

City Council Minutes  
February 9, 2016

Regular Meeting  
City Hall Council Chambers

Tuesday, February 9, 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 Tuesday, February 9, 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

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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	F. Luce	Ptl.	02/05/16	1902
Matthew Vachon	S. Jones	Ptl.	02/05/16	1520
Beverly Uhlenhake	F. Luce	Ptl.	02/05/16	1900
Jerry Goss	Young	Ptl.	02/05/16	1903
Kevin O'Connell	P. Ryan	CC	02/05/16	3:35 pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, February 9, 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 January 26, 2016 Regular Meeting.** (Councilor Goss)
- B. Awards, Petitions, Public Comments**
  - 1. (2016-B002) RESOLVE, Recognize Brigadier General Douglas A. Farnham on his Appointment as the Maine National Guard's Adjutant General and Commissioner of Defense, Veterans and Emergency Management and his Promotion to the Rank of Brigadier General. (Mayor Uhlenhake and Councilors Ferris, Goss, Vachon and O'Connell)
  - 2. Presentation of FY15 Audit.
  - 3. Public Comments.
- C. Consent Calendar.**
  - 1. (2016-A016) ORDER, Accept Donations to the Brewer Public Library. (Councilor Vachon)
  - 2. (2016-A017) ORDER, Authorize Contract with Results Engineering to Provide Engineering and Controls Upgrade Services for the Hayes Treatment Plant. (Councilor Goss)
  - 3. (2016-A018) ORDER, Accept Grant Funds for Fire Equipment and Supplies. (Councilor Ferris)
  - 4. (2016-A019) ORDER, Accept Grant from the U.S. Department of Justice for Body Armor. (Councilor O'Connell)
  - 5. (2016-A020) ORDER, Authorize Agreement with Phillip R. Porter and Jessica Porter for Payment of Tax and Sewer Liens, Past Due Sewer and Water Bills, and Current and Future Taxes, Sewer and Water on 225 Wilson Street. (Councilor Vachon)
- D. Monthly Reports.** (Councilor O'Connell)
- E. Nominations, Appointments, Elections.**
- F. Unfinished Business.**
  - 1. (2016-C001) Amend Chapter 24, Article 2, Administration and Enforcement, Section 205, Applicant Responsibility, Subsection 205.4, Certificate of Occupancy, Item 1, of the City of Brewer Charter, Codes and Ordinances, Entitled "Land Use Code". (Councilor Vachon) (posted 01/27/16)

**G. New 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)

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

**I. ADJOURN.**

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**A. Minutes of January 26, 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.

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

2016-B002

February 9, 2016

**TITLE: RESOLVE, RECOGNIZE BRIGADIER GENERAL DOUGLAS A FARNHAM ON HIS APPOINTMENT AS THE MAINE NATIONAL GUARD'S ADJUTANT GENERAL AND COMMISSIONER OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT AND HIS PROMOTION TO THE RANK OF BRIGADIER GENERAL.**

filed February 3, 2016  
by Beverly Uhlenhake, Joseph Ferris,  
Jerry Goss, Matthew Vachon and  
Kevin O'Connell

**WHEREAS**, Brigadier General Douglas A. Farnham grew up in Brewer, attended Brewer schools and is a graduate of Brewer High School. He also is a 1984 graduate of the United States Air Force Academy; and

**WHEREAS**, Brigadier General Farnham joined the Maine Air National Guard in 1991 and before serving as the 101<sup>st</sup> Operations Group Commander for six years, he also has filled the roles of squadron pilot, assistant flight commander, flight commander, operations officer, squadron commander and chief of Wing Plans. He also served as the Commander of the Air National Guard's 101<sup>st</sup> Refueling Wing in Bangor for the past three years; and

**WHEREAS**, Brigadier General Farnham is a command pilot with more than 5,500 hours in the T-37, T-38, C-21 and KC-135; and

**WHEREAS**, Brigadier General Farnham's 31 year career, which began as a second lieutenant in the Air Force, has included years as a pilot and flight instructor , including active duty as a refueling pilot in Operation Noble Eagle in response to the September 11, 2001 terrorist attacks; and

**WHEREAS**, in mid-January Brigadier General Douglas A. Farnham became the Maine National Guard's Adjutant General and Commissioner of Defense, Veterans and Emergency Management and was promoted to Brigadier General on February 3, 2016;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates, commends and also expresses their extreme pride of Brigadier General Douglas A Farnham's nomination and appointment as Maine's National Guard Adjutant General and Commissioner of Defense, Veterans and Emergency Management and his promotion to the rank of Brigadier General.

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

Councilor O'Connell read the resolve into the record and presented the plaque to General Farnham.

Councilor Ferris said that he was proud of Doug. Also runs one of the oldest businesses in Brewer.

Councilor Goss said he got his proper training in Brewer before moving to Bangor. Close relationship between Bangor and Brewer.

Councilor O'Connell thanked him for his dedication and service.

The resolve was adopted by unanimous vote.

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2. Presentation of FY15 Audit.

City of Brewer Finance Director Karen Fussell, and Casey Leonard of Runyon Kersteen Ouellette made remarks on the audit report and a financial overview (please see attached)

3. PUBLIC COMMENTS.

There were no public comments.

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**C. Consent Calendar.**

**ACTION:** Councilor Ferris removed order 2016-A017.

Councilor Goss moved that the remaining orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

2016-A016

February 9, 2016

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

filed February 3, 2016  
by Matthew Vachon

WHEREAS, the Brewer Public Library has received contributions totaling \$625.00 from various donors in memory of Mrs. Deborah (Drinkwater) Rand; and

WHEREAS, it is the recommendation and request of the Library Director and the donors that these contributions be used to supplement and support the purchase of new books and fund special events for the City of Brewer Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$625.00 and authorizes these funds be deposited into account 0107204-300420 (Library Contributions/Donations) with \$425.00 being expended from account 0117201-502750 (Library Books) and \$200.00 being expended from account 0117201-506150 (Special Library Events); and

BE IT FURTHER ORDERED, that the City Council authorizes the acceptance of any additional contributions received in Mrs. Rand's memory beyond the contributions mentioned above, and authorizes their appropriation and expenditure to supplement the Library's budget in accordance with the above.

*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 contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions for the purchase of new books and fund special events.

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2016-A017

February 9, 2016

TITLE: ORDER, AUTHORIZE CONTRACT WITH RESULTS ENGINEERING TO PROVIDE ENGINEERING AND CONTROLS UPGRADE SERVICES FOR THE HAYES TREATMENT PLANT.

filed February 3, 2016  
by Jerry Goss

WHEREAS, Brewer Water Department's Hayes Treatment Plant is approaching 20 years of continuous service; and

WHEREAS, the original PLC (programmable logic controllers) are still in use at the plant, and the Allen Bradley PLC 5's are obsolete equipment no longer in production; and

WHEREAS, the current ON Spec HMI (Human Machine Interface) software is of a similar vintage and incompatible with updated computers; and

WHEREAS, our current SCADA (supervisory control and data acquisition) system's PC's are both 10+ years old and no longer support windows XP models; and

WHEREAS, this UV project was included in the Water Department's FY2016 CIP, the Brewer City Council approved up to \$300,000.00 to upgrade the Hayes Treatment Plant's controls system;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into a contract for the amount of \$196,710.00 with Results Engineering. for SCADA and PLC upgrade services; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes up to an additional \$19,671.00 in contingency (10% of the bid price for a potential upgrade total of \$216,381.00) to be expended on SCADA upgrade if needed; and

BE IT FURTHER ORDERED, that the cost of these services be charged to account 0571003-573015 (SCADA Upgrade at WTP) to be funded from our CIP approved for FY2016.

#### **STATEMENT OF FACT**

The Hayes Treatment Plant's critical controls have exceeded their useful life and most of the components are no longer produced or supported. To keep the Hayes Treatment Plant functional for the long term the control system needs to be replaced.

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

Councilor Ferris asked what the money would be spent on.

Water Department Supervisor Rodney Butler said that equipment that is very dated needed to be replaced (no parts available any longer for replacement). CIP money has been set aside over the years for this situation and it is about 7 to 8 years overdue. They did extensive studies on Results Engineering and called references and found they would be the best contractor to fill the needs of the water department for this replacement.

The order was passed by unanimous vote.

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2016-A018

February 9, 2016

**TITLE:** ORDER, ACCEPT GRANT FUNDS FOR FIRE EQUIPMENT  
AND SUPPLIES.

filed February 3, 2016  
by Joseph Ferris

WHEREAS, the Brewer Fire Department has been awarded a Maine Forest Service Volunteer Fire Assistance grant in the amount of \$720.00; and

WHEREAS, the purpose of the grant is to purchase six poly Indian pump tanks and six five gallon pails of Class AB Hi-expansion foam; and

WHEREAS, the grant requires the City provide an equal share of local funds as a match, which the Fire Department has available in its budget;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith accept the \$720.00 in grant money from the Maine Forest Service and authorizes its deposit into the small grants fund revenue account 0600059-360000-59020; and

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of the \$720.00 in grant funds along with the \$720.00 in local match from small grants expense account 0600059-560000-59020 for the items detailed above; and

FURTHER ORDERED, that the \$720.00 in local match required come from 0115911-550200 – Fire City Share/Match—Misc Grants.

**STATEMENT OF FACT**

This order accepts \$720.00 from the Maine Forest Service to purchase Indian tanks and firefighting foam and authorizes the use of \$720.00 in Fire Department funds to meet the matching requirement.

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2016-A019

February 9, 2016

TITLE: ORDER, ACCEPT GRANT FROM THE U.S. DEPARTMENT OF JUSTICE FOR BODY ARMOR.

filed February 3, 2016  
by Kevin O'Connell

WHEREAS, the City of Brewer has received a grant from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance (JAG) Grant Program in the amount of \$2433.00; and

WHEREAS, the Brewer Police Department will use these funds to purchase four sets of body armor; and

WHEREAS, the cost of the body armor purchase is \$2504.00 and the Police Department has funds available to cover the difference between the purchase total and the amount to be paid for by the grant; and

WHEREAS, the grant application was filed jointly with the other police agencies in Penobscot County and the Old Town Police Department has agreed to administer the grant;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that they be deposited to account 0600058 360000 58034 (2014 Byrne JAG Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$2,504.00 from account 0600058 560000 58033 (2014 Byrne JAG Grant Expense) for the purchase of body armor to be funded by \$2,433.00 in grant funds and \$71.00 from account 0115811-502810 (Police Uniforms and Protective Clothing).

**STATEMENT OF FACT**

This order accepts \$2433.00 from the JAG Grant program to purchase body armor and authorizes the use of \$71.00 in Police Department funds to cover the total purchase price.

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2016-A020

February 9, 2016

TITLE: ORDER, AUTHORIZE AGREEMENT WITH PHILLIP R. PORTER AND JESSICA PORTER FOR PAYMENT OF TAX AND SEWER LIENS, PAST DUE SEWER AND WATER BILLS, AND CURRENT AND FUTURE TAXES, SEWER AND WATER ON 225 WILSON STREET.

filed February 3, 2016  
by Matthew Vachon

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into an agreement between the City of Brewer and Phillip R. Porter and Jessica Porter wherein the Porters are permitted to reacquire the property at 225 Wilson Street, which has been acquired by the City by virtue of a foreclosing City of Brewer tax collector lien, provided the Porters pay to the City of Brewer, among other things, all outstanding tax, sewer and water obligations relating to the property and meet certain other conditions per the terms of the repurchase agreement; and

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

#### STATEMENT OF FACT

This order authorizes a payment agreement for the owners of the above property to be able to reacquire the property.

#### **PHILLIP R. AND JESSICA PORTER** **REPURCHASE AGREEMENT**

THIS AGREEMENT made this \_\_\_ day of \_\_\_ 2016, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the "City", and Phillip R. and Jessica Porter of Brewer, County of Penobscot, State of Maine, hereinafter referred to as "the Porters".

#### WITNESSETH

WHEREAS, the Porters are Tenants in Possession of Property situated at 225 Wilson Street, Brewer, Maine (Tax Assessor's Map 29 Lot 18) hereinafter referred to as the "Property"; and

WHEREAS, a tax collector's lien certificate on the Property has automatically foreclosed; and

WHEREAS, the City has acquired title to Property; and

WHEREAS, the Porters want to reacquire title to the Property; and

WHEREAS, the City is willing to allow the Porters to reacquire title to the Property under certain terms and conditions; and

WHEREAS, the Porters are willing to accept the City's terms and conditions in the order to reacquire the Property, when the Agreement has been fully completed.

NOW THEREFORE

Based upon the foregoing and other valuable considerations, it is agreed by and between the City and the Porters as follows:

1. The Porters shall pay to the City Two Hundred and Fifty dollars (\$250.00) on the day of the signing of the agreement. By close of business on the first day of the following month and each subsequent month, or if the first day is a weekend or holiday the following business day, the Porters will pay the City Two Hundred and Fifty dollars (\$250.00) on the outstanding real estate taxes and past due water and sewer balances until paid in full. These payments will be allocated to the oldest sewer, water and real estate property taxes as of the date of this Agreement, with interest and fees being paid first. Fees shall include reasonable attorney's fees, if any.
2. The payments of Two Hundred and Fifty dollars (\$250.00) shall not be comingled with other payments to the City and shall be clearly marked "Per February 2016 Payment Agreement". At this rate of payment, all past due real estate taxes, sewer and water and associated fees and interest should be repaid in approximately three years. Nothing shall preclude the Porters from paying a higher monthly amount or paying the total balance due at any time.
3. Interest and fees will continue to accrue until the balances owed to the City on this Property are paid in full. These costs can be minimized by early repayment.
4. In addition to the \$250.00 monthly payments, the Porters shall pay all future amounts invoiced and/or fees billed by the City, including but not limited to, real estate and personal property taxes, water user fees and sewer user fees, by their due dates.
5. The Porters also agree to ensure the Property is in compliance with all local codes and ordinances and to keep the Property in compliance throughout the duration of this agreement.
6. Should the Porters default on Item 5 and fail to cure the default within thirty (30) days of a Written Notice of Violation being sent to them, this Agreement shall automatically become null and void.

7. The failure of the Porters to make any of the payments to the City as hereinbefore provided will automatically make this Agreement null and void. Thereafter, the Porters shall have no further rights to reacquire title to the Property under the terms and conditions of this Agreement. The Porters agree and acknowledge that any payments made to the City pursuant to this Agreement shall be retained by the City and not refunded to the Porters under any circumstances.
8. If all payments are made on time and the conditions set forth in Item 5 are met, the City will convey its rights, title and interest in the Property to the Porters, by a Release Deed. The Porters shall be responsible for all expenses relating to the document preparation and to the conveyance of the Property to them by the City.
9. The Porters are encouraged to maintain property insurance on the Property and to list the City of Brewer as an additional insured on the policy for the duration of this Agreement. The City shall not at any time be liable for any damage to or loss of the Property.
10. Time is of the Essence.
11. Each Party represents to the other they or it has full and complete authority to enter into this Agreement.
12. The Agreement contains the complete understanding of the parties and may only be modified by the mutual written agreement of the parties.

IN WITNESS WHEREAS, the City has caused this instrument to be signed by Stephen M. Bost, its City Manager, duly authorized, and by Phillip R. and Jessica Porter, who have signed in their individual capacities, all on the day, month and year first above written.

**CITY OF BREWER**

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
STEPHEN M. BOST  
Its: City Manager  
Duly Authorized

**TENANTS IN POSSESSION**

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Phillip R. Porter

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Jessica Porter

**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.

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

There were no items.

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**F. Unfinished Business.**

2016-C001

January 26, 2016

**TITLE:** AMEND CHAPTER 24, ARTICLE 2, ADMINISTRATION AND ENFORCEMENT, SECTION 205, APPLICANT RESPONSIBILITY, SUBSECTION 205.4, CERTIFICATE OF OCCUPANCY, ITEM 1, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "LAND USE CODE".

filed January 20, 2016  
by Matthew Vachon

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 2, Administration and Enforcement, Section 205, Applicant Responsibility, Subsection 205.4, Certificate of Occupancy, Item 1, of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended as follows:

**ARTICLE 2 ADMINISTRATION AND ENFORCEMENT**

**205. APPLICANT RESPONSIBILITY**

**205.4 CERTIFICATE OF OCCUPANCY**

1. No land shall be occupied or used and no building hereafter erected, altered or extended, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of this Land Use Code and any other codes and ordinances of the City of Brewer. All buildings which have been vacant for one (1) year or more shall also require a new Certificate of Occupancy issued by the Code Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of this Land Use Code and any other codes and ordinances of the City of Brewer.

**STATEMENT OF FACT**

This ordinance change is necessary to require buildings that have been vacant for more than a year to obtain a new Certificate of Occupancy before being reoccupied. This is important on foreclosed homes that have been vacant for a long period of time to make sure the buildings are up to date on the standards for life safety.

**ACTION:** Councilor Vachon moved that the proposed ordinance amendment be enacted. The motion was seconded.

Councilor Vachon moved that the proposed ordinance amendment be amended by complete substitution with the following:

2016-C001

January 26, 2016

**TITLE:** AMEND CHAPTER 24, ARTICLE 2, ADMINISTRATION AND ENFORCEMENT, SECTION 205, APPLICANT RESPONSIBILITY, SUBSECTION 205.4, CERTIFICATE OF OCCUPANCY, ITEM 1, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "LAND USE CODE".

filed January 20, 2016  
by Matthew Vachon  
(posted 1/27/16)

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 2, Administration and Enforcement, Section 205, Applicant Responsibility, Subsection 205.4, Certificate of Occupancy, Item 1, of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended as follows:

**ARTICLE 2 ADMINISTRATION AND ENFORCEMENT**

**205. APPLICANT RESPONSIBILITY**

**205.4 CERTIFICATE OF OCCUPANCY**

1. No land shall be occupied or used and no building hereafter erected, altered or extended, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of this Land Use Code and any other codes and ordinances of the City of Brewer.

All residential buildings which have been vacant for one (1) year or more shall also require a new Certificate of Occupancy issued by the Code Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of this Land Use Code (Chapter 24 of the City of Brewer Codes and Ordinances), NFPA (National Fire Protection Association Inc.) 101 Life Safety (Chapter 16 of the City of Brewer Codes and Ordinances), NFPA 70 National Electrical Code (Chapter 17 of the City of Brewer Codes and Ordinances), Uniform Plumbing Code, and have hardwired smoke and carbon monoxide detectors as determined by the Brewer Code Officer.

2. No non-conforming use shall be renewed, changed or extended without a Certificate of Occupancy having first been issued by the Code Enforcement Officer within one year from date of non-occupancy.
3. All Certificates of Occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been completed and approved.
4. The Code Enforcement Officer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
5. Under such rules and regulations as may be established within this Land Use Code and Chapter 16 of the City of Brewer Charter, Codes and Ordinances, a temporary Certificate of Occupancy may be issued by the Code Enforcement Officer.

### **STATEMENT OF FACT**

This ordinance change is necessary to require buildings that have been vacant for more than a year to obtain a new Certificate of Occupancy before being reoccupied. This is important on foreclosed homes that have been vacant for a long period of time to make sure the buildings are up to date on the standards for life safety.

The motion was seconded and passed by unanimous vote.

Councilor Vachon moved that the proposed ordinance amendment as amended be enacted. The motion was seconded and passed by unanimous vote.

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**G. New Business.**

2016-C002

February 9, 2016

TITLE: AMEND CHAPTER 19, ENTITLED "TRAFFIC CODE" OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER BY COMPLETE SUBSTITUTION OF THE ORDINANCE.

filed February 3, 2016  
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 19, Entitled "Traffic Code" of the Charter, Codes and Ordinances of the City of Brewer be amended by complete substitution of the ordinance as follows:  
(see attached draft copy to be posted)

**STATEMENT OF FACT**

The changes to this ordinance begin the long overdue process of updating the City's traffic code. The proposed revision does not make material changes to the current regulations but attempts to corrects obvious conflicts and discrepancies and rearranges the parking regulations into a user-friendly format. A future revision will evaluate the current regulations and propose changes where necessary.

**ACTION:** Councilor Ferris 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.

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

Mayor Uhlenhake introduced order 2016-A021 under suspension of the rules. She asked the city Clerk to poll the council to see if there was unanimous consent to take up this order. The City Clerk polled the council and unanimous consent was obtained to take up this order.

2016-A021

February 9, 2016

TITLE: ORDER, AUTHORIZE ACCESS EASEMENT.

filed February 8, 2016  
(after the deadline)  
by Jerry Goss and  
Matthew Vachon

WHEREAS, the owner of the property at 9 Gibbons Court has enjoyed access rights across the city-owned former Public Safety lot at the corner of South Main and Maple Streets for the past 26 years and wishes to continue to do so; and

WHEREAS, the City is currently negotiating the potential sale of the former Public Safety lot and wishes to formalize the access rights for the owner of 9 Gibbons Court prior to the sale;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to draft and execute a permanent access easement across the former Public Safety lot on the corner of South Main and Maple Streets to the benefit of the current owner of 9 Gibbons Court under such terms and conditions as he determines to be in the best interest of the citizens of the City of Brewer.

### STATEMENT OF FACT

This order provides for a permanent access easement for Joy Leighton who lives at 9 Gibbons Court. She has been accessing her garage by using the parking lot behind the old Fire Station for 26 years but there was never a formal, documented easement for this use. Her lot is not big enough for her to get to her garage directly from Gibbons Court. This order authorizes a permanent easement across the city-owned parcel that will allow her to continue using the lot for access, even after its sale.

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

City Engineer Frank Higgins said the potential new owner of the property was in agreement with an access easement.

The order was passed by unanimous vote.

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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 6:40 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Pamela J. Ryan  
City Clerk

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