

City Council Minutes
June 2, 2015

Regular Meeting
City Hall Council Chambers

Tuesday, June 2, 2015
6:00 p.m.

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

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

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

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

Chairman Vachon 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, June 2, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Matthew Vachon
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Young	Ptl.	05/29/15	1531
Matthew Vachon	J. Smith	DCC	05/15/15	4:15 pm
Beverly Uhlenhake	Young	Ptl.	05/15/15	1525
Jerry Goss	T. Tardiff	Cpl.	05/15/15	1535
Kevin O'Connell	P. Ryan	CC	05/15/15	3:45 pm

CITY COUNCIL REGULAR MEETING
Tuesday, June 2, 2015 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Matthew Vachon)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**
(Mayor Vachon)
- A. Minutes of May 19, 2015 Regular Meeting.** (Councilor O’Connell)
- B. Awards, Petitions and Public Comments.**
 - 1. Proclamation: Juneteenth Celebration Day. (Mayor Vachon)
 - 2. Public Comments
- C. Consent Calendar.**
 - 1. (2015-B023) RESOLVE, Approve School Budget Appropriation for Fiscal Year 2016. (Councilor Goss)
 - 2. (2015-B024) RESOLVE, Approve City and School Budgets for Fiscal Year 2016. (Councilor Uhlenhake)
 - 3. (2015-B025) RESOLVE, Approve Regional Vocational High School Operating Budget. (Councilor O’Connell)
 - 4. (2015-B026) RESOLVE, Approve Regional Vocational High School Budget on Adult Education. (Councilor Ferris)
 - 5. (2015-B027) RESOLVE, Approve Water Pollution Control Facility Budget for Fiscal Year 2016. (Councilor Goss)
 - 6. (2015-B028) RESOLVE, Approve Water Department Budget for Fiscal Year 2016. (Councilor Uhlenhake)
 - 7. (2015-A084) ORDER, Authorize the Brewer School Department to Expend Such Other Funds That May be Received From Federal or State Grants or Programs. (Councilor O’Connell)
 - 8. (2015-A085) ORDER, Set Tax Due Date and Interest Rate. (Councilor Ferris)
 - 9. (2015-A086) ORDER, Accept Advance Payments on FY2017 Taxes. (Councilor Goss)
 - 10. (2015-A087) ORDER, Set Fiscal Year 2016 Interest Rate for Late Payment of Sewer Bills. (Councilor Uhlenhake)
 - 11. (2015-A088) ORDER, Set Interest Rate Paid on Abatements and Overpayments of Taxes. (Councilor O’Connell)
 - 12. (2015-A089) ORDER, Authorize Set Offs Against Unpaid Taxes. (Councilor Ferris)
 - 13. (2015-A090) ORDER, Authorize Application of Interest Earnings to Reserve Account. (Councilor Goss)
 - 14. (2015-A091) ORDER, Grant Approval to Fraternal Order of Eagles #3177 to Allow Patrons to Consume Alcohol at Special Outdoor Events on the Organization’s Property. (Councilor Uhlenhake)

City Council Minutes
June 2, 2015

15. (2015-A092) ORDER, Grant Approval to R M B & G d/b/a Brewster's Fine Food & Drink to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor O'Connell)
16. (2015-A093) ORDER, Grant Approval to Delano G. Merritt d/b/a Cap's Tavern to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor Ferris)
17. (2015-A094) ORDER, Accept Donation to the Brewer Public Library. (Councilor Goss)
18. (2015-A095) ORDER, Dedicate a Utility Corridor at the Unbuilt End of Rotherdale Road. (Councilor Uhlenhake)
19. (2015-A096) ORDER, Authorize Access and Utility Easements Within a Utility Corridor on Rotherdale Road. (Councilor O'Connell)
17. (2015-A097) ORDER, Grant Access and Utility Service Easements Over a City-Owned Parcel Adjacent to the East End of Canterbury Road. (Councilor Ferris)
18. (2015-A098) ORDER, Award Contract for GIS Software and Services. (Councilor Goss)
19. (2015-A099) ORDER, Authorize Funding of Abatement Expense. (Councilor Uhlenhake)
20. (2015-A100) ORDER, Accept Insurance Refund From Maine Municipal Association and Appropriate for Use. (Councilor O'Connell)
21. (2015-A101) ORDER, Accept Grant Funds for Dougherty Recreational Complex. (Councilor Ferris)
22. (2015-A102) ORDER, Accept Backup Ambulance Revenue and Appropriate for Ambulance Expenses. (Councilor Goss)
23. (2015-A103) ORDER, Reappropriate Unneeded Funds to Water General Capital Reserve Account. (Councilor Uhlenhake)
24. (2015-A104) ORDER, Award Contract for Electrical Work for Dougherty Recreational Project. (Councilor O'Connell)
25. (2015-A105) ORDER, Authorize the City Manager, or His Designee, to Execute a Municipal/State Agreement for the Resurfacing of Lower Elm Street. (Councilor Ferris)
26. (2015-B029) RESOLVE, Amend the City's Personnel Policy. (Councilor Goss)

D. Monthly Reports. (None)

E. Nominations, Appointments, Elections. (No Items)

F. Unfinished Business.

1. Consent Calendar.
 - a. (2015-C006) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Zoning District Amendment to Change a Portion of High Density Residential (HDR) to Industrial (IND) at 447 South Main Street, Tax Map 26, a Portion of Lot 11 and Tax Map 51, a Portion of Lot 4. (Councilor Uhlenhake)(posted 5/20/15)
 - b. (2015-C007) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances Article 1, General, Section 109 (Contract Zoning), Article 4, Performance Standards, Section 411 (Day Care) Subsection 411.1 and Section 413 (Excavation, Removal and Filling of Lands), Subsection 413.2 (Fill and Grading Plan), Article 6, Site Plan Review, Section 603(Application Procedure), Subsection 603.1 (Submission to City Planner) and Article 7, Subdivision Review, Section 705.2 (Procedure), Item 2, Section 706 (Major Subdivision Review Procedures), Subsection 706.1 (Procedure), Item 2. (Councilor Goss)(posted 5/20/15)

G. New Business.

1. Consent Calendar.
 - a. (2015-C008) Amend Chapter 24, Article 3, Zoning Districts, Section 306.5, Schedule of Uses, of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”. (Councilor Uhlenhake)
 - b. (2015-C009) Amend Chapter 24, Article 14 “Definitions” of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”. (Councilor Ferris)
2. (2015-A106) ORDER, Determine that the Residence/Building Situated at 5 Treats Falls Drive, Brewer, Maine has a Failed Private Sewer Lateral and is a Nuisance Pursuant To Title 30-A M.R.S.A § 3428. (Councilor Goss)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of May 19, 2015 Regular Meeting.

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

B. Awards, Petitions and Public Comments.

**PROCLAMATION
Juneteenth Celebration Day**

WHEREAS, On June 19, 1865, the Union soldiers finally arrived in Galveston, Texas with the news that the war had ended and that slaves were now free, a declaration that took nearly two and a half years after the Emancipation Proclamation to reach Texas; and

WHEREAS, The Emancipation Proclamation declared “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free”; and

WHEREAS, Juneteenth is a celebration of the spirit of self-empowerment, and a commemoration of the long, and arduous fight for freedom by African- Americans in the United States; and

WHEREAS, During Juneteenth, people of all cultures from Brewer, Penobscot County and the United States take time to truthfully acknowledge a period in our history that still shapes our country today; honor the diversity of our great country; and learn more about African-American heritage, contributions and customs.

NOW, THEREFORE, I, MATTHEW VACHON, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June, two thousand fifteen as

JUNETEENTH CELEBRATION DAY

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

Signed this second day of June, 2015

Matthew Vachon, Mayor

Mayor Vachon read the proclamation.

The City Clerk said the ceremony for Juneteenth Day will be held on June 19, 2015 at the Joshua Chamberlain Park from 12 noon to 1:30 p.m. In the case of inclement weather the alternate site for the ceremony will be the Brewer Auditorium.

PUBLIC COMMENTS.

Councilor Uhlenhake complimented Parks and Recreation Director Ken Hanscom and his staff for a very organized and well run program for pre-K sign up which took place last Saturday.

C. Consent Calendar.

ACTION: Councilor Goss removed resolves 2015-B023 and B029 from the consent calendar.

Councilor Ferris removed order 2015-A104 from the consent calendar.

Councilor Uhlenhake moved that the remaining orders on the consent calendar have passage and the resolves be adopted.

The motion was seconded and passed by unanimous vote.

2015-B023

June 2, 2015

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2015.

filed May 27, 2015
by Jerry Goss

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2015-2016:

1. That **\$8,428,563** be authorized to be expended for Regular Instruction.
2. That **\$2,872,018** be authorized to be expended for Special Education.
3. That **\$193,000** be authorized to be expended for Career and Technical Education.
4. That **\$984,411** be authorized to be expended for Other Instruction.
5. That **\$1,382,633** be authorized to be expended for Student and Staff Support.
6. That **\$570,276** be authorized to be expended for System Administration.
7. That **\$995,891** be authorized to be expended for School Administration.
8. That **\$507,415** be authorized to be expended for Transportation and Buses.
9. That **\$1,811,411** be authorized to be expended for Facilities Maintenance.

10. That **\$3,196,058** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$8,163** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$15,919,173** be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$6,116,624** be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section 15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that **\$403,181** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that **\$649,504** be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$20,949,839** for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	265,000
Title IIA	75,000
Local Entitlement	335,000
School Lunch Subsidy	225,000

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2015 to June 30, 2016 be approved in the amount of **\$207,587**; and

BE IT FURTHER RESOLVED, that the City will appropriate **\$4,956** for adult education at the United Technologies Center and raise **\$4,956** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

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

Councilor Goss moved that the resolve be amended by having the word “pre” be placed before the word kindergarten in all of the paragraphs and explanations that contain the word kindergarten on page 2 of the resolve. The motion was seconded and passed. The amendment passed by unanimous vote.

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

City Council Minutes
June 2, 2015

2015-B024

June 2, 2015

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION
FOR FISCAL YEAR 2016.

filed May 27, 2017
by Beverly Uhlenhake

RESOLVED, that the sum of \$16,375,833 which sum constitutes the estimated requirements of the City for the fiscal year 2016 (commencing July 1, 2015 and terminating June 30, 2016) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

City Council Minutes
June 2, 2015

City Council Minutes
June 2, 2015

City Council Minutes
June 2, 2015

2015-B025

June 2, 2015

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
OPERATING BUDGET.

filed May 27, 2015
by Kevin O'Connell

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2015 – June 30, 2016 in the amount of \$2,687,777.

NOTE: The budget for 2014-2015 was \$2,586,839.

2015-B026

June 2, 2015

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
BUDGET ON ADULT EDUCATION.

filed May 27, 2015
by Joseph Ferris

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of \$207,587 for the year July 1, 2015 – June 30, 2016.

NOTE: The budget for 2014-2015 was \$204,306.

2015-B027

June 2, 2015

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY
BUDGET FOR FISCAL YEAR 2016.

filed May 27, 2015
by Jerry Goss

RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2015 through June 30, 2016, as follows:

Total Cash Operating Expenses	\$ 1,695,803
Total Debt Service	\$ 902,215
Total Depreciation	\$ 786,000
Total Other Non-Operating Expenses	\$ <u>25,000</u>

City Council Minutes
June 2, 2015

SUBTOTAL	\$ 3,409,018
Total Capital Improvements	\$ 645,000
GRAND TOTAL EXPENDITURES	\$ 4,054,018
Total Operational Revenues	\$ 2,598,430
Total Use of Retained Earnings	\$ 786,000
Other non operational Revenue	\$ 24,588
SUBTOTAL	\$ 3,409,018
Total Capital Funding	\$ 645,000
GRAND TOTAL REVENUES	\$ 4,054,018

2015-B028

June 2, 2015

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2016.

filed May 27, 2015
by Beverly Uhlenhake

RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2015 through June 30, 2016 as follows:

Total Cash Operating Expenses	\$ 1,414,893
Total Debt Service	\$ 1,026,097
Total Depreciation	\$ 0
Total Other Non-Operating Expenses	\$ 12,600
SUBTOTAL	\$ 2,453,590
Total Capital Improvements	\$ 364,250
GRAND TOTAL EXPENDITURES	\$ 2,817,840
Total Operational Revenues	\$ 2,453,590
Total Use of Retained Earnings	\$ 0
Other non operational Revenue	\$ 0
SUBTOTAL	\$ 2,453,590
Total Capital Funding	\$ 364,250
GRAND TOTAL REVENUES	\$ 2,817,840

City Council Minutes
June 2, 2015

2015-A084

June 2, 2015

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT TO EXPEND SUCH OTHER FUNDS THAT MAY BE RECEIVED FROM FEDERAL OR STATE GRANTS OR PROGRAMS.

filed May 27, 2015
by Kevin O'Connell

ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2016 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

2015-A085

June 2, 2015

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

filed May 27, 2015
by Joseph Ferris

ORDERED, that taxes for the municipal year commencing July 1, 2015 and which shall expire on June 30, 2016 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 8, 2015

and if the same are not paid on or before September 8, 2015 they shall bear interest at the rate of 7.0% per annum from September 9, 2014 until paid.

B. 1/2 of the total taxes due
and payable on or before March 8, 2016

and if the same are not paid on or before March 8, 2016 they shall bear interest at the rate of 7.0% per annum from March 9, 2016 until paid.

City Council Minutes
June 2, 2015

2015-A086

June 2, 2015

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2017 TAXES.

filed May 27, 2015
by Jerry Goss

ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2017 taxes which have not been committed or billed.

BACKGROUND: In accordance with Title 36 MRSA §506-A, Municipalities should vote each year on the acceptance of advance payments.

2015-A087

June 2, 2015

TITLE: ORDER, SET FY2016 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

filed May 27, 2015
by Beverly Uhlenhake

ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at seven percent (7.0%) per annum for Fiscal Year 2016.

2015-A088

June 2, 2015

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND OVERPAYMENTS OF TAXES.

filed May 27, 2015
by Kevin O'Connell

ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2016 shall be paid at the rate of three percent (3.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

City Council Minutes
June 2, 2015

2015-A089

June 2, 2015

TITLE: ORDER, AUTHORIZE SET OFFS AGAINST UNPAID TAXES.

filed May 27, 2015
by Joseph Ferris

WHEREAS, Title 36, M.R.S.A., Section 905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

NOTE: This is an annual order.

2015-A090

June 2, 2015

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO RESERVE FUND.

filed May 27, 2015
by Jerry Goss

WHEREAS, in keeping with PUC regulations, the City maintains a dedicated reserve account for the Water fund –the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest but this interest has not been taken into account when determining the level of reserve account funding each year;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

NOTE: This is an annual order.

2015-A091

June 2, 2015

TITLE: ORDER, GRANT APPROVAL TO FRATERNAL ORDER OF EAGLES #3177 TO ALLOW PATRONS TO CONSUME ALCOHOL AT SPECIAL OUTDOOR EVENTS ON THE ORGANIZATION'S PROPERTY.

filed May 27, 2015
by Beverly Uhlenhake

WHEREAS, The Fraternal Order of Eagles #3177, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 22 Atlantic Avenue; and

WHEREAS, The Fraternal Order of Eagles #3177 has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 22 Atlantic Avenue on Saturday, July 18, 2015 for a Street Dance from 8:00 p.m. to 11:59 p.m. with a live band and on Saturday, August 22, 2015 for the Club Picnic from 12:00 noon to 11:59 p.m.; with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area at 22 Atlantic Avenue under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves The Fraternal Order of Eagles #3177 request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 22 Atlantic Avenue on Saturday, July 18 2015 for a Street Dance with a live band from 8:00 p.m. to 11:59 p.m. and on Saturday, August 22, 2015 for the Club Picnic with a live band from to 12 noon to 11:59 p.m.; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2015-A092

June 2, 2015

TITLE: ORDER, GRANT APPROVAL TO R M B & G INC. D/B/A
BREWSTER'S FINE FOOD & DRINK TO ALLOW PATRONS
TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR
EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed May 27, 2015
by Kevin O'Connell

WHEREAS, R M B & G Inc. d/b/a Brewster's Fine Food and Drink, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 359 Wilson Street; and

WHEREAS, Brewster's Fine Food and Drink has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 359 Wilson Street on Saturday, July 18, 2015 for Brewster's 18th Anniversary Party from 10:00 a.m. to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Brewster's Fine Food and Drink to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Brewster's Fine Food and Drink to consume alcohol in an outdoor area at 359 Wilson Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves R M B & G Inc. d/b/a Brewster's Fine Food and Drink request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 359 Wilson Street from 10:00 a.m. to 11:59 p.m. Saturday, July 18, 2015 for Brewster's 18th Anniversary Party; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2015-A093

June 2, 2015

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/ A CAP'S TAVERN TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed May 27, 2015
by Joseph Ferris

WHEREAS, Delano G. Merritt d/b/a Cap's Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap's Tavern has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 12, 2015 for Cancer Care of Maine Fundraiser from 12:00 noon to 11:00 p.m. with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Cap's Tavern to consume alcohol in an outdoor area at 494 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 11:00 p.m. Sunday, July 12, 2015 for Cancer Care of Maine Fundraiser with a live band; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2015-A094

June 2, 2015

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

filed May 27, 2015
by Jerry Goss

WHEREAS, the Brewer Public Library has received a contribution of \$10.00 from Sharon Van Dyne; and

WHEREAS, it is the recommendation and request of 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 generous contribution from Sharon Van Dyne totaling \$10.00 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.

2015-A095

June 2, 2015

TITLE: ORDER, DEDICATE A UTILITY CORRIDOR AT THE UNBUILT END OF ROTHERDALE ROAD.

filed May 27, 2015
by Beverly Uhlenhake

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, it is imperative that the order become effective immediately upon passage so as to begin the process of granting access and easements over this utility corridor; 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, an unconstructed street measuring 60' X approximately 150" exists at the east end of Rotherdale Road; and

WHEREAS, the Brewer City Council wishes to make a final determination on the disposition of this paper street;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts and dedicates the unbuilt and unaccepted portion at the east end of Rotherdale Road as a Utility Corridor in accordance with Maine Law, Title 23 M.R.S.A., Section 3032, Subsection 1 with the rights to construct, erect, maintain and operate any and all public utilities.

2015-A096

June 2, 2015

TITLE: ORDER, AUTHORIZE ACCESS AND UTILITY EASEMENTS WITHIN
A UTILITY CORRIDOR ON ROTHERDAL ROAD.

filed May 27, 2015
by Kevin O'Connell

WHEREAS, the Brewer City Council has dedicated and accepted the unbuilt section of roadway at the east end of Rotherdale Road as a Utility Corridor;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes and grants to the current and future owners of Tax Map 12, Lots 1, 1B, 1D and Tax Map 48, Lots 37 and 48, Perpetual Access and Utility Easements over the 60' X 150" Utility Corridor located at the east end of the accepted portion of Rotherdale Road granting the right to construct, maintain and use a private driveway for the purposes of vehicular and pedestrian ingress and egress and for the installation, operation and maintenance of private utility services; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign and all documents necessary to execute the Easements described herein; and

FURTHER ORDERED, that the City Clerk shall record all executed easements in the Penobscot County Registry of Deeds.

2015-A097

June 2, 2015

TITLE: ORDER, GRANT ACCESS AND UTILITY SERVICE EASEMENTS
OVER A CITY-OWNED PARCEL ADJACENT TO THE EAST
END OF CANTERBURY ROAD.

filed May 27, 2015
by Joseph Ferris

WHEREAS, the City of Brewer owns a parcel of land near the end of Canterbury Road (Tax Map 12, Lot 20);

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes and grants to the current and future owners of Tax Map 12, Lots 1, 1B and 1D Perpetual Access and Utility Service Easements over the parcel referenced herein granting the right to construct, maintain and use a private driveway for the purposes of vehicular and pedestrian ingress and egress and for the installation , operation and maintenance of private utility services; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign any and all documents necessary to execute the easements described herein; and

BE IT FURTHER ORDERED, that the City Clerk shall record all executed easements in the Penobscot County Registry of Deeds.

2015-A098

June 2, 2015

TITLE: ORDER, AWARD CONTRACT FOR GIS SOFTWARE AND SERVICES.

filed May 27, 2015
by Jerry Goss

WHEREAS, the City has been working to develop its Geographic Information System (GIS) data and mapping capabilities in an effort to increase staff productivity and effectiveness and enhance public access, and it now has a substantial amount of data in a usable format; and

WHEREAS, the next step in development of a fully functioning GIS system is establishing an interface to allow various City employees ready access to the data and then to expand access as appropriate to members of the public; and

WHEREAS, the FY2015 Capital Improvement Program approved by the City Council in June 2014 included funding to implement this next step in deployment of the City's GIS system; and

WHEREAS, the City issued a Request for Proposals this spring and received two qualified responses;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith awards the contract not to exceed \$27,500 for GIS software and services to PeopleGIS of Woburn, MA, and further authorizes the City Manager, or his designee, to execute the documents necessary to undertake this project.

BE IT FURTHER ORDERED, that all costs associated with these services shall be charged to the GIS Updates CIP account (0510130-551028); and

City Council Minutes
June 2, 2015

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.

2015-A099

June 2, 2015

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

filed May 27, 2015
by Beverly Uhlenhake

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, as a result of the first citywide revaluation in 40 years, which was completed July 2014, the City experienced a higher than normal level of abatement activity; and

WHEREAS, there are \$124,600 in tax abatements for FY15 for which funding needs to be identified;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$124,600 from the tax abatement account (0100100-300004) to be funded by the remaining \$15,778 in budgeted FY15 overlay funds (0119901-509810) and the use of \$108,822 in Undesignated Fund Balance (0109800-300901).

NOTE: This is an annual order.

2015-A100

June 2, 2015

TITLE: ORDER, ACCEPT INSURANCE REFUND FROM MAINE MUNICIPAL ASSOCIATION AND APPROPRIATE FOR USE.

filed May 27, 2015
by Kevin O'Connell

WHEREAS, the City has received an unanticipated refund of \$15,919 from the Maine Municipal Association's Workers Compensation Fund in recognition of the fund's and the City's positive performance in CY2014; and

WHEREAS, the City wishes to utilize the funds to supplement the Public Works budget, which experienced higher winter maintenance expenses than budgeted;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby accepts the \$15,919 in workers compensation dividends and directs that the proceeds be deposited into the Miscellaneous Revenue account (0106904-300490) and further authorizes these funds to be expended from the Public Works Winter Maintenance Overtime account (0116670-500100).

2015-A101

June 2, 2015

TITLE: ORDER, ACCEPT GRANT FUNDS FOR DOUGHERTY
RECREATIONAL COMPLEX.

filed May 27, 2015
by Joseph Ferris

WHEREAS, in 2012 Eastern Maine Healthcare System (EMHS) generously granted to Brewer Redevelopment LLC (BRLLC) \$175,000 to use toward redevelopment of the site of the former Washington Street School into a community recreation facility now named the Dougherty Recreational Complex; and

WHEREAS, this redevelopment is well underway; and

WHEREAS, to maximize the City's ability to leverage National Park Service Land and Water Conservation Fund grant funds, EMHS has agreed to allow BRLLC to transfer \$150,000 of the EMHS funds to the City of Brewer's general fund to be used to complete construction and outfitting of the Dougherty Recreational Complex;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these \$150,000 in transferred funds and directs that they be deposited in account # 0500100-360000 (Grant Proceeds).

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these EMHS grant fund from account # 0510104-551446 (Washington St Recreational Complex).

2015-A102

June 2, 2015

TITLE: ORDER, ACCEPT BACKUP AMBULANCE REVENUE AND
APPROPRIATE FOR AMBULANCE EXPENSES.

filed May 27, 2015
by Jerry Goss

WHEREAS, as part of its contractual arrangement with Meridan Mobile Health, LLC (dba Capital Ambulance) for services and benefits associated with the second, "backup" ambulance, the City, through its billing services provider, collects 100% of gross revenues from the second ambulance and then distributes 50% of these revenues (net of billing fees) to Meridian; and

WHEREAS, due to increased call volume and improvements in our billing and collections process, the City has already collected 80% more revenue (\$130,000) so far this fiscal year than budgeted; and

WHEREAS, increased revenue collection requires increased expense associated with our revenue distribution payment to Meridian as well as our ambulance billing fees;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of an additional \$71,000 in account 0115911-501078 (Ambulance Revenue Distribution) and an additional \$7,000 in account 0115911-501077 (Ambulance Billing Fee) to be funded with unexpected revenues in account 0105903-300311 (Second Ambulance Revenue).

2015-A103

June 2, 2015

TITLE: ORDER, REAPPROPRIATE UNNEEDED FUNDS TO WATER
GENERAL CAPITAL RESERVE ACCOUNT.

filed May 27, 2015
by Beverly Uhlenhake

WHEREAS, the FY2015 Water Department budget included \$27,400 in debt service sinking fund reserve funding that USDA Rural Development (RD) has confirmed is no longer required due to the refinancing of the Water Department RD debt; and

WHEREAS, the Water Department would like to use these excess debt service funds to support future capital improvement projects;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$27,400 in unneeded debt sinking fund expense from account 0718700-509030 to account 0700000-110805 (Water General Capital Reserve) to fund future Water capital projects.

2015-A104

June 2, 2015

TITLE: ORDER, AWARD CONTRACT FOR ELECTRICAL WORK FOR DOUGHERTY RECREATIONAL PROJECT.

filed May 27, 2015
by Kevin O'Connell

WHEREAS, a proposal has been submitted by C & J York Electric, Inc. to install all electrical wiring, lighting, poles, connections, and other related work at the Dougherty Recreational Complex; and

WHEREAS, this work needs to be completed as soon as possible in order to expedite the completion of the work on the entire complex;

NOW, THEREFORE, BE IT ORDERED, that the City Council authorizes the City Manager to enter into a contract with C & J York Electric, Inc. in the amount not to exceed \$20,000; and

FURTHER ORDERED, that this expenditure come from account # 0510104-551446 (Washington Street Recreation Complex); and

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

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

Councilor Ferris said he removed this order as he wanted a brief update on the electrical work

Parks and Recreation Director Ken Hanscom said that it was progressing. In answer to Councilor's Ferris' question about lights for lighting up the field at night that is a no.

The order was passed by unanimous vote.

2015-A105

June 2, 2015

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE A MUNICIPAL/STATE AGREEMENT FOR
THE RESURFACING OF LOWER ELM STREET.

filed May 27, 2015
by Joseph Ferris

WHEREAS, BACTS authorized funding of a project to resurface lower Elm Street in the summer of 2015 from Parkway South to the railroad crossing; and

WHEREAS, the City's 10% cost share for this project is currently estimated to be \$27,500; and

WHEREAS, the City Council previously authorized an expenditure of \$45,000 in the FY 2015 CIP in anticipation of 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 # 18576 obligating the City to a 10% cost share for the project currently estimated at \$275,000.

2015-B029

June 2, 2015

TITLE: RESOLVE, AMEND THE CITY'S PERSONNEL POLICY.

filed May 27, 2015
by Jerry Goss

RESOLVED, that the City of Brewer Personnel Policy adopted May 9, 2000 and most recently amended June 3, 2014 be further amended by making substantive changes to Article V – Wage and Salary Administration, Section 6, Other Benefits.

NOTE: The complete text of Article V, Section 6, with the proposed additions underlined and removals struck through, is attached.

ARTICLE V. WAGE AND SALARY ADMINISTRATION.

SECTION 6. OTHER BENEFITS.

RETIREMENT BENEFITS.

Ability to stay on City health insurance (100% EE cost). Define eligibility – must be covered under City insurance at time of retirement. Must meet MEPERS retirement requirements (i.e. even if in ICMA 401 plan can participate in retirement health insurance). Life insurance (100% City cost). Only those who, at retirement, have basic life insurance coverage under MEPERS and have had such coverage for at least ten (10) years are eligible. (All union EES with two levels of City provided coverage plus those couple people who kept MEPERS life when City stopped paying for their MEPERS coverage).

PERSONAL LOAN PROGRAM

It is the policy of the City of Brewer to offer 0% interest loans to all full-time and part-time regular employees working a minimum of 20 hours per week for purchases described in this Section 6 of the personnel manual. Such loans are taxable benefits in accordance with IRS regulations. No assignments or re-negotiation of loans will be allowed once the loan agreement is in place. No employee will be allowed to have more than three open loans or be allowed to borrow more than \$5,000 in personal loans from the City of Brewer at any one time. Upon the termination or retirement of employee, all outstanding Personal Loan balances are immediately due and payable in full.

a. **PERSONAL COMPUTER LOANS.** It is the policy of the City to encourage and support all employees to become more comfortable and proficient at using personal computers and related software. A personal computer package costing up to a maximum of \$2,500 may be purchased and deducted through regular payroll deductions not exceeding 104 weeks, interest free.

The following items can be purchased under this program:

1. Desktop and laptop computers
2. Computer software
3. Printers, monitors and other peripherals
4. Digital cameras and video equipment

TVs, regardless of whether they can interface with computers, are not eligible purchases under this program. A copy of the invoice (with sales tax) of the purchase and a notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a refund check to the employee and beginning deductions. A previous loan must be paid off in full to be eligible for a purchase/loan agreement on any future PC upgrades. ~~Upon the termination or retirement of employee with an outstanding Personal Computer Loan balance, payment is due in full.~~

b. ENERGY EFFICIENCY LOANS. It is the policy of the City of Brewer to encourage and support city employees in addressing energy efficiency projects at their primary residence. In order to be eligible for this program the employee must provide proper documentation to prove that the property receiving these funds is in their name and is their primary residence. Qualified Energy Efficiency upgrades shall not exceed \$5,000 and shall be deducted through regular payroll deductions not exceeding 104 weeks interest free. A copy of the invoice (with sales tax) of the purchase and a notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a refund check to the employee and beginning deductions. The City of Brewer will provide vouchers to qualified contractor/vendors when requested in order to allow the project to begin prior to payment.

Qualified energy efficiency upgrades include, but are not necessarily limited to:

- Furnace replacement
- Solar Panels (passive and active)
- Window upgrades
- Weatherization, including insulation improvements
- Other projects that are deemed qualified as energy projects by the City Manager.

c. OTHER LOANS. At the discretion of the City Manager, and within the terms of the loan program described above, a loan may be provided to an employee to address an extraordinary emergency situation if the City Manager determines it is in the interest of the City to do so. Such loans shall be limited to extreme cases, shall not exceed \$5,000 and shall be deducted through regular payroll deductions not exceeding 104 weeks interest free. The employee shall make the request in writing and provide any documentation requested by the City Manager. A notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a check and beginning deductions.

LIFE INSURANCE

The City will provide one (1) times salary level of life insurance for all qualified employees.

HRA

The City will provide to eligible employees, at the employee's option a "Section 125 Cafeteria Plan," which permits health, vision and dental insurance pretax premium conversion, medical reimbursement, and ~~dependant~~ dependent care reimbursement.

Effective July 1, 2014, the City shall provide all regular nonunion employees eligible for the health insurance benefit per Section 5(a) above a Health Reimbursement Arrangement (HRA) account. The Finance Director shall be responsible for providing each employee a Summary Plan Description that lays out the funding levels, eligible uses, and program guidelines, which may change from time to time.

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

Councilor Goss moved that the resolve be amended by complete substitution of the resolve with the following:

2015-B029

June 2, 2015

TITLE: RESOLVE, AMEND THE CITY'S PERSONNEL POLICY.

filed May 27, 2015
by Jerry Goss

RESOLVED, that the City of Brewer Personnel Policy adopted May 9, 2000 and most recently amended June 3, 2014 be further amended by making substantive changes to Article V – Wage and Salary Administration, Section 6, Other Benefits.

NOTE: The complete text of Article V, Section 6, with the proposed additions underlined and removals struck through, is attached.

ARTICLE V. WAGE AND SALARY ADMINISTRATION.

SECTION 6. OTHER BENEFITS

PERSONAL LOAN PROGRAM

It is the policy of the City of Brewer to offer 0% interest loans to all full-time and part-time regular employees working a minimum of 20 hours per week for purchases described in this Section 6 of the personnel manual. Such loans are taxable benefits in accordance with IRS regulations. No assignments or re-negotiation of loans will be allowed once the loan agreement is in place. No employee will be allowed to have more than three open loans or be allowed to borrow more than \$5,000 in personal loans from the City of Brewer at any one time. Upon the termination or retirement of employee, all outstanding Personal Loan balances are immediately due and payable in full.

a. **PERSONAL COMPUTER LOANS.** It is the policy of the City to encourage and support all employees to become more comfortable and proficient at using personal computers and related software. A personal computer package costing up to a maximum of \$2,500 may be purchased and deducted through regular payroll deductions not exceeding 104 weeks, interest free. A copy of the invoice (with sales tax) of the purchase and a notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a refund check to the employee and beginning deductions. A previous loan must be paid off in full to be eligible for a purchase/loan agreement on any future PC upgrades. Upon the termination or retirement of employee with an outstanding Personal Computer Loan balance, payment is due in full.

b. ENERGY EFFICIENCY LOANS. It is the policy of the City of Brewer to encourage and support city employees in addressing energy efficiency projects at their primary residence. In order to be eligible for this program the employee must provide proper documentation to prove that the property receiving these funds is in their name and is their primary residence. Qualified Energy Efficiency upgrades shall not exceed \$5,000 and shall be deducted through regular payroll deductions not exceeding 104 weeks interest free. A copy of the invoice (with sales tax) of the purchase and a notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a refund check to the employee and beginning deductions. The City of Brewer will provide vouchers to qualified contractor/vendors when requested in order to allow the project to begin prior to payment.

Qualified energy efficiency upgrades include, but are not necessarily limited to:

- Furnace replacement
- Solar Panels (passive and active)
- Window upgrades
- Weatherization, including insulation improvements
- Other projects that are deemed qualified as energy projects by the City Manager.

c. HRA BRIDGE LOANS. The City of Brewer offers a no interest bridge loan to employees in the PPO health insurance plan who need to pay a co-insurance and/or deductible expense before their HRA funds are accessible to them. The loan amount shall not exceed the lesser of the total calendar year HRA amount for the employee's plan level minus HRA funds already made available to the employee that calendar year or the employee's actual PPO co-insurance and/or deductible expense. Such loans shall be repaid proportional to the amount HRA funds being loaned.

e. d. OTHER LOANS. At the discretion of the City Manager, and within the terms of the loan program described above, a loan may be provided to an employee to address an extraordinary emergency situation if the City Manager determines it is in the interest of the City to do so. Such loans shall be limited to extreme cases, shall not exceed \$5,000 and shall be deducted through regular payroll deductions not exceeding 104 weeks interest free. The employee shall make the request in writing and provide any documentation requested by the City Manager. A notarized Loan Agreement with the City of Brewer must be in the payroll department office prior to issuing a check and beginning deductions.

LIFE INSURANCE

The City will provide one (1) times salary level of life insurance for all qualified employees.

CAFETERIA PLAN AND HRA

The City will provide to eligible employees, at the employee's option, a "Section 125 Cafeteria Plan," which permits health, vision and dental insurance pretax premium conversion, medical reimbursement, and ~~dependant~~ dependent care reimbursement.

Effective July 1, 2014, the City shall provide all regular nonunion employees eligible for the health insurance benefit per Section 5(a) above a Health Reimbursement Arrangement (HRA) account. The Finance Director shall be responsible for providing each employee a Summary Plan Description that lays out the funding levels, eligible uses, and program guidelines, which may change from time to time.

The motion was seconded and passed. The amendment passed by unanimous vote.

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

D. Monthly Reports.

There were no monthly reports.

E. Nominations, Appointments, Elections.

There were no items.

F. Unfinished Business.

1. Consent Calendar.

ACTION: Councilor Uhlenhake moved that the proposed ordinance amendments on the consent calendar be enacted.

The motion was seconded and passed by unanimous vote.

- a. (2015-C006) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Zoning District Amendment to Change a Portion of High Density Residential (HDR) to Industrial (IND) at 447 South Main Street, Tax Map 26, a Portion of Lot 11 and Tax Map 51, a Portion of Lot 4. (Councilor Uhlenhake)(posted 5/20/15)

- b. (2015-C007) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances Article 1, General, Section 109 (Contract Zoning), Article 4, Performance Standards, Section 411 (Day Care) Subsection 411.1 and Section 413 (Excavation, Removal and Filling of Lands), Subsection 413.2 (Fill and Grading Plan), Article 6, Site Plan Review, Section 603(Application Procedure), Subsection 603.1 (Submission to City Planner) and Article 7, Subdivision Review, Section 705.2 (Procedure), Item 2, Section 706 (Major Subdivision Review Procedures), Subsection 706.1 (Procedure), Item 2. (Councilor Goss)(posted 5/20/15)

G. New Business.

1. Consent Calendar.

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

2015-C008

June 2, 2015

TITLE: AMEND CHAPTER 24, ARTICLE 3, ZONING DISTRICTS, SECTION 306.5, SCHEDULE OF USES, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED “LAND USE CODE”.

filed May 27, 2015
by Beverly Uhlenhake

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 3, Zoning Districts, Section 306.5. Schedule of Uses, of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” be amended as follows:
(see attached pages)

City Council Minutes
June 2, 2015

City Council Minutes
June 2, 2015

City Council Minutes
June 2, 2015

City Council Minutes
June 2, 2015

2015-C009

June 2, 2015

TITLE: AMEND CHAPTER 24, ARTICLE 14 “DEFINITIONS” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED “LAND USE CODE”.

filed May 27, 2015
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 14 “Definitions”, of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” be amended as follows:
(see attached pages)

City Council Minutes
June 2, 2015

City Council Minutes
June 2, 2015

2015-A106

June 2, 2015

TITLE: ORDER, DETERMINE THAT THE RESIDENCE/BUILDING SITUATED AT 5 TREATS FALLS DRIVE, BREWER, MAINE HAS A FAILED PRIVATE SEWER LATERAL AND IS A NUSIANCE PURSUANT TO TITLE 30-A M.R.S.A. § 3428.

filed May 29, 2015
by Jerry Goss

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, it is imperative that this order become effective without delay to protect the public health, safety and welfare of the citizens of the City of Brewer; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require this Order become effective immediately; and

WHEREAS, the City Council has heard testimony from the City of Brewer's Code Enforcement Officer, Stewart Brooks, and other City employees that the residence/building situated at 5 Treats Falls Drive in Brewer (Tax Assessor's Map 16, Lot 21) has a malfunctioning private waste water disposal sewer line, which constitutes a menace to the health and general welfare of the citizens of this City and is a nuisance pursuant to Title 30-A M.R.S.A. § 3428;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby finds the residence/building situated at 5 Treats Falls Drive is a nuisance pursuant to Title 30-A M.R.S.A. § 3428, because it has a failed private sewer line and is unsuitable or improper for the use or occupancy for human habitation and therefore constitutes a hazard to the health and welfare of the citizens of this City; and

BE IT FURTHER ORDERED, that if the owners and parties-in-interest fail to abate said nuisance within ten (10) days from the date this Order becomes effective, then and in that event, the Code Enforcement Officer of the City of Brewer shall cause said nuisance to be abated and removed and all expenses thereof shall be repaid to the City of Brewer by the owners within thirty (30) days after demand or a special tax may be assessed by the Assessor against any real or personal property of the owners for the amount of such expenses and such amount shall be included in the next annual warrant to the Tax Collector of the said City of Brewer for the collection and shall be collected in the same manner as other state, county and municipal taxes are collected; and

FURTHER BE IT ORDERED, that this Order be recorded with the City Clerk and attested copies thereof served upon the owners and all parties-in-interest in the same way service of process is made in accordance Title 30-A M.R.S.A. § 3428.

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

Councilor Goss moved that the order be amended by complete substitution of the order with the following:

2015-A106

June 2, 2015

TITLE: ORDER, DETERMINE THAT THE RESIDENCE/BUILDING SITUATED AT 5 TREATS FALLS DRIVE, BREWER, MAINE HAS A FAILED PRIVATE SEWER LATERAL AND IS A NUSIANCE PURSUANT TO TITLE 30-A M.R.S.A. § 3428 ET SEQ.

filed May 29, 2015
by Jerry Goss

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, it is imperative that this order become effective without delay to protect the public health, safety and welfare of the citizens of the City of Brewer; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require this Order become effective immediately; and

WHEREAS, the City Council has heard testimony from the City of Brewer's Code Enforcement Officer, Stewart Brooks, and other City employees that the residence/building situated at 5 Treats Falls Drive in Brewer (Tax Assessor's Map 16, Lot 21) has a malfunctioning private waste water disposal sewer line, which constitutes a menace to the health and general welfare of the citizens of this City and is a nuisance pursuant to Title 30-A M.R.S.A. § 3428 *et seq.*;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby finds the residence/building situated at 5 Treats Falls Drive is a nuisance pursuant to Title 30-A M.R.S.A. § 3428 *et seq.*, because it has a failed private sewer line and is unsuitable or improper for the use or occupancy for human habitation and therefore constitutes a hazard to the health and welfare of the citizens of this City; and

City Council Minutes
June 2, 2015

BE IT FURTHER ORDERED, that if the owners and parties-in-interest fail to abate said nuisance within ten (10) days from the date this Order becomes effective, then and in that event, the Code Enforcement Officer of the City of Brewer shall cause said nuisance to be abated and removed and all expenses thereof shall be repaid to the City of Brewer by the owners within thirty (30) days after demand, and at the discretion of the City Manager the City may file a civil action against the owner(s), or cause a special tax may be assessed, whichever course of action the City Manager determines to be in the best interest of the City of Brewer; and

FURTHER BE IT ORDERED, that this Order be recorded with the City Clerk and attested copies thereof served upon the owners and all parties-in-interest in the same way service of process is made in accordance Title 30-A M.R.S.A. § 3428 *et seq.*



ABATEMENT ORDER

Issued by: Municipal Officers of the City of Brewer

Issued to: David A. Kaulfers and Jennifer J. Kaulfers

Date Issued: June 2, 2015

This is an Order issued by the City Council of the City of Brewer pursuant to the powers conferred upon them by **Title 30 M.R.S.A. § 3428**.

Your property at **5 Treats Falls Drive, Brewer, ME 04412, Tax Map # 16 Lot 21**, has been inspected by Stewart Brooks, Local Plumbing Inspector. The onsite sewage disposal system at that property was found to be malfunctioning and is a threat to the public health, safety and welfare. Therefore the system is hereby declared to be a nuisance pursuant to Title 30-A M.R.S.A. § 3428.

You are hereby ordered by the Municipal Officers of the City of Brewer to remedy this situation within ten (10) days of receipt of this Order.

Under Title 30-A M.R.S.A. § 3428 if you do not comply with this Order, the Municipal Officers, or any person they appoint as their Agent, may enter the land and cause the malfunction to be corrected. Any direct expenses associated with this action may be recovered from you by a civil complaint or a special tax assessed against the property pursuant to Title 30-A M.R.S.A. § 3248 (4).

Council Order 2015-A106 entitled "**DETERMINE THAT THE RESIDENCE/BUILDING SITUATED AT 5 TREATS FALLS DRIVE, BREWER, MAINE HAS A FAILED PRIVATE SEWER LATERAL AND IS A NUISANCE PURSUANT TO TITLE 30-A M.R.S.A. § 3428**" an attested copy of which is attached hereto and made a part of this Order.

City Council of the City of Brewer:

Matthew Vachon, Mayor

Beverly Uhlenhake, Deputy Mayor

Kevin O'Connell, City Councilor

Jerry Goss, City Councilor

Joseph Ferris, City Councilor

The motion was seconded and passed. The amendment passed by unanimous vote.

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

H. New Items with Leave of Council.

There were no items.

Chairman Vachon said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:19 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine