

City Council Minutes
November 17, 2014

Regular Meeting
City Hall Council Chambers

Monday, November 17, 2014
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.
The city clerk called the roll:

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

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

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Monday, November 17, 2014 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/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Caron	Ptl.	11/14/14	1646
Matthew Vachon	P. Ryan	CC	11/14/14	4:15 pm
Beverly Uhlenhake	Caron	Ptl.	11/14/14	1635
Jerry Goss	Caron	Ptl.	11/14/14	1625
Kevin O'Connell	Caron	Ptl.	11/14/14	1640

CITY COUNCIL REGULAR MEETING
Monday, November 17, 2014 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor Goss)
- A. Minutes of October 14, 2014 Regular Meeting.** (Councilor Ferris)
- B. Awards, Petitions, Public Comments**
 - 1. (2014-B066) RESOLUTION OF RESPECT for Michael Celli.
(Mayor Goss, Councilors Ferris, O’Connell, Uhlenhake, Vachon)
 - 2. (2014-B067) RESOLVE, Recognize the Brewer Public Works Department for Their Service to the Citizens of the City of Brewer. (Mayor Goss)
 - 2. (2014-B068) RESOLVE, Recognize and Celebrate the Brewer Auditorium’s 75th Anniversary. (Councilor Vachon)
 - 3. Presentation: Brewer Register of Historic Places Sign to Commemorate the Brewer Auditorium’s 75th Anniversary and a Letter of Congratulations Signed by the Mayor of the City of Brewer.
(Brewer Historical Society – David Hanna)
 - 4. Public Comments.

IV. Recess for Public Hearing.

To determine if the building, or portion thereof, located at 227 Wilson Street (City of Brewer’s Tax Assessor’s Map 29, Lot 17-A) may be structurally unsafe, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance; dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, et seq. (HEARING TABLED 10/14/2014)

V. Adjourn Public Hearing and Continue with Regular Meeting.

- C. Consent Calendar.**
 - 1. (2014-A173) ORDER, Accept Donations to the Brewer Public Library.
(Councilor Uhlenhake)
 - 2. (2014-A174) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Vachon)
 - 3. (2014-A175) ORDER, Authorize the City Manager, or his Designee, to Sign an Easement Agreement with Emera Maine for Installation of New Utility Pole Anchors.
(Councilor Ferris)

4. (2014-A176) ORDER, Issue Release Deed to Adam Kneeland and Melissa Kneeland for Property Located at 5 Burr Street (Assessor's Tax Map 28, Lot 150). (Councilor O'Connell)
5. (2014-A177) ORDER, Authorize Purchase of Replacement Vehicles for City Departments. (Councilor Uhlenhake)
6. (2014-A178) ORDER, Authorize the City Manager, or His Designee, to Sign an Amendment to Lease Dated October 22, 2009 for 5 Additional Parking Spaces on a Certain Section of Map 30, Lot 149 to JCUBED, LLC, the Owner of 235 Center Street, Formerly known as the VFW Property. (Councilor Vachon)
7. (2014-A179) ORDER, Accept MMA Safety Grant to the Brewer Fire Department to Support Confined Space Rescue Training. (Councilor Ferris)
8. (2014-A180) ORDER, Authorize Change to Police Department Reception Position. (Councilor O'Connell)
9. (2014-A181) ORDER, Authorize Agreement with David A. Weston and Joyce M. Weston for Payment of Tax Liens, Sewer Liens and Current and Future Taxes and Sewer on 88 Elm Street. (Councilor Uhlenhake)
10. (2014-A182) ORDER, Amend Contract for Qualified Engineering Professional Services Related to the City of Brewer's EPA Revolving Loan Fund. (Councilor O'Connell)

D. Monthly Reports. (Councilor Vachon)

E. Nominations, Appointments, Elections.

1. (2014-B069) RESOLVE, Declare the Results of the November 4, 2014 City of Brewer Annual Municipal Election and the State of Maine General and Referendum Election. (Councilor Vachon)

F. Unfinished Business.

Consent Calendar.

- a. (2014-C016) Amend Chapter 19, Article 3, Section 315 Parking Limited and Prohibited, of the City of Brewer Charter, Codes and Ordinances Entitled "Traffic Code" to Amend Schedule C Item 5 and Schedule D to Add an Item 8. (Councilor O'Connell)(posted 9/17/14)(10/14/14 not removed from table)
- b. (2014-C019) Amend Chapter 20, Article 1, Section 101, Application Required of the City of Brewer Charter, Codes and Ordinances, Entitled "Licenses and Permits", by Adding a Second Paragraph. (Councilor O'Connell) (posted 10/15/14)

- c. (2014-C020) Amend Chapter 16, Article 1, Section 111.3, By Whom Application is Made, of the City of Brewer Charter, Codes and Ordinances, Entitled "Building Code", by Adding a Second Paragraph. (Councilor Vachon)
(posted 10/15/14)
- d. (2014-C021) Amend Chapter 17, Article 3, Section 301, Application, of the City of Brewer Charter, Codes and Ordinances, Entitled "Electrical Code", by Adding a Second Paragraph. (Councilor Ferris)(posted 10/15/14)
- e. (2014-C022) Amend Chapter 18, Article 3, "Permits", Section 301, Permits, of the City of Brewer Charter, Codes and Ordinances, Entitled Plumbing Code", by Adding a Second Paragraph. (Councilor Uhlenhake)
(posted 10/15/14)

G. New Business.

- 1. (2014-C023) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Ferris)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of November 17, 2014 Regular Meeting.

ACTION: Councilor Ferris moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

B. Awards, Petitions and Public Comments.

2014-B066

November 17, 2014

TITLE: RESOLUTION OF RESPECT FOR MICHAEL CELLI.

filed November 12, 2014
by Jerry Goss, Joseph Ferris,
Kevin O'Connell, Matthew Vachon
and Beverly Uhlenhake

WHEREAS, on the 22nd day of October 2014, death brought to a close the full and active life of Michael Celli of Brewer; and

WHEREAS, Michael Celli was a proud graduate and letterman from the University of Texas and was very loyal to his roots and was well known as a true Texan; and

WHEREAS, Mike also loved his City of Brewer and was elected to the City Council, where he served seven years, four of them as Mayor and then served two terms in the Maine House of Representatives; and

WHEREAS, Mike was passionate about Fort Knox, serving as Board Chair and spending numerous hours as a Civil War Enactor for the Maine 20th; and

WHEREAS, Mike was a devoted husband, father, and grandfather and was named Citizen of the Year in 2012 at the Brewer Days Community Celebration that he was instrumental in reviving in the year 2001;

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

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

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

Councilor Vachon read the resolve into the record while presenting copies of the resolve to family members of Michael Celli in attendance.

The Celli family thanked the City Council for the recognition of Michael.

Mayor Goss said that while he didn't always agree with Michael, his heart was always for the citizens of Brewer as he represented them on the Brewer City Council and as a State Legislator.

The resolve was adopted by unanimous vote.

2014-B067

November 17, 2014

**TITLE: RESOLVE, RECOGNIZE THE BREWER PUBLIC WORKS
DEPARTMENT FOR THEIR SERVICE TO THE
CITIZENS OF THE CITY OF BREWER.**

filed November 12, 2014
by Jerry Goss

WHEREAS, in 1932 a small Public Works Department was created in the City of Brewer, consisting of a Road Commissioner, two full-time employees and several part-time helpers when needed; and

WHEREAS, in the winter of 1945 the existing Public Works garage on Parker Street was destroyed by fire along with most of the trucks and equipment, forcing the department to finish out the winter in a small building on Hardy Street with whatever equipment they could find and get running for snow removal; and

WHEREAS, in 1954 Public Works was finally able to move to a new facility built on Hardy Street by which time they had become a City department, working on streets, sewers, storm drains and sidewalks; and

WHEREAS, by 1965 Public Works had expanded into a 25 person department with an additional 10 to 12 part-time employees, at which time the department was building new roads and sidewalks, installing new sewers and storm drains, and had taken on rubbish removal; and

WHEREAS, in 2002 Public Works moved off the waterfront to a modern new facility on Green Point Road; and

WHEREAS, in the interest of public safety, Public Works is regularly called upon to perform tasks in the most difficult of weather conditions for extended periods of time; and

WHEREAS, many of the tasks performed by Public Works typically go unnoticed by the general public; and

WHEREAS, over the years, even though the size of the department has varied, the Public Works Department has strived to provide the Citizens of Brewer and other City departments with responsive and professional services for the benefit of all;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer herewith recognizes and commends the Brewer Public Works Department and its members for outstanding and dedicated service to the Citizens of the City of Brewer.

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

Mayor Goss read the resolve into the record while presenting the plaque to Director of Public Works Dave Cote and also present to receive the plaque was most of the public works department members.

Director of Public Works Dave Cote said that sometime the residents do not always realize all the tasks that public works crews do and a lot of what they do does go unnoticed. He thanked the City Council for the recognition of the public works department and said that he appreciates all that his crew does.

Councilor Ferris said that the public works department does a great job and they are an impressive group.

Councilor O'Connell said that many times during storms when he and others are trying to restore power to the area, Brewer public works employees have been a great help with directing traffic and clean up.

Mayor Goss said that the department is known in the State of Maine as an elite fix it, flatten it, remove it crew for structures to make way for new construction. He said that public works departments are always in the public eye.

The resolve was adopted by unanimous vote.

2014-B068

November 17, 2014

TITLE: RESOLVE, RECOGNIZE AND CELEBRATE THE BREWER AUDITORIUM'S 75TH ANNIVERSARY.

filed November 12, 2014
by Matthew Vachon

WHEREAS, on November 8, 1939 construction on the Brewer Auditorium was completed with funding from the Federal Works Agency of the Public Works Administration at a total cost of \$64,996.14, of which the city paid \$36,826.14; and

WHEREAS, for seventy-five years the Brewer Auditorium has hosted numerous community functions including various municipal, civic, and non-profit activities while serving as the focal point of a growing city; and

WHEREAS, the building has also been the venue for nationally recognized performances, Eastern Maine high school basketball tournaments, craft fairs, dances, and rallies leading to its beloved nick name "The World Famous Brewer Auditorium"; and

WHEREAS, the Brewer Auditorium has served as the home of the Parks & Recreation Department since 1969, offering quality year round programs for countless residents of the city and surrounding area; and

WHEREAS, the Brewer Auditorium has undergone extensive structural improvements throughout the last 25 years including new heating and fire suppression systems, handicap accessibility upgrades, and kitchen and office renovations, all of which have improved patrons safety and convenience;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer herewith recognizes and celebrates the Brewer Auditorium on the occasion of its 75th anniversary of serving as the heart of the Brewer community.

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

Mayor Goss read the resolve into the record while presenting the plaque to Parks and Recreation Director Ken Hanscom.

Ken Hanscom said that November 8th was the 75th anniversary of the Brewer Auditorium. He said that there was a collage of pictures and articles that Gerry Spencer put together that will be on display at the auditorium for a couple of months. There is also an album there that citizens may write in to leave their thoughts, stories and memories of the auditorium.

Councilor Ferris said he grew up playing at the auditorium in the 50's and 60's. He said they could never beat Bangor because we had wooden backboards and Bangor had glass ones.

Councilor O'Connell said that many times during storms when he and others are trying to restore power to the area, Brewer public works employees have been a great help with directing traffic and clean up.

Councilor Uhlenhake said it was the best \$65,000.00 the City ever spent at that time. She said she has also been asked the question of how the auditorium become known as the World Famous Brewer Auditorium. A couple of the other Councilors said it was because the Beach Boys played there.

Mayor Goss said that the City and the Parks and Recreation Department had done a great job of keeping the auditorium more that presentable and a great place to go for all kinds of activities from sports to craft fairs.

The resolve was adopted by unanimous vote.

PRESENTATION: Brewer Register of Historic Places Sign to Commemorate the Brewer Auditorium's 75th Anniversary and a Letter of Congratulations Signed by the Mayor of the City of Brewer.

Councilor Vachon presented to Ken Hanscom, Director of Parks and Recreations, the Sign from the Brewer Register of Historic Places to Commemorate the Brewer Auditorium's 75th Anniversary and a Letter of Congratulations signed by the Mayor of the City of Brewer stating that the Brewer Auditorium is now included on the Brewer Register of Historic Places.

There were several members of the Brewer Historical Society present in the audience attending this presentation.

PUBLIC COMMENTS.

There were no public comments.

IV. Recess for Public Hearing.

Mayor Goss said that the City Council would recess for the public hearing at this time. They would come back after the public hearing and take up the rest of the items on the agenda.

The public hearing was called to order by Mayor Jerry Goss.
The city clerk called the roll:

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

Mayor Goss declared a quorum present.

Mayor Goss read the notice for the public hearing.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the City Council of Brewer, Maine will hold a public hearing on Tuesday, the 14th day of October, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to determine if the building, or portion thereof, located at 227 Wilson Street (City of Brewer's Tax Assessor's Map 29, Lot 17-A) may be structurally unsafe, unstable, unsanitary; constitute a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property pursuant to Title 17 M.R.S.A. §2851, et seq.

Any person may attend this public 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 hearing. Written comments should be addressed to the Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Pamela J. Ryan
City Clerk

published October 6, 2014
in the Bangor Daily News
posted on bulletin board
at Brewer City Hall October 3, 2014

Mayor Goss said that no new information had been obtained to the situation of this property and no inspection had been made as of this date so the hearing would not be removed from the table. Mayor Goss asked if there was anyone that wanted to remove this hearing from the table. Seeing no action on that he called for a vote of the Council. The vote was unanimous to not remove this hearing from the table.

Mayor Goss adjourned the public hearing.

The city clerk called the roll and all members of the council were present.

Chairman Goss said the regular meeting would resume at this time.

C. Consent Calendar.

ACTION: Councilor Vachon moved that all the orders on the consent calendar have passage. The motion was seconded and passed by unanimous vote.

2014-A173

November 17, 2014

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

filed November 12, 2014
by Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received contributions of \$50.00 from the estate of Phyllis Scribner, and \$40.00 from Gil and Pat Andrei; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these generous contributions totaling \$90.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations), and their appropriation 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.

2014-A174

November 17, 2014

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

filed November 12, 2014
by Matthew Vachon

WHEREAS, the City of Brewer has received a donation of \$50.00 from Bangor Savings Bank for support of this year's Brewer Days Celebration;

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

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

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

2014-A175

November 17, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN EASEMENT AGREEMENT WITH EMERA MAINE FOR INSTALLATION OF NEW UTILITY POLE ANCHORS.

filed November 12, 2014
by Joseph Ferris

WHEREAS, Emera Maine (formerly Bangor Hydro Electric Company) is planning to upgrade existing power distribution lines on portions of Eastern Avenue and State Street; and

WHEREAS, the installation of several new poles will require the installation of guy anchors outside the State Street right of way on the Brewer Auditorium / Doyle Field lot; and

WHEREAS, the City Engineer and the Parks and Recreation Director have inspected the proposed locations of the required anchors and determined that these will not interfere with any current or anticipated usage of the affected areas;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a permanent Utility Easement authorizing Emera Maine to install the required anchors and guys on City-owned property as necessary to facilitate the State Street power distribution upgrade project along the easterly side of the Brewer Auditorium lot (Tax Map 31, Lot 21); and

BE IT FURTHER ORDERED, that the Brewer City Council herewith determines that the financial damages, and commensurate consideration, associated with the granting of this easement is nil.

2014-A176

November 17, 2014

TITLE: ORDER, ISSUE TAX RELEASE DEED TO ADAM KNEELAND AND MELISSA KNEELAND FOR PROPERTY LOCATED AT 5 BURR STREET (ASSESSOR’S TAX MAP 28, LOT 150).

filed November 12, 2014
by Kevin O’Connell

ORDERED, that a municipal release deed be issued to Adam Kneeland and Melissa Kneeland, for property located at 5 Burr Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 5 Burr Street (Assessor’s Tax Map 28, Lot 150) 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	119
13339	15
13119	253
13636	8

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

NOTE: A total of \$1,018.29 in principal was collected, along with \$74.39 in interest and \$130.32 in costs.

2014-A177

November 17, 2014

TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT VEHICLES
FOR CITY DEPARTMENTS.

filed November 12, 2014
by Beverly Uhlenhake

WHEREAS, the replacement of three City vehicles have been approved in the FY2015 budget: two for the Public Works Department and one for the Code Enforcement Department; and

WHEREAS, bids were solicited, received and evaluated for the replacement of these three vehicles: a 2000 GMC pickup unit #413, a 2005 Ford F250 with plow unit #427, and a 2005 Chevrolet Colorado unit #102; and

WHEREAS, Quirk Motor City of Augusta, Maine has provided the City of Brewer with the lowest bid of the two bids received;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Quirk Motor City in the amount of \$76,935.50 for the purchase of a 2015 Ford ½ ton pickup truck, a 2015 Ford ¾ ton pickup truck 4X4 with plow, and a 2015 Ford ½ ton 4X4 pickup truck; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged as follows, \$27,652.50 from FY15 account 0510133-551603 title "Pickup FY15 Replace #413"; \$26,185 FY12 account 0510133-551604, titled "Truck W/Plow FY15 Replace #427"; and \$23,098 from FY15 account 0510132-551202 titled "Code Enforcement Pickup"; and

BE IT FURTHER ORDERED, that the current Public Works Maintenance Crew unit #427 and Code Enforcement unit #402, as part of the bid package, be released and ownership transferred to Quirk Motor City as trade-ins once the replacement vehicles have been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that Public Works unit #413 be declared as City surplus once the replacement vehicle has been received from Quirk Motor City; and

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

BE IT FURTHER ORDERED, that proceeds from the sale of unit #413 be used to offset the anticipated \$652.50 overage in the FY2015 CIP account 0510133-551603.

2014-A178

November 17, 2014

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN AMENDMENT TO LEASE DATED OCTOBER 22, 2009 FOR 5 ADDITIONAL PARKING SPACES ON A CERTAIN SECTION OF MAP 30, LOT 149 TO JCUBED, LLC THE OWNER OF 235 CENTER STREET, FORMERLY KNOWN AS THE VFW PROPERTY.

filed November 12, 2014
by Matthew Vachon

ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to sign a lease amendment to a lease between the parties dated October 22, 2009 for 5 additional parking spaces on a certain section of Map 30, Lot 149 to the owner of 235 Center Street formerly known as the VFW property under the same terms and conditions of the original lease; and

FURTHER ORDERED, that the lease shall be substantially similar to the attached draft of the lease and approved as to form by the City Solicitor.

City Council Minutes
November 17, 2014

City Council Minutes
November 17, 2014

2014-A179

November 17, 2014

TITLE: ORDER, ACCEPT MMA SAFETY GRANT TO THE BREWER
FIRE DEPARTMENT TO SUPPORT CONFINED SPACE
RESCUE TRAINING.

filed November 12, 2014
by Joseph Ferris

WHEREAS, the Brewer Fire Department has received a grant of up to \$2,000 from the Maine Municipal Association Safety Grant Program to pay for up to two-thirds of the cost of a confined space rescue training course; and

WHEREAS, the Fire Department has funds available to meet the \$1,000 grant match requirement;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the grant of two-thirds of the cost of confined space training for the Fire Department (up to \$2,000) and authorizes the funds be deposited in 0600502-360000-59018 (Confined Space Grant Revenue) and be appropriated and expended from 0600502-560000-59018 (Confined Space Grant Expense); and

BE IT FURTHER ORDERED, that the required City match for this project come from 0115911-550200 (City Match – Misc Grants).

2014-A180

November 17, 2014

TITLE: ORDER, AUTHORIZE CHANGE TO POLICE DEPARTMENT
RECEPTION POSITION.

filed November 12, 2014
by Kevin O'Connell

WHEREAS, in September 2010, Council authorized the establishment of a 0.5 FTE (full time equivalent) reception position in the Police Department to be filled by two or more employees; and

WHEREAS, the Department has had a difficult time finding and retaining adequately skilled individuals for these part-time regular positions, in large part due to the low number of weekly hours; and

WHEREAS, to address these challenges, the Department would like to rescope the position to slightly increase the weekly hours and to be a position that is filled by one person; and

WHEREAS, in the proposed configuration, this change will not result in increased cost;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the change to the Police Department reception position described above that will result in the position becoming a 0.67 FTE (full time equivalent) position filled by one person.

2014-A181

November 17, 2014

TITLE: ORDER, AUTHORIZE AGREEMENT WITH DAVID A. WESTON AND JOYCE M. WESTON FOR PAYMENT OF TAX LIENS, SEWER LIENS AND CURRENT AND FUTURE TAXES AND SEWER ON 88 ELM STREET.

filed November 12, 2014
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, it is imperative that this order become effective immediately upon its passage in order to allow the terms of this agreement to commence without delay; and

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

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into an agreement between the City of Brewer and David A. Weston and Joyce M. Weston wherein the Westons are permitted to reacquire the property at 88 Elm Street, which has been acquired by the City by virtue of foreclosing City of Brewer tax collector liens and sewer liens, provided the Westons pay to the City of Brewer all outstanding tax and sewer obligations relating to the property per the terms of the payment agreement; and

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

AGREEMENT

THIS AGREEMENT made this ____ day of November 2014, by and between the **City of Brewer**, a body politic, located in the County of Penobscot, State of Maine, hereinafter referred to as the "City", and **David A. Weston and Joyce M. Weston**, of Brewer, County of Penobscot, State of Maine, hereinafter referred to as the "Westons".

WITNESSETH

WHEREAS, the Westons are Tenants in Possession of Property situated at 88 Elm Street, Brewer, Maine (Tax Assessor's Map 21 Lot 66) hereinafter referred to as the "Property"; and

WHEREAS, numerous tax collector's lien certificates and sewer lien certificates on the Property have automatically foreclosed; and

WHEREAS, the City has acquired title to Property; and

WHEREAS, the Westons want to reacquire title to the Property; and

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

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

NOW THEREFORE

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

- The Westons shall pay to the City Six Hundred Dollars (\$600.00) on or before Friday, November 28, 2014. By close of business on last day of the following month and each subsequent month, or if the last day is a weekend or holiday the following business day, the Westons will pay the City Six Hundred Dollars (\$600.00) on the outstanding real estate taxes and sewer user fees until paid in full. These payments will be allocated to the oldest real estate property taxes and sewer user fees due as of the date of this Agreement (see Attachment A for the list of outstanding bills), with interest and fees being paid first.
- The payments of Six Hundred Dollars (\$600.00) shall not be comingled with other payments to the City and shall be clearly marked "Per November 2014 Payment Agreement". At this rate of payment, all past due real estate taxes and sewer user fee balances, associated fees and interest should be repaid in full on or around November 2017. Nothing shall preclude the Westons from paying a higher monthly amount or paying the total balance due at any time.
- In addition to the \$600 monthly payments, the Westons shall pay all future amounts invoiced and/or fees billed by the City, including but not limited to, real estate taxes, water user fees and sewer user fees, by their due dates.

- The failure of Westons to make any of the payments to the City as hereinbefore provided will automatically make this Agreement null and void. Thereafter, Westons shall have no further rights to reacquire title to the Property under the terms and conditions of this Agreement.
- If all payments are made on time, the City will convey its rights, title and interest in the Property to the Westons, as joint tenants, by a Release Deed. Westons shall be responsible for all expenses relating to the document preparation and to the conveyance of the Property to them by the City.
- Time is of the Essence.
- Each Party represents to the other they or it has full and complete authority to enter into this Agreement.
- The Agreement contains the complete understanding of the parties and may only be modified by the mutual written agreement of the parties.

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

CITY OF BREWER

WITNESS

By: _____
STEPHEN M. BOST
Its: City Manager
Duly Authorized

TENANTS IN POSSESSION

WITNESS

David A. Weston

WITNESS

Joyce M. Weston

2014-A182

November 17, 2014

TITLE: ORDER, AMEND CONTRACT FOR QUALIFIED ENGINEERING PROFESSIONAL SERVICES RELATED TO THE CITY OF BREWER'S EPA REVOLVING LOAN FUND.

filed November 12, 2014
by Kevin O'Connell

WHEREAS, the City of Brewer was previously awarded a Revolving Loan Fund (RLF) through the United States Environmental Protection Agency (EPA) Brownfield Program in the amount of \$1 million and, upon expenditure of these funds, was subsequently recapitalized with an additional \$300,000; and

WHEREAS, the City is required to retain the services of a Qualified Environmental Professional (QEP) to advise and support the City in the distribution of funds from the RLF related to the selection, characterization and remediation of qualifying sites and projects; and

WHEREAS, our previous agreement with Credere Associates, LLC for these services has expired; and

WHEREAS, the City has a need for continued environmental oversight and reporting requirements for the Maine Voluntary Response Action Program (VRAP) until the grant portion of the school reuse projects are done and the EPA RLF can officially be closed out;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to execute a contract with Credere Associates, LLC in an amount not to exceed \$20,000 for the provision of Qualified Engineering Professional Services related to the City's EPA Revolving Loan Fund for a period of one year; and

BE IT FURTHER ORDERED, that all costs associated with the contract shall be paid for with EPA revolving loan funds and be charged to account 0601200-560010; 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.

D. Monthly Reports.

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

E. Nominations, Appointments, Elections.

2014-B069

November 17, 2014

TITLE: RESOLVE, DECLARE THE RESULTS OF THE NOVEMBER 4, 2014
CITY OF BREWER ANNUAL MUNICIPAL ELECTION
AND THE STATE OF MAINE GENERAL AND
REFERENDUM ELECTION.

filed November 12, 2014
by Matthew Vachon

WHEREAS, the City of Brewer Annual Municipal Election and the State of Maine General and Referendum Election was held on November 4, 2014; 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 and the State of Maine General and Referendum Election as follows:

City Council Minutes
November 17, 2014

City Council Minutes
November 17, 2014

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

The resolve was adopted by unanimous vote.

F. Unfinished Business.
Consent Calendar.

ACTION: Councilor O’Connell removed ordinance amendment 2014-C016 from the consent calendar.

Councilor Vachon moved that the four remaining ordinance amendments on the consent calendar be enacted. The motion was seconded and passed by unanimous vote.

(2014-C016) Amend Chapter 19, Article 3, Section 315 Parking Limited and Prohibited, of the City of Brewer Charter, Codes and Ordinances Entitled “Traffic Code” to Amend Schedule C Item 5 and Schedule D to Add an Item 8.
(Councilor O’Connell)(posted 9/17/14)

ACTION: Councilor O’Connell moved that ordinance amendment 2014-C016 not be removed from the table. The motion was seconded and passed by unanimous vote.

(2014-C019) Amend Chapter 20, Article 1, Section 101, Application Required of the City of Brewer Charter, Codes and Ordinances, Entitled “Licenses and Permits”, by Adding a Second Paragraph. (Councilor O’Connell)

(2014-C020) Amend Chapter 16, Article 1, Section 111.3, By Whom Application is Made, of the City of Brewer Charter, Codes and Ordinances, Entitled “Building Code”, by Adding a Second Paragraph. (Councilor Vachon)

(2014-C021) Amend Chapter 17, Article 3, Section 301, Application, of the City of Brewer Charter, Codes and Ordinances, Entitled “Electrical Code”, by Adding a Second Paragraph.
(Councilor Ferris)

(2014-C022) Amend Chapter 18, Article 3, "Permits", Section 301, Permits, of the City of Brewer Charter, Codes and Ordinances, Entitled Plumbing Code", by Adding a Second Paragraph. (Councilor Uhlenhake)

G. New Business.

2014-C023

November 17, 2014

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE CHANGES IN MAXIMUM BENEFITS.

filed November 12, 2014
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11 of the Charter, Codes and Ordinances of the City of Brewer entitled "Health Officer, Health and General Assistance" be amended as follows:

B. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix B to read, in part, as follow:

APPENDIX B No. in Household	Food Maximums			
	Weekly	Monthly	(Change to) Weekly	Monthly
1	\$46.51	\$189.00	\$45.12	\$194.00
2	\$80.70	\$347.00	\$83.02	\$357.00
3	\$115.58	\$497.00	\$118.84	\$511.00
4	\$146.97	\$632.00	\$150.93	\$649.00
5	\$174.42	\$750.00	\$179.30	\$771.00
6.	\$209.30	\$900.00	\$215.12	\$925.00
7.	\$231.40	\$995.00	\$237.67	\$1022.00
8.	\$264.42	\$1137.00	\$271.86	\$1169.00
Each additional person		\$142.00	\$146.00*	

C. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix C to read, in part, as follow:

Current:

Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	100	432	123	527
1	113	487	142	610
2	145	625	181	778
3	183	789	227	975
4	210	904	263	1133

Change to:

Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	99	424	122	525
1	99	424	122	525
2	104	448	144	621
3	148	636	198	850
4	169	725	228	982

Note: Appendices B and C maximums are effective to September 30, 2015.

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

H. New Items with Leave of Council.

Mayor Goss just wanted to say that this was his last official meeting as Mayor. He said it was a good year, a fun year and that it was good to be able to forge a relationship with the Mayor and City Councilors of Bangor so that even though the two cities are separated by a river they can work together for citizens of both cities.

City Council Minutes
November 17, 2014

Mayor Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:32 p.m.

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