

City Council Minutes
December 8, 2015

Regular Meeting
City Hall Council Chambers

Tuesday, December 8, 2015
6:00 p.m.

The regular meeting was called to order by Chairman Beverly Uhlenhake.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Goss	-	present
Councilor Vachon	-	present	Chairman Uhlenhake	-	present
Councilor O'Connell	-	present			

Chairman Uhlenhake declared a quorum present. City Manager Bost and City Solicitor Dearborn 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, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, October 13, 2015 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/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or 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	Young	Ptl.	12/04/15	1435
Matthew Vachon	R. Hogan	ACC	12/04/15	4:00pm
Beverly Uhlenhake	S. Bost	CM	12/04/15	5:00pm
Jerry Goss	Young	Ptl.	12/04/15	1503
Kevin O'Connell	R. Hogan	ACC	10/09/15	4:15 pm

CITY COUNCIL REGULAR MEETING
Tuesday, December 8, 2015 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 November 16, 2015 Regular Meeting and November 17, 2015 City of Brewer Annual Meeting.** (Councilor Ferris)
- B. Awards, Petitions, Public Comments**
 1. Presentation: Municipal Review Committee Proposal for Waste Processing Post-2018 (Finance Director Karen Fussell)
 2. Public Comments.
- IV. Recess for Public Hearing.**
 1. Application for a City of Brewer Amusement License for Andrew Geaghan, Timka Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street #4.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 1. (2015-A208) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor O'Connell)
 2. (2015-A209) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Goss)
 3. (2015-A210) ORDER, Accept Donation to the Brewer Public Library. (Councilor Vachon)
 4. (2015-A211) ORDER, Designate City Manager to Act as Agent of the City Council for Approval of Utility Location Permits. (Councilor Ferris)
 5. (2015-A212) ORDER, Authorize City Manager, or His Designee, to Sign Release Deeds on Behalf of the City of Brewer. (Councilor O'Connell)
 6. (2015-A213) ORDER, Authorize City Clerk to Sign Applications for Renewal of Liquor Licenses on Behalf of the City Council. (Councilor Goss)
 7. (2015-A214) ORDER, Authorize City Clerk, or in the Absence of the City Clerk, a Deputy City Clerk, to Sign Applications for Liquor Catering Events, Beano Licenses, Bingo Licenses and Other Games of Chance on Behalf of the City Council. (Councilor Vachon)

8. (2015-A215) ORDER, Authorize the City Manager, Stephen Bost, or His Designee, to Apply For, Accept and be the Designated City Official to Accept Delivery of Forfeited Property on Behalf of the City of Brewer and To Authorize the City Solicitor, Joel Dearborn, To Certify on all Applications for Forfeited Property to the Authority of the City Manager To Act on Behalf of the City of Brewer. (Councilor Ferris)
9. (2015-A216) ORDER, Issue Amusement License to Andrew Geaghan, Timka, Inc. d/b/a Geaghan Brothers Brewing Company , 34 Abbott Street #4. (Councilor O'Connell)
10. (2015-A217) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Goss)
11. (2015-A218) ORDER, Accept Donation From JR's Redemption Center for the Brewer Fire Department. (Councilor Vachon)
12. (2015-A219) ORDER, Authorize Amendments to City's Health Reimbursement Plan. (Councilor Ferris)
13. (2015-A220) ORDER, Authorize Adoption of Updated 401 Retirement Plan Documents. (Councilor O'Connell)
14. (2015-A221) ORDER, Authorize Purchase of Replacement Meter Reading Equipment. (Councilor Goss)
15. (2015-A222) ORDER, Issue Release Deed to Dana Cassidy for Property Located at 391 North Main Street (Tax Map 34, Lot 24ON). (Councilor Vachon)
16. (2015-A223) ORDER, Declare the Property Situated at 17 Harlow Street and More Specifically Described in the Penobscot County Registry of Deeds in Volume 13602, Page 342 to be Surplus and Authorize its Sale. (Councilor Ferris)
17. (2015-A224) ORDER, Declare a Portion of the City's Property Located Behind the James R. Mooney Property Situated at 1160 North Main Street to be Surplus and Authorize its Sale. (Councilor O'Connell)
18. (2015-A225) ORDER, Authorize Purchase of an Anti-Icing Spray System for the Public Works Department. (Councilor Goss)
19. (2015-A226) ORDER, Authorize Purchase of a Replacement Loader Mounted Snow Blower for the Public Works Department. (Councilor Vachon)

D. Monthly Reports. (Councilor O'Connell)

E. Nominations, Appointments, Elections.

1. **Consent Calendar.**

- a. (2015-A227) ORDER, Appoint City Manager to Approve Road Excavation Permits. (Councilor Vachon)
- b. (2015-B060) RESOLVE, Ratify Director of Environmental Services', or His Designee, Appointment of Agents at the Solid Waste Disposal Area. (Councilor Ferris)

2. City Council Liaison Appointments. (Mayor Uhlenhake)

F. Unfinished Business. (none)

G. New Business. (no items)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of November 16, 2015 Regular Meeting and November 17, 2015 Annual Meeting.

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

B. Awards, Petitions and Public Comments.

- 1. Presentation: Municipal Review Committee Proposal for Waste Processing Post-2018

Finance Director Karen Fussell gave a report on the timeline proposed by the Municipal Review Committee for Waste Processing. (Please see attached)

2. PUBLIC COMMENTS.

There were no public comments.

Recess for Public Hearing.

Chairman Uhlenhake said the City Council would recess for a public hearing and after the public hearing would return to the regular meeting and 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 Ferris	-	present	Chairman Uhlenhake	-	present
Councilor O'Connell	-	present	Councilor Goss	-	present
Councilor Vachon	-	present			

Chairman Uhlenhake declared all members were present.

Chairman Uhlenhake read the notice for the public hearing.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 8th day of December, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider an application for a City of Brewer Amusement License for:

1. Andrew Geaghan, Timka Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street #4.

This application is 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 12:00 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.

Pamela J. Ryan
City Clerk

published November 30, 2015
in the Bangor Daily News

There were no comments from the public present either for or in opposition of issuing an amusement license to Geaghan Brothers Brewing Company.

Adjourn Public Hearing and Continue with Regular Meeting.

Public Hearing adjourned at 6:47 p.m.

The city clerk called the roll and all members of the council was present.

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

C. Consent Calendar.

ACTION: Councilor Ferris removed order 2015-A216.

Councilor O’Connell moved that the remaining orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

2015-A208

December 8, 2015

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed December 2, 2015
by Kevin O’Connell

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$593,701.06** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
December 2015	\$585,714.04	
September 2015	\$ 2,546.75	
October 2015	\$ 4,413.68	
November 2014	\$ 1,026.59	
Total	\$593,701.06	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$593,701.06** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

STATEMENT OF FACT

This is a quarterly housekeeping order that is approved and the commitment signed by Council.

2015-A209

December 8, 2015

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed December 2, 2015
by Jerry Goss

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$504,210.16** at the established rate, as provided by Title 30A 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

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

EVENT	COMMITMENT	COMMENTS
December 2015	\$498,225.48	
September 2015	\$536.50	
October 2015	\$2,179.14	
November 2015	\$3,269.04	
Total	\$504,210.16	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$504,210.16** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

STATEMENT OF FACT

This is a quarterly housekeeping order that is approved and the commitment signed by Council.

2015-A210

December 8, 2015

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

filed December 2, 2015
by Matthew Vachon

WHEREAS, the Brewer Public Library has received a contribution of \$50.00 from Bonita Hayes; and

WHEREAS, it is the recommendation and request of the donor and the Library Director that this contribution be used to supplement and support the purchase of new books for the City of Brewer Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$50.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books).

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

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution for the purchase of new books.

2015-A211

December 8, 2015

TITLE: ORDER, DESIGNATE CITY MANAGER TO ACT AS AGENT OF THE CITY COUNCIL FOR APPROVAL OF UTILITY LOCATION PERMITS.

filed December 2, 2015
by Joseph Ferris

ORDERED, that Stephen Bost, Brewer City Manager, is herewith authorized to accept applications for utility location permits on behalf of the City Licensing Authority, to wit, the City Council, for calendar year 2016; and

FURTHER ORDERED, that Stephen Bost, in his capacity as Brewer City Manager, is authorized to approve such applications on behalf of the Brewer City Council during calendar year 2016.

STATEMENT OF FACT

Chapter 20 of the City of Brewer Code of Ordinances entitled “Licenses and Permits”, under Section 307 provides that the City Council may designate the City Manager to accept and approve applications for utility location permits on their behalf.

2015-A212

December 8, 2015

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO SIGN
RELEASE DEEDS ON BEHALF OF THE CITY OF BREWER.

filed December 2, 2015
by Kevin O’Connell

ORDERED, that the City Manager, or his designee, is herewith authorized to sign Release/Municipal Quitclaim Deeds on behalf of the City of Brewer releasing any interest the City might have in and to real estate covered by a Tax Collector’s Lien Certificate which has been paid within the statutory period of redemption, but not discharged by the City Treasurer within the same time period.

STATEMENT OF FACT

This is an annual housekeeping order.

2015-A213

December 8, 2015

TITLE: ORDER, AUTHORIZE CITY CLERK TO SIGN APPLICATIONS
FOR RENEWAL OF LIQUOR LICENSES ON BEHALF
OF THE CITY COUNCIL.

filed December 2, 2015
by Jerry Goss

ORDERED, that the City Clerk is herewith authorized to sign, on behalf of and as agent of the City licensing authority, to wit, the City Council, all applications for renewal of State of Maine Liquor licenses during calendar year 2016. This authorization is subject to the limitation on her authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

STATEMENT OF FACT

This authority is not applicable to new liquor license applications or changes in types of liquor licenses nor does it apply to special amusement permits for dancing and live entertainment. The City Council shall continue to hold public hearings on new and changed liquor license applications and on applications for new, changed and renewal of special amusement permits for dancing and live entertainment.

2015-A214

December 8, 2015

TITLE: ORDER, AUTHORIZE CITY CLERK, OR IN THE ABSENCE OF THE CITY CLERK, A DEPUTY CITY CLERK, TO SIGN APPLICATIONS FOR LIQUOR CATERING EVENTS, BEANO LICENSES, BINGO LICENSES AND OTHER GAMES OF CHANCE ON BEHALF OF THE CITY COUNCIL.

filed December 2, 2015
by Matthew Vachon

ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications to operate beano, bingo or other games of chance during the year 2016. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer; and

FURTHER ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications for catered events at which alcohol is to be served by persons, corporations or other legal entities licensed by the State of Maine to do liquor catering during the year 2016. The City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is also authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications to the State of Maine for approval for events at the Brewer Auditorium at which BYOB is permitted during the year 2016. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

STATEMENT OF FACT

This is an annual housekeeping order.

2015-A215

December 8, 2015

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, STEPHEN BOST, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT AND BE THE DESIGNATED CITY OFFICIAL TO ACCEPT DELIVERY OF FORFEITED PROPERTY ON BEHALF OF THE CITY OF BREWER AND TO AUTHORIZE THE CITY SOLICITOR, JOEL DEARBORN, TO CERTIFY ON ALL APPLICATIONS FOR FORFEITED PROPERTY TO THE AUTHORITY OF THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BREWER.

filed December 2, 2015
by Joseph Ferris

WHEREAS, from time to time, the City of Brewer becomes eligible to receive forfeited property as the result of its Police Department personnel being involved in resolving criminal cases; and

WHEREAS, in order to receive forfeited property an application must be prepared and submitted on behalf of the City; and

WHEREAS, the City needs to designate a person who may accept forfeited property on its behalf; and

WHEREAS, the City also needs to designate the person to receive the delivery of the transfer of forfeited documents and/money on behalf of the City; and

WHEREAS, the City Solicitor has to certify in the application for transfer of forfeited property to the authority of the person signing the application;

NOW THEREFORE, IT IS HEREBY ORDERED, by the Brewer City Council as follows:

1. The City Manager, Stephen Bost, or his designee, is authorized to sign any and all applications for the transfer of forfeited property on behalf of the City of Brewer.
2. The City Manager, Stephen Bost, or his designee, is authorized to accept forfeited property on behalf of the City.
3. The City Manager, Stephen Bost, or his designee, is hereby designated as City official to receive the delivery of any and all forfeited documents and/or money on behalf of the City.
4. The City Solicitor, Joel Dearborn, is authorized to certify to the authority of the City Manager, or his designee, to act on behalf of the City, as provided in this Order on any and all applications for the transfer of forfeited property.

STATEMENT OF FACT

This is an annual housekeeping order.

2015-A216

December 8, 2015

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

filed December 2, 2015
by Kevin O'Connell

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

WHEREAS, the City Council held a public hearing on this application on December 8, 2015 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 remainder of the City's licensing year expiring on May 2, 2016.

STATEMENT OF FACT

This order grants Geaghan Brothers Brewing Company a City amusement license to enable them to have live entertainment at indoor events they may occasionally have.

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

Councilor Ferris said he removed this order because he wanted to make a motion to have the submissions that were included with the public hearing notice for the amusement license be submitted to the City Clerk and placed in the record as part of these minutes. The motion was seconded and passed by unanimous vote to amend the order to include the submissions.

The order, as amended, was passed by unanimous vote.

2015-A217

December 8, 2015

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

filed December 2, 2015
by Jerry Goss

WHEREAS, the City of Brewer has received a donation of \$500.00 from Brewer Center for Health and Rehabilitation for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

STATEMENT OF FACT

This order accepts a donation from the Brewer Center for Health and Rehabilitation to support this year's Brewer Days Celebration.

2015-A218

December 8, 2015

TITLE: ORDER, ACCEPT DONATION FROM JR's REDEMPTION CENTER FOR THE BREWER FIRE DEPARTMENT.

filed December 2, 2015
by Matthew Vachon

WHEREAS, JR's Redemption Center in Brewer maintains a fire boot on its premises to collect donations in support for the Brewer Fire Department; and

WHEREAS, the City of Brewer has received a contribution of \$85.00 from JR's Redemption Center, which represents proceeds collected from the fire boot;

NOW THEREFORE BE IT ORDERED, that the City Council hereby accepts this generous donation to the Fire Department and authorizes its receipt into 0105904-300490 (Fire Miscellaneous Revenue) and authorizes the appropriation and expenditure of those funds from 0115911-502900 (Fire Miscellaneous Supplies and Expenses).

Note: The City Clerk will send a letter of acknowledgement and appreciation to JR's Redemption Center on behalf of the City Council and the Fire Department.

STATEMENT OF FACT

This order accepts an \$85 donation from the fire boot JR's Redemption Center maintains and appropriates it for expenditures from the Fire Department Miscellaneous Supplies and Expenses account.

2015-A219

December 8, 2015

TITLE: ORDER, AUTHORIZE AMENDMENTS TO CITY'S HEALTH REIMBURSEMENT PLAN.

filed December 2, 2015
by Joseph Ferris

WHEREAS, the City has maintained a Health Reimbursement Plan to benefit its employees since July 2014; and

WHEREAS, after the first year of operation, it became evident that employees needed more time after the end of the Plan Year to be able to file claims incurred than the 31 days originally provided for in the plan; and

WHEREAS, the City desires to extend the filing period to 91 days after the end of the Plan Year to account for the typical delay individuals experience in receiving invoices and other statements from their medical service providers; and

WHEREAS, the City does not expect this additional time to materially impact the City's cost of the program; and

WHEREAS, there are several other language changes of an administrative nature that the City desires to make to reflect the fact that the Plan is now past its startup period, is in full operation and applies to all union and nonunion employees;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to amend the Health Reimbursement Plan documents to reflect the changes outlined above.

STATEMENT OF FACT

This order authorizes the City Manager to amend the City's Health Reimbursement Arrangement (HRA) plan to extend the length of time employees have to submit claims after the end of the plan year and to make several non-substantive language changes. The extended submission time will assist employees, but will not materially impact the City's cost of the program.

2015-A220

December 8, 2015

TITLE: ORDER, AUTHORIZE ADOPTION OF UPDATED 401 RETIREMENT PLAN DOCUMENTS.

filed December 2, 2015
by Kevin O'Connell

WHEREAS, the City maintains two 401 retirement plans administered by ICMA Retirement Corporation (ICMA-RC); and

WHEREAS, in keeping with the Internal Revenue Service's set six year review schedule, ICMA-RC has submitted the City's plan documents, which have been reviewed and approved by the IRS; and

WHEREAS, the restated documents incorporate amendments for legislative and regulatory changes enacted since the previous restatement in 2006, but do not substantively alter the benefit the City offers or its cost to the City;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to execute a new adoption agreement for each City of Brewer 401 plan that has been updated to incorporate legislative and regulatory changes as required by the IRS.

STATEMENT OF FACT

This order authorizes the City Manager to sign updated adoption agreements for the City's two 401 retirement plans. The revised agreements incorporate law and regulatory changes that have occurred over the last 6 years, but do not substantively change the benefit the City offers or its cost to the City.

2015-A221

December 8, 2015

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT METER
READING EQUIPMENT.

filed December 2, 2015
by Jerry Goss

WHEREAS, the Water Department's current meter reading equipment is no longer serviced or supported by Sensus; and

WHEREAS, the Water Department are standardized on Sensus meters and the Sensus meter reading platforms; and

WHEREAS, the FY16 Water CIP included \$15,850 for the purchase of equipment and service;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to EJP in the amount of \$13,950.00 for the purchase of two handheld meter reading units; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0571003-573032 to be funded with approved FY16 capital improvement funds:

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 equipment for this purchase.

STATEMENT OF FACT

This order authorizes the purchase of two new handheld units used for reading water meters. Current devices are no longer technically supported and we will be unable to get repairs or spare parts when they fail. This purchase was budgeted in FY16 CIP.

2015-A222

December 8, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO DANA CASSIDY FOR
PROPERTY LOCATED AT 391 NORTH MAIN STREET
(FORMERLY MAP 34, LOT 24ON, CURRENTLY PART OF
TAX MAP 34, LOT 24 OF THE ASSESSOR'S TAX MAPS
OF THE CITY OF BREWER, MAINE).

filed December 2, 2015
by Matthew Vachon

ORDERED, that a municipal release deed be issued to Dana Cassidy for property located at 391 North Main Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 391 North Main Street (Formerly City Tax Map 34 , Lot 24ON, currently part of Map 34, Lot 24 of the Assessor's Tax Maps of the City of Brewer, Maine) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
13228	96
13569	106
13887	153

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$5,638.11 in principal was collected, along with \$115.06 in interest and \$155.40 in costs.

STATEMENT OF FACT

Due to unpaid FY13, FY14 and FY15 real estate taxes, the City had filed liens on a portion of the property associated with the North Brewer Shopping Center owned by Mr. Cassidy. Mr. Cassidy recently completed paying the full amount due (\$5638 in principal \$115 in interest and \$155 in costs) and is now current on all of his taxes. This order authorizes the City Manager to release all legal claims the City has to the property.

2015-A223

December 8, 2015

TITLE: ORDER, DECLARE THE PROPERTY SITUATED AT 17 HARLOW STREET, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE PENOBSCOT COUNTY REGISTRY OF DEEDS IN VOLUME 13602, PAGE 342 TO BE SURPLUS AND AUTHORIZE ITS SALE.

filed December 2, 2015
by Joseph Ferris

WHEREAS, the City has perfected its tax title to the property situated at 17 Harlow Street, Brewer, Maine, and more specifically described in the Judgment recorded in the Penobscot County Registry of Deeds in Volume 13602, Page 342, herein after referred to as the "Real Estate"; and

WHEREAS, the City perfected its title to the Real Estate by a Bill in Equity in the Maine District Court in Bangor, Maine; and

WHEREAS, the City staff has concluded that the Real Estate is not required for public purposes and has recommended to the City Council that it be declared surplus property and sold;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Real Estate situated at 17 Harlow Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to take and all actions he, or his designee, consider necessary to make the said Real Estate saleable; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the Real Estate at such prices as he, or his designee, determine to 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, also deem appropriate to effectuate the sale of said Real Estate.

STATEMENT OF FACT

The City obtained ownership of this property formerly owned by Robert Bastey, et al through the automatic foreclosure of multiple sewer and tax liens going back to 2010. This order declares the property, located at 17 Harlow Street, surplus and authorizes the City Manager to sell it. The City Solicitor worked for over two years to perfect title to the property, on which approximately \$14,000 in back taxes and \$6,000 in sewer is still owed.

2015-A224

December 8, 2015

TITLE: ORDER, DECLARE A PORTION OF THE CITY'S PROPERTY LOCATED BEHIND THE JAMES R. MOONEY PROPERTY SITUATED AT 1160 NORTH MAIN STREET, BREWER, MAINE TO BE SURPLUS AND AUTHORIZE ITS SALE.

Filed December 2, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer owns the property behind the property owned by James R. Mooney located at 1160 North Main Street, Brewer, Maine; and

WHEREAS, Mr. Mooney needs a portion of the City's property for a private waste septic system; and

WHEREAS, the property where Mr. Mooney wants to purchase is 160 feet long by and along his northerly boundary line and 100 feet wide; and

WHEREAS, the City staff has concluded the said requested real estate is not required for public purpose and has recommended to the City Council that it be declared surplus property and sold;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council based on the City's staff recommendation, hereby declares the requested property situated behind 1160 North Main Street, Brewer, Maine, to be surplus property for public purposes and authorizes the City Manager, or his designee, to take all and any actions he, or his designee, consider necessary to make the said real estate saleable; and

FURTHER ORDERED, that the City Manager, or his designee, is authorized to enter any other agreements he, or his designee, believe to be necessary; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the real estate at such prices as he, or his designee, determine to 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 other further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale of said real estate.

STATEMENT OF FACT

James Mooney has a piece of property that needs a septic system. His current property is not sufficient for a new septic system and needs additional property from the City in order to do so. The property being authorized to be conveyed is not necessary for public purposes.

2015-A225

December 8, 2015

TITLE: ORDER, AUTHORIZE PURCHASE OF AN ANTI-ICING
SPRAY SYSTEM FOR THE PUBLIC WORKS
DEPARTMENT.

filed December 2, 2015
by Jerry Goss

WHEREAS, bids were solicited and received for the purchase of an anti-icing spray system, to be used to apply salt brine; and

WHEREAS, H P Fairfield of Skowhegan provided the City with the only bid on the system, which slightly exceeds the funding approved as part of the FY15 CIP; and

WHEREAS, Public Works has surplus funds in another capital account that it recommends be used to complete funding for this needed purchase;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to H. P. Fairfield, LLC in the amount of \$17,814 for the purchase and installation of a 1300 gallon anti-icing spray system; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the FY15 CIP account 0510133-551607, titled "Brine Tank FY15".

FURTHER ORDERED, that \$2,814 in surplus capital funds from FY16 CIP account 0510133 551612 (Snogo Blower) be reallocated to 0510133-551607 (Brine Tank) to complete funding for this purchase; 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 supplies and installation services for this project.

STATEMENT OF FACT

This purchase was approved in the FY15 CIP budget. The total of the bid is over the \$15,000 allotted for this purchase but there will be funds left over from a FY16 capital purchase that can cover the overage. The system will be used to apply liquid salt brine to main roads prior to storms help prevent snow pack and allow more response time. Although six bid packages were sent out to different vendors we only received one bid back and it will likely be mid-winter before the system will be available for installation.

2015-A226

December 8, 2015

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT LOADER MOUNTED SNOW BLOWER FOR THE PUBLIC WORKS DEPARTMENT.

filed December 2, 2015
by Matthew Vachon

WHEREAS, bids were solicited, received and evaluated for the purchase of a loader mounted snow blower to replace the 1978 Snogo MP3D blower (unit #438) currently owned by the City, whose replacement was included in the approved FY16 CIP budget; and

WHEREAS, Donovan Equipment Company, Inc. of Londonderry, NH provided the City with the lowest of the four bids received in the amount of \$104,210.00, which includes the trade-in deduction of \$2,500 allotted for the Public Works unit #438; and

WHEREAS, it is to the City's advantage to include in the purchase typical wear items along with a couple replacement augers with this purchase to have them in stock adding an additional \$9,725.43 to the purchase price;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Donovan Equipment Company, Inc. in the amount of \$113,935.43 for the purchase of a 2015/2016, RPM Tech. 217 blower plus the replacement parts; and

BE IT FURTHER ORDERED, that the current Public Works unit numbered 438, the 1978 MP3D snow blower, be declared surplus property, be released and transfer ownership to Donovan Equipment Company, Inc. once the replacement blower has been delivered to the City of Brewer; 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; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-551612, titled "Snogo Blower MP3D #438".

STATEMENT OF FACT

\$120,000 was included in the approved FY16 CIP budget for this purchase. This is the loader mounted blower used to load snow directly into dump trucks when removing snow buildup from roadsides. We received a total of four bids for the blower none of which fit all specifications but this was the lowest bid by \$16,751. This unit will be able to perform the required task and provide replacement parts.

Please see the attached bid sheet.

D. Monthly Reports.

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

E. Nominations, Appointments, Elections.

1. Consent Calendar.

ACTION: Councilor Ferris removed order 2015-A227.

Councilor O'Connell moved that the resolve on the consent calendar be adopted.

The motion was seconded and passed by unanimous vote.

The resolve was adopted by unanimous vote.

2015-A227

December 8, 2015

TITLE: ORDER, APPOINT CITY MANAGER TO APPROVE ROAD EXCAVATION PERMITS.

filed December 2, 2015
by Matthew Vachon

WHEREAS, under Title 23 M.R.S.A. Section 3351, the municipal road commissioner, in Brewer's instance, the ~~Director of Public Works~~ City Engineer, is authorized to direct owners to make sewer, water and conduit connections or other work as may be designated prior to the paving or substantially repairing any street or public highway; and

WHEREAS, under Title 23, M.R.S.A. Section 3352, the municipal road commissioner, in Brewer's instance, the ~~Director of Public Works~~ City Engineer, is authorized, in the case of an emergency, to grant and renew permits for digging and making excavations in the driveways of any of the public highways of the City for the repairing of gas, water, steam, oil, gasoline, petroleum or any other liquid or ammonia pipes or conduits or for any other lawful purpose; and

WHEREAS, both Sections 3351 and 3352 provide that in the absence of the municipal road commissioner, in Brewer's instance, the ~~Director of Public Works~~ City Engineer, the municipal officers may appoint some other official to act in his stead under these sections;

NOW, THEREFORE, BE IT ORDERED, the City Council herewith appoint Stephen Bost, Brewer City Manager, to give notices and grant permits under Title 23, M.R.S.A. Sections 3351 and 3352 in the absence of the ~~Director of Public Works~~ City Engineer for calendar year 2016.

STATEMENT OF FACT

This is an annual housekeeping order.

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

Councilor Vachon moved that the order be amended by striking out the words “Director of Public Works” throughout the entire order and replace them with “City Engineer”. The motion was seconded and passed by unanimous vote.

The order, as amended, was passed by unanimous vote.

2015-B060

December 8, 2015

TITLE: RESOLVE, RATIFY DIRECTOR OF ENVIRONMENTAL SERVICES, OR HIS DESIGNEE, APPOINTMENT OF AGENTS AT THE LANDFILL.

filed December 2, 2015
by Joseph Ferris

WHEREAS, Chapter 22, Article 10, Section 10.5 of the Charter, Codes and Ordinances of the City of Brewer provides that the Director of Environmental Services, or his designee, shall appoint such agents as he deems necessary to act in his stead in carrying out and enforcing the rules and regulations established for the use of the City’s construction demolition debris landfill; and

WHEREAS, Chapter 22, Article 10, Section 10.5 of the Charter, Codes and Ordinances of the City of Brewer further provides that the appointment of such agents shall be ratified by a majority of the City Council at the first regularly scheduled council meeting of each calendar year; and

WHEREAS, the Director of Environmental Services, or his designee, has appointed Sandee Barber, Ian Badershall and Jimmy Brown as his agents to act in his stead in carrying out and enforcing the rules and regulations established for use of the City’s landfill;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith ratifies the Director of Environmental Services’, or his designee, appointments of these individuals as his agents to act as his agents in carrying out and enforcing the rules and regulations established for use of the City’s construction demolition debris landfill.

STATEMENT OF FACT

The terms of these appointments are for one year commencing January 1, 2016 and expiring December 31, 2016. This is an annual housekeeping item.

Mayor Uhlenhake read the Council liaison appointments for the upcoming year:

- | | |
|--------------------------------------|---|
| 1. SCHOOL COMMITTEE | Councilor Joseph Ferris |
| 2. HOUSING AUTHORITY OF BREWER | Councilor Jerry Goss |
| 3. PLANNING BOARD | Mayor Beverly Uhlenhake |
| 4. RECREATION ADVISORY BOARD | Deputy Mayor Kevin O’Connell |
| 5. BREWER HISTORICAL SOCIETY | Councilor Matthew Vachon |
| 6. E-911 COMMITTEE | Mayor Beverly Uhlenhake |
| 7. PENOBSCOT COUNTY BUDGET COMMITTEE | Deputy Mayor Kevin O’Connell |
| 8. BARN BOARD OF DIRECTORS | Councilor Jerry Goss |
| 9. BOARD AND COMMITTEE APPOINTMENTS | Deputy Mayor Kevin O’Connell |
| 10. ECONOMIC DEVELOPMENT | Councilor Matthew Vachon |
| | All Councilors meet regularly with Director and Deputy Director |

F. Unfinished Business.

There were no items.

G. New Business.

There were no items.

H. New Items with Leave of Council.

There were no items.

Mayor 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 adjourned at 6:57 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine