

City Council Minutes
March 17, 2015

Regular Meeting
City Hall Council Chambers

Tuesday, March 17, 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 Goss 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, March 17, 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	A. Nickerson	Ptl.	03/13/15	1851
Matthew Vachon	R. Hogan	Asst. Clerk	03/13/15	4:15pm
Beverly Uhlenhake	A. Nickerson	Ptl.	03/13/15	1840
Jerry Goss	A. Nickerson	Ptl.	03/13/15	1825
Kevin O'Connell	R. Hogan	Asst. Clerk	03/13/15	4:00pm

CITY COUNCIL REGULAR MEETING
Tuesday, March 17, 2015 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Vachon)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor Vachon)
- A. Minutes of February 10, 2015 Regular Meeting.** (Councilor O’Connell)
- B. Awards, Petitions, Public Comments**
 - 1. (2015-B004) RESOLUTION OF RESPECT for Joan “Dodo” Bouchard. (Councilor Goss)
 - 2. (2015-B005) RESOLUTION OF RESPECT for David E. Grant. (Mayor Vachon)
 - 3. (2015-B006) RESOLUTION OF RESPECT for John D. Tripp. (Councilor Ferris)
 - 4. Public Comments.
- C. Consent Calendar.**
 - 1. (2015-A017) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor O’Connell)
 - 2. (2015-A018) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Uhlenhake)
 - 3. (2015-A019) ORDER, Accept Donations to the Brewer Public Library. (Councilor Ferris)
 - 4. (2015-A020) ORDER, Accept Grant From the Kiwanis Club of Brewer to the Brewer Public Library. (Councilor Goss)
 - 5. (2015-A021) ORDER, Set Date for Public Hearing on Proposed Charter Amendment to Repeal Residency Requirement for Superintendent of Schools. (Councilor Ferris)
 - 6. (2015-A022) ORDER, Authorize Purchase of a 2015 Ford F-250 Pickup Truck with a Plow for the Water Pollution Control Facility. (Councilor O’Connell)
 - 7. (2015-A023) ORDER, That the 5000 Gallon Above Ground Heating Oil Tank Located at the Water Pollution Control Facility be Declared as City Surplus Property. (Councilor Uhlenhake)
 - 8. (2015-A024) ORDER, Amend the Schedule of Fees. (Councilor Goss)
 - 9. (2015-A025) ORDER, Accept Funds From the State of Maine Community Development Block Grant (CDBG) Micro-Enterprise Program for Tiller & Rye. (Councilor O’Connell)

10. (2015-A026) ORDER, Authorize the City of Brewer Water Department Superintendent to Update The City of Brewer Water Department's Terms and Conditions. (Councilor Uhlenhake)
11. (2015-A027) ORDER, Accept Funds in a Forfeiture Resulting From a Recent Court Case that the Brewer Police Department Made a Substantial Contribution in the Successful Prosecution of. (Councilor Ferris)
12. (2015-A028) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Fall Program/League and the Winter Program/League. (Councilor Goss)
13. (2015-A029) ORDER, Issue Release Deed to AKTEM Business Park LLC for Property Located at 55 Baker Boulevard (Tax Map 20, Lot 13). (Councilor O'Connell)
14. (2015-A030) ORDER, Issue Release Deed to AKTEM Business Park LLC for Property Located at 55 Baker Boulevard (Tax Map 20, Lot 10). (Councilor Uhlenhake)
15. (2015-A031) ORDER, Authorizing Issuance of the City's General Obligation Bonds to Finance a Municipal Parking Lot and Recreational Facilities and Other Public Neighborhood Enhancements Within and in the Immediate Vicinity of the Highland Community Affordable Housing Development District, and A Tax Levy Therefor. (Councilor Goss)
16. (2015-A032) ORDER, Authorize Purchase of Electrical Equipment and Fixtures for Dougherty Recreational Complex. (Councilor O'Connell)
17. (2015-B007) RESOLVE, Amend the Schedule of City Council Regular Meetings to Change the May Regular Meeting Date. (Councilor Ferris)

D. Monthly Reports. (Councilor Goss)

E. Nominations, Appointments, Elections.

1. Consent Calendar.

- a. (2015-B008) RESOLVE, Accept Resignations of James Mullen and Karen Morelli as Associate Members of the Planning Board of the City of Brewer. (Councilor O'Connell)
- b. (2015-A033) ORDER, Reappoint Inspector of Buildings. (Councilor Uhlenhake)
- c. (2015-A034) ORDER, Reappoint Inspector of Plumbing. (Councilor Ferris)
- d. (2015-A035) ORDER, Reappoint Harbor Master. (Councilor Goss)

- e. (2015-A036) ORDER, Appoint Member to the Board of Commissioners of the Housing Authority of the City of Brewer.
(Councilors Vachon and O’Connell)
- f. (2015-A037) ORDER, Reappoint and Appoint Members to the Board of Appeals of the City of Brewer.
(Councilors Vachon and O’Connell)
- g. (2015-A038) ORDER, Reappoint Members to the Conservation Commission of the City of Brewer.
(Councilors Vachon and O’Connell)
- h. (2015-A039) ORDER, Reappoint Member to the Library Board of Trustees of the City of Brewer.
(Councilors Vachon and O’Connell)
- i. (2015-A040) ORDER, Reappoint Members to the Parks and Recreational Advisory Commission of the City of Brewer.
(Councilors Vachon and O’Connell)
- j. (2015-A041) ORDER, Reappoint and Appoint Members to the Brewer Planning Board.
(Councilors Vachon and O’Connell)
- k. (2015-A042) ORDER, Reappoint Member to the Brewer Cemetery Board. (Councilors Vachon and O’Connell)
- l. (2015-A043) ORDER, Appoint Member to the Brewer Board of Assessment Review.
(Councilors Vachon and O’Connell)
- m. (2015-B009) RESOLVE, Confirm City Manager’s Appointments of Constables. (Councilor Uhlenhake)

F. Unfinished Business.

- 1. (2015-C002) Amend Chapter 24, Article 11, Telecommunication Facilities, Sections 1107 (Setbacks) and 1121 (Exceptions).
(Councilor Uhlenhake)(posted 2/11/15)

G. New Business.

1. Consent Calendar.

- a. (2015-C003) Amend Chapter 1, Article 2, General, Section 211 (Penalties), Article 3, Rules of Order, Sections 300.8, 330.2, 330.4, 330.15 and 330.17 of the City of Brewer Charter, Codes and Ordinances, Entitled “The City Council”. (Councilor Ferris)
- b. (2015-C004) Amend Chapter 20, Entitled “Licenses and Permits”, Article 2, Licenses, Section 220, Outdoor Events With Music and With or Without Alcohol Served and Section 220.1 of the City of Brewer Charter, Codes and Ordinances. (Councilor Goss)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of February 10, 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.

2015-B004

March 17, 2015

TITLE: RESOLUTION OF RESPECT FOR JOAN "DODO" BOUCHARD.

filed March 11, 2015
by Jerry Goss

WHEREAS, on the 4th day of February, 2015, death brought to a close the full and active life of Joan "Dodo" Bouchard of Brewer; and

WHEREAS, Dodo met the love of her life while she was working at the A & P grocery store. They married in 1961 and became business owners of the Brewer Variety and Dud's Dairy Freeze in Brewer and after selling the restaurant she began work at the Brewer School System in the Superintendent's office where she made many lifetime friends; and

WHEREAS, Dodo was a devoted wife, mother and grandmother and lived a very active social life spending time with friends known as the "Chamberlain Gang" in her retirement community. She was a devoted friend to many and would drop everything to help someone in need; and

WHEREAS, Dodo had many hobbies and social events she cherished from ceramics, choir, coffee groups and especially her grandchildren's sporting events;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Joan "Dodo" Bouchard to the well-being and development of the community in which she lived, worshipped, and earned the deep respect of all who knew her; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of her family in testimony to the high esteem held for Joan "Dodo" Bouchard by the citizens and officials of the City of Brewer, Maine.

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

Councilor Goss read the resolve into the record while presenting a plaque to two of Joan's daughters.

Councilor Goss wanted to mention that Joan was the chief promoter of the children's fund at the Brewer schools. This fund helped children who didn't have something that classmates had and couldn't afford it. This fund helped those children so they didn't feel different from any of the others. He also presented a challenge coin to them and said to do as your mother always did.

The resolve was adopted by unanimous vote.

2015-B005

March 17, 2015

TITLE: RESOLUTION OF RESPECT FOR DAVID E. GRANT.

filed March 11, 2015
by Matthew Vachon

WHEREAS, on the 29th day of December, 2014, death brought to a close the full and active life of David E. Grant of Brewer; and

WHEREAS, David was a graduate of Cherryfield Academy, a 1960 graduate of Hansons Barber School and was a U.S. Army veteran; and

WHEREAS, David was a devoted husband, father and grandfather. He was a member of Essex Street Baptist Church, member and past Master of Rising Virtue Lodge #10 AF & AM of Bangor, Mount Moriah Chapter, Bangor Council, past Commander of St. John's Commandery #3 and Anah Shriners; and

WHEREAS, David was a well-known Brewer barber for 53 years;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of David E. Grant, to the well-being and development of the community in which he lived and earned the deep respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for David E. Grant by the citizens and officials of the City of Brewer, Maine.

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

Councilor O'Connell read the resolve into the record while presenting a plaque to David's son and daughter.

Councilor O'Connell said that Dave the barber was part of the fabric of the City of Brewer and that he was the first to cut his son's hair – of course it made it easier because he had candy.

Mayor Vachon said the he and his three brothers also had their hair cut by Dave.

The resolve was adopted by unanimous vote.

2015-B006

March 17, 2015

TITLE: RESOLUTION OF RESPECT FOR JOHN D. TRIPP.

filed March 11, 2015
by Joseph Ferris

WHEREAS, on the 16th day of February, 2015, death brought to a close the full and active life of John D. Tripp of Brewer; and

WHEREAS, John was educated in the Bangor schools and was a U.S. Air Force veteran; and

WHEREAS, John was a well-known Brewer businessman and founded AAA Security in 1972 which he and his wife operated for 42 years. Prior to his retirement, John was the preeminent locksmith in the Brewer-Bangor area; and

WHEREAS, John was a devoted husband, father and grandfather. He was a member of the First United Methodist Church of Brewer, member and past Master of Rising Virtue Lodge #10 AF & AM of Bangor, member of Howard Lodge #69 of Winterport, the Eastern Star Lodge of Perfection, Palestine Princes of Jerusalem, Bangor Chapter of Rose Croix, Maine Consistory 32 and was coronated a 33in 2001 and an honorary member of the Supreme Council of the Northern Masonic Jurisdiction of the United States of America;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of John D. Tripp, to the well-being and development of the community in which he lived and earned the deep respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for John D. Tripp by the citizens and officials of the City of Brewer, Maine.

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

Councilor Ferris read the resolve into the record while presenting a plaque to Mrs. Tripp and her daughter.

Councilor Ferris said that he met John in the early 70's when he was just a young attorney and Mr. Tripp had been hired by the Bangor Savings Bank to drill the locks on safety boxers that the keys had been lost. At that time Attorney Ferris was there to observe the operation.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

Councilor Uhlenhake said she and others went to Augusta on February 18th and gave testimony at the hearing on the governor's budget pertaining to Municipal Revenue Sharing. Also she and City Manager Bost, Development Director D'arcy Main-Boyington went to Washington DC and attended the National League of Cities conference. While there they met and talked with Senators Collins and King. They thanked Senator Collins for all her help in getting funding for the waterfront trail.

C. Consent Calendar.

ACTION: Councilor Ferris removed order 2015-A021 from the consent calendar.
Councilor Uhlenhake moved that order 2015-A031 be removed from the consent calendar.

Councilor Uhlenhake moved that the remaining orders on the consent calendar have passage and resolve 2015-B007 be adopted.

The motion was seconded and passed by unanimous vote.

2015-A017

March 17, 2015

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

filed March 11, 2015
by Kevin O'Connell

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 **\$589,392.45** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
March 2015	\$585,043.85	
December 2014	\$ 3,420.32	
January 2015	\$ 664.83	
February 2015	\$ 263.45	
Total	\$589,392.45	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$585,392.45** 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.

2015-A018

March 17, 2015

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

filed March 11, 2015
by Beverly Uhlenhake

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 **\$528,384.44** 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

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

EVENT	COMMITMENT	COMMENTS
March 2015	\$524,947.30	
December 2014	\$2,834.59	
January 2015	\$209.08	
February 2015	\$393.47	
Total	\$528,384.44	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$528,384.44** 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.

2015-A019

March 11, 2015

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

filed March 11, 2015
by Joseph Ferris

WHEREAS, the Brewer Public Library has received contributions totaling \$65.00 from Sharon Van Dyne and Pauline Drew; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these generous contributions totaling \$65.00 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-A020

March 11, 2015

TITLE: ORDER, ACCEPT GRANT FROM THE KIWANIS CLUB OF BREWER
TO THE BREWER PUBLIC LIBRARY.

filed March 11, 2015
by Jerry Goss

ORDERED, that the \$500.00 Kiwanis Club of Brewer Grant received by the Brewer Public Library is herewith acknowledged and accepted;

NOW, THEREFORE, BE IT ORDERED, that these grant funds shall be placed in account 0600072-360000-72911 for the Summer Reading Program and expended from account 0600072-560000-72011 to be used for its designated purposes for the Summer Reading Program.

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-A021

March 17, 2015

TITLE: ORDER, SET DATE FOR PUBLIC HEARING ON PROPOSED
CHARTER AMENDMENT TO REPEAL RESIDENCY
REQUIREMENT FOR SUPERINTENDENT OF SCHOOLS.

filed March 11, 2015
by Joseph Ferris

ORDERED, that a public hearing be held on Tuesday, March 31, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall on the following proposed amendment to the Brewer City Charter:

Repeal Article III, Section 8 of the City of Brewer City Charter follows:

~~**SECTION 8.** With any Superintendent of Schools contract beginning July 1, 2013, and thereafter, the School Committee require, as a condition of the Superintendent of Schools employment, that the Superintendent of Schools become a resident of the City of Brewer within three (3) years after his or her employment begins. Successive contracts with the same person shall be considered one contract for the purpose of this Section. The beginning date of the earliest contract shall cause the three (3) year period within which the Superintendent of Schools must establish residency within the City of Brewer to begin to run.~~

SUMMARY

The purpose of this proposed Amendment to the City of Brewer Charter is to repeal the requirement that the Superintendent of Schools become a resident of the City of Brewer within three years after being hired.

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

Councilor Ferris said that the reason he asked that this order be put on again was that he was now on board to send this question out to the voters for repeal of the residency requirement by council vote and not have it go out to petition. He said they need to find the best person who will be the most beneficial to the community and school system.

Councilor O'Connell said that the city did not want to have a special election to put this question out to vote as it is too costly so the timeframe by council voting on this would put it in line to be put on the June 9th election.

The order was passed by unanimous vote.

2015-A022

March 17, 2015

TITLE: ORDER, AUTHORIZE PURCHASE OF A 2015 FORD F-250 PICKUP TRUCK WITH A PLOW FOR THE WATER POLLUTION CONTROL FACILITY.

filed March 11, 2015
by Kevin O'Connell

WHEREAS, as part of the FY2015 Sewer Capital Improvement Program the Brewer City Council approved funding for the replacement of a pickup truck; and

WHEREAS, bids were solicited, received and evaluated for the purchase of a ¾ ton pickup truck with a plow to replace Water Pollution Control Facility unit #704 a 2002 GMC Sierra 2500; and

WHEREAS, Quirk Ford of Augusta provided the City with the lowest of bids received in the amount of \$35,631.00; and

WHEREAS, the only other bid received was from Stoneham Motor Company for \$37,154.00;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Quirk Ford of Augusta in the amount of \$35,631.00 for the purchase of a FORD F-250 pickup truck with a plow; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0581003-583017, F250 ¾ T #704 Replacement FY15 CIP, to be funded from the sewer budget and sewer asset management reserve as approved as part of the FY15 sewer budget and CIP; and

BE IT FURTHER ORDERED, that the current Water Pollution Control Facility unit #704, the 2002 GMC Sierra 2500 with plow be listed as City Surplus once the replacement vehicle is received from Quirk Ford of Augusta; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize the sale of said surplus property by means that would be in the best interest of the City of Brewer and the funds from said sale be deposited in 0580005-300410, Sewer CIP Sale of Assets, and used to offset the cost of the replacement vehicle.

2015-A023

March 17, 2015

TITLE: ORDER, THAT THE 5000 GALLON ABOVE GROUND HEATING OIL TANK LOCATED AT THE WATER POLLUTION CONTROL FACILITY BE DECLARED AS CITY SURPLUS PROPERTY.

filed March 11, 2015
by Beverly Uhlenhake

WHEREAS, the Water Pollution Control Facility now has natural gas boilers and no longer use #2 heating oil; and

WHEREAS, the above ground 5000 gallon heating oil tank with containment and enclosure has been emptied, cleaned and ready to sell;

NOW, THEREFORE, BE IT ORDERED, that the 5000 gallon heating oil tank be declared surplus property; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to dispose of said tank by auction or sale and to deposit the proceeds in the Sewer Funds Sale of Assets revenue account 0580005-300410.

2015-A024

March 17, 2015

TITLE: ORDER, AMEND THE SCHEDULE OF FEES.

filed March 11, 2015
by Jerry Goss

ORDERED, that the Schedule of Fees established by the City Council on March 12, 1979, and last amended on October 14, 2014 be further amended;

NOW, THEREFORE, BE IT ORDERED, that the Schedule of Fees be further amended by adding the following to page one of the schedule under All Departments, Notice of Public Hearings:

ALL DEPARTMENTS

- PHOTO COPIES .50¢ PER PAGE
- ALL CITY MAPS
 - SMALL (8X10 or smaller) \$1.00 PER PAGE
 - LARGE (8x10 up to 24"X36") \$4.00 PER PAGE
- LARGE FORMAT DRAWINGS (24"X36" OR LARGER) \$10.00 PER PAGE
- DEEDS \$1.00 PER PAGE
- NOTARY SERVICES \$2.00 PER SIGNATURE
- FAX SERVICES \$2.00 PER PAGE
- NOTICE OF PUBLIC HEARINGS
 - NOTICES WITH MAPS ~~\$200.00 PER PRINT~~ DIRECT COST FROM PUBLISHER
 - NOTICES WITHOUT MAPS ~~\$90.00 PER PRINT~~ DIRECT COST FROM PUBLISHER
 - ABUTTER NOTICES \$2.00 PER ABUTTER
- RETURNED CHECK FEE \$25.00 PER CHECK
- COPIES OF DIGITAL RECORDS \$10.00 PER RECORD

2015-A025

March 17, 2015

TITLE: ORDER, ACCEPT FUNDS FROM THE STATE OF MAINE
COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) MICRO-ENTERPRISE PROGRAM FOR
TILLER & RYE.

filed March 11, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer applied to the Department of Economic and Community Development for a Community Development Block Grant to carry out an economic development program in the fall of 2014; and

WHEREAS, the planning process required by Maine Law and the CDBG Program were complied with, including participation by the beneficiary, Tiller & Rye, a local foods store, and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Brewer was successful in its application and was awarded \$50,000 for the completion of the Tiller & Rye project located at 20 South Main Street; and

WHEREAS, in keeping with the terms of the program, from these funds the City has awarded Tiller & Rye a \$50,000.00 loan, which may be forgivable if certain conditions are met;

NOW, THEREFORE, BE IT ORDERED that the City of Brewer, by vote of its City Council, herewith accepts the Micro-Enterprise Program Award of \$50,000, and directs the funds be receipted to account 0600057- 360000 - 57016 (CDBG Tiller & Rye Grant Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0600057- 560000 - 57016 (CDBG Tiller & Rye Grant Expense).

2015-A026

March 17, 2015

TITLE: ORDER, AUTHORIZE THE CITY OF BREWER WATER DEPARTMENT SUPERINTENDENT TO UPDATE THE BREWER WATER DEPARTMENT'S TERMS AND CONDITIONS.

filed March 11, 2015
by Beverly Uhlenhake

WHEREAS, the Terms and Conditions of the Brewer Water Department (Utility) must be filed with the Maine Public Utilities Commission; and

WHEREAS, the Terms and Conditions of the Brewer Water Department constitute a contract between our Customers and the Utility; and

WHEREAS, the Brewer Water Department has a goal of keeping its Terms and Conditions current and up to date as needed; and

WHEREAS, a copy of the proposed Terms and Conditions showing all additions and deletions has been included for City Council Review; and

WHEREAS, the Maine Public Utilities Commission has the final say on the acceptance of the Water Department Terms and Conditions, and may require changes and modification to these Terms and Conditions;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer Water Department Superintendent is authorized to submit these Terms and Conditions to the Public Utilities Commission for review and acceptance; and

BE IT FURTHER ORDERED, that the City of Brewer Water Department Superintendent is authorized to make modifications to these Terms and Conditions based upon the requirements made by the Maine Public Utilities Commission and their acceptance of these Terms and Conditions.

2015-A027

March 17, 2015

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM A RECENT COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION IN THE SUCCESSFUL PROSECUTION OF.

filed March 11, 2015
by Joseph Ferris

WHEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 MRSA., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Docket Number	Sum
CR-13-306	\$10,000

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

2015-A028

March 17, 2015

TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE FALL PROGRAM/ LEAGUE AND THE WINTER PROGRAM/LEAGUE.

filed March 11, 2015
by Jerry Goss

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$200.00 from Bangor Tire Company for the Parks and Recreation Department's Fall Program/League and Winter Program/League;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that \$100.00 of the donated funds be receipted to the Fall Program/League account (0107123 300328) and \$100.00 of the donated funds be receipted to the Winter Program/League account (0107123 300329); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506130 (Fall Program/Leagues) and account 0117121 506140 (Winter Program/League).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

2015-A029

March 17, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO AKTEM BUSINESS
PARK LLC FOR PROPERTY LOCATED AT 55
BAKER BOULEVARD (TAX MAP 20, LOT 13).

filed March 11, 2015
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to AKTEM Business Park LLC, for property located at 55 Baker Boulevard releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 55 Baker Boulevard (City Tax Map 20, Lot 13) 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
13228	20
13569	29
13636	59

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 \$140,173.26 in principal was collected, along with \$6017.11 in interest and \$93.66 in costs.

2015-A030

March 17, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO AKTEM BUSINESS
PARK LLC FOR PROPERTY LOCATED AT 55
BAKER BOULDEVARD (TAX MAP 20, LOT 10).

filed March 11, 2015
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to AKTEM Business Park LLC, for property located at 55 Baker Boulevard releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 55 Baker Boulevard (City Tax Map 20, Lot 10) 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
13228	17
13569	26

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 6708.28 in principal was collected, along with \$428.61 in interest and \$62.44 in costs.

2015-A031

March 17, 2015

TITLE: ORDER, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL
OBLIGATION BONDS TO FINANCE A MUNICIPAL
PARKING LOT AND RECREATIONAL FACILITIES
AND OTHER PUBLIC NEIGHBORHOOD ENHANCEMENTS
WITHIN AND IN THE IMMEDIATE VICINITY OF THE
HIGHLAND COMMUNITY AFFORDABLE HOUSING
DEVELOPMENT DISTRICT, AND A TAX LEVY THEREFOR.

filed March 11, 2015
by Jerry Goss

BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT pursuant to 30-A M.R.S.A. §§5231 and 5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to Five Hundred Thirty Thousand Dollars (\$530,000) aggregate principal amount of general obligation bonds of the City of Brewer, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to finance the Parking Lot project and the Recreational Facilities and other Neighborhood Enhancements project listed on Attachment A hereto, and to finance issuance costs with respect thereto.

THAT the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the City Treasurer/ Finance Director.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. §§5231 and 5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director.

THAT said bonds shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, including but not limited to tax increment revenues from the Highland Community Affordable Housing Development District available for such purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT pursuant to 30 A M.R.S.A. §§5231 and 5772, Article VI, Section 7 of the City Charter and any other authority thereto enabling, the City Treasurer/ Finance Director is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the City Treasurer/ Finance Director.

THAT if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized to covenant and

agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT if the bonds or notes, or any part of them are issued on a tax exempt basis, the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director.

THAT the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met.

THAT the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are appropriated for the following purposes, to be selected by the City Treasurer/ Finance Director:

- To any costs of the projects listed on Attachment A;
- If the bonds are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds including, to the extent permitted thereunder, to the City's General Fund;
- To pay debt service on the bonds.

THAT if the actual cost of any project differs from the estimated cost on Attachment A, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the Bonds from any listed project to any other listed project or to any project listed in Order 2014-A106 adopted by the City Council July 8, 2014 with respect to the City's FY2015 Capital Improvement Program.

THAT the proceeds of the bonds and notes may be granted to Brewer Redevelopment, LLC in furtherance of the Parking Lot project, subject to the condition that within a reasonable time following completion of the Parking Lot project, Brewer Redevelopment, LLC shall convey to the City fee simple title to the Parking Lot project.

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its

behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds are underwritten in a public sale or a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds are issued to or through the Maine Municipal Bond Bank, or grant and lease agreements or memoranda with Brewer Redevelopment, LLC or the developers of the Highland Community Affordable Housing Development District with respect to the construction, use and operation of the Parking Lot project, to carry out the provisions of this Order in connection with the issuance of the Bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the

bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

Attachment A

Project List	
Parking Lot	\$425,000
Recreational Facilities and other Neighborhood Enhancements	100,000
Other – Issuance Costs	5,000
Total	\$530,000

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

Councilor Uhlenhake asked that Finance Director Karen Fussell give a short explanation of what these bond funds would be used for.

Finance Director Karen Fussell said that the funds would be used for building the parking lot, which would be for public use, for use by the Village Centre Multihousing and possibly for improvements to the city pool.

The order was passed by unanimous vote.

2015-A032

March 17, 2015

TITLE: ORDER, AUTHORIZE PURCHASE OF ELECTRICAL EQUIPMENT AND FIXTURES FOR DOUGHERTY RECREATIONAL COMPLEX.

filed March 11, 2015
by Kevin O'Connell

WHEREAS, quotes were received for the Dougherty Recreational Complex Project that will include security lighting, panels, conduit, wiring and other components; and

WHEREAS, the firm chosen can provide all materials required; and

WHEREAS, formal bidding of this portion of the renovation project would delay the completion by several months and whereas timing is crucial to overall successful completion of the Dougherty Complex;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer by vote of its City Council, does approve the purchase of supplies from Gilman Electric in the amount of \$20,104.85; and

FURTHER ORDERED, that the City Council herewith authorizes the cost of this purchase to be charged to the FY 14 CIP Washington Street Recreation Complex Account (0510104 551446); 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.

Quotes received: WESCO - \$19,590.38 (could not provide lighting fixture required)
Gilman Electric - \$ 20,104.85
Bangor Winlectric - \$20,317.44

2015-B007

March 17, 2015

TITLE: RESOLVE, AMEND THE SCHEDULE OF CITY COUNCIL REGULAR MEETINGS TO CHANGE THE MAY REGULAR MEETING DATE.

filed March 11, 2015
by Joseph Ferris

WHEREAS, the City Council, at its annual meeting held on November 18, 2014, adopted Resolve 2014-B071 establishing dates of its regular monthly meeting for 2015; and

WHEREAS, Tuesday, May 12, 2015 was established as the date for the May, 2015 regular meeting; and

WHEREAS, all members of the City Council will not be available to attend this Council meeting;

NOW, THEREFORE, BE IT RESOLVED, that Council Resolve 2014-B071, be amended by changing the date of the regular meeting for the month of May 2015 from Tuesday, May 12, 2015 to Tuesday, May 19, 2015 at 6:00 p.m.

D. Monthly Reports.

ACTION: Councilor Goss moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

E. Nominations, Appointments, Elections

1. Consent Calendar.

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

The motion was seconded and passed by unanimous vote.

2015-B008

March 17, 2015

TITLE: RESOLVE, ACCEPT RESIGNATIONS OF JAMES MULLEN AND KAREN MORELLI AS ASSOCIATE MEMBERS OF THE PLANNING BOARD OF THE CITY OF BREWER.

filed March 11, 2015
by Kevin O'Connell

WHEREAS, James Mullen and Karen Morelli have submitted letters of resignation dated February 9, 2015 with an effective date of March 31, 2015, as associate members of the Brewer Planning Board; and

WHEREAS, the City Council must vote to accept these resignations and declare vacancies for associate members before proceeding to fill these vacancies;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of James Mullen and Karen Morelli as associate members of the Brewer Planning Board and declares that vacancies will exist on the Planning Board for associate members.

2015-A033

March 17, 2015

TITLE: ORDER, REAPPOINT INSPECTOR OF BUILDINGS.

filed March 11, 2015
by Kevin O'Connell

WHEREAS, Title 25 M.R.S.A. § 2351 provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Stewart Brooks is the Brewer Code Enforcement Officer for the City of Brewer; and

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs as part of his duties Inspector of Buildings;

NOW, THEREFORE, BE IT ORDERED that Stewart Brooks is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2015 and expiring March 31, 2016.

2015-A034

March 17, 2015

TITLE: ORDER, REAPPOINT INSPECTOR OF PLUMBING.

filed March 11, 2015
by Joseph Ferris

ORDERED, that Stewart Brooks is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2015 and expiring on March 31, 2016.

FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

2015-A035

March 17, 2015

TITLE: ORDER, REAPPOINT HARBOR MASTER.

filed March 11, 2015
by Jerry Goss

ORDERED, that Gerald Ledwith is herewith reappointed Harbor Master for the City of Brewer for a one year term commencing April 1, 2015 and expiring March 31, 2016.

NOTE: Mr. Ledwith also serves as Bangor's Harbor Master

City Council Minutes
March 17, 2015

2015-A036

March 17, 2015

TITLE: ORDER, APPOINT MEMBER TO THE BOARD OF
COMMISSIONERS OF THE HOUSING AUTHORITY
OF THE CITY OF BREWER.

filed February 9, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Michael Whalen, 271 Chamberlain Street, is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer for a five year terms; and

ORDERED, that Mr. Whalen's term will commence April 1, 2015 and expire March 31, 2020.

2015-A037

March 17, 2015

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE BOARD
OF APPEALS OF THE CITY OF BREWER.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Deborah Turner, 127 Starlight Drive and Barry Twitchell, 50 Alan-A-Dale Road are herewith reappointed to the Board of Appeals of the City of Brewer for three year terms. These terms will commence April 1, 2015 and expire March 31, 2018; and

ORDERED, that Bruce Johnson, 127 Eagle Ridge Road, be appointed as member of the Board of Appeals of the City of Brewer for a three year term. Mr. Johnson's term will commence April 1, 2015 and expire March 31, 2018;

2015-A038

March 17, 2015

TITLE: ORDER, REAPPOINT MEMBERS TO THE CONSERVATION
COMMISSION OF THE CITY OF BREWER.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Michele L. Daniels, 28 School Street and Michael J. Fitzpatrick, 309 South Main Street are herewith reappointed to the Conservation Commission of the City of Brewer for three year terms; and

ORDERED, that Ms. Daniels and Mr. Fitzpatrick's terms will commence April 1, 2015 and expire March 31, 2018.

2015-A039

March 17, 2015

TITLE: ORDER, REAPPOINT MEMBER TO THE LIBRARY
BOARD OF TRUSTEES OF THE CITY OF BREWER.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Michele L. Daniels, 28 School Street, is herewith reappointed to the Library Board of Trustees of the City of Brewer for a three year term; and

ORDERED, that Ms. Daniel's term will commence April 1, 2015 and expire March 31, 2018.

2015-A040

March 17, 2015

TITLE: ORDER, REAPPOINT MEMBERS TO THE PARKS AND
RECREATIONAL ADVISORY COMMISSION.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Thomas G. Tardiff, 9 Willow Way, Ashley Blanchard, 75 Lambert Road and John Cuskelly, 92 Canterbury Road are herewith reappointed to the Parks and Recreational Advisory Commission of the City of Brewer for three year terms; and

FURTHER ORDERED, that Mr. Tardiff, Mrs. Blanchard and Mr. Cuskelly's terms will commence on April 1, 2015 and expire March 31, 2018.

City Council Minutes
March 17, 2015

2015-A041

March 17, 2015

TITLE: ORDER, REAPPOINT AND APPOINT MEMBERS TO THE BREWER
PLANNING BOARD.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that James Mullen, 46 Wintergreen Way, Constance Holden, 108 Chamberlain Street and Craig Saunders, 45 Oak Grove Drive are herewith appointed to the Brewer Planning Board of the City of Brewer for three year terms and Karen Morelli, 319 Wiswell Road is appointed to the Brewer Planning Board of the City of Brewer for a one year term. All four are appointed as regular members and;

ORDERED, that Mr. Mullen, Ms. Holden and Mr. Saunders' terms will commence April 1, 2015 and expire March 31, 2018. Ms. Morelli's term will commence on April 1, 2015 and expire on March 31, 2016; and

FURTHER ORDERED, that Amy Clark, 588 No. Main Street, is herewith appointed as an associate member to the Brewer Planning Board of the City of Brewer for a one year term and Richard Manzo, 82 Parkway North is herewith appointed as an associate member, to fill a vacancy, to the Brewer Planning Board of the City of Brewer; and

BE IT FURTHER ORDERED, that Ms. Clark's term will commence April 1, 2015 and expire on March 31, 2016 and Mr. Manzo's term will commence on April 1, 2015 and expire March 31, 2017

2015-A042

March 17, 2015

TITLE: ORDER, REAPPOINT MEMBER TO THE BREWER
CEMETERY BOARD.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Michele L. Daniels, 28 School Street is herewith reappointed to the Brewer Cemetery Board of the City of Brewer for a three year term and;

FURTHER ORDERED, that Ms. Daniels' term will commence April 1, 2015 and expire March 31, 2018.

2015-A043

March 17, 2015

TITLE: ORDER, APPOINT MEMBER TO THE BREWER
BOARD OF ASSESSMENT REVIEW.

filed March 11, 2015
by Matthew Vachon
Kevin O'Connell

ORDERED, that Michael E. Whalen, 271 Chamberlain Street is herewith appointed to the Brewer Board of Assessment Review for a three year term and;

FURTHER ORDERED, that Mr. Whalen's term will commence April 1, 2015 and expire March 31, 2018.

2015-B009

March 17, 2015

TITLE: RESOLVE, CONFIRM CITY MANAGER'S APPOINTMENTS OF
CONSTABLES.

filed March 11, 2015
by Beverly Uhlenhake

RESOLVED, that the City Council herewith confirms the City Manager's appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2015 and expiring March 31, 2016:

Public Safety Director Perry Antone
Deputy Police Chief Jason Moffitt
Lieutenant Chris Martin
Cpl. Levi Sewall
Cpl. Paul Gauvin
Sgt. Jay Munson
Sgt. Nelson Feero
Sgt. Fred Luce
Stewart Brooks, Code Enforcement Officer
Dan Joy, Animal Control Officer
Gerald Ledwith, Harbor Master

F. Unfinished Business.

1. (2015-C002) AMEND CHAPTER 24, ARTICLE 11, TELECOMMUNICATIONS FACILITIES, SECTIONS 1107 (SETBACKS) AND 1121 (EXCEPTIONS).

ACTION: Councilor Uhlenhake moved that the ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

G. New Business.

2015-C003

March 17, 2015

TITLE: AMEND CHAPTER 1, ARTICLE 2, GENERAL, SECTION 211 (PENALTIES), ARTICLE 3, RULES OF ORDER, SECTIONS 300.8, 330.2, 330.4, 330.15 AND 330.17 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "THE CITY COUNCIL".

filed March 11, 2015
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 1, Article 2, General, Section 211 (Penalties) be deleted and Article 3, Rules of Order, Sections 300.8, 330.2, 330.4, 330.15 and 330.17 of the Charter, Codes and Ordinances of the City of Brewer entitled "The City Council" be amended as follows:

1. ARTICLE 2. GENERAL

SECTION 211. RESERVE. —~~PENALTIES~~. ~~Every person who shall be guilty of a violation of any provision of any Ordinance to which a particular penalty is not annexed, shall forfeit and pay a sum of not more than One Hundred (\$100.00) Dollars to be recovered to the use of the City on complaint or by other appropriate action before the proper court.~~

2. ARTICLE 3. RULES OF ORDER

SECTION 300.8. The Chairman ~~shall~~ may state all questions, unless he directs the City Clerk or Deputy City Clerk to do so, before they are put to a vote and declare the results.

SECTION 330.2. The Chairman, or in the absence of the Chairman the Vice-Chairman, or in the absence of the Chairman and Vice-Chairman the Chairman pro-tempore, shall call the meeting to order, cause the roll to be called and declare if a quorum is present, except that at the annual meeting each year the City Clerk shall call the meeting to order, cause the roll to be called, declare if a quorum is present and, if so, proceed to the election of the Chairman as provided herein and by the City Charter. Once the Chairman is elected, the Clerk shall swear the Chairman in to faithfully carry out his or her duties; and the Chairman shall assume the Chair. The next order of business shall be the election of the Vice-Chairman. The Chairman shall preside over the election of the Vice-Chairman. The Clerk shall swear the Vice-Chairman to

faithfully carry out his or her duties as Vice-Chairman. In the event a quorum is not present for the election of the Chairman or Vice-Chairman, those members present and voting shall set a day, time and place for the election of the Chairman and Vice-Chairman. Those members present and voting shall may compel the attendance of all members of the Council at ~~said~~ a subsequent meeting. At said meeting, the Clerk shall conduct said meeting as hereinbefore provided until a Chairman is duly elected and sworn.

SECTION 330.4. Each Council meeting shall have an agenda, which shall be prepared by the City Clerk and delivered to the members of the City Council at least three (3) days prior to a Regular Monthly Meeting or a Special Meeting and at least twenty-four (24) hours prior to an Emergency Special Meeting. All items on the agenda list shall be enclosed with the agenda. Any pertinent background information or reports relating to the agenda item shall be attached to such item. An agenda for any meeting shall be closed to the addition of Ordinances, Ordinance Amendments, Orders, and Resolves by any member of the City Council when it is published (printed) by the City Clerk for delivery to the City Council, except as otherwise provided in Article 3, Section 330.6.

SECTION 330.15. The Land Use and Land Use Code Amendments shall receive a public hearing before the Planning Board before being considered by the Council.

SECTION 330.17. The Chairman, or in the absence of the Chairman the Vice-Chairman or the Chairman pro-tempore, shall be satisfied that the item and the amendments thereto are properly worded before he or she allows the Council to vote thereon. He or she may read the Item, Amendment or Amended Item to the assembled members, unless the Chairman directs the City Clerk or Deputy City Clerk to do so, before a vote is taken.

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

2015-C004

March 17, 2015

TITLE: AMEND CHAPTER 20, ENTITLED "LICENSES AND PERMITS", ARTICLE 2, LICENSES, SECTION 220, OUTDOOR EVENTS WITH , MUSIC AND WITH OR WITHOUT ALCOHOL SERVED AND SECTION 220.1OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed March 11, 2015
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 20, "Licenses and Permits", Article 2, Licenses, Section 220, Outdoor Events With

Music and With or Without Alcohol Served and Section 220.1 of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

LICENSES AND PERMITS

SECTION 220. OUTDOOR EVENTS WITH MUSIC AND WITH OR WITHOUT ALCOHOL SERVED.

Any person, partnership, corporation or other legal entity desiring to hold an outdoor event shall make application to the City Clerk upon forms provided by him/her. All applications will be presented to the City Council for approval at a City Council meeting. There will be no fee charged for such events. Each establishment shall only be allowed one event per year unless the City council grants special approval for more.

The City Council may allow an applicant to hold more than one outdoor event annually if located within that portion of the Convenience Business (CB) zoning district which lies between the Penobscot Bridge and the Veteran's Memorial Bridge and also between Main Street and the Penobscot River subject to, but not limited to, review of the following:

- a) Requested number of times per year;
- b) Requested days and time/hours of events. Unless granted special approval, outdoor events shall only be allowed Thursdays through Sunday afternoons;
- c) Proposed type of entertainment (ie. Live music, show, gathering) at each event;
- d) Anticipated number of patrons at each event;
- e) Anticipated noise level at each event. Unless granted special approval, amplified music is not allowed outdoors. Speakers are not allowed to be placed in open windows or piped outside with the exception of background music;
- f) Location of any additional parking, if needed;
- g) Provisions for security and public safety, if needed.

SECTION 220.1. A single application may include requests for multiple events, where applicable, and shall be processed all at once with one review and public notice. Copy of each application for outdoor event will be forwarded to the City Inspectors (Health Officer, Code Enforcement, Deputy Police Chief and Deputy Fire Chief) for their approval and a written report shall be sent back to the City Clerk to be forwarded to the City Council before they approve such event. Notice shall be sent to abutters within 500 feet of such outdoor event by the City Clerk's office at least 7 days before the City Council meeting which contains the orders for City Council to approve these events. The applicant shall be responsible for the cost of mailing notices to abutting property owners as set forth in the then current City of Brewer Schedule of Fees.

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

H. New Items with Leave of Council.

There were none.

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 6:32 p.m.

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