

City Council Minutes
February 29, 2016

Regular Meeting
City Hall Council Chambers

Monday, February 29, 2016
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 was 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 Monday, February 29, 2016 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	S. Jones	Ptl.	02/26/16	1715
Matthew Vachon	P. Ryan	CC	02/26/16	2:00pm
Beverly Uhlenhake	S. Jones	Ptl.	02/26/16	1730
Jerry Goss	S. Jones	Ptl.	02/26/16	1700
Kevin O'Connell	S. Jones	Ptl.	02/26/16	1720

CITY COUNCIL REGULAR MEETING
Monday, February 29, 2016 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 February 9, 2016 Regular Meeting. (Councilor Goss)

B. Awards, Petitions, Public Comments

1. (2016-B003) RESOLVE, Recognize Cherrie MacInnes of the Brewer Community School for Winning a National Writing Contest for The Children’s Book, “Classroom Pets”. (Councilor Ferris)
2. (2016-B004) RESOLVE, Recognize Bruce Boyington of Brewer, Maine for His Success as a Mixed Martial Arts Fighter. (Mayor Uhlenhake)
3. (2016-B005) RESOLVE, Recognize Penobscot Community Health Care for their Support and Partnership with the Brewer School Department to Provide Quality Health Care for the Students. (Councilor Goss)
4. Public Comments.

IV. Recess for Public Hearings.

1. Applications of Mason’s Brewing Company, LLC, 15 Hardy Street for a State of Maine Restaurant/Lounge Class XI (malt, spirituous and vinous) Liquor License and a City of Brewer Amusement License.

C. Consent Calendar.

1. (2016-A022) ORDER, Accept Donation to the Brewer Public Library. (Councilor O’Connell)
2. (2016-A023) ORDER, Issue City of Brewer Amusement License to Mason’s Brewing Company, LLC, 15 Hardy Street. (Councilor Ferris)
3. (2016-A024) ORDER, Authorize the City Manager, or His Designee, to Execute a Municipal/State Agreement for the Resurfacing of a Portion of Parkway South. (Councilor Vachon)
4. (2016-A025) ORDER, Authorize Purchase of a Replacement Highway Sweeper for the Public Works Department. (Councilor Goss)

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5. (2016-A026) ORDER, Authorize Participation of the Brewer Police Department with Maine Drug Enforcement Agency (MDEA) by Entering into a Contract to Assign an Officer to MDEA.
(Councilor O'Connell)
6. (2016-A027) ORDER, Authorize the Disposal of Debris from the Demolition of the Property Located at 53 Center Street (Map 30, Lot 96) to the City Landfill at no Charge. (Councilor Ferris)
7. (2016-A028) ORDER, Authorize the City of Brewer to Convey the Former Public Safety Site Located on South Main Street (Tax Map 28, Lot 47) to WOLO, Inc. (Councilor Vachon)
8. (2016-A029) ORDER, Authorize the City Manager, or His Designee, to Sign a Contract with Olver Associates for the Design, Construction Administration and Inspection for Sewer System and Wastewater Facility Improvement Projects Being Funded by the \$1,900,000.00 USDA Rural Development Loan/Grant. (Councilor Goss)
9. (2016-A030) ORDER, Authorize Contract for Credit Card Services.
(Councilor Ferris)
10. (2016-B006) RESOLVE, Approve State of Maine Restaurant/Lounge Class XI Liquor License for Mason's Brewing Company, LLC, 15 Hardy Street.
(Councilor O'Connell)

D. Monthly Reports. (none)

E. Nominations, Appointments, Elections. (no items)

F. Unfinished Business.

1. (2016-C002) Amend Chapter 19, Entitled "Traffic Code" of the Charter, Codes and Ordinances of the City of Brewer, by Complete Substitution of the Ordinance. (Councilor Ferris) (posted 2/9/16)

G. New Business. (no items)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of February 9, 2016 Regular Meeting.

ACTION: Councilor Goss 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.

2016-B003

February 29, 2016

TITLE: RESOLVE, RECOGNIZE CHERRIE MACINNES OF THE BREWER COMMUNITY SCHOOL FOR WINNING A NATIONAL WRITING CONTEST FOR THE CHILDREN’S BOOK, “CLASSROOM PETS”.

filed February 24, 2016
by Joseph Ferris

WHEREAS, teacher Cherrie MacInnes and her class of third grade students at Brewer Community School authored a children’s book entitled “Classroom Pets”; and

WHEREAS, Mrs. MacInnes entered the national contest competing against four other finalists from Florida, Iowa, Missouri and Virginia; and

WHEREAS, the contest was judged by a panel of celebrity judges, from children’s book authors to illustrators; and

WHEREAS, Mrs. MacInnes learned on January 15, 2016 that her class had won the national writing contest for their children’s book entitled “Classroom Pets”. The class received \$500.00 in books and other prizes and their story “Classroom Pets” will soon be professionally illustrated and presented on Mrs. P’s YouTube channel “Storytime”; and

WHEREAS, Mrs. MacInnes in previous years has skyped with First Lady Michelle Obama in 2013, former First Lady Barbara Bush and Ann LePage in 2012 , Senator Susan Collins in 2011 and connected with 50 third grade classrooms from every state in the country in 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates and commends Mrs. MacInnes and her class of third grade students for their exciting achievement in winning a national writing contest and for her years of dedication to reading and literacy.

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

Councilor Ferris read the resolve into the record and presented the plaque to Cherrie MacInnes.

Councilor Ferris said that we have a history of honoring athletes so the councilors are very proud and thankful to honor a teacher like you in our school system to teach Brewer’s children.

Councilor Ferris said that the City Council had a check for \$250.00 to further endeavors for Mrs. MacInnes third grade class to go along with the prizes they already were awarded. Councilor Ferris presented the check to Mrs. MacInnes.

Councilor Ferris then invited Mrs. MacInnes' third grade students that were present in the audience to come forward and join the City Council and their teacher for a group picture.

Councilor Goss said that teachers lead by example in teaching children to appreciate reading and others.

Councilor O'Connell said his favorite part of this meeting so far was hearing the beautiful voices of the children say the pledge of allegiance to the flag.

Mayor Uhlenhake said that there was a video posted on UTube already and Mayor Uhlenhake said "kids you are famous".

The resolve was adopted by unanimous vote.

2016-B004

February 29, 2016

TITLE: RESOLVE, RECOGNIZE BRUCE BOYINGTON OF BREWER, MAINE FOR HIS SUCCESS AS A MIXED MARTIAL ARTS FIGHTER.

filed February 24, 2016
by Beverly Uhlenhake

WHEREAS, Bruce Boyington is a family man who resides in Brewer with his wife and four children. He is a graduate of Old Town High School and has two degrees from Eastern Maine Community College for Liberal Arts and Medical Radiography. He has been working with the United States Veteran Affairs in Bangor for four years; and

WHEREAS, Bruce is a professional Mixed Martial Arts fighter holding the Lightweight Belt in three NE promotions, two time Jr. Olympic Champion, eight time Maine State Champion, bronze medalist at US Cup and International Champion at Moncton, Canada Open Championships. He has taught Martial Arts for over twenty years; and

WHEREAS, Bruce was named both most improved and breakthrough fighter of the year by New England MMA after a 2015 campaign highlighted by a victory over Rodrigo Almeida on a national-level World Series of Fighting card at the Foxwoods Resort Casino in Mashantucket, Connecticut; and

WHEREAS, Bruce carried a 12-8 professional record into his New England Fights lightweight title defense against Jon Lemke in the Main event of NEF 21 on Saturday night, February 6, 2016, at the Androscoggin Bank Colisee; and

WHEREAS, on February 6, 2016 at the Androscoggin Bank Colisee in Lewiston, Maine the second hybrid mixed-martial arts and professional boxing event was held; and

WHEREAS, in the MMA main event of the evening, the fighter known as Bruce “Pretty Boy” Boyington defeated Jon Lemke to retain the NEF MMA Professional Lightweight Title;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith recognizes and commends Bruce Boyington for his success in the field of mixed martial arts.

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

Mayor Uhlenhake read the resolve into the record and presented the plaque to Bruce Boyington.

Mayor Uhlenhake said that we do try to recognize all different types of athletes and others. She became aware of Bruce’s accomplishments through her children taking martial arts classes from him.

Councilor Goss mentioned that Bruce was our Development Director D’arcy Main-Boyington’s nephew.

Councilor O’Connell thanked Bruce for his service to our country in the marines.

The resolve was adopted by unanimous vote.

2016-B005

February 29, 2016

TITLE: RESOLVE, RECOGNIZE PENOBSHOT COMMUNITY HEALTH CARE FOR ITS SUPPORT AND PARTNERSHIP WITH THE BREWER SCHOOL DEPARTMENT TO PROVIDE QUALITY HEALTH CARE FOR THE STUDENTS.

filed February 24, 2016
by Jerry Goss

WHEREAS, the Brewer School-Based Health Center is a medical center that has been established as a partnership between the Brewer School Department and Penobscot Community Health Care and is celebrating the ten year anniversary of the program this year; and

WHEREAS, many school systems do not have a student health center and families often struggle to obtain basic medical care; and

WHEREAS, the Brewer School Department and Penobscot Community Health Care provide accessible medical, dental and mental health services to Brewer students; and

WHEREAS, medical services are provided by an experienced Physician's Assistant who is available at the Community School and High School on a daily basis; and

WHEREAS, the goal is to reduce absenteeism and increase access to high quality health care for the students;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith recognizes and is proud and fortunate to have Penobscot Community Health Care providing quality health care for Brewer students for the last ten years.

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

Councilor O'Connell read the resolve into the record and Councilor Goss presented a plaque to a representative from the following: Penobscot Community Health Care, Brewer High School and Brewer Community School. He also gave them each a challenge coin and said to just keep on doing what they have been doing.

Councilor Goss also said it Penobscot Community Health Care's services are important to the Brewer kid's. They are getting services that other area community schools do not have. Children learn to care for themselves and become productive citizens. Without PCHC there would be many children who would not have access to any health care services.

Councilor O'Connell said this is another example of a fine program that is available to students that attend Brewer schools.

The resolve was adopted by unanimous vote.

2. PUBLIC COMMENTS.

Randy Tompkins, 12 Lorraine Avenue, asked if the city would be repaving or filling potholes on the I395 bridge. He was told that the bridge is a state road and they were planning to repave it this summer but the city has no authority to repair or fill potholes on state roads.

Councilor Goss said that the awards, petitions, public comments section of the agenda was like an evening of “Survivor” – Brawn, Beauty and Brains all in one.

Mayor Uhlenhake said she attended a den meeting on Sunday of the Brewer Webelos II Cub Scout Pack 11. There topic for the meeting was building a better world and Mayor Uhlenhake spoke about city government and its importance.

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 Monday, the 29th day of February, 2016 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications of:

1. Mason’s Brewing Company, LLC, 15 Hardy Street, for a State of Maine Restaurant/Lounge Class XI (malt, spirituous and vinous) liquor license and 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 these applications. 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.

Pamela J. Ryan
City Clerk

published February 22, 23 and 24, 2016
in the Bangor Daily News

Chris Morley, owner of Mason's Brewing Company, LLC, introduced himself and spoke briefly about his business. There were no other comments from the public present either for or in opposition of issuing an amusement license and a State of Maine liquor license to Mason's Brewing Company, LLC.

Councilor Ferris moved that the documents provided by the City Clerk with the public hearing notice be accepted and placed on file. The motion was seconded and passed by unanimous vote.

Adjourn Public Hearing and Continue with Regular Meeting.

Public Hearing adjourned at 6:22 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 2016-A028.

Councilor O'Connell moved that the remaining orders on the consent calendar have passage and the resolve be adopted.

The motion was seconded and passed by unanimous vote.

2016-A022

February 29, 2016

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

filed February 24, 2016
by Kevin O'Connell

WHEREAS, the Brewer Public Library has received a contribution of \$50.00 from Sharon Van Dyne; 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.

2016-A023

February 29, 2016

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

filed February 24, 2016
by Joseph Ferris

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

WHEREAS, the City Council held a public hearing on this application on February 29, 2016 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 Mason's Brewing Company, LLC, 15 Hardy Street, for the 2016-2017 licensing year expiring on May 1, 2017.

STATEMENT OF FACT

This order grants Mason's Brewing Company, LLC a City amusement license to enable them to have live entertainment at indoor events in the restaurant.

2016-A024

February 29, 2016

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE A MUNICIPAL/STATE AGREEMENT FOR
THE RESURFACING OF A PORTION OF PARKWAY SOUTH.

filed February 24, 2016
by Matthew Vachon

WHEREAS, BACTS authorized funding of a project to resurface Parkway South in the Spring of 2016 from Elm Street to I-395; and

WHEREAS, the City's 10% cost share for this project is currently estimated to be \$90,000.00; and

WHEREAS, the FY2016 CIP identified a potential FY2017 CIP expenditure of \$90,000.00 for this project; and

WHEREAS, the City Engineer has reviewed the proposed Municipal/State Agreement for this project and recommends approval thereof;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a Municipal/State Agreement with the Maine Department of Transportation for MDOT project WIN# 018641.00 obligating the City to a 10% cost share for the project which is currently estimated to not exceed \$900,000.0; and

BE IT FURTHER ORDERED, that \$90,000.00 in funding for this the City's share of this project shall be included in the Capital Improvement Program portion of the FY2017.

NOTE: The City's \$90,000.00 share is likely to be raised through bond financing.

STATEMENT OF FACT

This order is for the upcoming MaineDOT project that is much needed on the section of Parkway South from Elm Street to I-395. The majority of the work will be milling the pavement and repaving, but other miscellaneous work will be occurring, including adding a catch basin near Greenwood Drive and replacement of a portion of a failing culvert between Starlight Drive and Industrial Park Drive. This order authorizes the City's funding of its 10% cost share for this MDOT administered project, which most likely will be raised through bonding.

2016-A025

February 29, 2016

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT
HIGHWAY SWEEPER FOR THE PUBLIC WORKS
DEPARTMENT.

filed February 24, 2016
by Jerry Goss

WHEREAS, bids were solicited, received and evaluated for the purchase of a new mechanical highway sweeper to replace the 2001 Elgin Whirlwind vacuum sweeper (unit #430) whose replacement was included in the approved FY16 CIP budget; and

WHEREAS, C. N. Wood North, Inc. of Westbrook, Maine provided the City with the lowest of the three bids received in the amount of \$171,500.00, which includes the trade-in deduction of \$25,000.00 allotted Public Works unit #430; and

WHEREAS, it is to the City's advantage to have in stock some replacement parts along with extra hopper belts and include them in the purchase adding an additional \$5458.51 to the total purchase price;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to C. N. Wood North, Inc. in the amount of \$176,958.51 for the purchase of a 2016 Elgin Pelican NP mechanical sweeper and extra equipment; and

BE IF FURTHER ORDERED, that the current Public Works unit numbered 430, the 2001 Elgin sweeper, be released and transferred ownership to C. N. Wood North, Inc. once the replacement sweeper has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the FY2016 CIP account 0510133-551349, titled "Sweeper #430".

STATEMENT OF FACT

This replaces the City's 15 year old highway sweeper. The existing vacuum sweeper will be replaced with a mechanical sweeper (no vacuum) which will be more efficient removing the heavy material off the streets early in the spring. It is also better suited for cleaning up coarse debris around construction areas. The City does own a second sweeper, which is a vacuum sweeper, to do the final cleanup of fine materials. Total available funds in the FY16 CIP for this purchase is \$196,000.00.

2016-A026

February 29, 2016

TITLE: ORDER, AUTHORIZE PARTICIPATION OF THE BREWER POLICE DEPARTMENT WITH MAINE DRUG ENFORCEMENT AGENCY (MDEA) BY ENTERING INTO A CONTRACT TO ASSIGN AN OFFICER TO MDEA.

filed February 24, 2016
by Kevin O'Connell

WHEREAS, the Maine Drug Enforcement Agency (MDEA) is structured as a law enforcement task force utilizing police officers from state, county and municipal agencies; and

WHEREAS, the focus of MDEA is to investigate drug offenses throughout the state of Maine; and

WHEREAS, MDEA provides 100% reimbursement for the cost of the officer's salary and benefits while assigned to MDEA allowing participating agencies to hire a replacement for the assigned officer; and

WHEREAS, the Brewer Police Department has been asked to assign an officer as an agent with MDEA and in fact has been selected through a process to have an officer assigned to MDEA; and

WHEREAS, by participating the Brewer Police Department will need to hire an additional officer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council authorizes the City Manager, or his designee, to enter into an agreement to assign a Brewer Police Officer to the MDEA and to accept reimbursement from MDEA for 100% of the costs of that person's salary and benefits; and

BE IT FURTHER ORDERED, that the Council hereby authorizes the addition of one full time officer position to the Brewer Police Department to replace the position assigned to the MDEA; and

BE IT FURTHER ORDERED, that the Council authorizes the appropriation and expenditure in the Org 0115800 group of accounts (Police Salary and Benefits) of up to \$22,000 to fund the salary and benefits of the position assigned to the MDEA for the remainder of FY2016, which shall be fully reimbursed to the City and funded by the MDEA; and

BE IT FURTHER ORDERED, that the reimbursements from MDEA shall be receipted to 0105802-300232 (Police Federal/State Reimbursements).

STATEMENT OF FACT

The order authorizes the City's assignment of a Brewer Police Officer to the Maine Drug Enforcement Agency as well as the funding for it, the cost of which will be fully reimbursed by MDEA to the City. The order also authorizes the addition of a full time officer position to replace the position assigned to the MDEA.

2016-A027

February 29, 2016

TITLE: ORDER, AUTHORIZE THE DISPOSAL OF DEBRIS FROM THE DEMOLITION OF THE PROPERTY LOCATED AT 53 CENTER STREET (MAP 30, LOT 96) TO THE CITY LANDFILL AND WAIVE ASSOCIATED FEES.

filed February 24, 2016
by Joseph Ferris

WHEREAS, Tracey Marceron, owner of the Next Generation Theatre and Between Friends, is under contract for the parcel located at 53 Center Street (Map 30, Lot 96); and

WHEREAS, the building is in poor condition and the cost of remodeling the structure would far exceed the cost of new construction of a building; and

WHEREAS, the City has been working on a plan to revitalize and rejuvenate the downtown area and downtown district, and it is in the best interest of all parties involved for the building to be demolished; and

WHEREAS, in accordance with Article 10, Section 10.13 of the Land Use Code, the City Council may approve by formal vote to waive the construction or demolition debris fees to the City landfill;

WHEREAS, a contractor (to be determined by Tracey Marceron) will be completing the demolition of 53 Center Street, and will be transporting the demolition debris to the City landfill under the direction and guidance of the Environmental Services Director and the Public Works Director;

NOW, THEREFORE, BE IT ORDERED, that the contractor is authorized to dispose of the demolition debris from 53 Center Street to the City landfill at no cost as long as they are in accordance with the provisions made by the Environmental Services Director.

STATEMENT OF FACT

This order authorizes the disposal of clean demolition debris from 53 Center Street at no cost to the contractor or the future property owner, Tracey Marceron.

2016-A028

February 29, 2016

TITLE: ORDER, AUTHORIZE THE CITY OF BREWER TO CONVEY
THE FORMER PUBLIC SAFETY SITE LOCATED ON
SOUTH MAIN STREET (TAX MAP 28, LOT 47 TO
WOLO, INC.

filed February 24, 2016
by Matthew Vachon

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, the developer needs to close on the property as soon as possible; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, the City of Brewer owns a parcel on South Main Street (Map 28, Lot 47) once the site of the Public Safety building; and

WHEREAS, after the new public safety building was constructed, the lot was vacated in 2008 and subsequently demolished in 2011; and

WHEREAS, the Economic Development office has been working on a development project for this site and has found a business desiring to construct a building for a new retail and restaurant business; and

WHEREAS, the purpose of the conveyance of the property to WOLO, Inc. is to construct said retail and restaurant business;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, are authorized to negotiate and execute a Purchase and Sale Agreement for the sum of \$23,000.00 (Twenty-three thousand dollars); and

FURTHER BE IT ORDERED, that the proceeds from the sale of the parcel be receipted to 0500100-300410 (CIP Sale of Assets) and allocated to 0510101-551100 (CIP Property Acquisition) account for future use; and

FURTHER BE IT ORDERED, that the City Council authorizes the City Manager, or his designee, to take any and all actions to sign the Municipal Quitclaim Deed and any documents necessary to effectuate the transfer; and

FURTHER BE IT ORDERED, that the City shall record the executed Municipal Quitclaim Deed in the Penobscot County Registry of Deeds.

STATEMENT OF FACT

This order authorizes the sale and transfer of ownership of a parcel located on South Main Street (Map 28, Lot 47), former site of the Public Safety Department, from the City of Brewer to WOLO, Inc. for the retail and restaurant development project for the sum of \$23,000.00.

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

Councilor Ferris said he removed this order because he would not be voting on this order. There is a conflict of interest.

The order passed by 4 to 0 vote (Councilor Ferris abstaining).

2016-A029

February 29, 2016

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CONTRACT WITH OLVER ASSOCIATES FOR THE DESIGN, CONSTRUCTION ADMINISTRATION AND INSPECTION FOR SEWER SYSTEM AND WASTEWATER FACILITY IMPROVEMENT PROJECTS BEING FUNDED BY THE \$1,900,000.00 USDA RURAL DEVELOPMENT LOAN/GRANT.

filed February 24, 2016
by Jerry Goss

WHEREAS, the City has requested USDA Rural Developments assistance to fund seven (7) sewer separation projects, three (3) facility electrical projects and replace an aging sewer flusher; and

WHEREAS, a \$1,500,000 loan and \$400,000 grant has been obligated to the City by USDA Rural Development for the sewer system and wastewater facility improvement projects; and

WHEREAS, the purpose of the projects being funded by USDA Rural Development is to stay compliant with the requirements of the City's wastewater discharge permit and to provide for the health, safety and general welfare of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith exercise its authority under Chapter 36, Section 404 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contracted services, and

BE IT FURTHER ORDERED that the City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with Olver Associates for \$175,000 for engineering services for projects being funded by the \$1,900,000 loan/grant recently received from Rural Development and to allocate and charge these costs to the expense accounts to be established for the various projects.

STATEMENT OF FACT

Design, construction administration and inspection are required for projects being funded by USDA Rural Development. Olver Associates in Winterport, Maine has a long standing relationship and has provided outstanding environmental engineering services to the City of Brewer for over 20 years.

The seven high priority sewer separation projects requiring engineering services are located on Longmeadow Drive, North, South, East and West Streets, Kings Court, Davis Court, Elm Street, Church Street and South Main Street. The three facility electrical projects requiring engineering services are to replace the facility main electrical control panel, replace controls for the facility pump station and replace controls for the facility freight elevator. Additionally, a bid package will need to be developed for replacement of the City's 20 year old sewer flushing truck.

Design, Construction Administration and Inspection Costs Breakdown

Design ----- \$84,000
Construction Admin/Inspection- --\$91,000
Total Cost----- \$175,000

2016-A030

February 29, 2016

TITLE: ORDER, AUTHORIZE CONTRACT FOR CREDIT CARD SERVICES.

filed February 24, 2016
by Joseph Ferris

WHEREAS, the FY2016 budget included funding for the Parks and Recreation Department to implement an online registration program called myRec.com; and

WHEREAS, the benefit of this software is greatly enhanced if it can be paired with an online payment option; and

WHEREAS, of the two third party credit card processors myRec.com integrates with, MuniPAY, a division of Nationwide Payments of Scarborough, ME, has the best customer reviews, offers the best suite of services and would cost the City less than \$200 per year; and

WHEREAS, as with our current credit card processor Value Payment Systems used at the tax counter in City Hall, the convenience fee will be paid for by those choosing to pay electronically (2.45% of the transaction total with a \$3.00 minimum or \$1.50 for an electronic check); and

WHEREAS, the plan is to use MunicIPAY initially with the myRec.com program, then to expand to accept online payments via the City website for taxes, water and sewer bills and lastly to implement MunicIPAY for onsite tax counter transactions replacing Value Payment System so that the City would eventually be working with a single third party processor;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager and/or his designee to enter into a contract with MunicIPAY, a division of Nationwide Payments of Scarborough, ME and to execute any related agreements with Visa, Mastercard, Discover and American Express necessary to implement this service for our customers

STATEMENT OF FACT

This order authorizes the City to contract with MunicIPAY of Scarborough, ME, to provide third party credit card processing services. The City would use this service to allow credit card and online payments for Parks and Recreation programs as well as tax, water and sewer bills via the City's website. Since the convenience fee would be paid by the customer, the cost to the City for this service would be less than \$200 per year.

2016-B006

February 29, 2016

TITLE: RESOLVE, APPROVE STATE OF MAINE RESTAURANT/LOUNGE CLASS XI LIQUOR LICENSE AND CITY OF BREWER AMUSEMENT LICENSE TO MASON'S BREWING COMPANY, LLC, 15 HARDY STREET.

filed February 24, 2016
by Kevin O'Connell

WHEREAS, Mason's Brewing Company, LLC, 15 Hardy Street has applied to the State of Maine, Bureau of Liquor Enforcement, for a Class XI, Restaurant/Lounge, (malt, spirituous and vinous) liquor license; and

WHEREAS, the Brewer City officials have reviewed this application and conducted background checks on the applicant and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicants have not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;

3. There is no 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 person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which 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;
4. There is no record of repeated incidents of record of breaches of 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; and
5. There is no record of the applicants having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws).
6. A determination by the municipal officers or county commissioners that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Mason's Brewing Company, LLC, 15 Hardy Street, for a State of Maine, Bureau of Liquor Enforcement, for a Class XI, Restaurant/Lounge, (malt, spirituous and vinous) liquor license.

D. Monthly Reports.

There were no monthly reports.

E. Nominations, Appointments, Elections.

There were no items.

F. Unfinished Business.

(2016-C002) Amend Chapter 19, Entitled "Traffic Code" of the Charter, Codes and Ordinances of the City of Brewer, by Complete Substitution of the Ordinance.

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

The proposed ordinance amendment was enacted by unanimous vote.

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 6:31 p.m.

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