORDER Authorize the purchase of a recessed mounted pump station

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10. (2019-A061) ORDER to replace the Oak Grove pump station (Councilor Morelli)  
Authorize the purchase of return sludge, waste sludge and whitewater pumps of the secondary pump gallery and whitewater pump system upgrades at the Water Pollution Control Facility (Councilor O'Connell)
11. (2019-A062) ORDER Authorize the purchase of transported wastewater pumps for the secondary pump gallery upgrade project at the Water Pollution Control Facility (Councilor Goss)
12. (2019-A063) ORDER Authorize the purchase of blower packages for the aeration system upgrade project at the Water Pollution Control Facility (Councilor Ferris)
13. (2019-A064) ORDER Authorize the purchase of scum pumps for the secondary pump gallery upgrade project at the Water Pollution Control Facility (Councilor Morelli)
14. (2019-A065) ORDER Accept Asset forfeiture for Police Department (Councilor O'Connell)
15. (2019-A066) ORDER Authorize purchase of a new pavement roller (Councilor Goss)
16. (2019-A067) ORDER Declare the property situated at 245 Center Street, Brewer, Maine and more specifically described in the Penobscot County Registry of Deeds, in book 3332 page 318, to be surplus and authorize its disposal (Councilor Ferris)
17. (2019-A068) ORDER Authorize extension of audit services contract (Councilor Morelli)
18. (2019-A069) ORDER Authorize agreement with Tyrone Spain and Heidi Spain for payment of tax liens and current and future taxes, water, sewer, and other charges on property located at 86 Birchwood Boulevard (Councilor O'Connell)
19. (2019-A070) ORDER Authorize City Manager to set hearing date and proceed with dangerous building notice to parties of interest in 62 Parker Street (Councilor Goss)
20. (2019-A071) ORDER Authorize City Manager to set hearing date and proceed with dangerous building notice to parties of interest in 225 Wilson Street (Councilor Ferris)
21. (2019-A072) ORDER Authorize reallocation of school department funds between budget lines (Councilor Morelli)
22. (2019-A073) ORDER Authorize appropriation of computer reserve funds to support required upgrade to Windows 10 (Councilor O'Connell)
23. (2019-A074) ORDER Accept donations in support of Brewer's annual stream clean-up event (Councilor Goss & Councilor O'Connell)
24. (2019-A075) ORDER Accept insurance refund from Maine Municipal Association (Councilor Ferris & Councilor Morelli)
25. (2019-A076) ORDER Authorize funding of abatement expense (Councilor Morelli & Councilor Goss)
26. (2019-A077) ORDER Authorize write-off of uncollectable accounts receivable

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(Councilor O'Connell & Councilor Ferris)

27. (2019-B014) RESOLVE Amend the schedule of City Council Regular meetings to include a special meeting (Councilor Goss)

- D. Monthly Reports.** (Councilor Morelli)
- E. Nominations, Appointments, Elections.**
- F. Unfinished Business.**
- G. New Business.**
- H. New Items with Leave of Council.**
- I. ADJOURN.**

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**A. Minutes of March 26, 2019 Regular Meeting & the April 29, 2019 Special Meeting**

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

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

2019-B006

March 26, 2019

**TITLE:** RESOLVE, RESOLUTION OF RESPECT FOR BRENDA H. MEEHAN

Filed March 7, 2019  
By Jerry Goss

WHEREAS, on the 2<sup>nd</sup> day of March 2019, death brought to a close the full and active life of Brenda H. Meehan of Brewer; and

WHEREAS, Brenda was a proud graduate of Brewer High School in 1971 and then continued her education at the University of Maine earning her undergraduate degree in 1975 and her master’s degree in Education in 2004; and

WHEREAS, Brenda spent her entire life in education, teaching at St. John’s and St. Mary’s Schools in Bangor, Indian Island and in the Brewer School System until her retirement in 2012; and

WHEREAS, Brenda also was a mystery script writer, Madame Murder, selling and donating scripts as well as hosting “who done it” parties at her home for local groups in the Bangor area; and

WHEREAS, Brenda was active in her community, participating in community theater and dance groups, the Jaycees and the First Congregational Church where she taught Sunday School; and

WHEREAS, Brenda’s passion was being in the classroom after hours of meticulous preparation of lesson plans, theatrical skits and unique real life exercises crafted into lessons designed to capture students’ interests. She was exceedingly proud to have had the opportunity to work with so many fine young people over the years and bear witness to their ongoing successes.

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Brenda H. Meehan to the well-being and development of the community in which she lived and earned the deep respect of all who knew her; and

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

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

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Councilor Goss read the resolve into the record and presented the resolution to Brenda's husband, Doug Meehan and their children Lauren and Kyle. Councilor Goss stated that Brenda was one of the elite educators that teaches life's moments along with her lessons. Councilor Goss presented the family with City of Brewer challenge coins but instead of calling them challenge coins he is renaming them to memory coins. He wants the family to look at the coins and know that Brenda will always be in the hearts and memories of the Brewer City Council, the residents of Brewer and her former students.

Councilor Ferris stated that Brenda was a beautiful, nice, smart person that would light up a room and she will definitely be missed.

Chairman Uhlenhake stated that Brenda made her students better citizens and by that she made a better world for which Chairman Uhlenhake thanks her and her family.

The resolve was adopted by unanimous vote.

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2019-B011

May 14, 2019

TITLE: RESOLVE, RECOGNIZE KATIE CONNER FOR 8 YEARS OF SERVICE TO THE BREWER PUBLIC LIBRARY

Filed May 7, 2019

By Kevin J.M. O'Connell

WHEREAS, Katie Conner has submitted her resignation as the City of Brewer Librarian to begin a fun and exciting new chapter in her family's life in Idaho; and

WHEREAS, during her tenure as Librarian for the City of Brewer, Katie has accomplished many remarkable undertakings, including establishing and strengthening cooperative relationships with libraries throughout the state and local community organizations and with the Brewer Library Association; and

WHEREAS, Katie has brought several new and innovative programming ideas to the Library such as StoryWalk®, pre-opera talks, tech help sessions, children's STEM workshops with 4-H, regular children's art workshops and annual law-day events, and creating systems to publicize these events which all enrich our community; and

WHEREAS, Katie, together with the highly professional team she has built both of staff and volunteers, conducted the first full inventory of the Library collection in over a decade and established procedures to streamline this process for the future, also overseeing the reorganization and rehousing of the Library's archives and primary document/artifact collection; and

WHEREAS, Katie has worked diligently on all aspects of the library, from coordinating with the City Manager's office and the Technology Department to refresh the computer lab with new computers

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to working with city departments and the Library Association to coordinate a major re-roofing project on the west side of the library building.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the citizens of Brewer, herewith recognizes and commends Katie Conner for her 8 years of outstanding dedicated service to the citizens of the City of Brewer as a trusted and valued employee of the Brewer Public Library; and

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

**ACTION:** Councilor O'Connell moved that the resolve be adopted. The motion was seconded.

Councilor O'Connell read the resolve into the record and presented the resolve to Katie. He stated that Katie should be proud of all that she accomplished and she needs to know that she is leaving it all in great hands because she laid a great foundation for everyone to build on.

City Librarian, Katie Conner, thanked the Council for the recognition and all their support over the years.

Councilor Goss said it has always been so nice to walk into the library and be greeted with Katie's warm welcoming smile. He stated she has done a wonderful job building the library up to where it is now.

Councilor Ferris stated Katie has done a great job and he enjoyed the Law Day get togethers at the Library and he wished Katie and her family the best of luck.

Councilor Morelli said he is sad to see Katie go, he just got to start working with her. He stated that having gone to the library as a kid and to see what she has built it up to now, it is amazing, job well done.

Chairman Uhlenhake stated that by looking at the monthly reports you can see the data trend of how libraries have changed; less books are being taken out but more visits to the library for research or computer use, she thanked Katie for bringing our library along into the future, to meet the needs of the citizens today.

The resolve was adopted by unanimous vote.

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2019-B012

May 14, 2019

TITLE: RESOLVE, RECOGNIZE KENNETH HANSCOM FOR 30 YEARS OF SERVICE TO THE BREWER PARKS AND RECREATION DEPARTMENT

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Filed May 7, 2019  
By Joseph L. Ferris

WHEREAS, May 24, 2019 will bring to a close the very fulfilling 30-year career of the City of Brewer Parks and Recreation Director Kenneth Hanscom; and

WHEREAS, Ken has been extremely successful in assembling an outstanding team of dedicated individuals who serve the citizens of Brewer with professionalism, compassion and integrity while at the same time continuing improvements to the Brewer Auditorium, making it accessible and friendly to all citizens and visitors alike; and

WHEREAS, Ken's remarkable skills at establishing and maintaining excellent relationships with other city departments as well as state departments, community businesses, and organizations has enabled him to provide a true community center which is safe for both employees and the citizens of Brewer; and

WHEREAS, Ken has worked tirelessly as part of a team of City departments to convert the Washington Street School property into a thriving neighborhood park and athletic complex, securing three Land & Water Conservation Fund grants for outdoor basketball courts, the waterfront children's garden and the Dougherty Recreation Complex, all making the Brewer community an appealing place to reside; and

WHEREAS, although Ken will no longer be at the helm of the Brewer Parks and Recreation Department, his work will carry on through the networking and outreach he has achieved with Brewer based organizations and businesses who want to be a part of the goals and visions of their community by their participation in sponsorship opportunities.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Kenneth Hanscom for 30 years of outstanding dedicated service to the citizens of the City of Brewer as a trusted and valued employee of the Brewer Parks and Recreation Department; and

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

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

Councilor Ferris read the resolve into the record and presented the resolution to Kenneth Hanscom. Councilor Ferris stated that we all will miss Ken, he thanked him for turning the World-Famous Brewer Auditorium into a real showpiece.

Brewer Parks & Recreation Director, Ken Hanscom, thanked the Council and stated that Mike Martin, the man replacing him, will do a great job, Mike has been with the Rec. almost as long as himself and Ken believes the transition will be seamless. Ken also thanked his wife and son for putting up with him and the hours his career demanded.

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Councilor Goss stated that Ken has left his footprint all over the City of Brewer by creating one of the finest recreation departments in the State of Maine and for that we all thank him, we as a City are very fortunate.

Councilor Morelli said that he has known Ken for a very long time and wishes him the best of luck. Councilor Morelli stated that he has been directly affected by the wonderful work Ken does through his daughter and her participation in the programs the Rec offers.

Councilor O'Connell said that Ken (and Katie Conner) are a big part of the reason he is proud to live in Brewer.

City Manager, Stephen Bost, stated that after 20 years of working with Ken he will miss him tremendously. He stated that Ken is really a rock, he has a positive demeanor, extremely professional and one of the driest wits ever encountered. City Manager Bost said that Ken is truly a team player for the City and will most definitely be missed.

Chairman Uhlenhake thanked Ken for making the Brewer Auditorium the center of the community and wished him well.

The resolve was adopted by unanimous vote.

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Chairman Uhlenhake called on Councilor O'Connell who recognized Councilor Ferris for his induction into the University of Maine Baseball Hall of Fame. Chairman Uhlenhake congratulated Joe from all of the Council and stated how proud we all are of him.

Chairman Uhlenhake also wanted to recognize National Peace Officers Memorial Day, May 15<sup>th</sup> 2019, stating that when you all feel safe please thank a police officer.

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2019-B013

May 14, 2019

TITLE: RESOLVE, RECOGNIZE NOAH TIBBETTS FOR HIS CONTINUED SUPPORT OF THE CHILDREN'S MIRACLE NETWORK

Filed May 7, 2019

By Jerry Goss

WHEREAS, 2019 marks the 5<sup>th</sup> year since Noah Tibbetts was named the Children's Miracle Network Hospitals State of Maine Champion Child for his successful battle against bacterial meningitis; and

WHEREAS, five years ago after Noah successfully recovered, Noah and his family were eager to give back to the Children's Miracle Network and they have done so by hosting a Halloween fundraiser "Dare to Scare" for 3 consecutive years, including the very year Noah was released from the

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hospital; by raising funds through “Nickels with Noah” a coin donation fundraiser held at his school and most recently by tying fishing flies at the Eastern Maine Sportsmen’s Show; and

WHEREAS, 14-year-old Noah has raised more than \$40,000.00 to date to support the Children’s Miracle Network and shows no sign of slowing down anytime soon; and

WHEREAS, Noah and his family through their actions and dedication to this cause have set the standard for all others to follow.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Noah Tibbetts for his diligent efforts in giving back to the Children’s Miracle Network; and

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

**ACTION:** Councilor Goss made a motion to table resolve 2019-B013 until the next Council meeting due to the fact that Noah Tibbetts could not be with us tonight because of a conflict in schedules with his baseball team. The motion was seconded and passed unanimously.

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### 5. PRESENTATION BY THE 4<sup>TH</sup> OF JULY CORPORATION

**ACTION:** Michael Fern & Tony Bernatche, President and Past Chair of the 4<sup>th</sup> of July Corporation respectively, spoke to the Council in regards to the fireworks display. This year the fireworks will be moved from the banks of the Penobscot River to the middle of the river on a barge like they used to do in the past. Although this will allow the corporation to have the larger, more vertical fireworks, it will also raise the cost of the display. Fern and Bernatche thanked the Council and the City of Brewer for their support and hoped that they could count on the City in the coming years.

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### PUBLIC COMMENTS

Bruce Flaherty, President of Maine Spirit of America, a chapter of Spirit of America Foundation, addressed the Council asking them to participate in the 2019 Spirit of America by choosing a recipient from Brewer. The Council said they would review the program.

Cliff Morneau, 220 Pierce Road, has his own business operated out of his home on Pierce Road. He was approached by Brewer Code Enforcement, letting him know that running a business such as his out of his home was in violation. He approached the Council for clarification on why he is in violation. The mayor thanked Mr. Morneau for coming and said she would do some research for him. City Manager, Stephen Bost addressed Mr. Morneau, explaining to him that the zone his property is located in does not allow for the business he is operating. Bost explained that the Code Office was responding to complaints made about the business operating. The City Manager said he would contact Mr. Morneau

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to set a time that they could get together and clear up any concerns Mr. Morneau has.

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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.

The City Clerk called the roll:

Councilor Morelli – present

Councilor O’Connell – present

Councilor Goss – present

Councilor Ferris – present

Chairman Uhlenhake – 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 14<sup>th</sup> day of May 2019 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications of:

1. Penobscot Aerie #3177 Fraternal Order of Brewer Eagle Club, d/b/a Eagles Convention Center, 22 Atlantic Avenue, Brewer, Maine for a City of Brewer Amusement License.

These applications are available for public inspection at the office of the **Brewer City Clerk (989-7050)** and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this public hearing and speak on this application. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Ronda J. Hogan  
City Clerk

published May 6th  
in the Bangor Daily News

Chairman Uhlenhake asked if there were any public comments regarding the application. There were none.

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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.

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

2019-A052

May 14, 2019

TITLE: ORDER, TAX RELEASE DEED, MAP 28, LOT 17, 12 SPRING STREET

Filed May 3, 2019

By Thomas Morelli

NOW THEREFORE BE IT ORDERED, that a municipal release deed be issued to Robert Larabee against whom taxes were assessed, City of Brewer, County of Penobscot, State of Maine, the land in Brewer, County of Penobscot releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

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 facts

A total of \$8,833.58 in principal was collected, along with \$218.23 in interest and \$208.00 in costs.

### RELEASE DEED ROBERT LARABEE

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, **releases to ROBERT LARABEE of Holden Maine who taxes were assessed**, of Brewer, County of PENOBSHOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine:

A certain lot or parcel of land situated in the City of Brewer  
County of Penobscot, State of Maine being Bounded and  
Described as follows:

Map 28, Lot 17 of the Assessor's Tax Maps of the  
City of Brewer, Maine, being more fully described in  
Book 3951 Page 29, in the Penobscot  
County Registry of Deeds.

The purpose of this deed is to release any interest the  
City of Brewer has in and to the above described  
Property by virtue of the following Mortgage:

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<u>Volume</u>	<u>Page</u>
14631	238
14779	123
14954	212
15105	131

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Stephen Bost, its City Manager, duly authorized this 21 day of May, AD 2019

WITNESS:

CITY OF BREWER

\_\_\_\_\_

\_\_\_\_\_  
Stephen Bost  
City Manager  
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE, May 21, 2019

Personally, appeared the above-named Stephen Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

\_\_\_\_\_  
Sharon J Watters, Notary Public  
My Commission expires December 2, 2025

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2019-A053

May 14, 2019

TITLE: ORDER, TAX RELEASE DEED, MAP 29, LOT 143, 172 WILSON STREET

Filed May 3, 2019  
By Kevin J.M. O'Connell

NOW THEREFORE BE IT ORDERED, that a municipal release deed be issued to JCUBED LLC of Brewer Maine successor of Carol L. Kwiatkowsky against whom taxes were assessed, City of Brewer, County of Penobscot, State of Maine, the land in Brewer, County of Penobscot releasing to them all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

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 Facts**

A total of \$7,627.68 in principal was collected, along with \$405.51 in interest and \$115.00 in costs.

**RELEASE DEED**

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JCUBED LLC

City of Brewer, a body politic located in the County of Penobscot, State of Maine, for consideration paid, releases to JCUBED LLC of Brewer Maine successor of Carol L. Kwiatkowsky against whom taxes were assessed, City of Brewer, County of PENOBSCOT, State of Maine, the land in Brewer, County of Penobscot, State of Maine:

A certain lot or parcel of land situated in the City of Brewer County of Penobscot, State of Maine being Bounded and Described as follows:

Map 29, Lot 143 of the Assessor's Tax Maps of the City of Brewer, Maine, being more fully described in Book 7432 Page 186, in the Penobscot County Registry of Deeds.

The purpose of this deed is to release any interest the City of Brewer has in and to the above described Property by virtue of the following Mortgage:

<u>Volume</u>	<u>Page</u>
14532	182
14857	342

City of Brewer has caused this deed to be sealed with its corporate seal and signed in its corporate name by Stephen Bost, its City Manager, duly authorized this 21 day of May, AD 2019

WITNESS:

CITY OF BREWER

\_\_\_\_\_

\_\_\_\_\_

Stephen Bost  
City Manager  
Duly authorized

STATE OF MAINE

PENOBSCOT, ss

DATE, May 21, 2019

Personally, appeared the above-named Stephen Bost, City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said City of Brewer.

Before me,

\_\_\_\_\_  
Sharon J Watters, Notary Public  
My Commission expires December 2, 2025

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2019-A054

May 14, 2019

TITLE: ORDER, APROVING DISCONTINUANCE OF A PORTION OF HARDY ST

Filed April 29, 2019  
By Jerry Goss

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WHEREAS, on March 26, 2019, the City Council issued a discontinuance order of a portion of Hardy Street, a copy of which is attached hereto as Exhibit A (“Hardy Street Discontinuance Order”); and

WHEREAS, subsequent to March 26, 2019, the City Council filed the Hardy Discontinuance Order with the City Clerk; and

WHEREAS, subsequent to March 26, 2019, notice of the public hearing regarding the Hardy Street Discontinuance Order, as well as the order itself, was provided to all abutters; and

WHEREAS, subsequent to March 26, 2019, a copy of the Hardy Street Discontinuance Order was posted in the location where the discontinuance is proposed; and

WHEREAS, on April 29, 2019, the City Council held a properly noticed public hearing on the Hardy Street Discontinuance Order; and

WHEREAS, at least 10 business days have expired since the public hearing on April 29, 2019; and

WHEREAS, the City Council desires to approve the Hardy Street Discontinuance Order.

NOW, THEREFORE, BE IT ORDERED, that City Council hereby approves the Hardy Street Discontinuance Order which retains a public easement and utility easement and has a damage amount of \$0.00 for all affected property owners, as described in Exhibit A; and

FURTHER, BE IT ORDERED, that the City Clerk shall record an attested certificate of discontinuance in the Penobscot Registry of Deeds, and provide a photocopy of said certificate to the Department of Transportation, Bureau of Maintenance and Operations.

**Statement of Fact**

This Order approves the Order of Discontinuance for a portion of Hardy Street to help facilitate an expansion of the existing Mason’s Brewing building.  
Exhibit A (“Hardy Street Discontinuance Order”)

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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.

City Council Minutes  
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Date: \_\_\_\_\_

*This is a true and attested copy of an order passed by unanimous vote of the City Council of Brewer at a regular meeting held on Tuesday, March 26, 2019 at 6:00 p.m. at which time all members of the council members were present and voting.*

*a true copy, attest: \_\_\_\_\_  
Ronda J. Hogan, City Clerk  
Brewer, Maine*

\*\*\*

2019-A055

May 14, 2019

TITLE: ORDER, AUTHORIZE THE NON-EXCLUSIVE LEASE OF TWENTY-FIVE PARKING SPACES IN THE PARKING LOT LOCATED ON THE FORMER PUBLIC SAFETY LOT, ON CITY OF BREWER TAX ASSESSOR'S MAP 28, LOT 47 TO MASON'S BREWING COMPANY, LLC.

Filed April 30, 2019  
By Joseph L. Ferris

WHEREAS, the City of Brewer (herein after called the "City") owns the parking lot located on the corner of Maple Street and South Main Street (Brewer City Tax Assessor's Map 28, Lot 47) hereinafter referred to as the "Property"; and

WHEREAS, Mason's Brewing Company LLC is expanding the size of their building at 15 Hardy St. and therefore requires additional parking; and

WHEREAS, Mason's Brewing Company LLC does not currently have enough on-site parking to meet the requirements of the Brewer Land Use Code; and

WHEREAS, The City is willing to non-exclusively lease to Mason's Brewing Company twenty-five (25) additional parking spaces in its parking lot located on the corner of Maple Street and South Main Street, to allow Mason's Brewing Company LLC to expand operations of their business at the 15 Hardy Street location; and

WHEREAS, the City and Mason's Brewing Company LLC have agreed upon all the terms and conditions of this Lease.

NOW THEREFORE, BE IT ORDERED, that the City Council declares the Property surplus, as it is not needed for municipal purpose either now or on the future; and

BE IT FURTHER ORDERED, that the City hereby grants a non-exclusive lease to Mason's Brewing Company LLC of twenty-five (25) parking spaces located at the former public safety lot at the corner of Maple Street and South Main Street.

**Statement of Fact**

City Council Minutes  
May 14, 2019

This order approves the non-exclusive leasing of 25 (twenty-five) parking spaces to Mason's Brewing Company LLC at the former Public Safety Property, located on the corner of Maple Street and South Main Street for two (2) years.

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2019-A056

May 14, 2019

TITLE: ORDER, AUTHORIZE AMENDMENTS TO THE BACTS/MUNICIPAL/STATE AGREEMENTS FOR THE RESURFACING OF A PORTION OF SOUTH MAIN STREET (MDOT WIN 22410).

Filed April 25, 2019  
By Thomas Morelli

WHEREAS, on February 12, 2019, Council approved order 2019-A009 authorizing the City Manager to execute an agreement with the MDOT for the resurfacing of a portion of South Main Street (MDOT WIN 22410); and

WHEREAS, this order authorized a City cost share of 10% up to a maximum of \$70,000; and

WHEREAS, the MDOT opened bids for the project on April 3, 2019, and the low bid exceeded available funds for the project; and

WHEREAS, the MDOT and BACTS have agreed to reject all bids received for the project and to re-design and re-bid the project later this year with a revised estimated cost.

NOW THEREFORE BE IT ORDERED, that the City Manager, or his designee, is authorized to sign amended BACTS/Municipal/State Agreements for MDOT WIN 22410 as necessary authorizing a City share of up to a maximum of \$100,000 with all other conditions of the original Council Order and Municipal/State Agreement to remain as originally authorized and agreed; and

BE IT FURTHER ORDERED, that the Finance Director shall increase to \$100,000 the amount being requested in the FY2020 CIP account 0510113-551392 (South Main Repave – City Share) for this project.

**Statement of Fact**

This order is required to authorize additional funding for the city's 10% cost share for the MDOT's South Main Street Resurfacing project due to the fact that the project is now estimated to cost approximately \$300,000 more than originally estimated.

\*\*\*

2019-A057

May 14, 2019

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPECIAL EVENT

Filed April 23, 2019

City Council Minutes  
May 14, 2019

By Kevin J.M. O'Connell

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$250.00 from Kiwanis Club of Brewer for support of the Easter Egg Hunt; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Easter Egg Hunt.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to account 0107123-300325; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from account 0117121-506150 (Special Events).

**Statement of Fact**

This order accepts a contribution to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Easter Egg Hunt.

\*\*\*

2019-A058

May 14, 2019

TITLE: ORDER, AMEND THE CITY MANAGER'S APPOINTMENT OF  
CONSTABLES

Filed April 2, 2019  
By Jerry Goss

WHEREAS, the City of Brewer Charter states that the City Manager, subject to confirmation by the City Council, shall appoint "not more than ten constables" and

WHEREAS, at the March 26<sup>th</sup> Council meeting the following constables were appointed:

- 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
- Dan Joy, Animal Control Officer



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- 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.; or
- 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 for Eagles Convention Center, 22 Atlantic Avenue, for the City's licensing year commencing May 1, 2019 and expiring May 5, 2020.

\*\*\*

2019-A060

May 14, 2019

TITLE: ORDER, AUTHORIZE THE PURCHASE OF A RECESSED MOUNTED PUMP STATION TO REPLACE THE OAK GROVE PUMP STATION

Filed May 8, 2019

By Thomas Morelli

WHEREAS, the current Oak Grove pump station is the original that went on-line in 1975; and

WHEREAS, the pump station is well past its useful life; and

WHEREAS, the City bid the pump station equipment ahead of the general project bidding to contractors to allow the City to purchase the station equipment ahead of time to reduce the project's construction schedule; and

WHEREAS, sealed bids were solicited from three vendors that represent three leading pump station manufacturers; and

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WHEREAS, bids were submitted, opened on April 26, 2019 and reviewed by the City’s Director of Environmental Services, the City’s project engineer Mr. William Olver P.E., and Scott Emery State Engineer for Rural Development; and

WHEREAS, based on the review, we recommend the recessed mounted pump station be awarded to Russell Resources, Inc. from Brewer, Maine, based on the lowest acceptable bid of \$186,537.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order with Russell Resources, Inc. in the amount of \$186,537 for the purchase of a Smith and Loveless recessed mounted pump station; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0680804-560030, Construction- Oak Grove Pump Station Replacement Project, and paid for using USDA Rural Development loan/grant funds previously approved by the City Council for this purpose.

**Statement of Fact**

The Oak Grove pump station is 43 years old, well past its useful life, a major maintenance issue, and needs to be replaced. This order authorizes \$186,537 for the purchase of the pump station equipment to be funded with previously approved USDA loan/grant funds.

The following responses were received:

Russell Resources, Inc.- Smith and Loveless- \$186,537

Hayes Pump Inc.- Gorman Rupp- \$499,797

Hampshire Pump and Equipment LLC- Dakota- \$ No Bid (Couldn’t meet specs)

\*\*\*

2019-A061

May 14, 2019

TITLE: ORDER, AUTHORIZE THE PURCHASE OF RETURN SLUDGE, WASTE SLUDGE AND WHITEWATER PUMPS OF THE SECONDARY PUMP GALLERY AND WHITEWATER PUMP SYSTEM UPGRADES AT THE WATER POLLUTION CONTROL FACILITY

Filed May 8, 2019

By Kevin J.M. O’Connell

WHEREAS, the current return sludge, waste sludge and whitewater pumps are 25 years old and we no longer can purchase replacement parts for the pumps; and

WHEREAS, the City bid the pumps ahead of the general project bidding to contractors to allow the City to purchase the pumps ahead of time to reduce the project’s construction schedule; and

WHEREAS, sealed bids were solicited from three vendors that represent three leading sewage pump manufacturers; and

City Council Minutes

May 14, 2019

WHEREAS, bids were submitted, opened on April 26, 2019 and reviewed by the City's Director of Environmental Services, the City's project engineer Mr. William Olver P.E., and Scott Emery State Engineer for Rural Development; and

WHEREAS, based on the review, we recommend the pumps purchase be awarded to Hayes Pump Inc. from Phippsburg, Maine based on the lowest acceptable bid of \$93,096.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order with Hayes Pump, Inc. in the amount of \$93,096 for the purchase of the return sludge, waste sludge and whitewater pumps; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0680715-560030 (return sludge and waste pumps) and 0680716-560030 (whitewater pumps) and paid for using USDA Rural Development loan/grant funds previously approved by the City Council for this purpose.

**Statement of Fact**

This order authorizes \$93,096 for the purchase of the return sludge, waste sludge and whitewater pumps that we no longer can purchase replacement parts for, to be funded with previously approved USDA loan/grant funds.

The following responses were received:

Hayes Pump Inc.- Gorman Rupp- \$93,096

Hayes Pump Inc.- Fairbank Morse- \$137,892

Xylem Water Solutions- Flygt- \$No Bid (Couldn't meet specs)

\*\*\*

2019-A062

May 14, 2019

TITLE: ORDER, AUTHORIZE THE PURCHASE OF TRANSPORTED WASTEWATER PUMPS FOR THE SECONDARY PUMP GALLERY UPGRADE PROJECT AT THE WATER POLLUTION CONTROL FACILITY.

Filed May 8, 2019

By Jerry Goss

WHEREAS, the City bid the purchase of the transported wastewater pumps ahead of the general project bidding to contractors to allow the City to purchase the pumps ahead of time to reduce the project's construction schedule; and

WHEREAS, sealed bids were solicited from three vendors that represent three leading sewage pump manufacturers; and

WHEREAS, bids were submitted, opened on April 26, 2019 and reviewed by the City's Director of Environmental Services, the City's project engineer Mr. William Olver P.E., and Scott Emery State Engineer for Rural Development; and

City Council Minutes

May 14, 2019

WHEREAS, based on the review, we recommend the pumps purchase be awarded to Hayes Pumps, Inc. of Phippsburg, Maine, based on the lowest responsive bid of \$10,750.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order with Hayes Pump, Inc. in the amount of \$10,750 for the purchase of the transported wastewater pumps; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0680715-560030 (Secondary Pump Gallery Upgrade Project) and paid for using USDA Rural Development loan/grant funds previously approved by the City Council for this purpose.

**Statement of Fact**

This order authorizes \$10,750 for the purchase of the transported wastewater pumps to the lowest responsive bidder and be funded with previously approved USDA loan/grant funds.

The following responses were received:

Troy Industrial Solutions- Rotec Pump- \$7,933 (Bid did not meet specs)

Hayes Pump Inc.- Grundfos Pump- \$10,750

Blake Equipment- Gould Pump- \$NO BID

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2019-A063

May 14, 2019

TITLE: ORDER, AUTHORIZE THE PURCHASE OF BLOWER PACKAGES FOR THE AERATION SYSTEM UPGRADE PROJECT AT THE WATER POLLUTION CONTROL FACILITY

Filed May 8, 2019

By Joseph L. Ferris

WHEREAS, the current treatment plant mechanical aerations are 28 years old, well past their useful life and need to be replaced; and

WHEREAS, the City bid the blower packages for the aeration system upgrade ahead of the general project bidding to contractors to allow the City to purchase the blower packages ahead of time to reduce the project's construction schedule; and

WHEREAS, sealed bids were solicited from three vendors that represent three leading blower manufacturers; and

WHEREAS, bids were submitted, opened on April 26, 2019 and reviewed by the City's Director of Environmental Services, the City's project engineer Mr. William Olver P.E., and Scott Emery State Engineer for Rural Development; and

WHEREAS, based on the review, we recommend the blower packages be awarded to Howden-Roots based on the lowest responsive bid of \$171,875.



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NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order with Hayes Pump, Inc. in the amount of \$22,621 for the purchase of the scum pumps; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0680715-560030 (Secondary Pump Gallery Upgrade Project) and paid for using USDA Rural Development loan/grant funds previously approved by the City Council for this purpose.

**Statement of Fact**

This order authorizes \$22,621 for the purchase of the scum pumps to be funded with previously approved USDA loan/grant funds.

The following responses were received:

Hayes Pump Inc.- Gorman Rupp- \$22,621

Hayes Pump Inc.- Fairbank Morse- \$35,260

Wemco Associates, Inc. - \$No Bid (Couldn't meet specs)

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2019-A065

May 14, 2019

TITLE: ORDER, ACCEPT ASSET FORFEITURE (STATE) FOR THE POLICE DEPARTMENT

Filed May 8, 2019

By Kevin J.M. O'Connell

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

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

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

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Penobscot Unified Court Docket Number

18-380

Assets

\$926.50 in US Currency

BE IT FURTHER ORDERED, that the City Manager or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

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May 14, 2019

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

**Statement of Fact**

The City of Brewer Police Department received \$926.50 in asset forfeiture funds as the result of a successful drug investigation. These assets have been ordered by the court to be turned over to the Brewer Police Department.

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2019-A066

May 14, 2019

TITLE: ORDER, AUTHORIZE PURCHASE OF A NEW PAVEMENT ROLLER

Filed May 8, 2019

By Jerry Goss

WHEREAS, Bids were solicited, received and evaluated for the purchase of a new pavement roller for the Public Works Department to replace unit #451, a 2005 Ingersoll pavement roller; and

WHEREAS, Central Equipment of Stillwater, Maine has provided the City with the lowest bid of the 4 bids received.

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Central in the amount of \$11,595 for the purchase of a 2018 Wacker Neuson RD12A roller; and

BE IT FURTHER ORDERED, that Public Works unit #451, the 2005 Ingersoll roller, as part of the purchase, be released and transferred ownership to Central Equipment, as the trade-in once the replacement roller has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that the funds for this purchase be charged to the FY19 CIP account #0510133-551354 titled "Stow Roller", approved in the FY19 CIP budget.

**Statement of Fact**

This purchase will replace our 2005 Ingersoll that is used a great deal for paving and rebuilding sidewalks. Ingersoll also no longer make rollers therefore acquiring parts for repairs has become very difficult. \$25,000 was approved in the 2019 CIP for this purchase. Other bid, Sunbelt Rental \$16,009.30; Ambrose Equipment \$14,826.00; and a second bid from Central Equipment of \$12,398.00.

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2019-A067

May 14, 2019

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 245 CENTER STREET, BREWER, MAINE AND MORE SPECIFICALLY

City Council Minutes  
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DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF  
DEEDS, IN BOOK 3332 PAGE 318, TO BE SURPLUS AND  
AUTHORIZE ITS DISPOSAL

Filed May 8, 2019  
By Joseph L. Ferris

WHEREAS, multiple tax liens against the property situated at 245 Center Street, Brewer, Maine, (Tax Assessor's Map 30, Lot 51) and more specifically described in the Penobscot County Registry of Deeds in Book 3332, Page 318 (herein after referred to as the "Property") has automatically foreclosed; and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and has recommended to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated at 245 Center Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property as would be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, deem appropriate to effectuate the sale or transfer of said Property.

**Statement of Fact**

The City obtained ownership of this property formerly owned by Robert and Diane Peterson through the automatic foreclosure of tax liens going back to 2014. The Petersons are both deceased. This order declares the property, located at 245 Center Street, surplus and authorizes the City Manager to dispose of it.

\*\*\*

2019-A068

May 14, 2019

TITLE: ORDER, AUTHORIZE EXTENSION OF AUDIT SERVICES CONTRACT

Filed May 8, 2019  
By Thomas Morelli

WHEREAS, in March 2016, the City awarded a contract to Runyon Kersteen Ouellette of South Portland, Maine, for three years of audit services, which concluded with the completion of the FY2018 audit; and

WHEREAS, the contract allows for an extension of up to two years; and

City Council Minutes  
May 14, 2019

WHEREAS, Runyon Kersteen Ouellette has provided the City exemplary service since 2006 and proposed reasonable terms for an extension through the FY20 audit.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the extension of the audit services contract with Runyon Kersteen Ouellette to cover the audits of FY2019 and FY2020 and authorizes the City Manager or his designee to execute any and all necessary documents to secure this extension; and

BE IT ORDERED, that the City Council hereby approves the contract price of \$43,000 for the FY19 audit and \$44,200 for the FY20 audit; and

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

**Statement of Fact**

This order authorizes the extension of the contract for audit services with Runyon Kersteen Ouellette of South Portland for two years.

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2019-A069

May 14, 2019

TITLE:       ORDER,                    AUTHORIZE AGREEMENT WITH TYRONE SPAIN AND HEIDI SPAIN FOR PAYMENT OF TAX LIENS AND CURRENT AND FUTURE TAXES, WATER, SEWER, AND OTHER CHARGES ON PROPERTY LOCATED AT 86 BIRCHWOOD BOULEVARD

Filed May 8, 2019  
By Kevin J.M. O'Connell

BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into a workout agreement between the City of Brewer and Tyrone and Heidi Spain, ("the Spain's") wherein the Spain's are permitted to reacquire the property at 86 Birchwood Boulevard (Tax Map 46, Lot 5), which was acquired by the City on December 30, 2018 by virtue of automatic foreclosure of a City of Brewer tax collector lien, provided the Spain's pay to the City of Brewer all outstanding tax and other obligations relating to the property per the terms of the workout agreement; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign this agreement on behalf of the City of Brewer.

**Statement of Fact**

This order authorizes the City to enter a workout agreement with Tyrone Spain and Heidi Spain for the property at 86 Birchwood Boulevard. The property has an outstanding tax balance of approximately \$14,875 that goes back to FY2017 and includes estimated taxes for FY2020. The Spain's have agreed,

City Council Minutes  
May 14, 2019

among other terms, to pay \$5,000 in two installments in 2019 and a third and final installment that clears up all remaining balances due by January 31, 2020.

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2019-A070

May 14, 2019

TITLE: ORDER, AUTHORIZE CITY MANAGER TO SET HEARING DATE  
AND PROCEED WITH DANGEROUS BUILDING NOTICE TO  
PARTIES OF INTEREST IN 62 PARKER STREET

Filed May 8, 2019  
By Jerry Goss

WHEREAS, on December 24, 2017, the City of Brewer acquired the property situated at 62 Parker Street, Brewer, Maine (Tax Map 30, Lot 37) by virtue of automatic foreclosure of a tax lien; and

WHEREAS, this property is in poor repair and has been vacant for numerous years; and

WHEREAS, in accordance with 17 M.R.S. Sections 2851 and 2857, the City Council wishes to hold a public hearing to determine whether this property is dangerous and any remedy needed thereto.

NOW, THEREFORE BE IT ORDERED, that the City Council hereby authorizes a public hearing on this issue be held on July 9, 2019 at 6:00pm in Brewer City Hall Council Chambers; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to provide notice of the hearing and planned action by the City Council to all parties of interest in accordance with 17 M.R.S. Sections 2851 and 2857.

**Statement of Facts**

This order authorizes the City to provide notice to parties of interest in 62 Parker Street that a public hearing will be held on July 9, 2019 at 6:00pm for the purpose of determining whether the building is dangerous and, if so, to prescribe a remedy.

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2019-A071

May 14, 2019

TITLE: ORDER, AUTHORIZE CITY MANAGER TO SET HEARING DATE  
AND PROCEED WITH DANGEROUS BUILDING NOTICE TO  
PARTIES OF INTEREST IN 225 WILSON STREET

Filed May 8, 2019  
By Joseph L. Ferris

WHEREAS, on December 24, 2015, the City of Brewer acquired the property situated at 225 Wilson Street, Brewer, Maine (Tax Map 29, Lot 18) by virtue of automatic foreclosure of a tax lien; and

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WHEREAS, this property is in poor repair and has been vacant for over two years; and

WHEREAS, in accordance with 17 M.R.S. Sections 2851 and 2857, the City Council wishes to hold a public hearing to determine whether this property is dangerous and any remedy needed thereto.

NOW, THEREFORE BE IT ORDERED, that the City Council hereby authorizes a public hearing on this issue be held on July 9, 2019 at 6:00pm in Brewer City Hall Council Chambers; and

BE IT FURTHER ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to provide notice of the hearing and planned action by the City Council to all parties of interest in accordance with 17 M.R.S. Sections 2851 and 2857.

**Statement of Facts**

This order authorizes the City to provide notice to parties of interest in 225 Wilson Street that a public hearing will be held on July 9, 2019 at 6:00pm for the purpose of determining whether the building is dangerous and, if so, to prescribe a remedy.

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2019-A072

May 14, 2019

TITLE: ORDER, AUTHORIZE REALLOCATION OF SCHOOL DEPARTMENT FUNDS BETWEEN BUDGET LINES

Filed May 8, 2019  
By Joseph L. Ferris

WHEREAS, on June 5, 2018, the City Council approved the School Department's FY2019 budget; and

WHEREAS, new students received this past fall at the Brewer Community School required the School Department to obtain additional contracted interpreting services beyond that anticipated as part of the approved budget, causing the School's Supplies and Services budget line item to be over expended; and

WHEREAS, expenditures in the School's Personnel budget line will come in well under budget this year; and

WHEREAS, on April 1, 2019, in accordance with Brewer City Charter, Article III, Section 7, the Brewer School Committee voted unanimously to request the City Council to authorize a budget transfer of \$150,000 from its Personnel budget line to its Supplies and Services budget line to cover the over expenditure.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith approves the transfer of \$150,000 in FY2019 budget from the School Department's Budget Line 1 – Personnel to Budget Line 2 – Supplies and Services.

City Council Minutes  
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**Statement of Fact**

This order approves the School Committee's request to move \$150,000 in budget from its Personnel budget line to its Supplies and Services budget line. Unanticipated expense related, primarily, to two contracted full-time interpreters at the Brewer Community School has caused the Supplies and Services budget line to be over expended. The School's Personnel line will be well under budget; thus the proposed transfer is budget neutral (i.e. it doesn't increase or decrease the School's total overall approved budget). This order is in keeping with the City Charter requirement that "the school committee shall not authorize the transfer of approved amounts from one-line item category to another without prior approval of the City Council".

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2019-A073

May 14, 2019

TITLE: ORDER, AUTHORIZE APPROPRIATION OF COMPUTER RESERVE FUNDS TO SUPPORT REQUIRED UPGRADE TO WINDOWS 10

Filed May 8, 2019  
By Thomas Morelli

WHEREAS, Microsoft's support for Windows 7, which has been the primary operating system in use across the City, will end on January 14, 2020; and

WHEREAS, the Technology Department has been working for the last 18 months to upgrade computers to the newer Windows 10 operating system, and the final 38 computers are slated for replacement within the next eight months; and

WHEREAS, in anticipation of the 2020 deadline, the City had set aside funds in its Computer Reserve to support the required upgrade.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$8,798 from the City's Computer Reserve account (0200000-320000-53010) to the Technology Department's PC Replacement Plan account (0115601-503100) to support the required upgrade to Windows 10.

**Statement of Fact**

This order authorizes the appropriation of \$8,798 in funds set aside for this purpose from the City's Computer Reserve account to help complete the City's upgrade of all computers to a Windows 10 platform. Support for the City's current operating system is expiring in January 2020, so this upgrade is needed to maintain network security.

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2019-A074

May 14, 2019

TITLE: ORDER, ACCEPT DONATIONS IN SUPPORT OF BREWER'S ANNUAL STREAM CLEANUP EVENT

Filed May 9, 2019  
By Jerry Goss &

City Council Minutes  
May 14, 2019

Kevin O'Connell

WHEREAS, the City of Brewer held its 15th Annual Stream Cleanup Event on May 4, 2019; and

WHEREAS, a number of private companies and individuals have or will donate monies, materials and supplies for this event in order to make it more successful for the citizens of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer authorizes the City Manager and the Finance Director to accept donations in support of the City's Annual Stream Cleanup event and deposit them in revenue account 0200000-320000-20001; and

FURTHER ORDERED, that the City Council hereby authorizes the expenditure of these donations from account 0200000-520000-20001 in support of the annual event; and

FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

**Statement of Fact**

This order authorizes the acceptance and expenditure of donations received to support Brewer's annual Stream Cleanup Event, which is funded entirely from donations.

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2019-A075

May 14, 2019

TITLE: ORDER, ACCEPT INSURANCE REFUND FROM MAINE MUNICIPAL ASSOCIATION

Filed May 9, 2019  
By Joseph L. Ferris &  
Thomas Morelli

WHEREAS, based on the results of its calendar year 2018 workers compensation payroll audit, the Maine Municipal Association has issued the City a refund of \$24,743 reflecting the fact that actual workers compensation premium cost was lower than estimates; and

WHEREAS, historically, the City has used insurance dividends to reduce the cost of current year premiums.

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$24,743 refund for 2018 and directs the proceeds be applied to account 0117000-500800 (Workers Compensation) to reduce current year premium expense.

**Statement of fact**

This order accepts \$24,743 in workers compensation insurance refund for 2018 and appropriates it to reduce current year insurance expense.

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2019-A076

May 14, 2019

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE

Filed May 9, 2019  
By Thomas Morelli &  
Jerry Goss

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, tax abatements to date for which funding has not yet already been authorized total approximately \$33,542.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$33,542 from the tax abatement account (0100100-300004) to be funded by \$20,000 in budgeted FY19 overlay funds (0119901-509810) and \$13,542 in unanticipated property tax revenues (0100100-300001).

**Statement of Fact**

This an annual order appropriates overlay and other dollars to fund expense associated with FY19 tax abatements, as required by state law.

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2019-A077

May 14, 2019

TITLE: ORDER, AUTHORIZE WRITEOFF OF UNCOLLECTABLE ACCOUNTS RECEIVABLE

Filed May 9, 2019  
By Kevin J.M. O'Connell  
& Joseph L. Ferris

WHEREAS, the City has been working for several years to collect a past due invoice from one vendor using repeated and varied attempts to compel payment including barring the vendor from performing services for the City and legal action through the courts; and

WHEREAS, the City has exhausted its efforts and has deemed the account uncollectable and seeks approval to write this receivable off.

NOW, THEREFORE BE IT ORDERED, that the City Council hereby authorizes the write-off of the following amount to account 0116661-502900 (Public Works Misc. Maintenance).

<u>Vendor</u>	<u>Amount</u>	<u>Date</u>	<u>Description</u>
Dirt Diggers, Inc.	\$4,099.77	10/13/2014	Invoice #55452 – poor work by vendor on

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private sewer at 230 Center St required fix  
by Public Works to remove excav area,  
replace gravel, loam, seed, hay & slope

**Statement of Fact**

Authorizes the write-off of \$4,099.77 in accounts receivable owed by Dirt Diggers, Inc. that has  
been deemed uncollectable.

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2019-B014

May 14, 2019

TITLE: RESOLVE, AMEND THE SCHEDULE OF CITY COUNCIL REGULAR  
MEETINGS TO INCLUDE A SPECIAL MEETING

Filed May 7, 2019  
By Jerry Goss

WHEREAS, the City Council at its annual meeting held on November 20, 2018, adopted Resolve  
2018-B039 establishing dates of its regular monthly meetings for 2019; and

WHEREAS, Tuesday, May 14, 2019 was established as the date for the May 2019 regular meeting;  
and

WHEREAS, a joint City/School public hearing on the budget is to be held in May and draft  
FY2020 budget information will not be available for public inspection until after the May 14, 2019  
Council meeting.

NOW THEREFORE, BE IT RESOLVED, that the Brewer City Council will hold a special  
meeting on Tuesday, May 28, 2019 at 6:00 p.m.

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

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**D. Monthly Reports**

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

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**E. Nominations, Appointments, Elections**

There were none.

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**F. Unfinished Business**

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There was none.  
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**G. New Business**

There was none.  
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**H. New Items with Leave of Council**

There were none.  
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**I. Adjourn**

Chairman Uhlenhake said she would accept a motion for adjournment.

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting was adjourned at 7:05 pm.

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

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