

City Council Minutes
December 9, 2014

Regular Meeting
City Hall Council Chambers

Tuesday, December 9, 2014
6:00 p.m.

The regular meeting was called to order by Chairman Matthew Vachon
The city clerk called the roll:

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

Chairman Vachon declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, December 9, 2014 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/Matthew Vachon
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	K. Bouchard	Ptl.	12/05/14	1816
Matthew Vachon	P. Ryan	CC	12/05/14	4:15pm
Beverly Uhlenhake	K. Bouchard	Ptl.	12/05/14	1805
Jerry Goss	K. Bouchard	Ptl.	12/05/14	1829
Kevin O'Connell	K. Bouchard	Ptl.	12/05/14	1809

CITY COUNCIL REGULAR MEETING
Tuesday, December 9, 2014 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Vachon)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor Vachon)
- A. Minutes of November 17, 2014 Regular Meeting and November 18, 2014 City of Brewer Annual Meeting.** (Councilor Ferris)
- B. Awards, Petitions, Public Comments**
 - 1. Proclamation: December 20th, 2014, as the Day of Good Deeds. (Mayor Vachon)
 - 2. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. Discuss Application Being Submitted to the State of Maine CDBG Program for a Micro-Enterprise Assistance Program.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2014-A183) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Goss)
 - 2. (2014-A184) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Uhlenhake)
 - 3. (2014-A185) ORDER, Accept Donations to the Brewer Public Library. (Councilor O'Connell)
 - 4. (2014-A186) ORDER, Designate City Manager to Act as Agent of the City Council for Approval of Utility Location Permits. (Councilor Ferris)
 - 5. (2014-A187) ORDER, Authorize City Manager, or His Designee, to Sign Release Deeds on Behalf of the City of Brewer. (Councilor Goss)
 - 6. (2014-A188) ORDER, Authorize City Clerk to Sign Applications for Renewal of Liquor Licenses on Behalf of the City Council. (Councilor Uhlenhake)
 - 7. (2014-A189) 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 O'Connell)

8. (2014-A190) 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. (2014-A191) ORDER, Waive Foreclosure of Certain Mobile Home Properties Located in Brewer, Maine. (Councilor Goss)
10. (2014-A192) ORDER, Authorize Purchase of Replacement Rescue Equipment Known as the “Jaws of Life” for the Brewer Fire Department. (Councilor Uhlenhake)
11. (2014-A193) ORDER, Authorize City of Brewer to Submit a Phase II Application to the State of Maine Community Development Block Grant (CDBG) Program For Tiller & Rye. (Councilor O’Connell)
12. (2014-A194) ORDER, Authorize Contract with Woodard and Curran To Complete and Provide Water Department With System Maps. (Councilor Ferris)
13. (2014-A195) ORDER, Authorize Change of Assistant Code Enforcement Officer Position to Full Time. (Councilor Goss)
14. (2104-A196) ORDER, Authorize One Time Abatement of Personal Property Taxes. (Councilor Uhlenhake)
15. (2014-B074) RESOLVE, Adopt the Standards Outlined by the Community Development Block Grant Program for Fair Housing. (Councilor O’Connell)
16. (2014-B075) RESOLVE, Adopt Program Guidelines for the Micro-Enterprise Grant to Complete Phase II Application to the State of Maine CDBG Program for Tiller & Rye. (Councilor Ferris)

D. Monthly Reports. (Councilor Goss)

E. Nominations, Appointments, Elections.

1. **Consent Calendar.**
 - a. (2014-A197) ORDER, Reappoint Registrar of Voters. (Councilor Uhlenhake)
 - b. (2014-A198) ORDER, Reappoint and Appoint Deputy Registrars of Voters. (Councilor O’Connell)
 - c. (2014-A199) ORDER, Appoint City Manager to Approve Road Excavation Permits. (Councilor Ferris)

- d. (2014-A200) ORDER, Reappoint Timothy Briggs of Dexter, Maine as the City of Brewer’s Local Sealer of Weights and Measures. (Councilor Goss)
 - e. (2014-A201) ORDER, Appoint Members to Serve on Ad Hoc Committee For Any Applications for Community Development Block Grant Program Funds that the City of Brewer Apply for and Receive. (Councilor Uhlenhake)
 - f. (2014-B076) RESOLVE, Ratify Director of Environmental Services’, or His Designee, Appointment of Agents at the Landfill. (Councilor O’Connell)
2. City Council Liaison Appointments. (Mayor Vachon)
- F. Unfinished Business.**
- 1. (2014-C023) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Ferris)
(posted 11/18/14)
- G. New Business.**
- 1. (2014-C024) Amend Chapter 24, Article 1, General Section, Section 104, Jurisdiction , of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”, by Adding a Section 104.1 Permits. (Councilor Goss)
- H. New Items with Leave of Council.**
- I. ADJOURN.**
- ***
- A. Minutes of November 17, 2014 Regular Meeting and November 18, 2014 Annual Municipal 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.**

**PROCLAMATION
DECEMBER 20TH, 2014, AS THE DAY OF GOOD DEEDS**

WHEREAS, in 2011, a group of friends had met for dinner, saw a homeless man covered in leaves outside the restaurant, and immediately decided that more needed to be done to take care of our fellow citizens; and

WHEREAS, that group of friends decided that not only were there those in need of basic clothing and food but also those in need of joy and random acts of kindness; and

WHEREAS, the Bangor Elves then formed as a group of more than fifty people in the region who do their work tirelessly and without personal recognition, preferring to act anonymously; and

WHEREAS, the group raises an average of \$5,000 each year to give out in the form of gifts for families in need not served by other organizations; warm hats, coats, gloves, and socks for our region's homeless people; and gift cards or other small tokens randomly handed out to community members in need of a smile; and

WHEREAS, in 2014, the Bangor Elves became recognized as a federally recognized 501(c)(3) non-profit organization based out of Leighton and Longtin CPA located at 338 North Main Street, Brewer, Maine; and

WHEREAS, one of the goals of the Bangor Elves is to encourage others to think about their community and how they might help; and

WHEREAS, each year, the Bangor Elves designate one day as The Day of Good Deeds to highlight random acts of kindness and encourage others to participate;

NOW, THEREFORE, I, MATTHEW VACHON, Mayor of the City of Brewer, do hereby proclaim the 20th of December, 2014, as

THE DAY OF GOOD DEEDS

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this ninth day of December, two thousand fourteen.

Signed this ninth day of December, 2014

Matthew Vachon, Mayor

Mayor Vachon read the proclamation.

Mayor Vachon presented a copy of the proclamation to Chris Longtin who thanked the Council members for recognizing the Bangor Elves for their acts of kindness to those in need.

PUBLIC COMMENTS.

There were no public comments from the public.

Councilor O'Connell did mention that plans are being made for a possible Bangor Brewer City Council Joint meeting in January of 2015 at the Cross Center to discuss budgetary issues facing the cities in the next year.

Recess for Public Hearing.

1. Discuss Application Being Submitted to the State of Maine CDBG Program for a Micro-Enterprise Assistance Program.

The public hearing was called to order by Chairman Vachon.

The city clerk called the roll:

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

Chairman Vachon declared all members were present.

Chairman Vachon read the public notice:

Phase II Public Hearing Notice to Comply with Title VI Requirements

**Public Hearing Notice
The City of Brewer**

The **City of Brewer** will hold a Public Hearing on Tuesday, December 9, 2014 at 6:00 pm at Brewer City Hall Council Chambers to discuss acceptance of a Micro-Enterprise Assistance CDBG Grant in the amount of \$50,000. The purpose of the grant is to provide funds for the Tiller & Rye, a local natural foods and grocery store. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: James Smith, Assistant City Manager, 80 North Main Street, Brewer, ME 04412 at any time prior to the Public Hearing. TDD/TTY users may call or 1-800-457-1220 or 711. If you are physically unable to access any of the City’s/City’s programs or services, please call James Smith, Assistant City Manager at 989-7500, so that accommodations can be made.



City of Brewer
80 North Main Street
Brewer ME 04412
989-7500

Chairman Vachon asked D'arcy Main-Boyington Economic Development Director, to come forward and explain the Phase II part of the Maine CDBG program for a Micro-Enterprise Assistance Program grant.

D'arcy said that the application has been approved for a \$50,000.00 forgivable loan for Tiller & Rye who plan to open a Natural Foods Outlet grocery store at 20 South Main Street.

D'arcy said that a public hearing and the order and resolves contained in the agenda needed to be approved by the City Council and then sent to the State of Maine for the City to receive the grant monies. There is no risk or liability to the City. This process is between the State and the business-grants to support small businesses.

D'arcy said that once the City receives the money a Grant Agreement with Tiller & Rye will be executed. They hope to open their grocery store by the end of January.

There were no public comments from the people in the audience.

The City Clerk said that no written or oral comments had been received on the public hearing.

Chairman Vachon adjourned the public hearing at 6:10 p.m.

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

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

C. Consent Calendar.

ACTION: Councilor Ferris removed order 2014-A195 and resolve 2014-B075 from the consent calendar. Councilor Uhlenhake moved that order 2014-A196 be removed from the consent calendar.

Councilor Uhlenhake moved that all the orders on the consent calendar except for 2014-A195 and A196 have passage and resolve 2014-B074 be adopted.

The motion was seconded and passed by unanimous vote.

2014-A183

December 9, 2014

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

filed December 3, 2014
by Jerry Goss

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

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December 9, 2014

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$601,810.89** 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 2014	\$597,859.57	
September 2014	\$ 3,120.83	
October 2014	\$ 1,104.08	
November 2014	\$ - 273.59	
Total	\$601,810.89	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$601,810.89** 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.

2014-A184

December 9, 2014

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

filed December 3, 2014
by Beverly Uhlenhake

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 **\$534,061.55** 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 2014	\$525,780.60	
September 2014	\$1,589.75	
October 2014	\$827.09	
November 2014	\$5,864.11	
Total	\$534,061.55	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$534,061.55** 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.

2014-A185

December 9, 2014

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

filed December 5, 2014
by Kevin O'Connell

WHEREAS, the Brewer Public Library has received contributions of \$250.00 from Lawrence and Andrea Pennington, and \$40.00 from Gil and Pat Andrei; and

WHEREAS, it is the recommendation and request of the Library Director that a portion of these contributions be used to supplement and support the purchase of new books and a portion used to host special programs at the City of Brewer Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these generous contributions totaling \$290.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations); and

BE IT FURTHER ORDERED, that \$40.00 of these donations be appropriated and expended from account 0117201-502750 (Library Books) and that the remaining \$250.00 be appropriated and expended from account 0117201-506150 (Special Events).

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.

2014-A186

December 9, 2014

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

filed December 3, 2014
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 2015; 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 2015.

NOTE: *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 in their behalf.*

2014-A187

December 9, 2014

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

filed December 3, 2014
by Jerry Goss

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.

2014-A188

December 9, 2014

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

filed December 3, 2014
by Beverly Uhlenhake

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 2015. 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.

NOTE: *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.*

2014-A189

December 9, 2014

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 3, 2014
by Kevin O'Connell

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 2015. 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 2015. 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 2015. 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.

2014-A190

December 9, 2014

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 3, 2014
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.

2014-A191

December 9, 2014

TITLE: ORDER, WAIVE FORECLOSURE OF CERTAIN MOBILE HOME
PROPERTIES LOCATED IN BREWER, MAINE.

filed December 3, 2014
by Jerry Goss

WHEREAS, on June 21, 2013, after notices were provided in accordance with state law, the City of Brewer filed at the Penobscot Registry of Deeds liens against the mobile homes listed below for failure to pay FY2013 taxes in full; and

WHEREAS, FY2013 taxes on these properties remain unpaid and the statutory foreclosure will take place on December 21, 2014; and

WHEREAS, it is not in the best interest of the City of Brewer to allow the foreclosure of said properties to take place because they all rest on rented land and foreclosure could possibly result in the City being liable for rents and/or other expenses due;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith agrees to waive foreclosure on the properties listed below located in Brewer, Maine, for the 2013 tax year and authorizes the City Deputy Treasurer to sign statutory waivers of foreclosure and record them in the Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that the Deputy Treasurer is authorized to take any and all other actions that may be necessary to carry out the terms and conditions of this order.

MAP	Name	
01000-02511	STEWART RANDALL	27 WHITE TAIL ROAD
01000-02519	CRANE ERIN	10 WHITE TAIL ROAD
01000-02526	PORTER ARIEN	28 WHITE TAIL ROAD
	MATTHEWS	
01000-02539	PATRICIA E	23 BLACK BEAR ROAD
01000-02540	KETTEL SHARON E	25 BLACK BEAR ROAD
01000-02545	COMER ANN MARIE	4 BLACK BEAR ROAD
	ROYAL-NEVERS JOY	
01000-02548	A	12 BLACK BEAR ROAD
	MATTHEWS	
01000-02554	RAYMOND C	26 BLACK BEAR ROAD
	MATTHEWS	
01000-02556	RAYMOND C	32 BLACK BEAR ROAD
01000-02557	SMITH NOBELEE	34 BLACK BEAR ROAD

2014-A192

December 9, 2014

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT RESCUE EQUIPMENT KNOWN AS THE "JAWS OF LIFE" FOR THE BREWER FIRE DEPARTMENT.

filed December 3, 2014
by Beverly Uhlenhake

WHEREAS, the "Jaws of Life" being used by the Brewer Fire Department is 12 years old and has performance issues relative to new metals currently being used in motor vehicles; and

WHEREAS, these rescue tools and equipment are scheduled for replacement from the FY15 CIP; and

WHEREAS, an estimate has been obtained from a reliable vendor of this equipment, Industrial Protection Services (IPS) in the amount of \$24,974.00;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer by vote of its City Council, does hereby approve the purchase of the "Jaws of Life"; and

FURTHER ORDERED, that the City Manager, or his designee, is hereby authorized to purchase said "Jaws of Life" for the Brewer Fire Department; and

FURTHER ORDERED, that the City Council herewith authorizes the cost of this purchase be charged to the FY15 CIP Jaws of Life Account (0510132-551220) to be funded from the 2015 bond issue approved by Council in July; 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.

2014-A193

December 9, 2014

TITLE: ORDER, AUTHORIZE CITY OF BREWER TO SUBMIT A PHASE II APPLICATION TO THE STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR TILLER & RYE.

filed December 3, 2014
by Kevin O'Connell

WHEREAS, the City of Brewer wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community and economic development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Brewer is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, BE IT ORDERED, by the Council of the Community of Brewer that the City Manager, or his designee:

- Is authorized and directed to submit an application for the Micro-Enterprise Assistance program in the amount of \$50,000 within the State of Maine's CDBG Program, to the Department of Economic and Community Development on behalf of the City Brewer, substantially in the form presented to this council;
- Is authorized to make assurances on behalf of the City of Brewer required as part of such applications, and
- Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program, consistent with the Charter of the City of Brewer and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

2014-A194

December 9, 2014

TITLE: ORDER, AUTHORIZE CONTRACT WITH WOODARD AND CURRAN TO COMPLETE AND PROVIDE WATER DEPARTMENT WITH SYSTEM MAPS.

filed December 3, 2014
by Joseph Ferris

WHEREAS, it is a Maine State Drinking Water Program requirement to have on file and maintain a system map; and

WHEREAS, such a map allows us to better isolate and plan repairs, improvements and preventive maintenance; and

WHEREAS, a valve and hydrant numbering system will assist in the location of valves and flushing points during emergency repairs during all types of inclement weather; and

WHEREAS, Woodard and Currans unique understanding of water systems and their familiarity with our complex system makes them the best choice for this project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to enter into a contract not to exceed \$14,500, with Woodard and Curran to provide engineering services to Brewer Water to Complete our system mapping; and

BE IT FURTHER ORDERED, that the Council hereby authorizes that the costs of this service be charged to account 0717501 501025 (Engineering Services); 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.

2014-A195

December 9, 2014

TITLE: ORDER, AUTHORIZE CHANGE OF ASSISTANT CODE ENFORCEMENT OFFICER POSITION TO FULL TIME.

filed December 3, 2014
by Jerry Goss

WHEREAS, the recently appointed Code Enforcement Officer (CEO) for the City has indicated he expects to remain in the position for two to three years; and

WHEREAS, the pool of qualified code enforcement officers in this region is limited; and

WHEREAS, the City desires to facilitate a seamless transition when the current CEO retires by training the Assistant CEO to assume the CEO role; and

WHEREAS, for the transition plan to succeed, it will be important for the Assistant CEO position to be a regular full time position with benefits, but the Assistant CEO position is currently a part time position without benefits; and

WHEREAS, as a result of the improving economy and the revised permit fee structure, Code Department revenues are substantially exceeding the amount anticipated in the approved FY15 budget and could, thus, provide a source of funding for the changes to the Assistant CEO position as this higher level of revenues is expected to continue into future fiscal years;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the supplemental appropriation and expenditure of \$20,000 from the Code Department Salary and Benefit accounts (Org 0116000) to fund the added cost of bringing the Assistant Code Enforcement Officer position to full time with benefits; and

BE IT FURTHER ORDERED, that the funding to support this expense shall come from unanticipated Code Department revenues as follows:

\$8,500	0106001-300105	Building Permits
\$10,000	0106001-300107	Electrical Permits
<u>\$1,500</u>	0106001-300108	Oil Burner Permits
\$20,000	Total	

ACTION: Councilor Goss moved that the order have passage. The motion was seconded and passed.

Councilor Ferris asked for an explanation of why the position was to be full time rather than part-time as before.

City Manager Bost said that they feel that they have someone in place who will be working on completing the certifications needed to become a full time code officer. Our present full time code officer plans to retire in a few short years and we would like to be prepared to hire in house and not have to go looking for someone to train.

City Manager Bost said the monies to fund a full time position would come from within the code budget.

Code Enforcement Officer Stewart Brooks introduced Joe White as the new assistant Code Enforcement Officer.

The order was passed by unanimous vote.

2014-A196

December 9, 2014

TITLE: ORDER, AUTHORIZE ONE-TIME ABATEMENT OF PERSONAL PROPERTY TAXES.

filed December 3, 2014
by Beverly Uhlenhake

WHEREAS, reorganization at Maine Revenue Services (MRS) has moved the administration of the State's BETE* (business equipment tax exemption) and BETR** (business equipment tax reimbursement) programs from one division to another; and

WHEREAS, one consequence of this change is a different interpretation of what equipment falls under which program; and

WHEREAS, two Brewer businesses were negatively affected by this new interpretation when MRS recently denied their FY14 BETR applications saying the equipment belonged in the BETE program; and

WHEREAS, the Assessor was able to abate these companies' FY15 personal property taxes in conformance with their BETE eligibility, but needs Council approval to do the same for the affected FY14 taxes;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council, under its authority granted in Title 36 M.R.S.A, Section 841, hereby authorizes the abatements below:

Penobscot Cleaning Services	Account #90066
Assessed Value Abated:	\$44,699
Personal Property Taxes Abated	\$935.10
JAYMAD Corporation (Tender Lawn Care)	Account #91314
Assessed Value Abated:	\$72,050
Personal Property Taxes Abated	\$1,507.29

BE IT FURTHER ORDERED, that, to cover this expense, the City Council hereby authorizes the appropriation and expenditure of \$2,442 from the tax abatement account (0100100-300004) to be funded by \$2,442 in budgeted Overlay funds (0119901-509810); and

***BETE**: company files form with City but pays no tax on eligible equipment and, to help offset this hardship, the State sends the City 50% of what it would have collected if the equipment had been taxable.

****BETR**: company pays the City tax on eligible equipment, but can apply to receive up to 100% reimbursement from the State.

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

Councilor Uhlenhake asked if these were the only two accounts that would be affected by the changes at the Maine Revenue Services.

City Assessor Steve Weed said that he believed these would be the only two. The Maine Revenue Services has been going over all the accounts to identify the ones that needed to be switched.

The order was passed by unanimous vote.

2014-B074

December 9, 2014

TITLE: RESOLVE, ADOPT THE STANDARDS OUTLINED BY THE
COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM FOR FAIR HOUSING.

filed December 3, 2014
by Kevin O'Connell

WHEREAS, let it be known to all persons of the City of Brewer that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law); and

WHEREAS, it is the policy of the City of Brewer to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin. Therefore, the City does hereby pass the following Resolution:

BE IT RESOLVED that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, handicap, familial status or national origin to seek equity under federal and state laws by filing a complaint with the Maine Human Rights Commission or the U.S. Department of Housing and Urban Development, Boston Regional Office Compliance Division; and

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and any applicable state and local laws or ordinance.

SAID PROGRAM will at a minimum include but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

2014-B075

December 9, 2014

TITLE: RESOLVE, ADOPT PROGRAM GUIDELINES FOR THE
MICRO-ENTERPRISE GRANT TO COMPLETE PHASE
II APPLICATION TO THE STATE OF MAINE CDBG
PROGRAM FOR TILLER & RYE.

filed December 3, 2014
by Joseph Ferris

WHEREAS, the City of Brewer has been selected to apply for Phase II to the Department of Economic and Community Development for a Community Development Block Grant to carry out an economic development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation by the beneficiary, Tiller & Rye, a local foods store, and the community has conducted at least two duly advertised public hearings; and

WHEREAS, the City of Brewer is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

WHEREAS, as part of the Phase II application, the City of Brewer is required to adopt a set of program guidelines that outlines the policies and procedures that the City of Brewer and the business receiving the grant funds must comply with; and

NOW THEREFORE, BE IT RESOLVED by the Council of the Community of Brewer that the CDBG Program Guidelines for the Micro-Enterprise Program be adopted as follows:

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

Councilor Ferris moved that the resolve be amended by complete substitution of the guidelines that are part of this resolve. The motion was seconded and passed by unanimous vote.

The resolve, as amended, was adopted by unanimous vote.

City Council Minutes
December 9, 2014

D. Monthly Reports.

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

E. Nominations, Appointments, Elections.

ACTION: Councilor Goss moved that the orders on the consent calendar have passage and the resolve be adopted. The motion was seconded and passed by unanimous vote.

2014-A197

December 9, 2014

TITLE: ORDER, REAPPOINT REGISTRAR OF VOTERS.

filed December 3, 2014
by Beverly Uhlenhake

ORDERED, that Pamela J. Ryan is herewith reappointed to the position of Registrar of Voters for the City of Brewer;

FURTHER ORDERED, that Mrs. Ryan's term shall commence January 1, 2015 and shall expire December 31, 2016.

2014-A198

December 9, 2014

TITLE: ORDER, REAPPOINT AND APPOINT DEPUTY REGISTRARS OF VOTERS.

filed December 3, 2014
by Kevin O'Connell

ORDERED, that Priscilla Gray, Cheryl Morrow and Pamela Spaulding are herewith reappointed to the position of Deputy Registrar of Voters for the City of Brewer; and

ORDERED, that James Smith is herewith appointed to the position of Deputy Registrar of Voters;

FURTHER ORDERED, that their terms shall commence January 1, 2015 and shall expire December 31, 2016.

2014-A199

December 9, 2014

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

filed December 3, 2014
by Joseph Ferris

WHEREAS, under Title 23 M.R.S.A. Section 3351, the municipal road commissioner, in Brewer's instance, the Director of Public Works, 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, 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, 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 for calendar year 2015.

2014-A200

December 9, 2014

TITLE: ORDER, REAPPOINT TIMOTHY BRIGGS OF DEXTER, MAINE AS
THE CITY OF BREWER'S LOCAL SEALER OF WEIGHTS
AND MEASURES.

filed December 3, 2014
by Joseph Ferris

ORDERED, that Timothy Briggs of Dexter, Maine hereby be reappointed the City of Brewer's local sealer of weights and measures for a one year term beginning January 1, 2015 and expiring December 31, 2015.

2014-A201

December 9, 2014

TITLE: ORDER, APPOINT MEMBERS TO SERVE ON AD HOC COMMITTEE FOR ANY APPLICATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS THAT THE CITY OF BREWER APPLY FOR AND RECEIVE.

filed December 3, 2014
by Beverly Uhlenhake

WHEREAS, the City of Brewer will be applying for Community Development Block Grant Program (CDBG) from the State of Maine for various projects; and

WHEREAS, an Ad Hoc Committee needs to be appointed with members that can work on all possible applications for grant monies received from CDBG;

NOW, THEREFORE, BE IT ORDERED, that the City Council appoints the following list of people to serve on this ad hoc committee:

Jane Hinckley	5 Woodridge Road
John "Jack" Cashman	11 Harbor Drive
David Cole	88 Canterbury Road
James Mullen	46 Wintergreen Way
Larry Doughty	15 Goupee Street
Deborah Marsters	76 Rotherdale Road
John Norris	10 Derusha Lane

2014-B076

December 9, 2014

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

filed December 3, 2014
by Kevin O'Connell

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, Benjamin Sekulich 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 se of the City's construction demolition debris landfill.

NOTE: The terms of these appointments are for one year commencing January 1, 2015 and expiring December 31, 2015.

COUNCIL LIAISON APPOINTMENTS – MAYOR MATTHEW VACHON

- | | | |
|-----|-----------------------------------|---|
| 1. | SCHOOL COMMITTEE | Councilor Joseph Ferris |
| 2. | HOUSING AUTHORITY OF BREWER | Councilor Jerry Goss |
| 3. | PLANNING BOARD | Deputy Mayor Beverly Uhlenhake |
| 4. | RECREATION ADVISORY BOARD | Councilor Kevin O'Connell |
| 5. | BREWER HISTORICAL SOCIETY | Mayor Matthew Vachon |
| 6. | E-911 COMMITTEE | Deputy Mayor Beverly Uhlenhake |
| 7. | PENOBSCOT COUNTY BUDGET COMMITTEE | Councilor Kevin O'Connell |
| 8. | BARN BOARD OF DIRECTORS | Councilor Jerry Goss |
| 9. | BOARD AND COMMITTEE APPOINTMENTS | Councilor Kevin O'Connell
Mayor Matthew Vachon |
| 10. | ECONOMIC DEVELOPMENT | All Councilors meet regularly with
Director and Assistant Director |
| 11. | COMPREHENSIVE PLAN COMMITTEE | Deputy Mayor Beverly Uhlenhake |

F. Unfinished Business.

2014-C023

November 17, 2014

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE CHANGES IN MAXIMUM BENEFITS.

ACTION: Councilor Ferris moved that the ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

G. New Business.

2014-C024

December 9, 2014

TITLE: AMEND CHAPTER 24, ARTICLE 1, GENERAL SECTION, SECTION 104, JURISDICTION, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "LAND USE CODE", BY ADDING A SECTION 104.1 "PERMITS". .

filed December 3, 2014
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 1, General Section, Section 104, Jurisdiction, of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended by adding a Section 104.1 "Permits" as follows:

104.1 PERMITS

No license or permit shall be issued pursuant to this Chapter under the following circumstances:

- All real estate and personal property taxes, sewer user fees and other charges owed to the City by the applicant have not been paid in full, if any of them are two (2) years or more years overdue.
- All assessments for real estate taxes, sewer user fees and other charges owed to the City against the property on which the licensed or permitted activity is to take place have not been paid in full, if any of them are two (2) years or more years overdue.

ACTION: Councilor Goss moved that one certified copy of the proposed ordinance amendment be filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

H. New Items with Leave of Council.

There were none.

Chairman Vachon said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:32 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk
A TRUE COPY, ATTEST: _____ Brewer, Maine