

City Council Minutes  
March 31, 2015

Regular Meeting  
City Hall Council Chambers

Tuesday, March 31, 2015  
6:00 p.m.

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

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

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

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

Chairman Vachon read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake  
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, March 31, 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

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OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	T. Tardiff	Ptl.	03/27/15	1622
Matthew Vachon	P. Ryan	Clerk	03/27/15	4:10pm
Beverly Uhlenhake	T. Tardiff	Ptl.	03/27/15	1616
Jerry Goss	T. Tardiff	Ptl.	03/27/15	1638
Kevin O'Connell	P. Ryan	Clerk	03/27/15	3:45pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, March 31, 2015 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Matthew Vachon)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Vachon)
- A. Minutes of March 17, 2015 Regular Meeting.** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
  - 1. (2015-B010) RESOLVE, Recognize Amy Winchester for Induction into the Maine Sports Hall of Fame.  
( Mayor Vachon, Councilors Goss, Uhlenhake, Ferris and O'Connell)
  - 2. Update on 2015 CDBG Housing Rehabilitation Grant Application.  
(Assistant City Manager James Smith)
  - 3. Public Comments.
- IV. Recess for Public Hearing.**
  - 1. Repeal Article III, Section 8 (Superintendent of Schools Residency Requirement) of the City of Brewer Charter.
  - 2. Applications for Renewal of City Amusement Licenses.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
  - 1. (2015-A044) ORDER, Issue Amusement License to Delano Merritt d/b/a Cap's Tavern, 494 So. Main Street.  
(Councilor Goss)
  - 2. (2015-A045) ORDER, Issue Amusement License to Fraternal Order of Eagles #3177, 22 Atlantic Avenue.  
(Councilor Uhlenhake)
  - 3. (2015-A046) ORDER, Issue Amusement License to RMB&G, Inc. d/b/a Brewster's Fine Food & Drink, 359 Wilson Street. (Councilor O'Connell)
  - 4. (2015-A047) ORDER, Issue Amusement License to Jeffrey E. Asheby and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way. (Councilor Ferris)
  - 5. (2015-A048) ORDER, Issue Amusement License to CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirit, 393 No. Main Street. (Councilor Goss)
  - 6. (2015-A049) ORDER, Issue Amusement License to Tracey Marceron, Between Friends, Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street.  
(Councilor Uhlenhake)
  - 7. (2015-A050) ORDER, Issue Amusement License to Charles Henry, Inc.

City Council Minutes  
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8. (2015-A051) ORDER, d/b/a Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street. (Councilor O'Connell)  
Issue Amusement License to the Bangor Area Recovery Network, 142 Center Street. (Councilor Ferris)
9. (2015-A052) ORDER, Issue Amusement License to Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street. (Councilor Goss)
10. (2015-A053) ORDER, Issue Amusement License to Meghan Black d/b/a Humble, 518 South Main Street. (Councilor Uhlenhake)
11. (2015-A054) ORDER, Submit to the Voters the Proposed Charter Amendment to Repeal the Requirement that Superintendents of Schools be Residents of the City of Brewer. (Councilor O'Connell)
12. (2015-A055) ORDER, Determine Effective Date of Charter Amendment if Approved at the June 9, 2015 Municipal Election. (Councilor Ferris)
13. (2015-A056) ORDER, Authorize the City Manager to Accept and Use Funds for the 2015 Stream Cleanup Program. (Councilor Goss)
14. (2015-A057) ORDER, Accept Donation to the Brewer Public Library. (Councilor Uhlenhake)
15. (2015-A058) ORDER, Accept Grant From the Maine Community Foundation to the Brewer Public Library. (Councilor O'Connell)
16. (2015-A059) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Ferris)
17. (2015-A060) ORDER, Authorize Agreement with Thomas Shanos for Payment of Tax Liens, Sewer Liens and Current and Future Taxes and Sewer on 429 Wilson Street. (Councilor Goss)
18. (2015-A061) ORDER, Award Contract for Design Services for the Wilson Street Traffic Signal Interconnect Project. (Councilor Uhlenhake)
19. (2015-A062) ORDER, Authorizing Brewer Redevelopment, LLC to Enter into the Necessary Agreements for the Parking Lot to be Constructed Adjacent to the Former State Street School Property. (Councilor O'Connell)
20. (2015-A063) ORDER, Issue Release Deed to Arthur R. and Nancy L. Reed for Property Located at 10 Maple Street (Tax Map 28, Lot 49). (Councilor Ferris)
21. (2015-A064) ORDER, Reallocate Debt Service Budget to Support FY15

- Capital Projects in Accordance with Approved FY15 CIP. (Councilor Goss)
22. (2015-A065) ORDER, Issue Release Deed to Valerie Sanders for Property Located at 558 South Main Street (Tax Map 22, Lot 66). (Councilor Uhlenhake)
  23. (2015-A066) ORDER, Authorize Submission of a 2015 Housing Assistance Grant Application. (Councilor Ferris)
  24. (2015-B011) RESOLVE, Adopt a WiFi Policy, Warning and Disclaimer for Use by the General Public Along the Brewer Riverwalk Trail. (Councilor O'Connell)
  25. (2015-B012) RESOLVE, Replace the City of Brewer 1995 Comprehensive Plan Which was Adopted April 23, 1996 by Adopting the City of Brewer Comprehensive Plan, Dated March, 2015. (Councilor Goss)

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

**E. Nominations, Appointments, Elections.** (no items)

**F. Unfinished 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) (posted 3/18/15)
- 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) (posted 3/18/15)

**G. New Business.**

1. (2015-C005) Amend Chapter 19, Article 3 "Stopping, Standing and Parking", Section 315 "Parking Limited and Prohibited", Schedule C, Item 94 of the City of Brewer Charter, Codes and Ordinances, Entitled "Traffic Code". (Councilor O'Connell)

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

**I. ADJOURN.**

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**A. Minutes of March 17, 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.

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

2015-B010

March 31, 2015

**TITLE: RESOLVE, RECOGNIZE AMY WINCHESTER FOR INDUCTION INTO THE MAINE SPORTS HALL OF FAME.**

filed March 25, 2015  
by Matthew Vachon, Jerry Goss  
Beverly Uhlenhake, Joseph Ferris  
Kevin O'Connell

**WHEREAS,** Amy progressed through the Brewer athletics program; and

**WHEREAS,** Amy went on to Letter in High School Basketball, Track & Field and Soccer; and

**WHEREAS,** Amy was awarded the "All State" designation in both Basketball and Soccer; and

**WHEREAS,** Amy is a five time State champion in Track & Field; and

**WHEREAS,** Amy further distinguished herself by being selected for the Girls State program, a "Youth Citizenship Program for Young Women", where she was also elected the President of the Senate; and

**WHEREAS,** Amy went on to attend Dartmouth College and become a Division I Champion in the sport of Track & Field;

**NOW, THEREFORE, BE IT RESOLVED,** that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Amy Winchester on her induction into the Maine Sports Hall of Fame and her positive contributions to the image and reputation of the great City of Brewer.

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

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

Councilor Goss read the resolve into the record. He said that Amy was not present tonight as she lives out of state. He and Councilor Ferris will attend the induction ceremony on May 3<sup>rd</sup> of Amy to the Maine Sports Hall of Fame and present the plaque to her.

Councilor Goss said that she was the perfect definition of a high school athlete, academic prowess and sports prowess.

Councilor Ferris said that she was one of the best athletes to come out of Brewer High School.

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

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Update on 2015 CDBG Housing Rehabilitation Grant Application. With Assistant City Manager James Smith.

Mr. Smith just wanted to update the council on the Home Improvement Grant Application that the City plans to submit to the State of Maine by the May 1<sup>st</sup> deadline.

He said that the City plans to submit a full application for \$500,000.00 housing improvement grant. The City has over 240 residential applications and 161 rental applications on file.

He said the City would be holding a public hearing on April 15, 2015 at 6:00 p.m. here at City Hall in the Council Chambers on this matter.

He said there is only \$1,000,000.00 available this year for grant money and only two communities will be selected to receive these monies.

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### **PUBLIC COMMENTS.**

Cara Coffey-Rooper, 34 Oak Grove Drive, Brewer said that she is in favor of repealing the residency requirement for superintendent of schools as it limits the pool of applicants. She wants the City Council to send this charter amendment to the voters in June.

Cal Bubar, Lincoln Street, Brewer said that it was not necessary for the superintendent of schools be a resident of Brewer just want to have the best person for the job that we can afford no matter where they are from.

Councilor Ferris commended Dave Cote, Public Works Director, and his department for the good job they have done for the winter season. He also asked about the painting of lines on the road and if there was a way to make them brighter.

Public Works Director Dave Cote said it is the glass beads in the paint that makes the brightness of the paint for the lines and there is no way to change that. With all the plowing, scraping etc. through the winter it takes the bead surface off and fades the road lines.

City Manager Bost asked Dave Cote when the line painting might begin.

Dave Cote said that as soon as possible. The road temperature has to be at least 40-45 so probably in about two weeks.

Councilor Uhlenhake said that one true sign of spring is the street sweeper being out on the roads.

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### **Recess for Public Hearings.**

Chairman Vachon said the City Council would recess to take up two public hearings and after the public hearings would return to the regular meeting and take up the rest of the items on the agenda.

1. Repeal Article III, Section 8 (Superintendent of Schools Residency Requirement) of the City of Brewer Charter.

The public hearing was called to order by Chairman Vachon.

The city clerk called the roll:

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

Chairman Vachon declared all members were present.

Chairman Vachon read the public notice:

## **CITY OF BREWER PUBLIC NOTICE**

Notice is hereby given that the City Council of Brewer will hold a public hearing on Tuesday, March 31, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine 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.

Any person may attend this public hearing and speak on this proposed amendment. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Pamela J. Ryan  
City Clerk

published in Bangor Daily News  
March 23, 2015  
posted on bulletin board  
at Brewer City Hall March 20, 2015  
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Janet Nordfors, 49 Hillcrest Drive, said she was a 15 year veteran of the Brewer Schools and supported the repealing of the residency requirement. Her comments:

- Reduces the number of qualified applicants. Candidates who live in the surrounding communities need not move their households. School aged children would not need to change schools, which is disruptive to them emotionally, academically and socially. Sending districts are encouraged to send their high school students, why couldn't a highly qualified professional serve as our superintendent?
- Shortage of qualified applicants. 2011 survey by AASA (American Association of School Administrators) found that 50% of working superintendents planned to retire by 2016. This corresponds with the average age of practicing superintendents which is currently between 56 and 60. Our last search produced only 10 candidates.
- Short tenure may negatively impact the superintendent and family. The nationwide average tenure of superintendents is 18 months – 3 years. In the event that the superintendent does not have their contract renewed, the family is negatively impacted by necessitating another move.

Potential for conflict of interest. A superintendent with school aged children faces the possible perception of bias. It may be perceived that said children have an advantage or disadvantage when compared with other children in the district. A professional relationship with staff is hindered by mixing professional and personal lives. Maintaining professional boundaries is made difficult when the supervisor is also a member of the community.

Councilor Goss moved that the comments of Mrs. Nordfors be accepted and placed on file. The motion was seconded and passed. It was voted 5 to 0 to place the comments on file.

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Kevin Forrest, Gettysburg Avenue, Chairman of the Brewer Superintending School Committee, echoes the comments that the residency requirement hinders the search for a qualified person for the job. He said Brewer has a fantastic school system. He said he has a vested interest in the school system as he has children in the system now and some that have already graduated.

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Larry Doughty, 25 Goupee Street, said he opposes the path the Council has chosen to take to send this out to the voters in June. The voters enacted this charter amendment in 2012 and he is quite confident that they will keep it as it is.

The public hearing adjourned at 6:27 p.m. and Mayor Vachon called to order the second public hearing noting that all members of the Council were present.

2. Applications for Renewal of City Amusement Licenses.

Chairman Vachon read the public notice:

**BREWER PUBLIC NOTICE  
NOTICE IS HEREBY GIVEN  
THAT THE CITY COUNCIL  
OF BREWER WILL HOLD A**

**PUBLIC HEARING**

On Tuesday the 31<sup>st</sup> day of March, 2015, at 6:00 p.m. in the Council Chambers at Brewer City Hall for the following purpose:

to consider applications from the following businesses for renewal of city amusement licenses to permit them to have dancing and live entertainment on their premises, non-alcoholic, as well as those which are licensed by the State of Maine for the sale of alcohol:

1. Cap's Tavern, 494 South Main Street
2. Fraternal Order of Eagles, 22 Atlantic Ave.
3. Brewster's Fine Food & Drink, 359 Wilson Street
4. Jeff's Catering, 15 Littlefield Way
5. The Bangor Area Recovery Network, 142 Center Street
6. City Side Restaurant & Jester's Food and Spirits, 393 No. Main Street
7. Between Friends/Generations Theatre, 39 Center Street
8. Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street
9. High Tide Restaurant, 5 South Main Street
10. Humble, 518 South Main Street

Any person may present written or oral comments at this public hearing on these applications.

Pamela J. Ryan  
City Clerk  
Brewer, Maine

published in Bangor Daily News  
March 23, 2015  
posted on bulletin board  
at Brewer City Hall March 20, 2015

The City Clerk told the members of the City Council that the city inspectors had conducted inspections on all the applicants listed above.

The city inspectors approved all the applications for renewal of amusement licenses.

Councilor Ferris moved that the reports from the city inspectors be accepted and placed on file.

The motion was passed by unanimous vote.

Mayor Vachon asked if there had been any comments from the public. The City Clerk said there had been none.

Mayor Vachon asked if there were any comments from the public present at the hearing. There being none he adjourned the public hearing. (6:29 p.m.)

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

**ACTION:** Councilor Ferris removed order 2015-A063 and resolve 2015-B011 (at the request of Larry T. Doughty from the audience) from the consent calendar.

Councilor Uhlenhake moved that resolve 2015-A031 be removed from the consent calendar.

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

The motion was seconded and passed by unanimous vote.

2015-A044

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO DELANO MERRITT  
D/B/A CAP'S TAVERN, 494 SO. MAIN STREET.

filed March 25, 2015  
by Jerry Goss

WHEREAS, Delano Merritt's application for a City of Brewer Amusement License for Cap's Tavern, 494 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Delano Merritt d/b/a Cap's Tavern, 494 South Main Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A045

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO FRATERNAL  
ORDER OF EAGLES #3177, 22 ATLANTIC AVENUE.

filed March 25, 2015  
by Beverly Uhlenhake

WHEREAS, The Fraternal Order of Eagles #3177's application for a City of Brewer Amusement License for the Eagles Club, 22 Atlantic Avenue, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to The Fraternal Order of Eagles #3177, 22 Atlantic Avenue, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A046

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO RMB&G, INC.  
BREWSTER'S FINE FOOD & DRINK, 359 WILSON STREET.

filed March 25, 2015  
by Kevin O'Connell

WHEREAS, RMB&G, Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;

- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to RMB&G, Inc., d/b/a Brewster's Fine Food & Drink, 359 Wilson Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A047

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO JEFFREY E. ASHEY AND JEFF'S CATERING AND BAKESHOP, INC. D/B/A JEFF'S CATERING, 15 LITTLEFIELD WAY.

filed March 25, 2015  
by Joseph Ferris

WHEREAS, Jeffrey E. Ashley and Jeff 's Catering and Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering, 15 Littlefield Way, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Jeffrey E. Ashe, and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A048

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CTK, INC. D/B/A  
CITY SIDE RESTAURANT/JESTERS FOOD & SPIRIT,  
393 NO. MAIN STREET.

filed March 25, 2015  
by Jerry Goss

WHEREAS, CTK, Inc.'s application for a City of Brewer Amusement License for City Side Restaurant/Jesters Food & Spirits, 393 North Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.



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- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirits, 393 North Main Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A049

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO TRACEY MARCERON, BETWEEN FRIENDS, INC. D/B/A/ BETWEEN FRIENDS/ GENERATIONS THEATRE, 39 CENTER STREET.

filed March 25, 2015  
by Beverly Uhlenhake

WHEREAS, Tracey Marceron and Between Friends Inc.'s application for a City of Brewer Amusement License for Between Friends/Generations Theatre, 39 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;

- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Tracey Marceron, Between Friends, Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A050

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO CHARLES HENRY, INC.  
D/B/A CHARLIE'S AT BANGOR BREWER BOWLING  
LANES, 534 WILSON STREET.

filed March 25, 2015  
by Kevin O'Connell

WHEREAS, Charles Henry Inc.'s application for a City of Brewer Amusement License for Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. Seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Charles Henry Inc. d/b/a/Charlie's at Bangor Brewer Bowling Lanes, 534 Wilson Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A051

March 31, 2015

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO BANGOR AREA,  
RECOVERY NETWORK, 142 CENTER STREET.

filed March 25, 2015  
by Joseph Ferris

WHEREAS, Jennifer Morin's application for a City of Brewer Amusement License for Bangor Area Recovery Network, 142 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. Seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Bangor Area Recovery Network, 142 Center Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A052

March 31, 2015

TITLE: ORDER, ISSUE A CITY OF BREWER AMUSEMENT LICENSE TO THOMAS SHANOS, HIGH TIDE RESTAURANT, LLC D/B/A HIGH TIDE RESTAURANT, 5 SOUTH MAIN STREET.

filed March 25, 2015  
by Jerry Goss

WHEREAS, Thomas Shanos, High Tide Restaurant, LLC's application for a City of Brewer Amusement License for High Tide Restaurant, 5 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A053

March 31, 2015

TITLE: ORDER, ISSUE A CITY OF BREWER AMUSEMENT LICENSE TO MEGHAN BLACK D/B/A HUMBLE, 518 SOUTH MAIN STREET.

filed March 25, 2015  
by Beverly Uhlenhake

WHEREAS, Meghan Black's application for a City of Brewer Amusement License for Humble, 518 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 31, 2015 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

WHEREAS, in issuing or denying a new or renewed license, the City Council shall give consideration to:

- a. The character of any applicant;
- b. The location of the place of business;
- c. The manner in which it has been operated; and
- d. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

WHEREAS, a license may be denied on one (1) or more of the following grounds:

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- A. Conviction of the applicant of any Class A, Class B or Class C crime;
- B. Noncompliance of the licensed premises or its use with the Land Use Code or other land use Code or Ordinance not directly related to liquor control;
- C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;
- E. A violation of any provision of the Maine Liquor Laws;
- F. A determination by the City Council that the purpose of the application is to circumvent the provisions of Title 28-A M.R.S.A. § 601, et. seq.
- G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

WHEREAS, after reviewing the application and hearing testimony at the public hearing the City Council finds no grounds to deny this license request;

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Meghan Black d/b/a Humble, 518 South Main Street, for the City's licensing year commencing May 4, 2015 and expiring May 2, 2016.

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2015-A054

March 31, 2015

TITLE: ORDER, SUBMIT TO THE VOTERS THE PROPOSED CHARTER AMENDMENT TO REPEAL THE REQUIREMENT THAT SUPERINTENDENTS OF SCHOOLS BE RESIDENTS OF THE CITY OF BREWER.

filed March 25, 2015  
by Kevin O'Connell

WHEREAS, following notice and public hearing held on Tuesday, March 31, 2015, the Brewer City Council orders that the following proposed amendment to the Brewer City Charter be placed on the ballot at the City of Brewer School Budget Approval Election and City of Brewer Referendum election to be held on June 9, 2015:

Repeal Article III, Section 8 of the City of Brewer City Charter as 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.~~

FURTHER ORDERED, that pursuant to Title 30-A M.R.S.A. § 2104 (6), the municipal officers herewith determine that it is not practical to print the proposed amendment on the ballot and that summary would not misrepresent the subject matter of the proposed amendment; and

FURTHER ORDERED, that the City Clerk is instructed to include the following summary on the ballot instead of the text of the proposed amendment:

“Shall the municipality approve the charter amendment summarized below?”

Repeal Section 8 to Article III of the Brewer City Charter that the City Council shall require, as a condition of employment, that the Superintendent of Schools become a resident of the City of Brewer within three (3) years after he or she begins employment as the Superintendent of Schools and the beginning date of the earliest contract shall cause the three (3) year period within which the Superintendent of Schools must establish residency in the City of Brewer to begin to run.

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2015-A055

March 31, 2015

TITLE: ORDER, DETERMINE EFFECTIVE DATE OF CHARTER AMENDMENT IF APPROVED AT THE JUNE 9, 2015 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION AND CITY OF BREWER REFERENDUM ELECTION.

filed March 25, 2015  
by Joseph Ferris

WHEREAS, the voters of the City of Brewer will go to the polls on Tuesday, June 9, 2015 to vote to repeal a City Charter Amendment; and

WHEREAS, Title 30-A M.R.S.A. § 2105(4)(B) provides that amendments to municipal charters become effective on the date determined by the municipal officers;



NOW, THEREFORE, BE IT ORDERED, that the City Council, as the municipal officers of the City of Brewer, determine that the proposed charter amendment on the June 9, 2015 municipal election ballot shall become effective July 1, 2015, if approved by the voters.

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2015-A056

March 31, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO ACCEPT AND USE FUNDS FOR THE 2015 STREAM CLEANUP PROGRAM.

filed March 25, 2015  
by Jerry Goss

WHEREAS, the City of Brewer will hold its Stream Cleanup on May 9, 2015 with a date of May 16, 2015 as the rain date; 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 the City of Brewer authorizes the City Manager and the Finance Director to accept donations in support of the City's Annual Stream Cleanup event to be held on May 9, 2015; and

FURTHER ORDERED, that any donations of funds be deposited in an account as determined by the City Finance Director and expended from that account for the purpose of such donation; and

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.

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2015-A057

March 31, 2014

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

filed March 25, 2015  
by Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received a contribution of \$100.00 from Karen Hicks in memory of Wilda Kerns; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this generous contribution of \$100.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books); and

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

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

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2015-A058

March 31, 2014

TITLE: ORDER, ACCEPT GRANT FROM THE MAINE COMMUNITY FOUNDATION TO THE BREWER PUBLIC LIBRARY.

filed March 25, 2015  
by Kevin O'Connell

WHEREAS, the Brewer Public Library has received a Rose & Samuel Rudman Library Grant of \$400.00 from the Maine Community Foundation; and

WHEREAS, it is the wish of the donor and the recommendation of the Library Director that these funds be used to support and expand the Library's StoryWalk® project; and

WHEREAS, the Maine Community Foundation has been a faithful supporter of the Brewer Public Library via the Rudman Library Grant;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this grant of \$400.00 from the Maine Community Foundation; and

BE IT FURTHER ORDERED, that these funds be deposited in account 0600072-360000-72018 (Rudman Grant Revenue) and expended from account 0600072-560000-72018 (Rudman Grant Expenditure).

*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.*

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2015-A059

March 31, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE ANNUAL BREWER DAYS CELEBRATION.

filed March 25, 2015  
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of \$1500.00 from Brewer Federal Credit Union for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000 520000 71002 (Brewer Days Expense).

*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.*

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2015-A060

March 31, 2015

TITLE: ORDER, AUTHORIZE AGREEMENT WITH THOMAS SHANOS FOR PAYMENT OF TAX LIENS, SEWER LIENS AND CURRENT AND FUTURE TAXES AND SEWER ON 429 WILSON STREET.

filed March 25, 2015  
by Jerry Goss

EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that this order become effective immediately upon its passage in order to allow the terms of this agreement to commence without delay; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer, and require that the following Order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into an agreement between the City of Brewer and Thomas Shanos wherein the Mr. Shanos is permitted to reacquire the property at 429 Wilson Street, which has been acquired by the City by virtue of foreclosing City of Brewer tax collector liens and sewer liens, provided the Mr. Shanos pay to the City of Brewer all outstanding tax and sewer obligations relating to the property per the terms of the payment agreement; and

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

### AGREEMENT

THIS AGREEMENT made this 1 day of April 2015, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the "City", and **Thomas Shanos**, of Hampden, County of Penobscot, State of Maine, hereinafter referred to as "Shanos".

### WITNESSETH

WHEREAS, Shanos is a Tenant in Possession of Property situated at 429 Wilson Street, Brewer, Maine (Tax Assessor's Map 50 Lot 17B) hereinafter referred to as the "Property"; and

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

WHEREAS, the City has acquired title to Property; and

WHEREAS, Shanos wants to reacquire title to the Property; and

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

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

NOW THEREFORE

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

- Upon signing this agreement, Shanos shall pay to the City the total amount due on the 2013 tax lien in one payment. As of April 1<sup>st</sup> the balance is \$2,249.92. Shanos shall also pay all outstanding water and sewer charges.
- By close of business on the last day of April 2015 and each subsequent month, or if the last day is a weekend or holiday the following business day, Shanos will pay the City Five Thousand Dollars (\$5,000.00) on the outstanding property taxes and fees until paid in full. Per state law, as of April 1, 2015, 2016 real and personal property taxes are considered outstanding. These payments will be allocated to the oldest property taxes at the date of this Agreement, with interest and fees being paid first.
- The payments of Five Thousand Dollars (\$5,000.00) shall not be comingled with other payments to the City and shall be clearly marked "Per April 2015 Payment Agreement". At this rate of payment, all property tax obligations, associated fees and interest should be paid in full on or around December 2015. Nothing shall preclude Shanos from paying a higher monthly amount or paying the total balance due at any time.
- In addition to the \$5,000 monthly payments, Shanos shall pay all future amounts invoiced and/or fees billed by the City, including, but not limited to, water user fees and sewer user fees, by their due dates.
- The failure of Shanos to make any of the payments to the City as hereinbefore provided will automatically make this Agreement null and void. Thereafter, Shanos shall have no further rights to reacquire title to the Property under the terms and conditions of this Agreement.
- If all payments are made on time, the City will convey its rights, title and interest in the Property to Thomas Shanos by a Release Deed. Shanos shall be responsible for all expenses relating to the document preparation and to the conveyance of the Property to them by the City.
- Time is of the Essence.
- Each Party represents to the other they or it has full and complete authority to enter into this Agreement.
- The Agreement contains the complete understanding of the parties and may only be modified by the mutual written agreement of the parties.

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

**CITY OF BREWER**

\_\_\_\_\_

By: \_\_\_\_\_

WITNESS

STEPHEN M. BOST  
Its: City Manager, Duly Authorized

**TENANT IN POSSESSION**

\_\_\_\_\_

\_\_\_\_\_

WITNESS  
\*\*\*

Thomas Shanos

2015-A061

March 31, 2015

TITLE: ORDER, AWARD CONTRACT FOR DESIGN SERVICES FOR THE WILSON STREET TRAFFIC SIGNAL INTERCONNECT PROJECT.

filed March 25, 2015  
by Beverly Uhlenhake

WHEREAS, the City of Brewer has been collecting impact fees for the planned coordination of traffic signals on the Wilson Street corridor; and

WHEREAS, the Engineering Department has solicited a proposal for design services for this project from the consultant that the City Engineer believes to be uniquely qualified to provide these highly specialized services;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute a contract with Milone & MacBroom of Portland Maine in an amount not to exceed \$25,000 for the provision of design services for the Wilson Street Signal Coordination project; and

BE IT FURTHER ORDERED, that the cost for these services shall be charged to CIP account 0510133-551316-00478 (Signal Coordination); and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these Design Services.

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2015-A062

March 31, 2015

TITLE: ORDER, AUTHORIZING BREWER REDEVELOPMENT, LLC  
TO ENTER INTO THE NECESSARY AGREEMENTS FOR  
THE PARKING LOT TO BE CONSTRUCTED ADJACENT  
TO THE FORMER STATE STREET SCHOOL PROPERTY.

filed March 25, 2015  
by Kevin O'Connell

#### EMERGENCY PREAMBLE

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that this order pass immediately in order for Village Center Housing Partners, LP ("VCHPLP") to complete the closing on the property with the Maine State Housing Authority that falls within the effective date; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, on September 13, 2011, the City Council authorized the creation of a separate legal entity Brewer Redevelopment LLC ("BRLLC") to take and hold title to, among other properties, the former State Street school to market, develop, and otherwise make use of the property for the betterment of the City; and

WHEREAS, BRLLC's operating agreement which requires the City, through its City Council, to review and authorize any transfer, assignment, lease or disposal by BRLLC of its real property; and

WHEREAS, BRLLC needs to enter into the following agreements with VCHPLP and/or Community Housing of Maine to ensure successful completion of the Village Centre housing development;

- Parking lot construction development agreement
- Parking lot lease agreement covering 32 of the lot's 112 spaces for an initial term of 45 years
- Reciprocal easement agreement associated with the parking lot and related infrastructure to allow for Village Center tenants ingress and egress to the property and to allow the City to clear the lot during the winter and provide for other necessary parking lot maintenance and repair; and
- Easement agreement from the Village Center Parking lot to Highland Street for construction and maintenance of a walking path; and

- Sale and transfer of the land to Community Housing of Maine from Brewer Redevelopment, LLC; and

WHEREAS, upon completion of the parking lot construction, it is BRLLC's intent to transfer to the City ownership of the parking lot and associated land as well as the rights and obligations associated with any parking lot leases, easements and maintenance agreements;

NOW, THEREFORE, BE IT ORDERED, that the City Council does hereby authorize Brewer Redevelopment, LLC to sign the necessary agreements for completion of the parking lot located adjacent to the former State Street school property.

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2015-A063

March 31, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO ARTHUR R. AND NANCY L. REED FOR PROPERTY LOCATED AT 10 MAPLE STREET (TAX MAP 28, LOT 49).

filed March 25, 2015  
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Arthur R. and Nancy L. Reed, for property located at 10 Maple Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 10 Maple Street (City Tax Map 28, Lot 49) 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	57
13569	64

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 \$6,326.44 in principal was collected, along with \$488.47 in interest and \$99.19 in costs.

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

Councilor Ferris said that he would not be voting on this order.

The order was passed by a 4 to 0 vote (Councilor Ferris abstaining).

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2015-A064

March 31, 2015

TITLE: ORDER, REALLOCATE DEBT SERVICE BUDGET TO SUPPORT  
FY15 CAPITAL PROJECTS IN ACCORDANCE WITH  
APPROVED FY15 CIP.

filed March 25, 2015  
by Jerry Goss

WHEREAS, the FY2015 Capital Improvement Program approved by the City Council in June 2014 called for the allocation of \$30,000 from the City general fund; and

WHEREAS, these funds were included in the FY15 City budget approved by Council in the Debt Service Interest expense account; and

WHEREAS, these budgeted funds represent debt service cost associated with the May 2014 bond issued to support the FY14 CIP but for which full payments will not begin until FY16;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$30,000 in unneeded debt service from account 0118701-509010 (Debt Interest – City GF) to Fund 5000 (City Capital Improvement Program) to fund capital projects approved as part of the City’s FY15 CIP.

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2015-A065

March 31, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO VALERIE SANDERS FOR  
PROPERTY LOCATED AT 558 SOUTH MAIN STREET  
(TAX MAP 22, LOT 66).

filed March 25, 2015  
by Beverly Uhlenhake

ORDERED, that a municipal release deed be issued to Valerie Sanders for property located at 558 South Main Street releasing to her all rights, title and interest the City of Brewer may have acquired in the property located on 558 South Main Street (City Tax Map 22, Lot 66) 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	161

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 \$437.92 in principal was collected, along with \$49.04 in interest and \$30.00 in costs.

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2015-A066

March 31, 2015

TITLE: ORDER, AUTHORIZE SUBMISSION OF A 2015 HOUSING ASSISTANCE GRANT APPLICATION.

filed March 25, 2015  
by Joseph Ferris

**WHEREAS**, the City of Brewer wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

**WHEREAS**, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community will conduct at least one duly advertised public hearing; and

**WHEREAS**, the City of Brewer understand that if the intended National Objectives of the CDBG program are not met, all CDBG funds must be repaid to the State of Maine CDBG program; and

**NOW THEREFORE**, be it ordered by the Brewer City Council that the City Manager, or his designee:

Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Housing Assistance      Amount: \$500,000

To the Department of Economic and Community Development on behalf of the City of Brewer, substantially in the form presented to this council;

Is authorized to make assurances on behalf of the Community of Brewer required as part of such applications, and

Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Brewer, and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

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2015-B011

March 31, 2015

TITLE: RESOLVE, ADOPT A WIFI POLICY, WARNING AND DISCLAIMER FOR USE BY THE GENERAL PUBLIC ALONG THE BREWER RIVERWALK TRAIL.

filed March 25, 2015  
by Kevin O'Connell

RESOLVED, that the City Council of the City of Brewer hereby adopts the WiFi Policy, Warning and Disclaimer for its use by the general public along the Brewer Riverwalk Trail, which is set forth below:

**WIFI POLICY, WARNING AND DISCLAIMER**

The City of Brewer provides free wireless Internet hotspots in the Brewer Riverwalk Trail area. This free service is limited to a period of ninety (90) minutes per device per day.

Wireless Fidelity (WiFi) lets you access the Internet without cables or wires. With a wireless networking card in your privately owned Laptop, PDA or any WiFi enabled device, you can go online from various locations in the Brewer Riverwalk Trail area.

As the configuration of each manufacturer's device is unique, please refer to your documentation for connection instructions. City of Brewer's Staff cannot be responsible for assisting you in making changes to your devices.

**SECURITY POLICY, WARNING AND DISCLAIMER**

**WARNING:** This free service is an open network provided for your convenience and its use is at your own risk. It is available to the general public, and is NOT INHERENTLY SECURE. The City of Brewer and providers of the service, including affiliates, agents and contractors cannot and do not guarantee the privacy of your data and communication while using this service.

There are potentially serious security issues with any computer connected to the Internet without the appropriate protection, ranging from viruses, worms and other programs that can damage to the user's computer, and may subject the user's computer to attacks by unauthorized or unwanted third parties. By using this service, you acknowledge and knowingly accept the potentially serious risks of accessing the Internet over an unsecured network. It is recommended that users take steps to protect their own computer system, such as installing current anti-virus software and maintaining appropriate firewall protection. For further information on how to protect yourself on this open network, consult a security professional.

You acknowledge and agree that YOUR USE OF THIS SERVICE IS SOLELY AT YOUR OWN RISK WHEN YOU LOG INTO THIS SYSTEM.

**POLICY, WARNING AND DISCLAIMER**

By using the service, you also agree to all terms set forth in the following Policy, Warning and Disclaimer:

I. **SERVICE PROVIDED “AS IS”**. This service provides access to the Internet on an “AS IS” basis with all risks inherent in such access. The City of Brewer and providers of the service, including affiliates, agents and contractors make no warranty that the service or that any information, software, or other material accessible on the service is free of viruses, worms, trojan horses or other harmful components. By connecting, the user fully acknowledges and accepts the risks associated with public access to the Internet and public use of an unsecured wireless network.

II. **SERVICE PROVIDED “AS AVAILABLE”**. The service is provided on an “as available” basis without warranties of any kind, either express or implied, that the service will be uninterrupted or error-free, including but not limited to vagaries of weather, disruption of service, acts of God, warranties of title, noninfringement, **NOR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE**. No advice or information given by the City of Brewer and providers of the service, including affiliates, agents or contractors shall create such a warranty.

III. **INDEMNITY** Under no circumstances shall the providers of the service, including affiliates, agents, or contractors thereof and the City of Brewer, be liable for any direct, indirect, incidental, special, punitive or consequential damages that result in any way from user’s use of or inability to use the service or to access the Internet or any part thereof, or user’s reliance on or use of information, services or merchandise provided on or through the service, or that result from mistakes, omissions, interruptions, deletion of files, errors, defects, delays in operation, or transmission, or any failure of performance. You agree to indemnify and hold harmless the City of Brewer and providers of the service, including affiliates, agents, and contractors thereof, from any claim, liability, loss, damage, cost, or expense (including without limitation reasonable attorney's fees) arising out of or related to your use of the service, any materials downloaded or uploaded through the service, any actions taken by you in connection with your use of the service, any violation of any third party's rights or an violation of law or regulation, or any breach of this Policy, Warning and Disclaimer

The City of Brewer, acting through its City Council, reserves the right to modify or replace this Wifi Policy, Warning and Disclaimer at any time, without advanced notice.

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

Larry Doughty, Goupee Street, a member of the audience asked how this works.

Technology Director Mary Stuart said it works like other WIFI you pick up. Log on and your device would pick it up. They are working on being able to do group log on so meetings could take place at the waterfront.

The resolve was adopted by unanimous vote.

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2015-B012

March 31, 2015

**TITLE:** RESOLVE, REPLACE THE CITY OF BREWER 1995 COMPREHENSIVE PLAN WHICH WAS ADOPTED APRIL 23, 1996 BY ADOPTING THE CITY OF BREWER COMPREHENSIVE PLAN, DATED MARCH 2015,

filed March 25, 2015  
by Joseph Ferris

RESOLVED, that the City Council of the City of Brewer hereby replaces the City of Brewer 1995 Comprehensive Plan which was adopted April 23, 1996 by adopting the City of Brewer Comprehensive Plan, dated March, 2015, which is attached hereto and made a part hereof this resolve:

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

Councilor Uhlenhake wanted to thank the committee members for all of the work and hours that went into completing this new plan. She especially wanted to thank City Planner Linda Johns and Consultant Rich Rothe for all of their work on this.

The resolve was adopted by unanimous vote.

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**D. Monthly Reports.**

There were no monthly reports.

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

There were no items.

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**F. Unfinished Business.**

- 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) (posted 3/18/15)

- 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) (posted 3/18/15)

**ACTION:** Councilor Uhlenhake moved that one certified copy of the proposed ordinance amendments be filed with the City Clerk for posting. The motion was seconded and Councilor Uhlenhake rescinded the previous motion as it was realized that the proposed ordinance amendments were to be enacted not posted.

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

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**G. New Business.**

2015-C005

March 31, 2015

**TITLE:** AMEND CHAPTER 19, ARTICLE 3 “STOPPING, STANDING AND PARKING”, SECTION 315 “PARKING LIMITED AND PROHIBITED”, SCHEDULE C, ITEM 94 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED “TRAFFIC CODE”.

filed March 25, 2015  
by Kevin O’Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 19, Article 3 “Stopping, Standing and Parking”, Section 315 “Parking Limited and Prohibited”, Schedule C, Item 94 of the Charter, Codes and Ordinances of the City of Brewer entitled “Traffic Code” be amended as follows:

**SCHEDULE C**

(94) ~~On the generally northerly and southerly sides of Hardy Street from the generally westerly sideline of South Main Street, thence westerly for a distance of one hundred seventy three (173’) feet. Notwithstanding the above, parking in the above area shall be permitted on Saturdays and Sundays and on legal holidays. Parking shall also be permitted in the above area on any weekday which is not a legal holiday between the hours of 5:00 P.M. and 6:00 A.M. except during the time that overnight parking is prohibited.~~

(94) Both sides of Street on Hardy Street.

**ACTION:** Councilor O’Connell 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.

Councilor Ferris inquired if the residents on Hardy Street had been notified of this proposed ordinance change to the traffic code and why was this being done.

City Engineer Frank Higgins said that because of development of the old public works lot there needs to be changes as to parking on that street. It is not wide enough for parking and two way traffic.

Councilor O’Connell asked if the police department would give out warnings until signs are posted with the changes.

Councilor Ferris asked if it was too late to notify Hardy Street residents of the proposed changes.

City Solicitor Joel Dearborn said the proposed ordinance amendment was only being posted so there was time to send out notices to the residents.

City Manager Bost said that if business is developed there and parking was still allowed that emergency vehicles would not be able to access the street. Also his office will send out notices to the residents of Hardy Street informing them of the proposed changes to the traffic ordinance.

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

The following order was introduced under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up this item.

2015-A067

March 31, 2015

TITLE: ORDER, AWARD CONTRACT FOR WATER PIPING AND EQUIPMENT FOR THE DOUGHERTY ATHLETIC COMPLEX PROJECT.

filed March 30, 2015  
(after deadline)  
by Jerry Goss and  
Kevin O’Connell

WHEREAS, the City of Brewer has solicited three bids for the water piping and equipment for the Dougherty Athletic Complex, see attached bid tabulation for full result; and

WHEREAS, EJ Prescott was the low bidder with a bid of \$10,660.57;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes the City Manager, or his designee, to execute a contract with EJ Prescott of Bangor Maine in the amount of \$10,660.57 for water piping and equipment; and

BE IT FURTHER ORDERED, that the cost for these services shall be charged to CIP 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.

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

The order was passed by unanimous vote.

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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 6:52 p.m.

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

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