

City Council Minutes  
January 26, 2016

Regular Meeting  
City Hall Council Chambers

Tuesday, January 26, 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 and City Solicitor Dearborn were also present.

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

Chairman Uhlenhake read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, January 26, 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.	01/22/16	1714
Matthew Vachon	P. Ryan	CC	01/22/16	4:15pm
Beverly Uhlenhake	F. Luce	Ptl.	01/22/16	1708
Jerry Goss	F. Luce	Ptl.	01/22/16	1655
Kevin O'Connell	P. Ryan	CC	01/22/16	3:45 pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, January 26, 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 December 8, 2015 Regular Meeting and December 28, 2015 Special Meeting.** (Councilor Ferris)
- B. Awards, Petitions, Public Comments**
  - 1. Presentation by PERC on Waste Management.
  - 2. Public Comments.
- C. Consent Calendar.**
  - 1. (2016-A001) ORDER, Accept Donations to the Brewer Public Library.  
(Councilor Ferris)
  - 2. (2016-A002) ORDER Accept Donations to Brewer Programs From  
Charles and Eleanor Fisher.  
(Councilor O’Connell)
  - 3. (2016-A003) ORDER Declare Two Police Vehicles as Surplus.  
(Councilor Goss)
  - 4. (2016-A004) ORDER, Authorize Payment for Paving at the Penobscot  
Street Parking Project and Washington Street  
Fields Project. (Councilor Vachon)
  - 5. (2016-A005) ORDER, Accept Funds From a Micro-Grant From the  
Greater Bangor Association of Realtors®.  
(Councilor Ferris)
  - 6. (2016-A006) ORDER Accept Donations to the Brewer Parks and  
Recreation Department for the Maintenance  
of the Children’s Garden. (Councilor O’Connell)
  - 7. (2016-A007) ORDER, Declare City Property Surplus and Authorize  
Sale or Disposal of Surplus Property.  
(Councilor Goss)
  - 8. (2016-A008) ORDER, Authorization to Rebate a Portion of the Purchase  
Price of the Former Public Works Site Located at  
15 Hardy Street (Tax Map 28, Lot 186) for  
Additional Soil Remediation.  
(Councilor Vachon)
  - 9. (2016-A009) ORDER, Authorize the City of Brewer to Convey the Former  
Public Works Site Located at 15 Hardy Street  
(Tax Map 28, Lot 186) to Hardy Street, LLC.  
(Councilor Ferris)
  - 10. (2016-A010) ORDER, Accept Grant Funds for Tuition Reimbursement  
for Police Training. (Councilor O’Connell)

11. (2016-A011) ORDER, Authorize Repairs to Ladder Truck #305 and Engine Pumper #301. (Councilor Goss)
12. (2016-A012) ORDER, Authorize Contract for Purchasing Card Services. (Councilor Vachon)
13. (2016-A013) ORDER, Authorize Reallocation of Funds to Cover Overage in Woodlawn Cemetery Road Paving Project. (Councilor Ferris)
14. (2016-A014) ORDER, Accept Grant from the Maine State Archives. (Councilor Goss)
15. (2016-B001) RESOLVE, Authorizing Execution of Municipal Joinder Agreement with the Municipal Review Committee. (Councilor O'Connell)

**D. Monthly Reports.** (Councilor Goss)

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

**F. Unfinished Business.** (no items)

**G. New 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)

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

**I. ADJOURN.**

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**A. Minutes of December 8, 2015 Regular Meeting and December 28, 2015 Special Meeting.**

**ACTION:** Councilor Ferris 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.**

1. Presentation by PERC on Waste Management.

Robert Knudsen, Vice President of operations for the USA Energy, the majority owner of Penobscot Energy Recovery Co. asks the City Council to hold off making a decision as to where to send its trash after 2018 and consider a term contract with PERC for 2018. He said he understood that there were those who predict that PERC will not be viable after the contract with Emera expires. He said they would be viable. He invited the Council members to attend one of the workshops that are being held around the area on this subject.

City of Brewer Finance Director Karen Fussell, who is also a Municipal Review Board member, did a presentation at the December 8, 2015 Council meeting recommending the City of Brewer partner with Fiberight when the contract with PERC ends. She said that the Municipal Review Committee still believes that PERC will not be financially viable and it would be difficult for PERC to remain open at current standards without the Emera subsidies.

2. PUBLIC COMMENTS.

Richard Kelly, 49 Alan-A-Dale Road, Brewer, Maine said he is a 25 year employee of PERC and that 7 out of 75 employees live in Brewer. He said he is an engineer there. He would like the City Council to hold off on making a decision on this issue tonight.

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**C. Consent Calendar.**

**ACTION:** Councilor O'Connell removed resolve 2016-B001.

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

The motion was seconded and passed by unanimous vote.

2016-A001

January 26, 2016

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

filed January 20, 2016  
by Joseph Ferris

WHEREAS, the Brewer Public Library has received a contribution of \$20.00 from an anonymous donor and a contribution of \$100.00 from Robert Lawrence in memory of Bettie A. Lawrence; and

WHEREAS, it is the recommendation and request of the donors and the Library Director that these contributions 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 these contributions totaling \$120.00 and authorizes them to be deposited into account 0107204-300420 (Library Contributions/Donations) and expended 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 contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions for the purchase of new books.

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2016-A002

January 26, 2016

TITLE: ORDER , ACCEPT DONATIONS TO BREWER PROGRAMS  
FROM CHARLES AND ELEANOR FISHER.

filed January 20, 2016  
by Kevin O'Connell

WHEREAS, the City has received from Charles and Eleanor Fisher three \$100 donations to the Parks and Recreation Department and the Fire and Police Departments to support youth programs;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby accepts these funds and authorizes their receipt to and appropriation and expenditure from the following accounts in support of youth education and recreation programs:

	<u>Dept</u>	<u>Receipt To</u>	<u>Expend From</u>
\$100	Rec	0107123-300324	0117121-506100
\$100	Police	0105804-300490	0115801-501550
\$100	Fire	0105904-300490	0115921-502900

FURTHER ORDERED, that the City Council thanks the Fishers for their generous donations in support of youth programs in Brewer and directs the City Clerk to send a letter of appreciation to the Fishers for their contribution to the City.

**STATEMENT OF FACT**

This order accepts contributions to the City of Brewer for youth programs sponsored by the Parks and Recreation Department and the Fire and Police Department of Brewer.

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2016-A003

January 26, 2016

TITLE: ORDER , DECLARE TWO POLICE VEHICLES AS SURPLUS.

filed January 20, 2016  
by Jerry Goss

WHEREAS, the Brewer Police Department has replaced patrol vehicles with the use of CIP funds over the past few years; and

WHEREAS, the Brewer Police Department had two Ford Crown Victoria police vehicles that are no longer in service: a 2008 Ford Crown Victoria (VIN: 2FAFP71V48X134246) and a 2010 Ford Crown Victoria (VIN 2FABP7BV2AX106285); and

WHEREAS, these vehicles have reached a condition where they no longer serve the needs of the Brewer Police Department or the City;

NOW, THEREFORE, BE IT ORDERED, the City Council hereby declares these two vehicles surplus and authorizes the City Manager, or his designee, to dispose of the vehicles in a manner that is in the best interests of the City; and

FURTHER ORDERED, that any proceeds received shall be deposited into 0500100-300410 (CIP Sale of Assets) and used to fund future capital projects.

### STATEMENT OF FACT

This order declares two old Crown Victoria police vehicles surplus and authorizes their sale.  
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2016-A004

January 26, 2016

TITLE: ORDER , AUTHORIZE PAYMENT FOR PAVING AT THE PENOBSCOT STREET PARKING PROJECT AND WASHINGTON STREET FIELDS PROJECT.

filed January 20, 2016  
by Matthew Vachon

WHEREAS, both the Penobscot Street parking lot project and the Washington Street Fields project both required a fair amount of paving; and

WHEREAS, the City currently has an active contract in place with B & B Paving for street resurfacing; and

WHEREAS, B & B Paving has agreed to do the paving on both projects under THE City's current contract prices;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to B & B Paving of Hermon, ME in the amount of \$29,828.34; and

BE IT FURTHER ORDERED, that funds for this payment shall be broken up as follows, \$8,824.52 from CIP #0510121-551106 titled "Public Parking" and \$21,399.82 from CIP #0510104-551446 titled "Wash St Rec Complex – FY14"; and

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

**STATEMENT OF FACT**

Neither of these projects were included in the City's annual resurfacing contract. However, negotiating this added work with our current contractor was determined to be the most cost effective and efficient way to get this work completed at a favorable rate and in a timely manner. The surface paving that will be required in the spring at the Washington Street site is not included in this order as we do not know for sure if the contractor will stay the same.

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2016-A005

January 26, 2016

TITLE: ORDER , ACCEPT FUNDS FROM A MICRO-GRANT FROM THE GREATER BANGOR ASSOCIATION OF REALTORS®.

filed January 20, 2016  
by Joseph Ferris

WHEREAS, the City of Brewer applied to The Greater Bangor Association of Realtors® for a place-making micro-grant to help transform public spaces into vibrant community places; and

WHEREAS, the proceeds of the grant would be used to continue beautification efforts along the Riverwalk Trail with the placement of two outdoor chess table and chair sets to be ordered from Beachstone Sustainable Products, a Maine company; and

WHEREAS, the City of Brewer was successful in its application and was awarded \$2,000 toward the completion of the outdoor chess tables project that will be located within the Children's Garden near the waterfall along the Riverwalk Trail; and

WHEREAS, the City has funds in the Waterfront Trail CIP account to cover the remainder of costs of the project, estimated to be no more than \$3,000;

NOW, THEREFORE, BE IT ORDERED that the City of Brewer, by vote of its City Council, herewith accepts the place-making grant of \$2,000, and directs the funds be receipted to account 0600057-360000-57017 (Chess Table Realtor Grant Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of an amount not to exceed \$5,000 from 0600057-560000-57017 (Chess Table Realtor Grant Expense) for the purpose of purchasing and installing two chess table and chair sets along the Riverwalk Trail to be funded by the \$2,000 Association of Realtors grant and up to \$3,000 from CIP account 0510121-551102 (Waterfront Trail).

**STATEMENT OF FACT**

This order accepts a \$2,000 grant from the Greater Bangor Association of Realtors to install two chess table and chair sets in the Children's Garden. The total cost for the project is estimated to be no more than \$5,000. Funds available in the Waterfront Trail CIP account are appropriated to cover the costs not covered by the grant.

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2016-A006

January 26, 2016

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE MAINTENANCE OF THE CHILDREN'S GARDEN.

filed January 20, 2016  
by Kevin O'Connell

WHEREAS, the Brewer Parks and Recreation Department has received contributions in memory of Rodney P. Mann of Orrington. Rodney enjoyed putting his master gardener skills to work in the Children's Garden; planting annuals and maintaining the various theme areas located throughout the park; and

WHEREAS, it is the recommendation and request of the donors and the Parks and Recreation Director that these contributions be used for the maintenance of the Children's Garden;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions and authorizes them to be deposited into account 0601100-360015 (Children's Garden Private Contributions) and authorizes appropriation and expenditure from account 0601100-560000 (Children's Garden Expense); and

BE IT FURTHER ORDERED, that the City Council grants approval to accept and spend future donations in memory of Rodney P. Mann for the maintenance of the Children's Garden from the same accounts in the above paragraph.

*NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council and the Parks and Recreation Department to all who contribute to the department .*

**STATEMENT OF FACT**

This order accepts contributions to the City of Brewer Parks and Recreation Department in memory of Rodney P. Mann and authorizes the expenditure of these contributions and any future contributions for the maintenance of the Children's Garden.

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2016-A007

January 26, 2016

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE  
SALE OR DISPOSAL OF SURPLUS PROPERTY.

filed January 20, 2016  
by Jerry Goss

WHEREAS, property belonging to the City of Brewer has been identified as being no longer useful to the City;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Water Department equipment as surplus; plate compactor, Brand-Wacker, Model BPU 2950R, manufactured year- 1987(condition- broken); and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all equipment by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale of the above mentioned items be receipted to the Water Department Wellness account (0670001-300410) and be authorized for expenditure from Water Wellness Expense account (0670001-500844).

#### STATEMENT OF FACT

This order authorizes the disposal of the plate compactor listed above. This unit was replaced in 2015.

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2016-A008

January 26, 2016

TITLE: ORDER, AUTHORIZATION TO REBATE A PORTION OF THE  
PURCHASE PRICE OF THE FORMER PUBLIC WORKS  
SITE LOCATED AT 15 HARDY STREET (TAX MAP 28,  
LOT 186) FOR ADDITIONAL SOIL REMEDIATION.

filed January 20, 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



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;

WHEREAS, the City of Brewer owns the parcel at the end of Hardy Street (Map 28, Lot 186) that was once the site of the Public Works department; and

WHEREAS, the lot was vacated in 2003 in order to proceed with intended work along Brewer's continued waterfront development; and

WHEREAS, for the past two years the Economic Development office has been working on a development project for this site and has found a developer desiring to construct a building for a new brewery business; and

WHEREAS, in Order 2015-A006 from the January 13, 2015 regular Council meeting, the City Council approved the passage of the negotiation of an option agreement which was assigned to Hardy Street, LLC in the option agreement and development agreement date November 30, 2015; and

WHEREAS, the purpose of the conveyance of the property to Hardy Street, LLC is to finish construction of what will be Mason's Brewing Company, slated to open in April of 2016;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, are authorized to sell the property to Hardy Street, LLC, in accordance with the Option Agreement dated February 20, 2015, and assigned on November 30, 2015, for the sum of \$90,000.00 (Ninety-thousand dollars); 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 Deed and any documents necessary to effectuate the transfer; and

FURTHER, BE IT ORDERED, that the City shall record the executed Deed in the Penobscot County Registry of Deeds and deposit the proceeds of the sale into 0500100-300410 (CIP Sale of Assets).

**STATEMENT OF FACT**

This order authorizes the sale and transfer of ownership of 15 Hardy Street (Map 28, Lot 186), former site of the Public Works department, from the City of Brewer to Hardy Street, LLC for the Mason's Brewing Company development project for the sum of \$90,000.

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2016-A010

January 26, 2016

TITLE: ORDER, ACCEPT GRANT FUNDS FOR TUITION REIMBURSEMENT  
FOR POLICE TRAINING.

filed January 20, 2016  
by Kevin O'Connell

WHEREAS, the Brewer Police Department had the opportunity to apply for specific grant funding through the Penobscot County Emergency Management Agency (PEMA) as a part of a larger grant funding request the Penobscot County Emergency Management Agency requested through the Maine Emergency Management Agency (MEMA) for certain schools instructed by the National Tactical Officers Association (NTOA); and

WHEREAS, the Brewer Police Department requested funding for training tuition reimbursement for the following schools: "Supervising Patrol Critical Incidents"; "School and Workplace Violence: Preparation and Response"; "Basic SWAT Training"; "Advanced SWAT Training"; and "Patrol Counter Ambush: Tactics and Techniques"; and

WHEREAS, the Brewer Police Department was awarded \$2,491.50 from PEMA and \$735.00 from MEMA to help offset these tuition costs; and

WHEREAS, the Brewer Police Department has additional funds available in Federal Treasury Asset Funds to cover the remaining \$307.50 in tuition costs for the schools mentioned above;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith accept the \$2,491.50 in grant money from PEMA and \$735.00 in grant from MEMA and authorizes its deposit into the small grants fund revenue account 0600058-360000-5802; and

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of \$3,534 from small grants expense account 0600058-560000-58029 for the training detailed above to be funded by the PEMA and MEMA grants awarded and by a transfer of \$307.50 from the Federal Treasury Asset Funds account 0200102 500860 "Treasury – Travel & Training".

**STATEMENT OF FACT**

This order accepts \$3,226.50 in Emergency Management Agency grant funds to help cover tuition for several training schools for Brewer Police Department officers and authorizes the use of \$307.50 in asset forfeiture funds to pay the tuition cost not covered by the grant funds.

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2016-A011

January 26, 2016

TITLE: ORDER, AUTHORIZE REPAIRS TO LADDER TRUCK #305 AND  
ENGINE PUMPER #301

filed January 20, 2016  
by Jerry Goss

WHEREAS, the Brewer Fire Department's Ladder Truck #305 is a model year 2000 Pierce fire apparatus having served the City of Brewer for over 15 years; and

WHEREAS, the Brewer Fire Department's Engine Pumper #301 is a model year 2002 Pierce heavy rescue truck having served the City of Brewer for over 13 years; and

WHEREAS, Ladder Truck #305 and Engine Pumper #301 have been exposed to weather conditions causing their frame structures to deteriorate by rusting; and

WHEREAS, to stop any further deterioration of the frame structure as well as to protect the longevity and integrity of these apparatuses it has become necessary to have these truck's frames serviced by Copia Specialty Contractors Inc. located in Bangor, Maine; and

WHEREAS, by having the frame structures serviced it would extend the life of these apparatuses to meet the projected life span of 25 years from date of purchase; and

WHEREAS, Copia Specialty Contractors has quoted a cost of \$6,775.00 to complete the work on Ladder Truck #305 and \$7,950.00 to complete the work to Engine Pumper #301 for a total expense for services performed not to exceed \$15,000.00;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer by vote of its City Council, does hereby authorize the City Manager or his designee to execute a purchase order to procure this service; and

FURTHER ORDERED, that the costs of these frame improvements be charged to 0510132-551224 (Fire Unit 305 Refurbishing) and 0510132-551223 (Fire Unit 301 Refurbishing); and

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of \$15,000 in CIP Unallocated fund balance for these repairs;

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.

**STATEMENT OF FACT**

This order appropriates \$15,000 in available CIP fund balance to resurface the frames of Ladder Truck #305 and Engine Pumper #301, which have deterioration from exposure to corrosive environments. By performing this type of service, we can stop the progressive erosion of these truck frames and extend their useful lives by 10 years or more.

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2016-A012

January 26, 2016

TITLE: ORDER, AUTHORIZE CONTRACT FOR PURCHASING CARD SERVICES.

filed January 20, 2016  
by Matthew Vachon

WHEREAS, the City wishes to implement Purchasing Cards to help streamline City purchasing and increase employee productivity while maintaining proper fiscal controls; and

WHEREAS, Purchasing Cards (also known as procurement cards) are a form of corporate charge card now in wide use that organizations, including many municipalities, used to facilitate the purchasing process; and

WHEREAS, the City issued an RFP that included Purchasing Card services and deemed the proposal submitted by Bank of America as the best for the City's needs; and

WHEREAS, Bank of America's proposal would have no cost to the City and offers the opportunity for rebates if card use and participation in their supplemental e-Payables service exceeds certain thresholds;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager and/or his designee to sign a Corporate Card Service Agreement with the Bank of America and related documents necessary to implement Purchasing Cards and other purchasing services for the City of Brewer.

**STATEMENT OF FACT**

This order authorizes the City to implement a purchasing card program through the Bank of America. There is no cost to the City for the program.

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2016-A013

January 26, 2016

TITLE: ORDER, AUTHORIZE REALLOCATION OF FUNDS TO COVER  
OVERAGE IN WOODLAWN CEMETERY ROAD  
PAVING ACCOUNT.

filed January 20, 2016  
by Joseph Ferris

WHEREAS, the Woodlawn Cemetery paving project initially only included the access road and approximately half of the main loop road; and

WHEREAS, it was later determined that the remaining section of the loop road didn't have much usable life left and already had numerous defects; and

WHEREAS, due to the built in escalator in the City's paving contract driving the price of paving down considerably, it was practical and cost effective to increase the scope of work to include the entire loop road in this project; and

WHEREAS, the increase in scope of worked added \$7,233.00 to the cost of the project over what was budgeted in the FY15 CIP;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$7,233.00 from the Woodlawn Paving account #0510104-551449 to cover the overage; and

BE IT FURTHER ORDERED, that funding for this purpose shall come from available CIP Unallocated fund balance.

#### **STATEMENT OF FACT**

This order reallocates \$7,233 in available surplus CIP funds to pay for additional paving at Woodlawn Cemetery that was determined to be cost effective to complete.

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2016-A014

January 26, 2016

TITLE: ORDER, ACCEPT GRANT FROM THE MAINE STATE ARCHIVES.

filed January 20, 2016  
by Jerry Goss

WHEREAS, the City has received a grant of \$1,001.73 from the Historical Records Collection Grant Program through the Maine State Archives to complete archival work at the Brewer Public Library; and

WHEREAS, the City's required match would be accomplished through in kind contribution of staff time to the project;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in 0600072 360000 72022 (Maine Historical Grant Revenue); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these funds from account 0600072 560000 72022 (Maine Historical Grant Expense) to support archival work at the Library.

### STATEMENT OF FACT

This order accepts \$1,001 in historical records grant funds from the Maine State Archives and authorizes their expenditure.

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2016-B001

January 26, 2016

TITLE: RESOLVE, AUTHORIZING THE EXECUTION OF MUNICIPAL JOINDER AGREEMENT WITH THE MUNICIPAL REVIEW COMMITTEE.

filed January 20, 2016  
by Kevin O'Connell

BE IT RESOLVED, by the City Council of Brewer, Maine, that the City of Brewer shall continue as a member of the Municipal Review Committee, Inc. ("MRC"), organized as a Maine nonprofit corporation and acting as a regional association pursuant to Title 13-B and Title 38 of the Maine Revised Statutes, as amended (and specifically Section 1304-B(5-A) of Title 38) for the purposes of managing and facilitating solid waste disposal; and

BE IT RESOLVED, that the Brewer City Council hereby adopts, ratifies and confirms the Restated Articles of Incorporation and the Restated Bylaws of the MRC in substantially the form on file with the City Clerk and attached to this resolve; and

BE IT RESOLVED, that the City Manager, or his designee, hereby is authorized to execute and deliver a Municipal Joinder Agreement with the MRC in substantially the form on file with the City Clerk and attached to this Resolution (the "Municipal Joinder Agreement") pursuant to which the City of Brewer will be a Joining Member of the MRC (as defined therein) and deliver its municipal solid waste for disposal to a waste management facility being developed by Fiberight, LLC and/or its affiliates (collectively, "Fiberight") in Hampden, Maine, or other waste disposal facility; and

BE IT RESOLVED, that the Brewer City Council hereby authorizes the MRC to take certain actions on behalf of the City of Brewer as set forth in the Municipal Joinder Agreement;



NOW, THEREFORE, BE IT RESOLVED, by the Brewer City Council that the City Manager, or his designee, is authorized as a representative of the City of Brewer to execute and deliver the Municipal Joinder Agreement on behalf of the City of Brewer and to execute and deliver on behalf of the City of Brewer in conjunction therewith such other documents and to take such further actions as they may deem necessary or appropriate in order to effect the transactions contemplated by the Municipal Joinder Agreement.

#### STATEMENT OF FACT

This resolution authorizes the continuation of the City's Municipal Review Committee (MRC) membership, acceptance of the MRC's restated bylaws and articles of incorporation and directs the City Manager to sign a Municipal Joinder Agreement with the MRC for waste services starting in 2018. Adopting this resolution will provide 15 years of waste processing and disposal for the City and its businesses once the City's contract for disposal at PERC expires on March 31, 2018. It provides for a starting tip fee of \$70 per ton, an annual CPI escalator, a minimum of a \$5 per ton reduction in the tip fee in the first three years, and provision to share in profits of facility above a certain level.

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

Councilor O'Connell said that there was a time when PERC was the new kid on the block and everyone was skeptical and we took a leap of faith. Now it is time to do it again. After doing extensive research about Fiberight and PERC's future plans to stay operational, I have to do what I think is right for the citizens of Brewer.

Councilor Goss said that we have been extremely pleased with PERC and said his issue was that city officials have been discussing trash options for years and have asked for meetings with PERC but no one has ever showed up until tonight. Where has PERC been over the last two years since this process began. To me this is like the "hail Mary" pass at the end of a game.

Chairman Uhlenhake called for a vote.

The resolve was adopted by unanimous vote.

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**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.

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

There were no items.

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**F. Unfinished Business.**

There were no items.

**G. New 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 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-A015 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-A015

January 26, 2016

TITLE: ORDER, DECLARE THE PROPERTY AT 4 SOMERSET STREET, BREWER, MAINE, SURPLUS PROPERTY AND AUTHORIZE ITS SALE TO THE HOUSING AUTHORITY OF THE CITY OF BREWER UPON ITS ACQUIRING A MORTGAGE DISCHARGE FROM THE CURRENT LENDER OF THE PROPERTY UNDER SUCH TERMS AND CONDITIONS AS THE CITY MANAGER, OR HIS DESIGNEE, DETERMINES TO BE IN THE BEST INTEREST OF THE CITY OF BREWER.

filed January 26, 2016  
(under suspension of the rules)  
by Jerry Goss and  
Matthew Vachon

WHEREAS, the City has perfected its title to the property situated at 4 Somerset Street, except for the outstanding mortgage; and

WHEREAS, the Housing Authority of the City of Brewer has negotiated a settlement with the current mortgage holder on the property; and

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

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the real estate situated at 4 Somerset Street, Brewer, Maine, to be surplus property for public purposes and authorize the City Manager, or his designee, to take all and any actions he, or his designee, consider necessary to make the said real estate saleable to the Housing Authority of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to sell the real estate at such prices as he, or his designee, determine to be in the best interest of the citizens of the City of Brewer to the Housing Authority of the City of Brewer; and

FURTHER BE IT ORDERED that the City Manager, or his designee, is authorized to take any and all further actions he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale of the said real estate to the Housing Authority of the City of Brewer.

#### **STATEMENT OF FACT**

This allows the City to sell the property at the price to be determined to the Brewer Housing Authority. The Housing Authority will make it into a parking lot for Somerset Place Elderly Housing.

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

The City Manager said that our public works department would be taking the building down and disposing of it.

Councilor Goss said this was a win win situation for Brewer Housing Authority and the City. This was a fix it or flatten it situation for that building. It now will be a parking lot and it will be an improvement for the neighborhood.

The order was passed by unanimous vote.

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City Council Minutes  
January 26, 2016

Mayor Uhlenhake said she would accept a motion for adjournment.

**ACTION:** Councilor O'Connell moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:44 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Pamela J. Ryan  
City Clerk  
**A TRUE COPY, ATTEST:** \_\_\_\_\_ Brewer, Maine