

City Council Minutes  
May 19, 2015

Regular Meeting  
City Hall Council Chambers

Tuesday, May 19, 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, May 19, 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	N. Feero	Sgt.	05/15/15	1915
Matthew Vachon	Z. Caron	Ptl.	05/15/15	1920
Beverly Uhlenhake	Z. Caron	Ptl.	05/15/15	1913
Jerry Goss	N. Feero	Sgt.	05/15/15	1930
Kevin O'Connell	Z. Caron	Ptl.	05/15/15	1914

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, May 19, 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 31, 2015 Regular Meeting.** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
  - 1. (2015-B013) RESOLVE, Recognize Ricci More for 40 Years of Service to the City of Brewer.  
(Mayor Vachon)
  - 2. (2015-B014) RESOLVE, Recognize Members of the City of Brewer Comprehensive Plan Committee.  
(Councilor Uhlenhake)
  - 3. (2015-B015) RESOLVE, Recognize Michael Robert Maybury for Earning the Rank of Eagle Scout. (Councilor Goss)
  - 4. (2015-B016) RESOLVE, Recognize Ethan Kyle Dapice for Earning the Rank of Eagle Scout. (Councilor Goss)
  - 5. (2015-B017) RESOLVE, Recognize Brent Melvin for his Service to the City of Brewer as a Member of the Brewer Fire Department. (Mayor Vachon )
  - 6. (2015-B018) RESOLVE, Recognize Police Sergeant Jay Munson for his Dedicated Service to the Brewer Police Department, the Citizens of Brewer and the City of Brewer.  
(Mayor Vachon )
  - 7. Swearing in of Brewer Police and Fire Department Members who have Received a Promotion. (Mayor Vachon)
  - 8. Public Comments.
- IV. Recess for Public Hearing.**
  - 1. FY2016 City and School Budget Informational Hearing.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
  - 1. (2015-A068) ORDER, Issue Release Deed to James W. Clark, Jr. and Janice C. Clark for Property Located at 361 North Main Street (Tax Map 34, Lot 41).  
(Councilor O'Connell)

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2. (2015-A069) ORDER, Issue Warrants for June 9, 2015 City of Brewer School Budget Approval Election and City of Brewer Charter Amendments Election and Set Polling Hours for June 9, 2015 City of Brewer School Budget Approval Election and City of Brewer Charter Amendments Election.  
(Councilor Ferris)
3. (2015-A070) ORDER, Authorize Additional Funding for City's 10% Cost Share for Six Completed MDOT Intersection Improvement Projects. (Councilor Uhlenhake)
4. (2015-A071) ORDER, Accept Donation to the Brewer Public Library.  
(Councilor Goss)
5. (2015-A072) ORDER, Accept Donation to the Brewer Parks and Recreation Department for Special Events.  
(Councilor O'Connell)
6. (2015-A073) ORDER, Declare City Property Surplus and Authorize Sale of Surplus Property. (Councilor Ferris)
7. (2015-A074) ORDER, Authorize Contract for Replacement of a Section of Collapsed Sewer Main on Wilson Street.  
(Councilor Uhlenhake)
8. (2015-A075) ORDER, Authorize the Purchase of Sludge Scraper System Parts for Primary Clarifier #2 at the Brewer Water Pollution Control Facility. (Councilor Goss)
9. (2015-A076) ORDER, Remove an Undeveloped Street in a Recorded Subdivision from a List of Streets which the Time to Construct and Accept as Public Streets was Extended. (Councilor O'Connell)
10. (2015-A077) ORDER, Authorize Emergency Repairs to Deteriorated Sections of Sewer Line on Elm Street.  
(Councilor Ferris)
11. (2015-A078) 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 Uhlenhake)
12. (2015-A079) ORDER, Accept Grant from Efficiency Maine for Code Office Lighting Improvements.  
(Councilor Goss)
13. (2015-A080) ORDER, Accept Wellness Grant from the Maine Municipal Employees Health Trust.  
(Councilor O'Connell)
14. (2015-A081) ORDER, Accept Revenue from and Authorize Funding for Coffee with a Cop Training.  
(Councilor Ferris)

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15. (2015-A082) ORDER, Authorize the Expenditure of TIF Funds for Contaminated Soil Removal and Clean-Up at The Former Public Works Site at the End of Hardy Street. (Councilor Uhlenhake)
16. (2015-A083) ORDER, Accept Four CPR Assist Units from Ken Peters For the Brewer Police Department. (Councilor Goss)
17. (2015-B019) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the June 9, 2015 City of Brewer School Budget Approval Election and City of Brewer Charter Amendments Election. (Councilor O'Connell)
18. (2015-B020) RESOLVE, Authorize Certain City Officials to Transact Business, on Behalf of the City of Brewer, with Financial Institutions. (Councilor Joseph Ferris)
20. (2015-B021) RESOLVE, Ratify the Brewer Police Department Command Officers Collective Bargaining Contract. (Councilor Uhlenhake)
21. (2015-B022) RESOLVE, Ratify the Brewer Police Department Patrol Collective Bargaining Contract. (Councilor Jerry

Goss)

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

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

**F. Unfinished 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)  
(posted 4/1/2015)

**G. New Business.**

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

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

**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-B013

May 19, 2015

**TITLE: RESOLVE, RECOGNIZE RICCI MORE FOR 40 YEARS OF SERVICE TO THE CITY OF BREWER.**

filed May 13, 2015  
by Matthew Vachon

**WHEREAS**, on May 19, 2015 Ricci More had completed an incredible 40 years of dedicated service to the City of Brewer as an employee of the Public Works Department; and

**WHEREAS**, since 2009 Ricci has held the esteemed position of holding the highest level of seniority among active City employees; and

**WHEREAS**, over the years Ricci has taken an active role in City related activities including taking a lead role in the City’s safety committee as well as the Public Works Department safety committee, amplifying his commitment; and

**WHEREAS**, through Ricci’s willingness to help out, along with his pleasant and professional demeanor, he has proven himself to be an excellent representative for the City of Brewer and the Public Works Department;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the citizens of Brewer, herewith honors and commends Ricci More for his many years of outstanding service to the citizens of the City of Brewer as a trusted and devoted employee of the Brewer Public Works Department; and

**FURTHER, RESOLVED**, that this resolution be spread upon the permanent records of the City of Brewer in testimony of the high level of respect and appreciation held for Ricci More 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 and presented the plaque to Ricci.

Councilor O'Connell said you have to have a lot of dedication, devotion and love for the work you do to stay at the same job for forty years.

Ricci More said that he works with dedicated employees and enjoys all of the people he works with.

Director of Public Works Dave Cote said the years he has worked with Ricci have been great, he is a super employee and a really nice guy. His commitment and devotion to the department is outstanding and Dave has a high level of appreciation for all that Ricci does.

The resolve was adopted by unanimous vote.

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2015-B014

May 19, 2015

**TITLE: RESOLVE, RECOGNIZE MEMBERS OF THE CITY OF BREWER COMPREHENSIVE PLAN COMMITTEE.**

filed May 13, 2015  
by Beverly Uhlenhake

**WHEREAS**, the City of Brewer Comprehensive Plan needed to be updated; and

**WHEREAS**, the City Council established a Comprehensive Plan Committee and appointed members on November 19, 2012; and

**WHEREAS**, this committee worked for many months, meeting at least twice a month, to write a new comprehensive plan for the City of Brewer; and

**WHEREAS**, this committee met this goal, received approval from the State of Maine and the City Council adopted the new City of Brewer Comprehensive Plan on March 31, 2015 at its regular meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council herewith recognizes and commends the members of the Comprehensive Plan Committee for their dedication, perseverance and meticulous attention to detail in writing this new plan.

**COMMITTEE MEMBERS**

Beverly Uhlenhake, City Council	Daniel O’Connell	David Hanna
Rich Rothe, Consultant	Linda Johns, Planner	Janet McIntosh
Frank Higgins, City Engineer	Kevin Birch	Michael Fitzpatrick
Allen Campbell	Richard Manzo	
Nicole Gogan, Economic Development Specialist		
D’arcy Main-Boyington, Economic Development Director		

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

Councilor Uhlenhake read the resolve into the record and then presented the commendations to the members of the committee present.

Councilor Uhlenhake said this was a two year project that was done earlier this year. She said City staff and other committee members who compiled this plan were dedicated and hard working.

Allen Campbell, co-chairman of the committee, said this was a ten year plan. The City staff and Linda John’s organization were key to getting this plan done. He said thank you to all committee members for their hard work and dedication and also said that Brewer was in good hands.

Councilor Goss said he hoped that the City would be able to carry out the plan to completion.

Councilor Uhlenhake said that this plan would not just sit on a shelf there would be new ordinances enacted etc. as things go into action.

The resolve was adopted by unanimous vote.

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2015-B015

May 19, 2015

**TITLE: RESOLVE, RECOGNIZE MICHAEL ROBERT MAYBURY FOR EARNING THE RANK OF EAGLE SCOUT.**

filed May 13, 2015  
by Jerry Goss

**WHEREAS**, Michael Robert Maybury, a member of Boy Scout Troop 15, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

**WHEREAS**, at a Boy Scouts of America Court of Honor held on Saturday, May 2, 2015, Michael Robert Maybury was officially awarded the rank of Eagle Scout; and

**WHEREAS**, as part of the required Service Project for the Eagle Scout Award, Michael built and delivered picnic tables and benches to the Brewer Water Pollution Control Facility to be used to conduct public education during tours and for the Environmental Department to enjoy the beauty of the Penobscot River while outside; and

**WHEREAS**, it is the sense of the Brewer City Council that Michael's project will provide for years of use for all students, teachers and residents that visit the facility for tours ;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Michael Robert Maybury for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

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

Councilor Goss read the resolve into the record.

Councilor Goss presented Michael with a framed attested copy of the resolve and a City of Brewer challenge coin. He said his challenge to Michael is to continue to follow the guidelines that led him to be receive the rank of Eagle Scout and to encourage those around you to do the same.

The resolve was adopted by unanimous vote.

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2015-B016

May 19, 2015

**TITLE: RESOLVE, RECOGNIZE ETHAN KYLE DAPICE FOR EARNING THE RANK OF EAGLE SCOUT.**

filed May 13, 2015  
by Jerry Goss

**WHEREAS**, Ethan Kyle Dapice, a member of Boy Scout Troop 15, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

**WHEREAS**, at a Boy Scouts of America Court of Honor held on Saturday, May 2, 2015, Ethan Kyle Dapice was officially awarded the rank of Eagle Scout; and

**WHEREAS**, as part of the required Service Project for the Eagle Scout Award, Ethan removed and replaced an old set of stairs that connected two parking lots at St. Joseph's Hospital. This need was brought to Ethan's attention and he felt it would be a beneficial and challenging project; and

**WHEREAS**, it is the sense of the Brewer City Council that Ethan's project will provide years of safe use for all of those that visit St. Joseph's Hospital ;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Ethan Kyle Dapice for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

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

Councilor Goss read the resolve into the record.

Councilor Goss presented Ethan with a framed attested copy of the resolve and a City of Brewer challenge coin. He said his challenge to Ethan is to continue to follow the guidelines that led him to be receive the rank of Eagle Scout and share his knowledge and expectations with others in the community.

The resolve was adopted by unanimous vote.

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2015-B017

May 19, 2015

**TITLE: RESOLVE, RECOGNIZE FIRE CAPTAIN BRENT MELVIN FOR HIS DEDICATED SERVICE TO THE BREWER FIRE DEPARTMENT, THE CITIZENS OF BREWER AND THE CITY OF BREWER.**

filed May 13, 2015  
by Matthew Vachon

**WHEREAS,** Captain Brent Melvin retired from the Brewer Fire Department on May 8, 2015; and

**WHEREAS,** Captain Melvin has served the citizens and the City of Brewer for over 27 years; and

**WHEREAS,** Captain Melvin began his career with the Brewer Fire Department as a call fire fighter in 1987 then hired as a fulltime fire fighter in 1989; and

**WHEREAS,** Captain Melvin was promoted to Lieutenant in 1999 and then appointed to Captain in 2002; and

**WHEREAS,** Captain Melvin became a certified Paramedic in 2006, served as the Fire Department's Emergency Medical Services Director, certified as a Haz-Mat Technician in 2008, and the City of Brewer's Emergency Management Deputy Director in 2010; and

**WHEREAS,** Captain Melvin has served the Brewer Fire Department, Citizens of Brewer and the City of Brewer with distinction and honor;

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council herewith thanks Captain Melvin for his 27 years of dedicated service to the Citizens of Brewer, the City of Brewer and the Brewer Fire Department. The City Council wishes Captain Melvin the very best in his retirement and future endeavors.

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

Councilor Ferris read the resolve into the record and presented Brent with a commendation plaque.

Councilor Ferris said the Captain Melvin has been a great addition to our City, a great firefighter. He also presented him with a City challenge coin.

Public Safety Director Perry Antone said that he has spent almost three years as public safety director and Brent has always brought his A game to every fire scene he has been called to. He is an excellent command scene officer working with multiple departments and men. Our department wishes him the very best and he will be greatly missed.

Brent Melvin said he has enjoyed his time with the Brewer Fire Department and has worked with a lot of good people.

Councilor Goss said he wanted to share a memory of Captain Melvin. It was just after 911 and he was the first one to request two steel beams from the trade center buildings to be brought to the Brewer Public Safety Building.

Councilor O'Connell said that the City is very thankful to have had the dedication and service of Captain Melvin for the past 27 years.

The resolve was adopted by unanimous vote.

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2015-B018

May 19, 2015

**TITLE: RESOLVE, RECOGNIZE POLICE SERGEANT JAY MUNSON FOR HIS DEDICATED SERVICE TO THE BREWER POLICE DEPARTMENT, THE CITIZENS OF BREWER AND THE CITY OF BREWER .**

filed May 13, 2015  
by Matthew Vachon

**WHEREAS**, Sergeant Jay Munson retired from the Brewer Police Department on April 30, 2015; and

**WHEREAS**, Sergeant Munson has served the citizens and the City of Brewer for 25 years; and

**WHEREAS**, Sergeant Munson began his career with the Brewer Police Department as a fulltime police officer in 1990, was promoted to Corporal in 1994 and then promoted to Sergeant in 1997; and

**WHEREAS**, Sergeant Munson was assigned as the Detective Sergeant in the Criminal Investigation Division in 2002, an assignment he had until 2013, making him the longest serving Detective in the history of the Brewer Police Department with a specialty in computer forensic analysis, video enhancement, interviews and interrogations, and sex crime investigations; and

**WHEREAS,** Sergeant Munson served as President of the Police Union for nearly two decades, served as an advisor for the Brewer Police Explorer program, and was a member of the Brewer Kiwanis; and

**WHEREAS,** Sergeant Munson has served the Brewer Police Department, Citizens of Brewer and the City of Brewer with distinction and honor;

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council herewith thanks Sergeant Munson for his 25 years of dedicated service to the Citizens of Brewer, the City of Brewer and the Brewer Police Department. The City Council wishes Sergeant Munson the very best in his retirement and future endeavors.

**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.

Public Safety Director Perry Antone accepted the plaque for Sergeant Munson as he has already retired from the department and moved to Florida where he was offered a job and accepted it.

Public Safety Director Antone said that the department would miss Sergeant Munson's skills and dedication.

The resolve was adopted by unanimous vote.

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**SWEARING IN OF BREWER POLICE AND FIRE DEPARTMENT MEMBERS WHO HAVE RECEIVED A PROMOTION.**

Mayor Vachon asked Public Safety Director Perry Antone to introduce the four police officers and one firefighter that were being promoted and sworn in tonight.

Police Officers:

Edward Willey, Corporal  
Thomas Tardiff, Corporal

Amy Nickerson, Corporal  
Paul Gauvin, Sergeant

Firefighter:

Erik Tourtillotte, Lieutenant

The City Clerk swore in the new officers.

Public Safety Director Perry Antone said that these were the men and women who would lead and serve the city in the future. They will be entrusted to make qualified decisions and we are very proud to have them as part of the Public Safety Department.

**PUBLIC COMMENTS.**

J.D. Blaine, PanikSwitch Cycles, just wanted to say how great the City of Brewer is. He and his wife, Ashley, have just recently located their business here on South Main Street. They restore, repair and refurbish motorcycles.

Councilor Goss thanked Assistant City Manager James Smith for all his time, effort and energy in applying for the housing grant. He was happy to say that the Council Members received an email from James this after saying that the City of Brewer had been chosen to receive a \$500,000.00 DECD grant for home improvements.

Councilor O'Connell just wanted to mention that he, Councilor Uhlenhake and Councilor Goss had made a commercial for the Extreme Sports Challenge between Bangor and Brewer.

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**Recess for Public Hearing.**

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

1. FY2016 City and School Budget Informational Hearing.

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 Brewer City Council will hold an informational public hearing on the FY2016 City and School Budget on Tuesday, May 19, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine. The budget will be available for review at the City Clerk's Office and the Brewer Public Library by May 15, 2015.

Any person may attend this informational hearing and speak on this matter. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the meeting. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412.

Pamela J. Ryan  
City Clerk

Published May 11, 2015  
in the Bangor Daily News

City Manager Steve Bost, Finance Director Karen Fussell, Superintendent Jay McIntire and School Finance Director Gretchen Gardner highlighted the budget for FY2016.

City Manager Steve Bost:

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Superintendent Jay McIntire:

Thank you Mayor Vachon and Councilors. I echo the sentiments of City Manager Bost about effective teamwork this year and thank him and everyone from the city for their teamwork in helping our school budget meet its goals.

The school department has lofty goals and pursues them aggressively within the limitations created by changing laws, mandates that were once paid from state funds and are now locally-funded, and the limitations of local resources.

The school department is driven by its Mission and Vision as established by the school committee. I'd like to recognize and thank those members here tonight, Chairman Forrest, Vice Chair O'Halloran, and Member Lundquist. I'm glad you could attend.

Over the past year the school department has focused on a number of initiatives designed to fulfill the mission and realize the vision. Many of these were also factors in developing next year's budget.

The most noticeable initiative this year was completing two phases of Brewer High School renovations. These have been very much appreciated by students, staff, and the public. We do not anticipate any major renovations in the coming year, although the Trustees continue to seek cost-effective ways to renovate the high school.

This year we had an initiative to address truancy. Last school year I gathered data and learned that of our high students who were habitually truant, all but one had been habitually truant when they were in second grade. Habitual truancy starts young and becomes a lifestyle. We are focusing our anti-truancy efforts at the earliest grades. We will continue our work in this area next year. We have added to the budget a social worker two days a week to assist in this effort and others.

Another ongoing initiative that the social worker will assist with is bullying. We do have bullying in our school, but it is frequently misunderstood. In order to effectively address bullying we need to address it more effectively and also to learn to distinguish it from run of the mill meanness and bad behavior and to help parents and students do the same.

One of the board's visions is for a cohesive and seamless curriculum that provides multiple pathways to student success. To this end, our budget returns the curriculum coordinator position to full time. It was reduced a few years ago, but is needed to achieve this goal. A curriculum change this year was the re-introduction of health as a separate subject in middle school. We will continue this next year. Among the topics addressed in health are bullying and cyber-security.

This year we teamed with Brewer's Public Safety Department in a number of ways. I see Chief Antone is still here. Thank you for your support, Chief. We not only developed comprehensive emergency plans for our schools, but also trained collaboratively on workplace violence and brought an anti-heroin presentation to Brewer High School. There is still more work for us to accomplish together.

The last programmatic and staffing change I have to report that impacts the budget is the increase of one foreign language teacher in Brewer Community School. Maine's proficiency standards in foreign language are not fully clear, but our high school graduates are going to need to meet standards in this area. We believe that we can offer enough instruction at the community school that many of our students will be able to enter Brewer High School ready for year two of foreign language instruction.

The bottom line is that our budget increases by 2%, but the increase in local tax burden will be 0.4%. This is achieved in part through the generous support of the city and our tightening our belts this spring to allow us to apply more fund balance to next year's budget without decreasing our overall fund balance, a goal the city asked us to achieve.

In conclusion, we are moving forward toward lofty goals, but believe we have developed a budget that works for the whole city of Brewer, not just its students.

Thank you.

I would be happy to answer any questions.

The public hearing adjourned at 7:10 p.m. and Mayor Vachon called the regular meeting back to order noting that all members of the Council were present.

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**C. Consent Calendar.**

**ACTION:** Councilor Uhlenhake removed order 2015-A076 from the consent calendar.

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

The motion was seconded and passed by unanimous vote.

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2015-A068

May 19, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO JAMES W. CLARK, JR. AND  
JANICE C. CLARK FOR PROPERTY LOCATED AT  
361 NORTH MAIN STREET (TAX MAP 34, LOT 41).

filed May 13, 2015  
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to James W. Clark, Jr. and Janice C. Clark, for property located at 361 North Main Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 361 North Main Street (City Tax Map 34, Lot 41) 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
13338	328
13490	78
13635	320

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 \$7,233.54 in principal was collected, along with \$680.55 in interest and \$288.66 in costs.

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2015-A069

May 19, 2015

TITLE: ORDER, ISSUE WARRANT FOR JUNE 9, 2015 CITY OF BREWER  
SCHOOL BUDGET APPROVAL ELECTION AND CITY OF  
BREWER CHARTER AMENDMENTS ELECTION AND SET  
POLLING HOURS FOR JUNE 9, 2015 CITY OF BREWER  
SCHOOL BUDGET APPROVAL ELECTION AND CITY  
OF BREWER REFERNDUM ELECTION.

filed May 13, 2015  
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election and City of Brewer Referendum Election will be held on Tuesday, June 9, 2015; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 9:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 9:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the June 9, 2015 election;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls and a time of 8:00 p.m. for closing the polls for the June 9, 2015 City of Brewer School Budget Approval and City of Brewer Charter Amendments Election; and

FURTHER ORDERED, that the municipal officers issue warrants for the City of Brewer School Budget Approval Election and City of Brewer Charter Amendments Election to be held on June 9, 2015 with the polls to open at 7:00 a.m. and close at 8:00 p.m.

**CITY OF BREWER  
MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: \_\_\_\_\_, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

**TO THE VOTERS OF THE CITY OF BREWER  
WARD 1, PRECINCTS 1 AND 2**

You are hereby notified that the municipal school budget approval election in the municipality will be held at the Brewer Auditorium on Tuesday, the ninth day of June, 2015 for the purpose of affecting the approval of:

Article 1: Do you favor approving the City of Brewer school budget for the upcoming school year that was adopted at the City Council meeting held on June 2, 2015 and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

The polls shall be opened at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 19th day of May in the year of Our Lord, Two Thousand Fifteen.

Majority of the Municipal Officers of Brewer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY OF BREWER  
MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: \_\_\_\_\_, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

**TO THE VOTERS OF THE CITY OF BREWER  
WARD 1, PRECINCTS 1 AND 2**

You are hereby notified that the municipal referendum election for amendments to the City of Brewer Charter will be held at the Brewer Auditorium on Tuesday, the ninth day of June, 2015 for the purpose of affecting the approval of:

1. “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.

2. “Shall the municipality approve the charter amendments summarized below?”

Add to Article IX, Recall, of the Brewer City Charter Section 1 (Procedure for Initiating Recall Petition), Section 2 (Form of Ballot in Recall Election), Section 3 (Vote Required) and Section 4 (Election after Recall) to provide the same recall provisions for School Committee members as are outlined in the City Charter for City Council members.

The polls shall be opened at 7:00 A.M. and close at 8:00 P.M.

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The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 19th day of May in the year of Our Lord, Two Thousand Fifteen.

Majority of the Municipal Officers of Brewer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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2015-A070

May 19, 2015

TITLE: ORDER, AUTHORIZE ADDITIONAL FUNDING FOR CITY'S  
10% COST SHARE FOR SIX COMPLETED MDOT  
INTERSECTION IMPROVEMENT PROJECTS.

filed May 13, 2015  
by Beverly Uhlenhake

WHEREAS, at its May 2012 meeting City Council approved Order 2012-A086 authorizing the City Manager to enter into an agreement with the MDOT for improvements to traffic signals at six intersections in the City of Brewer; and

WHEREAS, this Agreement committed the City to a 10% cost share for the work, estimated to be \$55,000 based on the MDOT's total project cost estimate of \$550,000 at the time; and

WHEREAS, the City Council approved the FY2013 CIP which included a line item in the amount of \$55,000 to authorize funding for this anticipated expenditure; and

WHEREAS, the work has now been completed at a total cost of just over \$640,000 and the MDOT has invoiced the City for its 10% cost share in the amount of \$64,020;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith authorizes an additional expenditure in the amount of \$9020 to supplement the \$55,000 authorized in the FY2013 CIP for the City's 10% cost share for MDOT PIN's 19432, 19433, 19434, 19435, 19436 and 19438; and

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BE IT FURTHER ORDERED, that the City Council herewith authorizes the reallocation of \$9,020 of available FY2013 bond proceeds from CIP account 0510113-551389 (Dirigo Drive Paving) to 0510113-551391 (Signal Improvement Projects) to provide the additional funds needed.

\*\*\*

2015-A071

May 19, 2015

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

filed May 13, 2015  
by Jerry Goss

WHEREAS, the Brewer Public Library has received a contribution of \$50.00 from Lori Clark and Joleen Spencer in memory of Geraldine Douglas; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this generous contribution totaling \$50.00 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.*

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2015-A072

May 19, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR SPECIAL EVENTS.

filed May 13, 2015  
by Kevin O'Connell

WHEREAS, the City of Brewer has received a donation of \$150.00 from the Kiwanis Club of Brewer for the Brewer Parks and Recreation Department's Special Events;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted in the Brewer Parks and Recreation budget account 0107123 300325 (Special Events Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from budget account 0117121 506150 (Recreation Special Events).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

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2015-A073

May 19, 2015

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

filed May 13, 2015  
by Joseph Ferris

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

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Public Works equipment as surplus; a 10" Delta Contractor's table saw, and a 1994 3000 lb. Stow static roller; and

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

BE IT FURTHER ORDERED, that the funds received from the sale of the above mentioned items be receipted to the City's Sale of Asset account (0106904-300410).

\*\*\*

2015-A074

May 19, 2015

TITLE: ORDER, AUTHORIZE CONTRACT FOR REPLACEMENT OF A SECTION OF COLLAPSED SEWER MAIN ON WILSON STREET.

filed May 13, 2015  
by Beverly Uhlenhake

#### EMERGENCY PREAMBLE

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



WHEREAS, in April of 2015 the Sewer Department discovered a section of collapsed sewer main on Wilson Street while performing routine flushing; and

WHEREAS, the affected section of roadway is scheduled to be repaved by the MDOT starting in June of 2015 necessitating the immediate replacement of this sewer; 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;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Engineer and the Public Works Director to solicit bids by invitation from reputable local contractors for the replacement of the affected section of sewer main; and

BE IT FUTHER ORDERED, that the City Manager, or his designee, is authorized to execute a contract not to exceed \$100,000 with the contractor whom he, or his designee, determines to have submitted a proposal best meeting the interests of the citizens of Brewer for these emergency sewer repairs; and

BE IT FUTHER ORDERED, that the costs of this unanticipated work shall be charged to account 0581001-581005 (Wilson St Sewer-Acme Rd to Highland Ave) and paid for with current cash flow and be included in the FY2016 Sewer Capital Improvement Program for financing; and

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

\*\*\*

2015-A075

May 19, 2015

TITLE: ORDER, AUTHORIZE THE PURCHASE OF SLUDGE SCRAPER SYSTEM PARTS FOR PRIMARY CLARIFIER #2 AT THE BREWER WATER POLLUTION CONTROL FACILITY.

filed May 13, 2015  
by Jerry Goss

WHEREAS, the Primary Clarifier #2, was installed with the original treatment plant in 1973; and

WHEREAS, the upper and lower cage systems on the primary clarifier #2 sludge scraper system has failed due to metal fatigue; and

WHEREAS, Primary Clarifier #2 has been out of service since late last year; and

WHEREAS, the Primary Clarifier is very important to the overall successful operation of the Water Pollution Control Facility; and

WHEREAS, the sewer fund has capital reserve money available to pay for such an expense; and

WHEREAS, we didn't solicit bids, as Evoqua Water Technology is the only vendor to purchase the parts to rebuild the scraper system, therefore this is a sole source purchase;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Evoqua Water Technology in the amount of \$15,779.00 for the purchase of clarifier parts and that this expense be charged to account 0581003-583007 (#2Primary Clarifier); and

BE IT FURTHER ORDERED, that \$15,779.00 be transferred from the Sewer Capital Reserve (0800000-110805) to the Sewer CIP to fund this project; 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.

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2015-A076

May 19, 2015

TITLE: ORDER, REMOVE AN UNDEVELOPED STREET IN A RECORDED SUBDIVISION FROM A LIST OF STREETS WHICH THE TIME TO CONSTRUCT AND ACCEPT AS PUBLIC STREETS WAS EXTENDED.

filed May 13, 2015  
by Kevin O'Connell

WHEREAS, the Brewer City Council extended the time within which some undeveloped streets in recorded subdivisions could be constructed and accepted as a public street pursuant to Title 23 M.R.S.A. § 3032; and

WHEREAS, the City has received a request that a portion of an undeveloped street, which was included in the City Council order, extending the time be removed from the list; and

WHEREAS, City staff has reviewed the request and has determined that the said undeveloped street is of no benefit to the City now or in the future;

NOW, THEREFORE, BE IT ORDERED, that the undeveloped street which is shown between lots 26 and 36, Map File 201 ~~of the City of Brewer Tax Assessor's maps,~~ which is recorded at the Penobscot County Registry of Deeds, is hereby removed from the list set forth in City Council order A0997-14, which was passed by the City Council on September 23, 1997, pursuant to Title 23 M.R.S.A. § 3032, and recorded in the Penobscot County Registry of Deeds in Volume 6497, Page 351; and

FURTHER ORDERED, that an attested copy of this order shall be recorded in the Penobscot County Registry of Deeds by the City Clerk.

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

Councilor Uhlenhake moved that the order be amended by striking out the words "of the City of Brewer Tax Assessor's maps" and inserting the words "which is recorded at the Penobscot County Registry of Deeds" in the fourth paragraph of the order. The motion was seconded and passed. Amendment passed by unanimous vote.

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

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2015-A077

May 19, 2015

**TITLE:** ORDER, AUTHORIZE EMERGENCY REPAIRS TO DETERIORATED SECTIONS OF SEWER LINE ON ELM STREET.

filed May 13, 2015  
by Joseph Ferris

WHEREAS, in late April the Environmental Services Department discovered that sections of the existing clay sewer on Elm Street between Parkway South and Mill Street have collapsed; and

WHEREAS, this section of roadway is scheduled to be resurfaced by the MDOT early this summer; and

WHEREAS, the City Council recognizes the need to complete the sewer repairs prior to resurfacing the roadway; and

WHEREAS, the late timing of this discovery does not allow the opportunity for a conventional design and bidding process;

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NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes and directs the City Manager, or his designee, to negotiate a contract, in an amount not to exceed \$60,000, for the emergency repairs to collapsed sewer lines on Elm Street with the local contractor, and under such terms and conditions, that he determines to be in the best interests of the citizens of the City of Brewer; and

BE IT FURTHER ORDERED, that the costs of this unanticipated work shall be charged to account 0581001-581006 (Elm St Sewer Repairs-uphill from Mill St) and paid for with current cash flow and be included in the FY2016 Sewer Capital Improvement Program for financing; 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 emergency sewer repair services.

\*\*\*

2015-A078

May 19, 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 May 13, 2015  
by Beverly Uhlenhake

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-2014-4080	\$2,500

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-A079

May 19, 2015

TITLE: ORDER, ACCEPT GRANT FROM EFFICIENCY MAINE FOR  
CODE OFFICE LIGHTING IMPROVEMENTS.

filed May 13, 2015  
by Jerry Goss

WHEREAS, establishment of the Code Office in the former library space included installation of new energy efficient lighting; and

WHEREAS, the City has received a rebate of \$1,872 from Efficiency Maine in recognition of these improvements;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$1,872 rebate from Efficiency Maine and directs that it be deposited into the CIP grant proceeds revenue account (0500100-360000); and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation of the grant funds from the City Hall Infrastructure CIP account (0510120-551001) to offset the costs associated with the lighting improvements.

\*\*\*

2015-A080

May 19, 2015

TITLE: ORDER, ACCEPT WELLNESS GRANT FROM THE MAINE  
MUNICIPAL EMPLOYEES HEALTH TRUST.

filed May 13, 2015  
by Kevin O'Connell

WHEREAS, the City is eligible to receive \$3,640.00 from the Maine Municipal Employees Health Trust to support wellness initiatives and expenses in CY2015; and

WHEREAS, the City has wellness programs planned for this coming year;

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NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$3,640.00 in wellness grant funds and directs that they be deposited into the City's CY2015 Wellness Grant Revenue account (0600501-360000-53013);

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of the grant funds from the CY2015 Wellness Expense account (0600501-560000-53013) to promote the health and wellness of City employees.

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2015-A081

May 19, 2015

TITLE: ORDER, ACCEPT REVENUE FROM AND AUTHORIZED  
FUNDING FOR COFFEE WITH A COP TRAINING.

filed May 13, 2015  
by Joseph Ferris

WHEREAS, the Brewer Police Department is hosting and coordinating a regional "Coffee with a Cop" community policing training program; and

WHEREAS, the Brewer Police Department will be paying transportation and per diem costs for the instructors, expected to total approximately \$1,500; and

WHEREAS, the Brewer Police Department expects to collect approximately \$1,500 in fees from area police departments, which will defray the training costs;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the revenues that will be generated by this training and directs that they be deposited in the Police Miscellaneous Revenue account (0105804-300490) and used to offset the costs associated with this training; and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of these training revenues from the Police Department Training, Conference and Meetings account (0115811-500860).

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2015-A082

May 19, 2015

TITLE: ORDER, AUTHORIZE THE EXPENDITURE OF TIF FUNDS  
FOR CONTAMINATED SOIL REMOVAL AND  
CLEAN-UP AT THE FORMER PUBLIC WORKS  
SITE AT THE END OF HARDY STREET.

filed May 13, 2015  
by Beverly Uhlenhake

WHEREAS, a Phase I and Phase II environmental study was recently completed on City property at the former public works site on the lot at the end of Hardy Street (Map 29, Lot 186) and there was found to be soil contamination; and

WHEREAS, it is the City's responsibility to clean up the site prior to reuse, sale or redevelopment of this property; and

WHEREAS, the City has been working with a developer to build a brewery and brew pub at this location and the cost of remediation is too substantial to put the entire cost on the development project; and

WHEREAS, cleanup of this site is eligible for the use of TIF funds; and

WHEREAS, the cost of cleanup will be split between the City and the developer, in that the developer will be responsible for the cost of the earthwork, and the City will be responsible for the transportation and disposal of contaminated soil;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to negotiate and execute any necessary arrangements for the removal and transportation of contaminated soil to a destination to be determined with the assistance of the Credere Associates, LLC, the Director of Environmental Services and the Economic Development Director; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of up to \$150,000 in TIF Special Revenue Funds from account 0510101-551120 (Hardy St Remediation); 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.

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2015-A083

May 19, 2015

TITLE: ORDER, ACCEPT FOUR CPR ASSIST UNITS FROM KEN PETERS FOR THE BREWER POLICE DEPARTMENT.

filed May 13, 2015  
by Jerry Goss

WHEREAS, Ken Peters has donated four CPR Assist Devices to the Brewer Police Department; and

WHEREAS, CPR Assist devices are potentially lifesaving pieces equipment that aid users in performing hands only CPR by maintaining a proper rate of chest compressions; and

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WHEREAS, the CPR Assist devices will be carried in each Brewer Police Department Patrol vehicle to be used as lifesaving emergency tools; and

WHEREAS, Ken Peters has demonstrated a strong sense of civic character and generosity toward the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation from Ken Peters .

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2015-B019

May 19, 2015

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE JUNE 9, 2015 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION AND CITY OF BREWERCHARTER AMENDMENTS ELECTION.

filed May 13, 2015  
by Kevin O'Connell

WHEREAS, the City of Brewer School Budget Approval Election and City of Brewer Charter Amendments Election will be held on Tuesday, June 9, 2015; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to 4:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters;



NOW, THEREFORE, BE IT RESOLVED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to 4:00 p.m. on the five business days next prior to the City election to be held on June 9, 2015.

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2015-B020

May 19, 2015

TITLE: RESOLVE, AUTHORIZE CERTAIN CITY OFFICIALS TO TRANSACT BUSINESS, ON BEHALF OF THE CITY OF BREWER, WITH FINANCIAL INSTITUTIONS.

filed May 13, 2015  
by Kevin O'Connell

WHEREAS, the City of Brewer, by vote of its City Council, has authorized certain City officials to act as agents of the City of Brewer in the conduct of the City's financial transactions most recently by RESOLVE 2004-B019; and

WHEREAS, the City needs to update the list of City officials and adjust authorizations for current banking needs; and

NOW, THEREFORE, BE IT RESOLVED, that the City officials listed below are herewith authorized, as agents of the City of Brewer, to exercise all of the powers listed on the attached resolution with the City's financial institutions, subject to any written limitations to said powers as may be imposed by the City Council by any further resolutions:

Karen M. Fussell, Finance Director  
Samuel N. Graves, Deputy Finance Director  
Mary J. Marquis, Tax Collector

AND BE IT FURTHER RESOLVED, that the City Clerk is herewith authorized to sign and record this resolution of authorization on behalf of the City of Brewer, and

BE IT FURTHER RESOLVED, that this authorization shall be effective retroactively to the date of May 1, 2015.

RESOLUTION OF BANKING POWERS

In assigning specific banking powers to each of the following permissions, A will represent Karen Fussell, B will represent Samuel Graves and C will represent Mary Marquis.

  A  B   Open or close any share or deposit accounts in Authorizing Entity's name, including, without limitation, accounts such as share draft, checking, savings, certificates of deposit or term share accounts, escrow, demand deposit, reserve, and lines of credit accounts.

  A  B   Enter into and execute any preauthorized electronic transfer agreements for automatic withdrawals, deposits or transfers initiated through an electronic ATM or point-of-sale terminal, telephone, computer or magnetic tape using an access device like an ATM or debit card, a code or other similar means.

  A  B  C   Enter into and execute commercial wire transfer agreements that authorize transfers by telephone or other communication systems through the network chosen by Financial Institution. If Authorizing Entity authorizes and Financial Institution accepts this power with a multiple signature limitation, Authorizing Entity agrees to waive the multiple signature requirement for any withdrawal in a format that does not allow Financial Institution an opportunity to examine signatures. Number of signatures required two (2).

  A  B  C   Sign checks or orders for the payment of money, withdraw or transfer funds on deposit with you. Number of signatures required one (1).

  A  B   Enter into and execute a written night depository agreement, a lock-box agreement or a safe deposit box lease agreement. Number of signatures required one (1).

  A   Borrow money or obtain other credit or financial accommodation from Financial Institution on behalf of and in the name of Authorizing Entity on the terms agreed to with Financial Institution. The designated Agents may execute and endorse promissory notes, acceptances or other evidences of indebtedness.

  A   Grant a security interest, lien or other encumbrance to Financial Institution in any or all real or personal property that Authorizing Entity now owns or may acquire in the future for the payment or performance of: **Specific Debts**. The debts, liabilities and obligations, and their renewals, extensions, refinancing and modifications as evidenced by **LETTERS OF CREDIT TO VENDORS ONLY**.

  A  B   Periodically amend, restructure, renew, extend, modify, substitute or terminate any agreements or arrangements with Financial Institution that relate to this Authorization. Number of signatures required one (1).

  A  B   Execute other agreements that Financial Institution may require, and perform or cause to be performed any further action necessary to carry out the purposes of this Authorization. Number of signatures required one (1).

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2015-B021

May 19, 2015

TITLE: RESOLVE, RATIFY THE BREWER POLICE DEPARTMENT  
COMMAND OFFICERS COLLECTIVE BARGAINING  
CONTRACT.

filed May 13, 2015  
by Beverly Uhlenhake

EMERGENCY PREAMBLE

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

WHEREAS, the changes in the agreement need to be effective immediately upon adoption of this resolve;

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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the command officers of the Brewer Police Department has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

\*\*\*

2015-B022

May 19, 2015

TITLE: RESOLVE, RATIFY THE BREWER POLICE DEPARTMENT  
PATROL COLLECTIVE BARGAINING CONTRACT.

filed May 13, 2015  
by Jerry Goss

EMERGENCY PREAMBLE

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

WHEREAS, the changes in the agreement need to be effective immediately upon adoption of this resolve;

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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

WHEREAS, a collective bargaining agreement between the City of Brewer and the unit representing the employees of the patrol units has recently been negotiated; and

WHEREAS, the negotiators for both sides have recommended that this collective bargaining agreement be ratified by their representative parties;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith ratifies this agreement and authorizes the City Manager, or his designee, to execute the document on behalf of the City of Brewer; and

FURTHER RESOLVED, that the City Clerk file the City's copy of the original contracts in the City's record archives.

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**D. Monthly Reports.**

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

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

There were no items.

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**F. Unfinished Business.**

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) (posted 4/1/2015)

**ACTION:** Councilor O’Connell moved that the proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

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**G. New Business.**

1. Consent Calendar.

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

2015-C006

May 19, 2015

**TITLE:** AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ZONING DISTRICT AMENDMENT TO CHANGE A PORTION OF HIGH DENSITY RESIDENTIAL (HDR) TO INDUSTRIAL (IND) AT 447 SOUTH MAIN STREET, TAX MAP 26, A PORTION OF LOT 11 AND TAX MAP 51, A PORTION OF LOT 4.

filed May 13, 2015  
by Kevin O’Connell

Be it ordained by the City of Brewer in City Council assembled that Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer entitled “Land Use Code” of the City of Brewer, Maine to amend zoning district to change a portion of High Density Residential (HDR) to Industrial (IND) at 447 South Main Street, Tax Map 26, a portion of Lot 11 and Tax Map 51, a portion of Lot 4.

\*\*\*

2015-C007

May 19, 2015

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 1, GENERAL, SECTION 109 (CONTRACT ZONING), ARTICLE 4, PERFORMANCE STANDARDS, SECTION 411 (DAY CARE) SUBSECTION 411.1 AND SECTION 413 (EXCAVATION, REMOVAL AND FILLING OF LANDS), SUBSECTION 413.2 (FILL AND GRADING PLAN), ARTICLE 6, SITE PLAN REVIEW, SECTION 603 (APPLICATION PROCEDURE), SUBSECTION 603.1 (SUBMISSION TO CITY PLANNER) AND ARTICLE 7, SUBDIVISION REVIEW, SECTION 705.2 (PROCEDURE), ITEM 2, SECTION 706 (MAJOR SUBDIVISION REVIEW PROCEDURES), SUBSECTION 706.1 (PROCEDURE), ITEM 2.

filed May 13, 2015  
by Joseph Ferris

Be it ordained by the City of Brewer in City Council assembled that Chapter 24 of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" of the City of Brewer, Maine be amended as follows:

**A. ARTICLE 1 GENERAL**  
**109. CONTRACT ZONING**  
**109.5 PROCEDURE**

1. A request for a new or amended contract zone agreement shall include the application form (including its supplemental information), application fee, and technical review/escrow account fee. Once written, the proposed contract zone agreement will be placed on the next available Planning Board meeting agenda for a public hearing, review, and recommendation to the City Council.
2. All proposed amendments to this Land Use Code being considered under this Section shall be processed in accordance with the provisions of this Article and Title 30-A MRSA Section 4352, Subsection 8. Notice of any public hearing required shall be published at the applicant's expense. If at all possible, the processing of the application under both ~~procedures contract zoning and site plan~~ shall be accomplished concurrently. All application fees and technical review/escrow account advertising fees must be paid when application is filed prior to public notification. All Contract Zoning Agreements shall, at the applicant's expense, be recorded in the Penobscot County Registry of Deeds. ~~Any Contract Zoning Agreement must be signed by the applicant and recording fees paid to the City prior to the contract agreement going before the City Council or within ten (10) days whichever is applicable. Any contract not signed and submitted with recording fees paid within ten (10) days or prior to the next scheduled Council meeting, which eve is applicable, will be deemed null and void.~~

3. APPLICATION FEE AND TECHNICAL REVIEW/ESCROW ACCOUNT. All applications for a contract zone agreement shall be accompanied by a non-refundable application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer. In addition, an applicant applying for a contract zone agreement shall pay a separate technical review and escrow account fee of \$1,000.00 upon submitting the application. Said funds shall be held in escrow and used to cover the cost of legal notices, recording plans and documents in the Registry of Deeds, and for any of the following support services which the City of Brewer reasonably incurs in the review, approval or disapproval of the application:

- A. attorney, including the City Solicitor
- B. engineer
- C. architect
- D. surveyor
- E. any other expert the Planning Board, City Council, City Planner and/or Code Enforcement Officer feels is necessary to adequately evaluate the proposed application. All technical review consultants shall be chosen by the City and not the applicant.

If the balance in this account is drawn down by 50% or more, the Board or City Planner shall notify the applicant, and require that the account be fully replenished by the applicant within ten days in order for the application to proceed. The Board or City Planner shall continue to notify the applicant and may require the account be fully replenished as necessary whenever the balance of the account is drawn down 50% of the original deposit. Any monies not expended shall be returned to the applicant or his designee, without interest, by the City.

No application shall be deemed complete until the required money has been posted with the City. No application shall be acted upon by the board and/or City Council until sufficient funds have been posted to cover the total cost of the support services required by the City in reviewing the application.

## **B. ARTICLE 4 PERFORMANCE STANDARDS**

### **411. DAY CARE**

**411.1** All Day Care types shall be:

1. Licensed by the Maine Department of Human Services, Bureau of Social Services, Day Care Division.
2. Subject to annual City of Brewer permit.

3. Day Care Facilities shall meet the criteria of Article 4, Section 411, of this Land Use Code. Child Care Centers shall meet the criteria of Article 4, Section 411 of this Land Use Code, meet the criteria of Article 6, Site Plan Review of this Land Use Code and follow the procedures outlined in Article 6, Site Plan Review of this Land Use Code. Fees for a day care facilities shall be a non-refundable application fee set forth in the then current City Council adopted fee schedule, payable to the City of Brewer, plus legal notice fees for the required public hearing as set forth in the City Council adopted fee schedule. Fees for a child care center shall follow Article 6, Site Plan Review of the Land Use Code.

#### **413. EXCAVATION, REMOVAL AND FILLING OF LANDS**

##### **413.1 FILL AND GRADING PLAN**

- A. The procedure for Planning Board review and approval of a fill and grading plan shall be the same as outlined in Article 6 of this ordinance for a minor site plan.
- B. Fees for a fill and grading plan shall be a non-refundable application fee set forth in the City Council adopted fee schedule, payable to the City of Brewer, ~~and plus~~ the technical review/escrow account fee as defined in Article 6 of this ordinance for a minor site plan. The applicant is responsible for the legal notice fees for the required public hearing as set forth in the then current City Council adopted fee schedule.

#### **C. ARTICLE 6 SITE PLAN REVIEW**

##### **603. APPLICATION PROCEDURE**

##### **603.1 SUBMISSION TO CITY PLANNER**

Persons seeking site plan review shall submit four (4) copies of the site plans and accompanying written information including the application form, meeting the specifications of Section 606 with the City Planner along with a non-refundable application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer four weeks prior to the Planning Board meeting. In addition, an applicant applying for site plan approval shall pay a separate technical review and ~~consultant~~ escrow account fee of \$1,000.00 for minor developments of \$2,500.00 for major developments upon submitting the application. Said funds shall be held in an account and used to cover the cost for legal notices and any of the following support services which the City of Brewer reasonably incurs in the review, approval or disapproval of the application:

- A. attorney, including the City Solicitor
- B. professional engineer
- C. licensed architect
- D. professional land surveyor
- E. certified geologist



- F. licensed site evaluator
- G. and any other expert the Planning Board, City Council, City Planner and/or Code Officer feels is necessary to adequately evaluate the proposed site plan. All technical review consultants shall be chosen by the City and not the applicant.

If the balance in this account is drawn down by 50% or more, the Board or City Planner shall notify the applicant, and may require that the account be fully replenished by the applicant within ten days in order for the application to proceed. The Board or City Planner shall continue to notify the applicant and may require the account be fully replenished as necessary whenever the balance of the account is drawn down by 50% of the original deposit. Any monies not expended shall be returned to the applicant or his designee, without interest, by the City.

No application shall be deemed complete until the required money has been posted with the City. No application shall be acted upon by the Board and/or City Council until sufficient funds have been posted to cover the total cost of the support services required by the City in reviewing the application.

Upon receipt of these materials, the City Planner shall review the application to determine whether all the information requested in Section 606 has been provided. The applicant shall be notified of any deficiencies within five business days and given the opportunity to correct them.

## **D. ARTICLE 7 SUBDIVISION REVIEW**

### **705.2. PROCEDURE**

- 2. APPLICATION FEE AND TECHNICAL REVIEW/ESCROW ACCOUNT RECORDING FEE. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer. In addition, an applicant applying for minor subdivision approval shall pay a separate technical review and escrow account recording fee of \$200.00 per lot or dwelling upon submitting the application. Said funds shall be held in escrow and used to cover the cost of legal notices, recording plans and documents in the Registry of Deeds, and for any of the following support services which the City of Brewer reasonably incurs in the review, approval or disapproval of the application:
  - F. attorney, including the City Solicitor
  - G. engineer
  - H. architect
  - I. surveyor

- J. any other expert the Planning Board, City Council, City Planner and/or Code Enforcement Officer feels is necessary to adequately evaluate the proposed subdivision plan. All technical review consultants shall be chosen by the City and not the applicant. ~~Said funds may also be used to record the subdivision plans and documents in the Registry of Deeds.~~

If the balance in this account is drawn down by 50% or more, the Board or City Planner shall notify the applicant, and require that an additional \$150.00 per lot or dwelling unit be deposited by the applicant within ten days in order for the application to proceed. The Board or City Planner shall continue to notify the applicant and require an additional \$150.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down 50% of the original deposit. Any monies not expended shall be returned to the applicant or his designee, without interest, by the City.

No application shall be deemed complete until the required money has been posted with the City. No application shall be acted upon by the board and/or City Council until sufficient funds have been posted to cover the total cost of the support services required by the City in reviewing the application.

## 706. MAJOR SUBDIVISION REVIEW PROCEDURES

### 706.1 PROCEDURE

2. APPLICATION FEE AND TECHNICAL REVIEW/ESCROW ACCOUNT RECORDING FEE. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by an application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer. In addition, an applicant applying for major subdivision approval shall pay a separate technical review and escrow account recording fee of \$200.00 per lot or dwelling upon submitting the application. Said funds shall be held in escrow and used to cover the cost of legal notices, recording plans and documents in the Registry of Deeds, and for any of the following support services which the City of Brewer reasonably incurs in the review, approval or disapproval of the application:
  - A. attorney, including the City Solicitor
  - B. engineer
  - C. architect
  - D. surveyor
  - E. any other expert the Planning Board, City Council, City Planner and/or Code Enforcement Officer feels is necessary to adequately evaluate the proposed subdivision plan application submission. All technical review consultants shall be chosen by the City and not the applicant. ~~Said funds may also be used to record the subdivision plans and documents in the Registry of Deeds.~~

If the balance in this account is drawn down by 50% or more, the Board or City Planner shall notify the applicant, and require that an additional \$150.00 per lot or dwelling unit be deposited by the applicant **within ten days in order for the application to proceed**. The Board or City Planner shall continue to notify the applicant and require an additional \$150.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 50% of the original deposit. Any monies not expended shall be returned to the applicant or his designee, without interest, by the City.

No application shall be deemed complete until the required money has been posted with the City. No application shall be acted upon by the board and/or City Council until sufficient funds have been posted to cover the total cost of the support services required by the City in reviewing the application.

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

There were none.

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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 7:25 p.m.

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

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