

City Council Minutes  
November 16, 2015

Regular Meeting  
City Hall Council Chambers

Monday, November 16, 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 Monday, November 16, 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	Tardiff	Cpl.	11/12/15	1500
Matthew Vachon	Young	Ptl.	11/12/15	1500
Beverly Uhlenhake	Tardiff	Cpl.	11/12/15	1510
Jerry Goss	Young	Ptl.	11/12/15	1450
Kevin O'Connell	Tardiff	Cpl.	11/12/15	1505

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**CITY COUNCIL REGULAR MEETING**  
**Monday, November 16, 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 October 13, 2015 Regular Meeting.** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
  - 1. (2015-B053) RESOLVE, Recognize Keith A. Bradford for 35 Years of Dedicated Service to the City of Brewer. (Councilor Ferris)
  - 2. (2015-B054) RESOLVE Recognize John P. Zebiak for Earning the Rank of Eagle Scout. (Councilor Goss)
  - 3. Public Comments.
- C. Consent Calendar.**
  - 1. (2015-A195) ORDER, Accept Donation to the Brewer Public Library. (Councilor Uhlenhake)
  - 2. (2015-A196) ORDER, Accept Donation to the Brewer Public Safety Museum. (Councilor Goss)
  - 3. (2015-A197) ORDER, Issue Release Deed to Wesley A. Arnold for Property Located at 8 Soucie Lane (Tax Map 26, Lot 56). (Councilor O'Connell)
  - 4. (2015-A198) ORDER, Issue Release Deed to Douglas G. Connolly, Successor of Lucille Gosselin, John A. Gosselin Per Rep, for Property Located at 457 South Main Street (Tax Map 26, Lot 9). (Councilor Ferris)
  - 5. (2015-A199) ORDER, Award Contract for Wilson Street Traffic Signal Coordination Project. (Councilor Uhlenhake)
  - 6. (2015-A200) ORDER, Waive Foreclosure of Certain Mobile Home Properties Located in Brewer, Maine. (Councilor Goss)
  - 7. (2015-A201) ORDER, Authorize the Purchase of Replacement Vehicles for the Police Department. (Councilor O'Connell)
  - 8. (2015-A202) ORDER, Authorize Execution of a Grant Agreement and Acceptance of a Grant from USDA Rural Utilities Service in the Amount of \$400,000.00. (Councilor Ferris)
  - 9. (2015-A203) ORDER, Authorize and Provide for the Incurrence of Indebtedness of \$1,500,000.00 for the Purpose of Funding WPCF Improvements and Equipment and a Series of Priority Sewer Repairs Across the City. (Councilor Uhlenhake)

10. (2015-A204) ORDER, Authorize an Agreement Between the City of Brewer, Village Centre Housing Partners, L.P. and Brewer Redevelopment, LLC.  
(Councilor Goss)
11. (2015-A205) ORDER, Accept Grant from the Penobscot County Emergency Management Agency for a Use of Force Simulator. (Councilor O’Connell)
12. (2015-A206) ORDER, Accept Grant from the Penobscot County Emergency Management Agency for Pagers for the Fire Department.  
(Councilor Ferris)
13. (2015-A207) ORDER, Authorizing Issuance of City’s General Obligation Bonds to Finance Improvements to the City’s Water Pollution Control Facilities, Various Sewer System Repairs and Improvements and Acquisition of a Replacement Flusher Truck, and a Tax Levy Therefor. (Councilor Uhlenhake )

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

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

1. (2015-B055) RESOLVE, Declare the Results of the November 3, 2015 City of Brewer Annual Municipal Election, Charter Amendments Election and the State of Maine Referendum Election.  
(Councilor O’Connell)

**F. Unfinished Business.**

1. Consent Calendar.
  - a. (2015-C012) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Uhlenhake)  
(posted 10/14/15)
  - b. (2015-C013) Amend Chapter 24, Article 3 “Zoning Districts”, Sections 302 and 306 of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”.  
(Councilor O’Connell)(posted 10/14/15)
  - c. (2015-C014) Amend Chapter 24, Article 6 “Site Plan Review”, Section 604 and Article 7 “Subdivision Review Process”, Sections 705 and 706 of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”.  
(Councilor Ferris)(posted 10/14/15)

**G. New Business.**

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

**I. ADJOURN.**

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**A. Minutes of October 13, 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-B053

November 16, 2015

**TITLE: RESOLVE, RECOGNIZE KEITH A. BRADFORD FOR 35 YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER.**

filed November 10, 2015  
by Joseph Ferris

**WHEREAS**, as of August 27, 2015, Keith A. Bradford had reached the milestone of completing 35 consecutive years of dedicated service to the City of Brewer as an employee of the Public Works Department; and

**WHEREAS**, Keith began his career in the Public Works Department on August 27, 1980 as a Light Equipment Operator then through his hard work and dedication was promoted to a Heavy Equipment Operator; and

**WHEREAS**, Keith not only has the distinction of being the most senior operator for the department, but is also the third most senior active employee in the City; and

**WHEREAS**, over the years Keith has continually proven his dedication to the City working tirelessly with thousands of extra hours through hundreds of snow storms, ice storms and floods with the sole purpose of trying to keep the residents of Brewer safe;

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Keith A. Bradford for his many years of outstanding dedicated service to the citizens of the City of Brewer as a trusted and valuable 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 Keith A. Bradford by the citizens and officials of the City of Brewer, Maine

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

Councilor Ferris read the resolve into the record and also presented Keith with a challenge coin.

Councilor Ferris said that the plaque says it all.

Public Works Director Dave Cote said that Keith's devotion to the City and the people of the City is obvious in the way he always stays late and always makes sure that sidewalks etc. are plowed and safe for the residents. He thanked Keith for all his hard work and time.

Councilor O'Connell I thanked him for his dedication , service and countless hours over the years to the City.

Councilor Uhlenhake thanked Keith for his 35 years of service and said it really says something about the City that keeps employees for so many years.

The resolve was adopted by unanimous vote.

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2015-B054

November 16, 2015

**TITLE: RESOLVE, RECOGNIZE JOHN P. ZEBIAK FOR  
EARNING THE RANK OF EAGLE SCOUT.**

filed November 10, 2015  
by Jerry Goss

**WHEREAS**, John P. Zebiak, a member of Boy Scout Troop 1, 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 Monday, October 19, 2015, John P. Zebiak was officially awarded the rank of Eagle Scout; and

**WHEREAS**, as part of the required Service Project for the Eagle Scout Award, John did grounds maintenance and beautification projects at the Maine Veterans Home in Bangor. He also provided the new sitting area with a wooden bench; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to John P. Zebiak 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 John with a framed attested copy of the resolve and said that a City of Brewer challenge coin had been given to John at his award ceremony by Mayor Vachon. He said his project was special because it will greatly benefit the veterans and was done to value and honor our veterans.

Councilor O'Connell said earning the Eagle Scout was a great award that no one can ever take away from you.

Mayor Vachon said that he attended the award ceremony and that John was an impressive young man.

The resolve was adopted by unanimous vote.

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### **PUBLIC COMMENTS.**

Randy Tompkins, 12 Lorraine Avenue, said he wanted to express his appreciation to the Public Works Department as he has toured all the sidewalks in the city with his electric scooter this summer and has not encountered any problems. He also commended the Brewer Police Department as he had not had any issues that he had to call them for help.

Councilor O'Connell said that Mayor Vachon had done a great job as Mayor over the last year.

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

**ACTION:** Councilor O'Connell removed orders 2015-A204 and A205.

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

The motion was seconded and passed by unanimous vote.

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2015-A195

November 16, 2015

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

filed November 10, 2015  
by Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received a contribution of \$50.00 from Richard and Anne Gassett in memory of Elizabeth W. Gerry and Wyman P. Gerry; and

WHEREAS, it is the recommendation and request of the donor and 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-A196

November 16, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC SAFETY MUSEUM.

filed November 10, 2015  
by Jerry Goss

WHEREAS, the Brewer Fire Department has received a donation of \$25.00 from Larry T. Doughty in memory of Merle Hutchins for the Public Safety Museum;

NOW, THEREFORE, BE IT ORDERED, the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted to Account 0200000-320000-59009; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0200000-520000-59009,

*NOTE: The Brewer Public Safety Director's Office sends a letter of acknowledgement and appreciation on behalf of the City Council to all those who contribute to the public safety's departments for their generous donations.*

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2015-A197

November 16, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO WESLEY A. ARNOLD FOR PROPERTY LOCATED AT 8 SOUCIE LANE (TAX MAP 26, LOT 56).

filed November 10, 2015  
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to Wesley A. Arnold for property located at 8 Soucie Lane releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 8 Soucie Lane (City Tax Map 26, Lot 56) 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
13490	143
13636	31
13843	278
13975	227
13887	111

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 \$4,875.56 in principal was collected, along with \$182.22 in interest and \$66.95 in costs.

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2015-A198

November 16, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO DOUGLAS G. CONNOLLY, SUCCESSOR OF LUCILLE GOSSELIN, JOHN A. GOSSELIN PER REP, FOR PROPERTY LOCATED AT 457 SOUTH MAIN STREET (TAX MAP 26, LOT 9).

filed November 10, 2015  
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Douglas G. Connolly, Successor of Lucille Gosselin, John A. Gosselin Per Rep, for property located at 457 South Main Street releasing to him all rights, title and interest the City of Brewer may have acquired in the property located on 457 South Main Street (City Tax Map 26, Lot 9) 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	49
13569	51
13887	108
13975	243
13843	290
13636	46
13490	159



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 \$7,947.38 in principal was collected, along with \$777.07 in interest and \$586.65 in costs.

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2015-A199

November 16, 2015

TITLE: ORDER, AWARD CONTRACT FOR WILSON STREET TRAFFIC SIGNAL COORDINATION PROJECT.

filed November 10, 2015  
by Beverly Uhlenhake

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

WHEREAS, contracts have previously been awarded for Design Services and for the installation of a radio communications system in support of the first phase of this project; and

WHEREAS, the Engineering Department has recently solicited, received and reviewed competitive bids for the installation of the Phase One Traffic Signal Improvements and Training portion of the project; and

WHEREAS, one bid was received from Electric Light Co. of Cape Neddick, Maine which was reviewed and deemed acceptable by the Engineering Department;

NOW, THEREFORE, BE IT ORDERED, that that City Council herewith authorizes the City Manager, or his designee, to execute a contract with Electric Light Company, Inc. of Cape Neddick, Maine in the amount of \$38,500.00 for the installation of equipment and training associated with Phase One of the Wilson Street Traffic Signal Interconnect Project; and

BE IT FURTHER ORDERED, that all cost associated with this contract shall be charged to CIP account 0510133-551316-00478 (Signal Coordination) and paid for with funds already collected and set aside for this project.

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2015-A200

November 16, 2015

TITLE: ORDER, WAIVE FORECLOSURE OF CERTAIN MOBILE HOME PROPERTIES LOCATED IN BREWER, MAINE.

filed November 10, 2015  
by Jerry Goss

City Council Minutes  
November 16, 2015

WHEREAS, on June 24, 2014, after notices were provided in accordance with state law, the City of Brewer filed at the Penobscot Registry of Deeds liens against the mobile homes listed below for failure to pay FY2014 taxes in full; and

WHEREAS, FY2014 taxes on these properties remain unpaid and the statutory foreclosure will take place on December 24, 2015; and

WHEREAS, it is not in the best interest of the City of Brewer to allow the foreclosure of said properties to take place because they all rest on rented land and foreclosure could possibly result in the City being liable for rents and/or other expenses due;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith agrees to waive foreclosure on the properties listed below located in Brewer, Maine, for the 2014 tax year and authorizes the City Deputy Treasurer to sign statutory waivers of foreclosure and record them in the Penobscot County Registry of Deeds; and

BE IT FURTHER ORDERED, that the Deputy Treasurer is authorized to take any and all other actions that may be necessary to carry out the terms and conditions of this order.

<b>Map</b>	<b>name</b>	<b>Location</b>
01000-02509	BUZZELL MICHAEL	23 WHITE TAIL ROAD
01000-02511	STEWART RANDALL	27 WHITE TAIL ROAD
01000-02522	MANZO DANIEL	20 WHITE TAIL ROAD
01000-02524	BRYER TERRY L	24 WHITE TAIL ROAD
01000-02526	PORTER ARIEN	28 WHITE TAIL ROAD
01000-02527	LYONS JAMES	32 WHITE TAIL ROAD
01000-02534	GARDNER WILLIAM	11 BLACK BEAR ROAD
01000-02539	MATTHEWS PATRICIA E	23 BLACK BEAR ROAD
01000-02540	KETTELL SHARON E	25 BLACK BEAR ROAD
01000-02545	COMER ANN MARIE	4 BLACK BEAR ROAD
01000-02554	MATTHEWS RAYMOND C	26 BLACK BEAR ROAD
01000-02556	MATTHEWS RAYMOND C	32 BLACK BEAR ROAD
01000-02557	SMITH NOBELEE	34 BLACK BEAR ROAD

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2015-A201

November 16, 2015

TITLE: ORDER, AUTHORIZE THE PURCHASE OF REPLACEMENT  
VEHICLES FOR THE POLICE DEPARTMENT.

filed November 10, 2015  
by Kevin O'Connell

WHEREAS, the FY15 and the FY16 approved Capital Improvement Programs each included funding for replacement of a Police vehicle; and

WHEREAS, bids were solicited for two new vehicles to be placed in line for primary patrol use and the low bid was received from Darling's Ford in Bangor; and

WHEREAS, the bid consisted of two 2016 Utility Police Interceptor, Sport Utility, Ford Explorers at a cost of \$29,126 each; and

WHEREAS, the bid price does not include the cost to paint and equipment the vehicles;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to sign a purchase order with Darling's Ford of Bangor for the amount of its bid price and authorizes the appropriation and expenditure of this amount from capital account 0510132-511200 (Police Vehicles) to fund the purchase of two vehicles described above; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure from CIP account 0510132-511200 (Police Vehicles) the funding necessary to cover the cost of painting and equipping the vehicles (estimated to be approximately \$5,000 per vehicle). However, such expenditure shall not exceed funding available as approved in the FY15 and FY16 CIPs; and

FURTHER ORDERED, the City Council hereby declares the Police Department's 2009 Ford Crown Victoria (VIN # 2FAHP71V39X119652) surplus and authorizes the City Manager or his designee to dispose of the vehicles in a manner that is in the best interests of the City. Proceeds received, if any, shall be deposited into 0500100-300410 (CIP Sale of Assets) and used to fund future capital projects; 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 goods and supplies for this project; and

NOTE: The other bid received was from Varney's, and it was \$442 higher per vehicle.  
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2015-A202

November 16, 2015

TITLE: ORDER, AUTHORIZE EXECUTION OF A GRANT AGREEMENT  
AND ACCEPTANCE OF A GRANT FROM USDA RURAL  
UTILITIES SERVICE IN THE AMOUNT \$400,000.00

filed November 10, 2015  
by Joseph Ferris

ORDERED, that the City Council of the City of Brewer does authorize its City Manager and its City Clerk, or their designees, to execute and deliver RUS Bulletin 1780-12, Water of Waste System Grant Agreement, on behalf of the City of Brewer, substantially in the form attached to this order with such changes and additions as they in their discretion may deem necessary or appropriate; and

FURTHER ORDERED, that the City of Brewer, acting through its appropriate officers as designated in its Charter, Codes and Ordinances, will take all necessary and appropriate steps to carry out the transactions contemplated by the Grant Agreement approved at this meeting.  
(Agreement Attached)

2015-A203

November 16, 2015

TITLE: ORDERED, AUTHORIZE AND PROVIDE FOR THE INCURRENCE OF INDEBTEDNESS OF \$1,500,000.00 FOR THE PURPOSE OF FUNDING WPCF IMPROVEMENTS AND EQUIPMENT AND A SERIES OF PRIORITY SEWER REPAIRS ACROSS THE CITY.

filed November 10, 2015  
by Beverly Uhlenhake

WHEREAS, it is necessary for the City of Brewer (herein after called Association) to raise a portion of the cost of such an undertaking by issuance of its bonds in the principal amount of One Million Five Hundred Thousand dollars (\$1,500,000.00) to the provisions of Laws of the State of Maine;

WHEREAS, it is herewith ordered that the in accordance with Grant Agreement RUS Bulleting 1780-12 and by the City Council of the City of Brewer to authorize the City Manager and the City Clerk to execute and deliver all documents and to take any and all actions necessary to carry into effect such financing, including, but not limited to, Form RD 400-1, Equal Opportunity Agreement and Form RD 400-4, Assurance Agreement;

NOW, THEREFORE, BE IT ORDERED, that the City Council of the City of Brewer approves and accepts in all respects the following loan resolution:

2015-A204

November 16, 2015

TITLE: ORDER, AUTHORIZE AN AGREEMENT BETWEEN THE  
CITY OF BREWER, VILLAGE CENTRE HOUSING  
PARTNERS, L.P. AND BREWER REDEVELOPMENT, LLC.

filed November 10, 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 the order go into effect immediately so that the conditions requested for the easements is effective as soon as this order has passage; and

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

WHEREAS, the City of Brewer, (hereafter referred to as the "City") conveyed property to Brewer Redevelopment, LLC (hereafter referred to "Brewer Redevelopment") by a Municipal Quitclaim Deed dated August 8, 2012, and recorded in the Penobscot County Registry of Deeds in Volume 12983, Page 274; and

WHEREAS, Brewer Redevelopment conveyed a portion of the said property to Village Center Housing Partners, L.P. (hereafter referred to as "VCHP") by Quitclaim Deed dated April 13, 2015, and recorded in the Penobscot County Registry of Deeds in Volume 13807, Page 94; and

WHEREAS, the City reserved certain easements across the property conveyed to VCHP, as well as the leased property (hereafter referred to as the "properties"); and

WHEREAS, VCHP wants to make sure that when the City disturbs the properties that certain conditions are met by the City; and

WHEREAS, the City is willing to meet VCHP's request; and

WHEREAS, the City is willing to agree to the following language, or such other language as the City Manager, or his agent, on behalf of the City, as VCHP and Brewer Redevelopment, LLC can agree upon: “The City, its successors and assigns covenant to conduct any construction, repair, maintenance or replacement work within the reserved easements on the properties in a safe and workmanship like manner, utilizing only quality and durable materials, with as much advance notice and with as little disruptions to the activities on the properties as is reasonably possible and at the conclusion of any such activities to properly and fully fill and stabilize the soil in the areas of any excavations, and to restore the ground to the same condition as it was prior to the commencement thereof.”;

NOW THEREFORE BE IT ORDERED, that the City Manager or his agent shall negotiate the final terms and conditions of the agreement between the City, VCHP and Brewer Redevelopment, subject to what he, or his agent, in their sole desertion, determine to be in the best interest of the City of Brewer; and

FURTHER, BE IT ORDERED, the form of the Agreement shall be approved as to form by the City Solicitor, or some other attorney representing the City; and

ALSO FURTHER, BE IT ORDERED, that the City Manager, or his agents, shall take any and all actions and sign any and all documents to carry out this City Council Order; and

ALSO BE IT FURTHER ORDERED, the Manager of Brewer Redevelopment shall have full and complete authority to take any and all actions and sign any and all documents to carry out this City Council Order.

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

Councilor O’Connell said that he had a question about the sewer line. He wanted to know if it ran under the building to or just the parking lot.

City Manager Steve Bost said that Development Director D’arcy Main-Boyington would give a brief explanation of what the above order was all about.

D’arcy said that the above sewer easement was accidentally left out of the original agreement and was discovered recently that it had not been corrected yet.

Director of Environmental Services Ken Locke said, to answer Councilor O’Connell’s question, the sewer runs under the parking lot only.

City Solicitor Dearborn said that the above had to be put in place in order for the housing project to get its financing.

The order was passed by unanimous vote.

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2015-A205

November 16, 2015

**TITLE:** ORDER, ACCEPT GRANT FROM THE PENOBSCOT COUNTY EMERGENCY MANAGEMENT AGENCY FOR A USE OF FORCE SIMULATOR.

filed November 10, 2015  
by Kevin O'Connell

WHEREAS, the City has received a grant from the Penobscot County Emergency Management Agency from 2015 Homeland Security Grant Program funds in the amount of \$25,000 that requires no local match; and

WHEREAS, the awarded grant money is for the purchase of a Use of Force Simulator, which will be housed at the Brewer Police Department and used for regional training by local law enforcement agencies; and

WHEREAS, the cost of the Simulator and its installation is estimated to be about \$30,000.00 and the Police Department has Asset Forfeiture proceeds available to fund the estimated additional \$5,000.00 cost;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these Homeland Security grant funds and directs that these funds be deposited in 0600058 360000 58033 COUNTY EMA 15-SIMULTR GRANT RE; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the expenditure of up to \$30,000 from account 0600058 560000 58033 COUNTY EMA15-SIMULATR GRNT EXP for the purchase and installation of a Use of Force Simulator and further authorizes the appropriation and expenditure of up to \$5,000 in Treasury Asset Forfeiture proceeds from Org 0200102 to fund the expense not covered by the Homeland Security grant; 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 supplies for this project.

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

Councilor O'Connell said he removed this order only because he wanted to know if the Council members would be invited to try out the simulator.

Public Safety Director Perry Antone said that yes they would be invited to try it out once the department had had a little practice on it and were familiar with the different scenarios.

The order was passed by unanimous vote.



2015-A206

November 16, 2015

TITLE: ORDER, ACCEPT GRANT FROM THE PENOBSCOT COUNTY EMERGENCY MANAGEMENT AGENCY FOR PAGERS FOR THE FIRE DEPARTMENT.

filed November 10, 2015  
by Joseph Ferris

WHEREAS, the city has received a grant from the Penobscot County Emergency Management Agency from 2015 Homeland Security Grant Program funds in the amount of \$3,105 that requires no local match; and

WHEREAS, the awarded grant money is for the purchase of nine pagers for the Brewer Fire Department;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these Homeland Security grant funds and directs that these funds be deposited in 0600059 360000 59019 COUNTY EMA 15-9 FIRE PAGERS REV;and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the expenditure of \$3,105 from account 0600059 560000 59019 COUNTY EMA15-9 PAGERS EXP for the purchase of pagers for the Fire Department.

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2015-A207

November 16, 2015

TITLE: ORDER, AUTHORIZING ISSUANCE OF CITY'S GENERAL OBLIGATION BONDS TO FINANCE IMPROVEMENTS TO THE CITY'S WATER POLLUTION CONTROL FACILITIES, VARIOUS SEWER SYSTEM REPAIRS AND IMPROVEMENTS AND ACQUISITION OF A REPLACEMENT FLUSHER TRUCK, AND A TAX LEVY THEREFOR.

filed November 10, 2015  
by Beverly Uhlenhake

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

THAT the City Treasurer/ Finance Director and Chair of the City Council be and hereby are, authorized and empowered, in the name of and on behalf of the City, to borrow up to \$1,500,000 from the United States Department of Agriculture – Rural Development (or such other suitable lender as the City Treasurer/ Finance Director shall determine) to finance the projects listed on Attachment A hereto (the "Projects"), and to finance issuance costs with respect thereto.

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such loan, there is hereby authorized the issue and sale at one time and from time to time up to One Million Five Hundred Thousand Dollars (\$1,500,000) aggregate principal amount of the City's general obligation bonds, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to finance a portion of the costs of the Projects.

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

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

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

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for such purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

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

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

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

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

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

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

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

THAT if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

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

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

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

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

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, including but not limited to a bond purchase agreement, a preliminary official statement and official statement if the bonds are underwritten in a public sale or a loan agreement with the United States Department of Agriculture – Rural Development (or such other suitable lender as the City Treasurer/ Finance Director shall determine) in usual and customary form, to carry out the provisions of this Order in connection with the issuance of the bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

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

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

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

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

Attachment A

**List of Projects - \$1,500,000 Bonds**

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Replace the main distribution panel, pump station controls and freight elevator controls at the Water Pollution Control Facility

Various sewer system repair and maintenance projects in seven areas across the City

Replace Flusher Truck

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**D. Monthly Reports.**

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

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

2015-B055

November 16, 2015

**TITLE:** RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 3, 2015 CITY OF BREWER ANNUAL MUNICIPAL ELECTION, CHARTER AMENDMENTS ELECTION AND THE STATE OF MAINE REFERENDUM ELECTION.

filed November 12, 2015  
by Kevin O'Connell

WHEREAS, the City of Brewer Annual Municipal Election, Charter Amendments Election and the State of Maine Referendum Election were held on November 3, 2015; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results;

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer Annual Municipal Election, Charter Amendments Election and the State of Maine Referendum Election as follows:

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

The order was adopted by unanimous vote.

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**F. Unfinished Business.**

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

1. (2015-C012) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Uhlenhake) (posted 10/14/15)
2. (2015-C013) Amend Chapter 24, Article 3 “Zoning Districts”, Sections 302 and 306 of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”. (Councilor O’Connell)(posted 10/14/15)
3. (2015-C014) Amend Chapter 24, Article 6 “Site Plan Review”, Section 604 and Article 7 “Subdivision Review Process”, Sections 705 and 706 of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”. (Councilor Ferris)(posted 10/14/15)

**G. New Business.**

There were no items.

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

Mayor Vachon thanked the staff and councilors for helping him through the year as Mayor. Also thanked Deputy Mayor Uhlenhake for pinching hitting for him on events he could not be present for. Again he thanked everyone for a wonderful year serving as Mayor for the City of Brewer.

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Mayor 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 6:23 p.m.

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

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