



**CITY COUNCIL REGULAR MEETING**  
**Tuesday, June 6, 2017 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor O’Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor O’Connell)
- A. Minutes of May 9, 2017 Regular Meeting.** (Councilor Uhlenhake)
- B. Awards, Petitions and Public Comments.**
  - 1. Proclamation: Juneteenth Celebration Day. (Mayor O’Connell)
  - 2. Proclamation: Alzheimer’s and Brain Health Awareness Month.  
(Mayor O’Connell)
  - 3. Public Comments
- C. Consent Calendar.**
  - 1. (2017-B011) RESOLVE, Approve Water Pollution Control Facility Budget for Fiscal Year 2018.  
(Councilor Uhlenhake)
  - 2. (2017-B012) RESOLVE, Approve Water Department Budget for Fiscal Year 2018. (Councilor Ferris)
  - 3. (2017-A087) ORDER, Authorize the Brewer School Department to Expend Such Other Funds That May be Received from Federal or State Grants or Programs.  
(Councilor Vachon)
  - 4. (2017-A088) ORDER, Set Tax Due Date and Interest Rate.  
(Councilor Goss)
  - 5. (2017-A089) ORDER, Accept Advance Payments on FY2019 Taxes. (Councilor Uhlenhake)
  - 6. (2017-A090) ORDER, Set Fiscal Year 2018 Interest Rate for Late Payment of Sewer Bills. (Councilor Ferris)
  - 7. (2017-A091) ORDER, Set Interest Rate Paid on Abatements and Overpayments of Taxes. (Councilor Vachon)
  - 8. (2017-A092) ORDER, Authorize Set Off Against Unpaid Taxes.  
(Councilor Goss)
  - 9. (2017-A093) ORDER, Authorize Application of Interest Earnings to Reserve Account. (Councilor Uhlenhake)
  - 10. (2017-A094) ORDER, Authorize Funding of Abatement Expense.  
(Councilor Ferris)
  - 11. (2017-A095) ORDER, Accept Donations to the Brewer Public Library.  
(Councilor Vachon)
  - 12. (2017-A096) 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 Goss)

13. (2017-A097) ORDER, Grant Approval to New Life Church to have Live Music at a Special Outdoor Event at 391 North Main Street. (Councilor Uhlenhake)
14. (2017-A098) 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)
15. (2017-A099) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Vachon)
16. (2017-A100) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Goss)
17. (2017-A101) ORDER, Issue Release Deed to Erlene M. Morgan for Property Located at 45 Getchell Street (Tax Map 28, Lot 95). (Councilor Uhlenhake)
18. (2017-A102) ORDER, Declare City Property Surplus and Authorize Sale of Surplus Property. (Councilor Ferris)
19. (2017-A103) ORDER, Authorize the City Manager, or his Designee, To Accept and Use Funds for the 2017 Stream Cleanup Program. (Councilor Vachon)

**D. Monthly Reports.** (none)

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

**F. Unfinished Business.**

**1. Consent Calendar.**

- a. (2017-C005) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, to Nullify an Existing Contract Zone Agreement Between Husson Park Limited Partnership and the City of Brewer Pertaining to Land at 34 Abbott Street (Tax Map 27, Lot 32) and to Change a Portion of Industrial (IND) and High Density Residential (HDR) Zoning Districts to Convenience Business (CB) Zoning District for the Three Entire Properties Located on 17, 19, and 34 Abbott Street (Map 27, Lots 32, 33 and 34). (Councilor Vachon)(posted 5/10/17)
- b. (2017-C006) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, to Change a Portion of Industrial-2 (IND-2) Zoning District to Medium Density Residential-2 (MDR-2) Zoning District Off Airport Road (Tax Map 11, Lot 21A and a Portion of Lot 21B). (Councilor Goss)(posted 5/10/17)

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- c. (2017-C007) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, to Add Section 439 Stormwater Management and Section 440, Erosion Control; Article 6, Site Plan Review, Section 606, Required Information, Subsection 606.1, Information For all Submissions and Subsection 606.2, Additional Information Required for Major Developments, Section 607, Standards Governing Site Plan Review, Subsection 607.3, Erosion and Subsection 607.4 Stormwater; Article 7, Subdivision Review, Section 707, Subdivision Application, Exhibits and Plans, Subsection 707.2.2, Information on Proposed Development, Section 710, Performance Standards, Subsection 710.5, Soil Erosion, Subsection 710.15, Stormwater Management and Section 711, Design Guidelines, Subsection 711.5, Stormwater Management Design Guidelines; Article 14, Definitions. (Councilor Uhlenhake)(posted 5/10/17)
- d. (2017-C008) Amend Chapter 19, Entitled “Traffic Code”, Article 3, Stopping, Standing, and Parking, Section 315, Schedule C, (No Parking At Any Time), South Main Street, Items #3, of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris) (posted 5/10/17)
- e. (2017-C009) Amend Chapter 3, Entitled “The City Clerk”, Section 104, Annual Evaluation of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)(posted 5/10/17)
- f. (2017-C010) Amend Chapter 22, Entitled “Solid Waste & Recycling Ordinance” of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Ordinance. (Councilor Goss) (posted 5/10/17)
- g. (2017-C011) Amend Chapter 36, Entitled “Purchasing” of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Ordinance. (Councilor Uhlenhake)(posted 5/10/17)

**G. New Business.**

- A. Budget Overview – City Finance Director Karen Fussell
- B. Public Comments- City and School Budgets

- 1. (2017-A104) ORDER, Support City Budget Appropriation for Fiscal Year 2018. (Councilor Ferris)
- 2. (2017-A105) ORDER, Support School Budget Appropriation for Fiscal Year 2018. (Councilor Uhlenhake)
- 3. (2017-B013) RESOLVE, Approve City and School Budgets for Fiscal Year 2018. (Councilor Vachon)
- 4. (2017-B014) RESOLVE, Approve School Budget Appropriation for Fiscal Year 2018. (Councilor Goss)
- 5. (2017-B015) RESOLVE, Approve Regional Vocational High School Operating Budget. (Councilor Uhlenhake)
- 6. (2017-B016) RESOLVE, Approve Regional Vocational High School Budget on Adult Education. (Councilor Ferris)

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

**I. ADJOURN.**

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**A. Minutes of May 9, 2017 Regular Meeting.**

**ACTION:** Councilor Uhlenhake 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, 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, KEVIN J.M. O'CONNELL**, Mayor of the City of Brewer, do hereby proclaim the nineteenth day of June, two thousand seventeen 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 sixth day of June Two Thousand and Seventeen.

*Signed this sixth day of June, 2017*

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**Kevin J.M. O'Connell, Mayor**

**ACTION:** Chairman O'Connell read the proclamation and said that it would be placed in the minutes of the meeting.

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## **PROCLAMATION Alzheimer's and Brain Health Awareness Month**

**WHEREAS**, Alzheimer's disease is currently the sixth leading cause of death in the United States; and

**WHEREAS**, one in three seniors will die with a diagnosis of dementia and Alzheimer's disease; and

**WHEREAS**, currently 37,000 Mainers are living with dementia and due to our aging population that number is set to grow by 74% by the year 2020; and

**WHEREAS**, there are organizations that support efforts to increase awareness, provide support and give hope to individuals and families who are affected by dementia and Alzheimer's disease; and

**WHEREAS**, the health and well-being of the residents of Brewer are enhanced as a direct result of increased awareness about Alzheimer's disease and research into early detection, causes and possible treatments;

**NOW, THEREFORE, I, KEVIN J.M. O'CONNELL**, Mayor of the City of Brewer, do hereby proclaim the month of June, two thousand seventeen as

## ALZHEIMER’S AND BRAIN HEALTH AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this sixth day of June Two Thousand and Seventeen.

*Signed this sixth day of June, 2017*

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**Kevin J.M. O’Connell, Mayor**

**ACTION:** Chairman O’Connell read the proclamation and said that it would be placed in the minutes of the meeting.

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### **PUBLIC COMMENTS.**

Councilor Uhlenhake reminded the audience that there will be a ceremony for Juneteenth at Freedom Park on the 19<sup>th</sup> at 12 noon. She said that Brewer is the only city or town in Maine that has continued to hold this ceremony every year.

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### **C. Consent Calendar.**

**ACTION:** Councilor Vachon moved that the orders on the consent calendar have passage and the resolves be adopted.

The motion was seconded and passed by unanimous vote.

2017-B011

June 6, 2017

**TITLE:** RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY BUDGET FOR FISCAL YEAR 2018.

filed May 30, 2017  
by Beverly Uhlenhake

**RESOLVED**, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2017 through June 30, 2018, as follows:

Total Cash Operating Expenses	\$ 1,899,332
Total Debt Service	\$ 885,230
Total Depreciation	\$ 605,000
Total Other Non-Operating Expenses	\$ <u>0</u>
SUBTOTAL	\$ 3,389,562

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Total Capital Improvements	\$ <u>150,000</u>
GRAND TOTAL EXPENDITURES	\$ 3,539,562
Total Operational Revenues	\$ 2,759,974
Total Use of Retained Earnings	\$ 605,000
Other non-operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 3,389,562
Total Capital Funding	\$ <u>150,000</u>
GRAND TOTAL REVENUES	\$ 3,539,562

**STATEMENT OF FACT**

This annual order authorizes the Water Pollution Control Facility expenditures for FY 2018 and approves funding to support those expenditures. The budget reflects a modest sewer rate adjustment of \$0.25 per 100 cu. ft., which would increase the average household user's quarterly bill by about \$3.34

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2017-B012

June 6, 2017

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2018.

filed May 30, 2017  
by Joseph Ferris

**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, 2017 through June 30, 2018 as follows:

Total Cash Operating Expenses	\$ 1,438,222
Total Debt Service	\$ 1,000,244
Total Depreciation	\$ 0
Total Other Non-Operating Expenses	\$ <u>10,624</u>
SUBTOTAL	\$ 2,449,090
Total Capital Improvements	\$ <u>122,000</u>
GRAND TOTAL EXPENDITURES	\$ 2,571,090
Total Operational Revenues	\$ 2,449,090
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ 0
SUBTOTAL	\$ 2,449,090
Total Capital Funding	\$ <u>122,000</u>
GRAND TOTAL REVENUES	\$ 2,571,090



**STATEMENT OF FACT**

This annual order authorizes the Water Department expenditures for FY2018 and approves funding to support those expenditures. The amount the City charges for water will not change.

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2017-A087

June 6, 2017

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 30, 2017  
by Matthew Vachon

**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 2018 fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

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2016-A088

June 6, 2017

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

filed May 30, 2017  
by Jerry Goss

**ORDERED**, that taxes for the municipal year commencing July 1, 2017 and which shall expire on June 30, 2018 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due  
and payable on or before September 12, 2017

and if the same are not paid on or before September 12, 2017 they shall bear interest at the rate of 7.0% per annum from September 13, 2017 until paid.

B. 1/2 of the total taxes due  
and payable on or before March 13, 2018

and if the same are not paid on or before March 13, 2018 they shall bear interest at the rate of 7.0% per annum from March 14, 2018 until paid.

**STATEMENT OF FACT**

This is an annual order. Taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

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2017-A089

June 6, 2017

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2019 TAXES.

filed May 30, 2017  
by Beverly Uhlenhake

**ORDERED**, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2019 taxes which have not been committed or billed.

**STATEMENT OF FACT**

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

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2017-A090

June 6, 2017

TITLE: ORDER, SET FY2018 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

filed May 30, 2017  
by Joseph Ferris

**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 2018.

**STATEMENT OF FACT**

This is an annual order.

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2017-A091

June 6, 2017

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

filed May 30, 2017  
by Matthew Vachon

**ORDERED**, that pursuant to Title 36 MRS.A §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2018 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.

**STATEMENT OF FACT**

This is an annual order.

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2017-A092

June 6, 2017

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

filed May 30, 2017  
by Jerry Goss

**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.

**STATEMENT OF FACT**

This is an annual order.

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2017-A093

June 6, 2017

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

filed May 30, 2017  
by Beverly Uhlenhake

**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.

**STATEMENT OF FACT**

This is an annual order.

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2017-A094

June 6, 2017

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

filed May 30, 2017  
by Joseph Ferris

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

**WHEREAS**, tax abatements to date total approximately \$10,861.00;

**NOW, THEREFORE, BE IT ORDERED**, that the City Council hereby authorizes the appropriation and expenditure of \$10,861.00 from the tax abatement account (0100100-300004) to be funded by \$6,902.00 remaining of budgeted FY2017 overlay funds (0119901-509810) and \$3,959.00 in unanticipated property tax revenues (0100100-300001)..

**STATEMENT OF FACT**

This annual order appropriates overlay dollars to fund expenses associated with FY2017 tax abatements, as required by State law.

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2017-A095

June 6, 2017

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

filed May 30, 2017  
by Matthew Vachon

WHEREAS, the Brewer Public Library has received a contribution of \$20.00 from Hale Bradt; and

WHEREAS, the Library has also received a contribution of \$100.00 from the MPM Club Whose members have faithfully supported the Library for over 100 years with both monetary and volunteer efforts; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these generous contributions totaling \$120.00 and authorizes their deposit in account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books)

*NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.*

#### STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions to support the purchase of new books.

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2017-A096

June 6, 2017

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 30, 2017  
by Jerry Goss

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



**NOW, THEREFORE, BE IT ORDERED**, that the Brewer City Council herewith approves New Life Church's request for permission to have live music in an enclosed and designated area at 391 North Main Street from 5:00 p.m. to 8:30 p.m. Saturday, June 10, 2017 for a Night of Worship and Barbeque.

**STATEMENT OF FACT**

Any request from Brewer establishments to conduct an outdoor event with live music needs City Council approval.

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2017-A098

June 6, 2017

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 30, 2017  
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 23, 2017 for an outdoor event 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 23, 2017 for an outdoor event 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.

**STATEMENT OF FACT**

Annual order for requests from Brewer establishments to conduct an outdoor event which needs City Council approval.

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2017-A099

June 6, 2017

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

filed May 30, 2017  
by Matthew Vachon

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$581,017.77** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2017	\$576,120.01	
March 2017	\$ 2,057.39	
April 2017	\$ 1,403.88	
May 2017	\$ 1, 436.49	
Total	<b>\$581,017.77</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$581,017.77** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

**STATEMENT OF FACT**

This is a quarterly housekeeping order that is approved and the commitment signed by Council.

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2017-A100

June 6, 2017

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

filed May 30, 2017  
by Jerry Goss

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$505,969.09** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2017	\$503,495.13	
March 2017	\$252.90	
April 2017	\$1,015.57	
May 2017	\$1,205.49	
<b>Total</b>	<b>\$505,969.09</b>	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$505,969.09** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

#### STATEMENT OF FACT

This is a quarterly housekeeping order that is approved and the commitment signed by Council.

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2017-A101

June 6, 2017

TITLE: ORDER, ISSUE RELEASE DEED TO ERLENE M. MORGAN  
FOR PROPERTY LOCATED AT 45 GETCHELL STREET  
(TAX MAP 28, LOT 95).

filed May 30, 2017  
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to Erlene M. Morgan for property located at 45 Getchell Street releasing to her all rights, title and interest the City of Brewer may have acquired in the property located on 45 Getchell Street (City Tax Map 28, Lot 95) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12932	140
14109	256
14307	189
14457	322

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$1,783.90 in principal was collected, along with \$139.25 in interest and \$126.85 in costs.

#### STATEMENT OF FACT

This order authorizes the City Manager to release all legal claims the City has to the property and returns it back to the owner(s).

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2017-A102

June 6, 2017

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

filed May 30, 2017  
by Joseph Ferris

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

WHEREAS, the Water Pollution Control Facility has a commercial truck cap, that came off a Ford F-150, which has tool and supplies storage areas with lift up doors on both the passenger and driver side of the cap with a rear double door to allow access to the truck body;

NOW, THEREFORE IT BE ORDERED, that the Brewer City Council declares the commercial truck cap surplus property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize all sales of said surplus property by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that the funds received from the sale of said surplus property be deposited in revenue account number 0800004-300410 (Sewer Sale of Assets).

### STATEMENT OF FACTS

This order authorizes sale of a commercial truck cap no longer needed at the WPCF.  
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2017-A103

June 6, 2017

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND USE FUNDS FOR THE 2017 STREAM CLEANUP PROGRAM.

filed May 30, 2017  
by Matthew Vachon

WHEREAS, the City of Brewer held its 13<sup>th</sup> Annual Stream Cleanup Event on May 13, 2017; and

WHEREAS, a number of private companies and individuals have or will donate monies, materials and supplies for this event in order to make it more successful for the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer authorizes the City Manager, or his designee, to accept donations in support of the City's Annual Stream Cleanup event held on May 13, 2017; and

FURTHER ORDERED, that any donations of funds be deposited in account number 0200000-320000-20001.

FURTHER ORDERED, that the Director of Environmental Services, on behalf of the City Council, take appropriate steps to recognize the companies and individuals who made contributions to this event for their generosity and commitment to the quality of life of residents of the City of Brewer.

## STATEMENT OF FACTS

This order authorizes the acceptance of donated funds, materials and supplies for the 2017 Stream Cleanup.

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### **D. Monthly Reports.**

There were none.

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

No items.

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### **F. Unfinished Business.**

**ACTION:** Councilor Goss moved that Ordinance Amendment 2017-C010 remain on the table until the July 18, 2017 regular City Council meeting. The motion was seconded and passed by unanimous vote.

Councilor Uhlenhake moved that the rest of the Ordinance amendments on the consent calendar except for 2017-C010 be enacted. The motion was seconded and passed by unanimous vote.

- a. (2017-C005) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, to Nullify an Existing Contract Zone Agreement Between Husson Park Limited Partnership and the City of Brewer Pertaining to Land at 34 Abbott Street (Tax Map 27, Lot 32) and to Change a Portion of Industrial (IND) and High Density Residential (HDR) Zoning Districts to Convenience Business (CB) Zoning District for the Three Entire Properties Located on 17, 19, and 34 Abbott Street (Map 27, Lots 32, 33 and 34). (Councilor Vachon)(posted 5/10/17)
- b. (2017-C006) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, to Change a Portion of Industrial-2 (IND-2) Zoning District to Medium Density Residential-2 (MDR-2) Zoning District Off Airport Road (Tax Map 11, Lot 21A and a Portion of Lot 21B). (Councilor Goss)(posted 5/10/17)

- c. (2017-C007) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, to Add Section 439 Stormwater Management and Section 440, Erosion Control; Article 6, Site Plan Review, Section 606, Required Information, Subsection 606.1, Information For all Submissions and Subsection 606.2, Additional Information Required for Major Developments, Section 607, Standards Governing Site Plan Review, Subsection 607.3, Erosion and Subsection 607.4 Stormwater; Article 7, Subdivision Review, Section 707, Subdivision Application, Exhibits and Plans, Subsection 707.2.2, Information on Proposed Development, Section 710, Performance Standards, Subsection 710.5, Soil Erosion, Subsection 710.15, Stormwater Management and Section 711, Design Guidelines, Subsection 711.5, Stormwater Management Design Guidelines; Article 14, Definitions. (Councilor Uhlenhake)(posted 5/10/17)
- d. (2017-C008) Amend Chapter 19, Entitled “Traffic Code”, Article 3, Stopping, Standing, and Parking, Section 315, Schedule C, (No Parking At Any Time), South Main Street, Items #3, of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris) (posted 5/10/17)
- e. (2017-C009) Amend Chapter 3, Entitled “The City Clerk”, Section 104, Annual Evaluation of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)(posted 5/10/17)
- f. (2017-C010) Amend Chapter 22, Entitled “Solid Waste & Recycling Ordinance” of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Ordinance. (Councilor Goss) (posted 5/10/17)
- g. (2017-C011) Amend Chapter 36, Entitled “Purchasing” of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Ordinance. (Councilor Uhlenhake)(posted 5/10/17)

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**G. New Business.**

1. Finance Director Karen Fussell gave a brief budget overview of the changes on the orders and resolves presented in this section of the agenda.
2. PUBLIC COMMENTS – City and School Budgets.

Chairman O’Connell said this was the section of the agenda that anyone who would like to comments on the City and School Budgets may get up and address the Council. He asked that all who spoke please state their name and address.

There were several residents in the audience that asked the City Council to approve a budget for the City and School with the full amount that the School Committee recommended for the schools.

There were also some residents that asked the City Council to approve a budget for the City and School with cuts so that the mil rate would not go up and residents property taxes would not increase.

Chairman O'Connell asked if anyone else wished to speak and seeing none he read some remarks he had prepared:

When you raise your hand for public office, you need to realize the whole scope of what that entails. I've served and experienced 6 School Board budgets – 4 years of High School District Trustees budget and this is my 7<sup>th</sup> year working on a City Council budget.

As an elected official, you are constantly going through the good, the bad, and the ugly. I would have to say this budget has been an “ugly” process. Our “community of caring” values have not been observed through this process.

As an example, is how a few special needs kids in a certain housing complex were presented as one of the focal points of what was driving this budget. They are all citizens of the City of Brewer.

Basically, we put these kids out in the front and said you are one of the reasons our budget is what it is. Don't think kids don't talk. Don't think for a minute they are not feeling the heat of these conversations. Bottom line is, they're just kids. They don't deserve this kind of attention.

It's gotten to the point where heated conversations via social media over the right to free speech and the right to open carry firearms are happening. People, we are talking about a budget. A budget that is fiscally responsible to All the Citizens of Brewer. I want to emphasize “All Citizens”.

Take a step back – every single month we make payment arrangements with people who are on the verge of losing their homes – that piece of land to call their own. Just last month we mailed out 235 lien notices to people who still owe on their taxes.

All five of us have heard from the business community- some on shoestring budgets. Some who are here only because of the work ethic of our citizens.

As you all know, there are many sides to a budget. It is our job to listen to all of those sides.

Again, the purpose of a budget is to do what is fiscally responsible for all of our citizens. It is not to make new enemies out of old friends.

Brewer is a great City. It's a great place to raise a family and it's a great place to live.

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I firmly believe this budget will continue those values.

Thank you.

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Councilors Ferris, Uhlenhake, Goss and Vachon commented that this was a tough budget and everyone has worked truly hard. They thanked everyone who spoke and said even though everyone doesn't always agree, we respect what everyone had to say.

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

Councilor Ferris moved that the order be amended by complete substitution. The motion was seconded.

Councilor Uhlenhake asked that the STEM program be funded by adding \$112,697.00 (half added to the City budget and half added to the School budget) and made a motion to see if the other Councilors would entertain this suggestion.

After some discussion the councilors were polled to see if this was an amendment They wished to make to the budgets. They all agreed it was.

Chairman O'Connell called a recess so that the City Manager, City Solicitor, Finance Director and Chairman of the Council could discuss where the additional money would come from for the above motion and make the adjustments to the orders and resolves on New Business. (7:13 p.m.)

At 8:03 p.m. Chairman O'Connell called the meeting back to order. The city clerk called the roll noting that all Councilors were present.

2017-A104

June 6, 2017

TITLE: ORDER, SUPPORT CITY BUDGET APPROPRIATION FOR FISCAL YEAR 2018.

filed May 30 , 2017  
by Joseph Ferris

**ORDERED**, that the City Council hereby expresses its support of the City budget that appropriates ~~\$13,158,603~~ \$13,228,252 for expenditure in FY2018 to be funded by ~~\$6,391,302~~ \$6,517,599 in non-property tax revenue and ~~\$6,767,301~~ \$6,710,653 in tax revenue; and

FURTHER ORDERED, that the City budget shall be allocated among the following cost centers as follows:

	<b>FY2018</b>
<b>General Government</b>	\$2,010,945
<b>Protections</b>	4,730,854 <u>4,800,503</u>
<b>Public Services</b>	252,308
<b>Public Works</b>	2,297,132
<b>Unclassified</b>	234,388
<b>Debt Service</b>	2,381,450
<b>Library &amp; Recreational Services</b>	<u>1,251,526</u>
<b>TOTAL CITY BUDGET</b>	<del>\$13,158,603</del> <u>\$13,228,252</u>

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

Councilor Ferris moved that the order be amended by complete substitution with the above. The motion was seconded and passed by unanimous vote.

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

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2017-A105

June 6, 2017

TITLE: ORDER, SUPPORT SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2018.

filed May 30 , 2017  
by Beverly Uhlenhake

**ORDERED**, that the City Council hereby expresses its support of the School budget that appropriates \$21,336,022 for expenditure in FY2018 to be funded by ~~\$13,553,417~~ \$13,610,065 in non-property tax revenue and \$7,725,957 in tax revenue.

FURTHER ORDERED, that the School budget shall be allocated among the following cost centers as follows:

	<b>FY2018</b>
<b>Personnel</b>	<u>\$13,952,442</u>
<b>Supplies and Services</b>	<u>896,488</u>



<b>Buildings and Grounds</b>	<u>1,801,123</u>
<b>Transportation</b>	<u>651,430</u>
<b>Supt / Administration</b>	<u>578,673</u>
<b>Out of District</b>	<u>375,650</u>
<b>Vocational Education</b>	<u>182,057</u>
<b>Capital Outlay</b>	<u>160,000</u>
<b>Trustees</b>	<u>2,738,159</u>
<b>TOTAL SCHOOL BUDGET</b>	<b><u>\$21,336,022</u></b>

AND BE IT FURTHER ORDERED, that in the event the Brewer School Department receives more state education subsidy than the amount included in its budget, that the Brewer School Department shall be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

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

Councilor Ferris moved that the order be amended by complete substitution with the above. The motion was seconded and passed by unanimous vote.

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

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2017-B013

June 6, 2017

**TITLE:** RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION FOR FISCAL YEAR 2018.

filed May 30, 2017  
by Matthew Vachon

**RESOLVED**, that the sum of **\$16,848,423** which sum constitutes the estimated requirements of the City for the fiscal year 2018 (commencing July 1, 2017 and terminating June 30, 2018) 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:

**AND BE IT FURTHER RESOLVED**, that in the event the Brewer School Department receives more state education subsidy than the amount included in its budget, that the Brewer School Department shall be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

**STATEMENT OF FACT**

This annual order authorizes the levy of \$16,848,423 in property taxes in support of the FY 2018 City and School budgets and authorizes expenditures for FY 2018 as outlined in the accompanying schedules. It also approves non property tax funding to support those expenditures. It also provides the School Department the authority to use additional state education subsidy funds to increase its FY18 appropriations, subject to approval by the Brewer School Committee and the Brewer City Council.

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

Councilor Vachon moved that the resolve be amended by complete substitution with the above and that the exhibits attached to the resolve be updated with the new figures. The motion was seconded and passed by unanimous vote.

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

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2017-B014

June 6, 2017

**TITLE:** RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2018.

filed May 30 , 2017  
by Jerry Goss

**BE IT RESOLVED**, that the following school budget articles be adopted and approved for fiscal year 2018:

1. That ~~\$8,822,793~~ \$8,636,089 be authorized to be expended for Regular Instruction.
2. That **\$3,596,870** be authorized to be expended for Special Education.
3. That **\$182,057** be authorized to be expended for Career and Technical Education.
4. That ~~\$1,057,225~~ \$1,016,225 be authorized to be expended for Other Instruction.
5. That ~~\$1,504,714~~ \$1,404,714 be authorized to be expended for Student and Staff Support.

6. That ~~\$567,823~~ \$547,823 be authorized to be expended for System Administration.
7. That ~~\$953,864~~ be authorized to be expended for School Administration.
8. That ~~\$512,000~~ \$498,000 be authorized to be expended for Transportation and Buses.
9. That ~~\$1,816,673~~ \$1,791,673 be authorized to be expended for Facilities Maintenance.
10. That ~~\$2,697,659~~ be authorized to be expended for Debt Service and Other Commitments.
11. That ~~\$11,048~~ be authorized to be expended for All Other Expenditures.; and

**BE IT FURTHER RESOLVED**, that **\$15,603,011** 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 **\$5,925,968** 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 **\$207,602** 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 ~~\$2,035,738~~ \$1,592,386 be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A. The school committee recommends **\$2,035,738** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,714,886**: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service, including the recent \$8.1m high school renovation project; and

*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 ~~\$21,722,726~~ **\$21,336,022** for the fiscal year beginning July 1, 2017 and ending June 30, 2018 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	267,000
Title IIA	75,000
Local Entitlement	355,000
School Lunch Subsidy	220,000

**AND BE IT FURTHER RESOLVED**, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2017 to June 30, 2018 be approved in the amount of **\$3,059,139**; and

**BE IT FURTHER RESOLVED**, that the City will appropriate **\$4,953** for adult education at the United Technologies Center and raise **\$4,953** 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;

**AND BE IT FURTHER RESOLVED**, that in the event the Brewer School Department receives more state education subsidy than the amount included in its budget, that the Brewer School Department shall be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Brewer School Committee, subject to final review and approval by the Brewer City Council.

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

Councilor Goss moved that the resolve be amended by complete substitution with the above. The motion was seconded and passed by unanimous vote.

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

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2017-B015

June 6, 2017

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

filed May 30, 2017  
by Beverly Uhlenhake

**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, 2017 – June 30, 2018 in the amount of **\$2,721,957**.

#### **STATEMENT OF FACT**

The budget for 2016-2017 was \$2,669,300.

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

The resolve was adopted by unanimous vote.

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2017-B016

June 6, 2017

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

filed May 30, 2017  
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 **\$337,182** for the year July 1, 2017 – June 30, 2018.

**STATEMENT OF FACT**

The budget for 2016-2017 was \$209,678.

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

The resolve was adopted by unanimous vote.

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

There were no items.

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Chairman O'Connell said there being no other items to be taken up on the agenda, he would accept a motion for adjournment.

**ACTION:** Councilor Goss moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 8:28 p.m.

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