

City Council Minutes
September 15, 2015

Regular Meeting
City Hall Council Chambers

Tuesday, September 15, 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, September 15, 2015 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Matthew Vachon
Mayor and Chairman of the City Council

or _____
Majority of the City Council

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

OFFICER'S RETURN

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

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	Caron	Off.	09/11/15	1626
Matthew Vachon	P. Ryan	CC	09/11/15	12:00noon
Beverly Uhlenhake	Caron	Off.	09/11/15	16230
Jerry Goss	Caron	Off.	09/11/15	1619
Kevin O'Connell	P. Ryan	CC	09/11/15	3:45 pm

CITY COUNCIL REGULAR MEETING
Tuesday, September 15, 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 August 11, 2015 Regular Meeting.** (Councilor Uhlenhake)
- B. Awards, Petitions and Public Comments.**
 - 1. Swearing In: Brewer Police Patrol Officer Joshua Gunn.
 - 2. Introduce Firefighter Brandon Randall and Matt Welch, New Live-in Student, at the Fire Department.
 - 3. PROCLAMATION: Library Card Sign-Up Month. (Mayor Vachon)
 - 4. Public Comments.
- C. Consent Calendar.**
 - 1. (2015-A160) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Ferris)
 - 2. (2015-A161) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor O'Connell)
 - 3. (2015-A162) ORDER, Accept Donations to the Brewer Public Library. (Councilor Goss)
 - 4. (2015-A163) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. (Councilor Uhlenhake)
 - 5. (2015-A164) ORDER, Issue Release Deed to Leslie Chauvin and Ryan Hamm for Property Located at 185 Center Street (Tax Map 30, Lot 74). (Councilor Ferris)
 - 6. (2015-A165) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Fall Program/Leagues. (Councilor O'Connell)
 - 7. (2015-A166) ORDER, Accept Donation to the Brewer Parks and Recreation Department to Support the Staff of the Youth Track Club. (Councilor Goss)
 - 8. (2015-A167) ORDER, Authorize a Utility Easement to Emera Maine for Electrical Service to the Community Housing of Maine Project. (Councilor Uhlenhake)
 - 9. (2015-A168) ORDER, Authorize the City Manager, or His Designee, to Sign a Contract with Environmental Projects, Inc. of Auburn, Maine to Collect and Recycle Household Hazard Waste on October 3, 2015. (Councilor Ferris)
 - 10. (2015-A169) ORDER, Declare City Property Surplus and Authorize Sale or Disposal of Surplus Property. (Councilor O'Connell)

- 11. (2015-A170) ORDER, Accept Bullet Proof Vest Partnership Grant Funds. (Councilor Goss)
- 12. (2015-A171) ORDER, Reappropriate Unneeded Funds to Water General Capital Reserve Account. (Councilor Uhlenhake)
- 13. (2015-A172) ORDER, Authorize Write-Off of Uncollectible Taxes. (Councilor Ferris)

D. Monthly Reports. (Councilor Goss)

E. Nominations, Appointments, Elections.

Consent Calendar.

- a. (2015-B046) RESOLVE, Accept Resignation of Allen Campbell as a Regular Member of the Brewer Planning Board and Commissioner of the Housing Authority of the City of Brewer. (Councilor O’Connell)
- b. (2015-B047) RESOLVE, Accept Resignation of Richard Manzo as an Associate Member of the Planning Board of the City of Brewer. (Councilor Goss)
- c. (2015-B048) RESOLVE, Accept Resignation of Julie Milan as a Member of the City of Brewer School Committee . (Councilor Uhlenhake)
- d. (2015-B049) RESOLVE, Accept Resignation of Bruce Johnson as a Member of the City of Brewer Board of Appeals . (Councilor Goss)
- e. (2015-A173) ORDER, Appoint Richard Manzo as a Regular Member and Jennifer Morin as an Associate Member to the Brewer Planning Board to Fill Vacancies. (Mayor Vachon and Councilor O’Connell)
- f. (2015-A174) ORDER, Appoint Karen Cole as a Commissioner to the Housing Authority of the City of Brewer to Fill a Vacancy. (Mayor Vachon and Councilor O’Connell)
- g. (2015-A175) ORDER, Appoint Charles D. Fisher as a Member to the City of Brewer Board of Appeals to Fill a Vacancy. (Mayor Vachon and Councilor O’Connell)
- h. (2015-A176) ORDER, Issue Warrants for November 3, 2015 City of Brewer Annual Municipal Election and City of Brewer Charter Amendments Approval Election. (Councilor Ferris)
- i. (2015-B050) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the November 3, 2015 City of Brewer Annual Municipal Election, City of Brewer Charter Amendments Approval Election and the State of Maine Referendum Election. (Councilor O’Connell)

F. Unfinished Business. (no items)

G. New Business.

1. (2015-C011) Amend Chapter 24, Article 14 “Definitions” of the City of Brewer Charter, Codes and Ordinances, Entitled “Land Use Code”. (Councilor Goss)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of August 11, 2015 Regular Meeting.

ACTION: Councilor Uhlenhake 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.

SWEARING IN CEREMONY

City Clerk Pamela Ryan swore in Brewer Police Patrol Officer Joshua Gunn.

Mayor Vachon gave him a challenge coin and welcomed him as a new police officer for the City of Brewer.

Public Safety Director Perry Antone said the City is very fortunate to have Officer Gunn. He has experience working for another department. He lives in Brewer with his family and has wanted to work for the City of Brewer Police Department for a long time.

Public Safety Director Perry Antone introduced Brandon Randall hired as a Firefighter and EMT. He has been a part of Brewer’s public safety team as a call firefighter for several years. Director Antone also introduced Matt Welch the new live-in student at the fire department. He is part of the EMCC firefighter program and by living in the station will experience things being taught in his studies. He is from South Paris and lives at the station Monday through Friday.

Mayor Vachon read the following proclamation.

**PROCLAMATION
LIBRARY CARD SIGN-UP MONTH**

WHEREAS, the Library card is the most important school supply of all, playing an important role in the education and development of children; and

WHEREAS, Libraries bridge the learning gap by offering a wide range of digital and print resources at low or no cost to users of all economic and social backgrounds, and free access to technology and innovative programming; and

WHEREAS, Libraries continue to transform and expand their services in ways that meet the needs of the communities they serve; and

WHEREAS, the Brewer Public Library has been an important part of the City of Brewer since 1907, first being supported by citizen and club efforts, then becoming a municipal department in 1975; and

WHEREAS, the mission of the Brewer Public Library is to provide every citizen of Brewer with access to intellectual, cultural, and recreational resources and opportunities; to inform and enrich individuals; support educational success; encourage community participation; and preserve Brewer's unique heritage; and

WHEREAS, a free Library card is the coolest card you can own;

NOW, THEREFORE, I, MATTHEW VACHON, Mayor of the City of Brewer, do hereby proclaim the month of September, two thousand and fifteen to be

LIBRARY CARD SIGN-UP MONTH IN THE CITY OF BREWER, MAINE

AND FURTHER, I do encourage all citizens to sign up for the "smartest card" at our own Brewer Public Library; and

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this fifteenth day of September, two thousand fifteen.

Signed this fifteenth day of September, 2015

Matthew Vachon, Mayor

Library Director Katie Conner thanked the City Council for sponsoring the proclamation. She said library cards are for preserving the past and providing resources for the future.

PUBLIC COMMENTS

Councilor Uhlenhake and the City Councilors thanked Parks and Recreation Director Ken Hanscom and his staff for a terrific Brewer Days. Also wished to thank all the sponsors who contributed to making this event a wonderful time.

John Norris, 10 Derusha Lane wished to thank the City Manager and the City Council for their participation in getting him inducted to the Maine Basketball Hall of Fame.

He said it was a complete surprise and he appreciated all they had done. He said he really enjoyed it.

Councilor Kevin O'Connell said that Candidates night would be on Monday, October 26, 2015 at the Performing Arts Center (Brewer Community School) starting at 6:00 p.m.

C. Consent Calendar.

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

The motion was seconded and passed by unanimous vote.

2015-A160

September 15, 2015

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

filed September 9, 2015
by Joseph Ferris

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$619,021.66** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
September 2015	\$611,670.37	
June 2015	\$ 2,513.50	
July 2015	\$ 2,865.30	
August 2015	\$ 1,972.49	
Total	\$619,021.66	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$619,021.66** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2015-A161

September 15, 2015

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

filed September 9, 2015
by Kevin O'Connell

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$529,672.83** at the established rate, as provided by Title 30-A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

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

EVENT	COMMITMENT	COMMENTS
September 2015	\$526,868.39	
June 2015	\$443.62	
July 2015	\$1,895.08	
August 2015	\$465.74	
Total	\$529,672.83	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$529,672.83** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2015-A162

September 15, 2015

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

filed September 9, 2015
by Jerry Goss

WHEREAS, the Brewer Public Library has received contributions of \$20.00 from Joan Seamans and \$50.00 from Sharon Van Dyne; and

WHEREAS, the Library also received a contribution of \$100.00 from the MPM Club, whose members have faithfully supported the Library for over 100 years with both monetary and volunteer efforts; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these generous contributions totaling \$170.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books); and

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

2015-A163

September 15, 2015

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

filed September 9, 2015
by Beverly Uhlenhake

WHEREAS, the City of Brewer has received donations of \$1000.00 from Suntan City New England LLC and SPM Marketing & Communications 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 these generous donations, 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.

2015-A164

September 15, 2015

TITLE: ORDER, ISSUE RELEASE DEED TO LESLIE CHAUVIN AND RYAN HAMM FOR PROPERTY LOCATED AT 185 CENTER STREET (TAX MAP 30, LOT 74).

filed September 9, 2015
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Leslie Chauvin and Ryan Hamm, for property located at 185 Center Street releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 185 Center Street (City Tax Map 30, Lot 74) 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
13843	260
13490	107
13635	348
13228	75
13569	86
13887	140

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 \$10,463.85 in principal was collected, along with \$531.31 in interest and \$360.00 in costs.

2015-A165

September 15, 2015

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

filed September 9, 2015
by Kevin O'Connell

WHEREAS, the Brewer Parks and Recreation Department has received donations totaling \$200.00 from Jeff's Catering, Inc. and Bangor Tire Company for the Parks and Recreation Department's Fall Program/Leagues;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these donations and directs that the donated funds be received to the Fall Program/Leagues account (0107123 300328); and

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

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

2015-A166

September 15, 2015

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT TO SUPPORT THE STAFF OF THE YOUTH TRACK CLUB.

filed September 9, 2015
by Jerry Goss

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$1300.00 from Brewer Timing Services, Inc. to support the staff of the Parks and Recreation Department's Youth Track Club;

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 received to the Part-Time & Temp. Employees account (0117120 500050); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117120 500050 (Part-Time & Temp Employees).

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

2015-A167

September 15, 2015

TITLE: ORDER, AUTHORIZE A UTILITY EASEMENT TO EMERA MAINE FOR ELECTRICAL SERVICE TO THE COMMUNITY HOUSING OF MAINE PROJECT.

filed September 9, 2015
by Beverly Uhlenhake

WHEREAS, the proposed new underground primary electrical service to the Community Housing of Maine (CHOM) project on the former State Street School property needs to cross a small section of property now owned by Brewer Redevelopment, LLC (BRLLC); and

WHEREAS, Council approval is required for the granting of easements on properties owned by BRLLC; and

WHEREAS, the City Engineer and the City Solicitor have reviewed the proposed easement requested by Emera Maine and recommend its granting;

NOW, THEREFORE, BE IT ORDERED, that the Managers of Brewer Redevelopment, LLC are authorized to execute a permanent utility easement to the benefit of Emera Maine for the purpose of providing electrical power to the Community Housing of Maine project at the former State Street School property.

2015-A168

September 15, 2015

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CONTRACT WITH ENVIRONMENTAL PROJECTS, INC. OF AUBURN, MAINE TO COLLECT AND RECYCLE HOUSEHOLD HAZARD WASTE ON OCTOBER 3, 2015.

filed September 9, 2015
by Joseph Ferris

WHEREAS, the City of Brewer has scheduled a Household Hazardous Waste Collection and Disposal Program for Brewer residents on October 3, 2015; and

WHEREAS, the Program has been a huge success giving Brewer residents an opportunity to dispose of household hazardous waste such as oil, gas, kerosene, oil based paint, thinner, pesticides, antifreeze, fertilizer, poisons, etc.; and

WHEREAS, Environmental Projects, Inc. (EPI) of Auburn, Maine has agreed to collect and recycle the household hazardous waste;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a Hazardous Waste Collection Contract with Environmental Projects, Inc. which will permit Brewer residents to participate in the 2015 Household Hazardous Waste Collection and Disposal Program; and

BE IT FURTHER ORDERED, that funds for this program shall be charged to City budget account 0818101-506230.

2015-A169

September 15, 2015

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

filed September 9, 2015
by Kevin O'Connell

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 Fire Department vehicle as surplus: 2004 Ford Crown Victoria last five digits in Vin are 00104 (old Police Cruiser); and

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

BE IT FURTHER ORDERED, that any funds received from the sale of the above mentioned item be receipted to the Fire Department Minor Equipment account (0115911-503000) and be authorized for expenditure from Fire Department Minor Equipment Expense account (0115911-503000).

2015-A170

September 15, 2015

TITLE: ORDER, ACCEPT BULLET PROOF VEST PARTNERSHIP GRANT FUNDS.

filed September 9, 2015
by Jerry Goss

WHEREAS, the City has received a grant in the sum of \$659.08 from the US Department of Justice to be used exclusively for purchasing of ballistic vests; and

WHEREAS, this grant represents 50% of the total cost to replace older ballistic vests currently in service at this time and the Brewer Police Department has funds in its approved FY16 budget available to meet this grant's match requirement;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited in account 0600058-360000-58032 BULLETPROOF VEST REVENUE-2015 GRANT; and

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds along with the City match from expenditure account 0600058-560000-58032 BULLETPROOF VEST EXP--2015 Grant; and

FURTHER ORDERED, that the City's share of the expenses will be charged to Account 0115811-550200 POLICE CITY MATCH-MISC GRANTS.

2015-A171

September 15, 2015

TITLE: ORDER, REAPPROPRIATE UNNEEDED FUNDS TO WATER
GENERAL CAPITAL RESERVE ACCOUNT.

filed September 9, 2015
by Beverly Uhlenhake

WHEREAS, the FY2016 Water Department budget included \$60,000.00 to pay debt service associated with the \$1.1 million loan that funded the UV upgrade; and

WHEREAS, the UV upgrade project came in under budget and the \$60,000.00 in remaining loan funds will be used to pay the majority of the FY16 UV related debt service; and

WHEREAS, the Water Department would like to use the \$60,000.00 now not needed in appropriated debt service funds to support future capital improvement projects;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the reallocation of \$60,000.00 in unneeded debt expense to account 0700000-110805 (Water General Capital Reserve) to fund future Water capital projects.

2015-A172

September 15, 2015

TITLE: ORDER, AUTHORIZE WRITE-OFF OF UNCOLLECTIBLE TAXES.

filed September 9, 2015
by Joseph Ferris

WHEREAS, in a continued effort to clean up old tax accounts, the Tax Collector has identified the following real estate taxes as uncollectible because they pertain to a mobile home that no longer exists;

NOW, THEREFORE, BE IT ORDERED, that in accordance with Title 36, M.R.S.A. §841(3) the following real estate taxes, which according to the Tax Collector cannot be collected due to being uncollectible, are herewith abated:

Parcel 01000-02543	33 Black Bear Road
2006 Taxes	\$371.39
2007 Taxes	\$404.90

AND BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$776.00 from Overlay (0119901-509810) to the Adjustments/Write-offs account (0116900-509890) to fund this expense.

D. Monthly Reports.

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

**E. Nominations, Appointments, Elections.
Consent Calendar.**

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

The motion was seconded and passed by unanimous vote.

2015-B046

September 15, 2015

TITLE: RESOLVE, ACCEPT RESIGNATION OF ALLEN CAMPBELL AS A REGULAR MEMBER ON THE BREWER PLANNING BOARD AND COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF BREWER.

filed September 9, 2015
by Kevin O'Connell

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, it is necessary for vacancies to be filled on city boards and committees before the next meeting; 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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, Allen Campbell has submitted, by letter dated August 4, 2015, his resignation as a regular member on the Brewer Planning Board and as a Commissioner of the Housing Authority of the City of Brewer; and

WHEREAS, the City Council is required to formally accept these resignations and declare a vacancy on the Brewer Planning Board and the Housing Authority of the City of Brewer for the unexpired terms of Allen Campbell before replacements can be appointed to fill these vacancies;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts Allen Campbell's resignation as a regular member on the Brewer Planning Board and Commissioner of the Housing Authority of the City of Brewer effective September 30, 2015 and declares vacancies on these boards and the Council shall proceed to fill these vacancies.

2015-B047

September 15, 2015

TITLE: RESOLVE, ACCEPT RESIGNATION OF RICHARD MANZO AS AN ASSOCIATE MEMBER OF THE PLANNING BOARD OF THE CITY OF BREWER.

filed September 9, 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, it is necessary for vacancies to be filled on city boards and committees before the next meeting; 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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, Richard Manzo has submitted a letter of resignation dated September 1, 2015 and effective as of September 30, 2015, as an associate member of the Brewer Planning Board; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy for an associate member before proceeding to fill the vacancy for the unexpired term of former regular member Allen Campbell;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Richard Manzo as an associate member of the Brewer Planning Board and declares that a vacancy will exist on the Planning Board for an associate member.

2015-B048

September 15, 2015

TITLE: RESOLVE, ACCEPT RESIGNATION OF JULIE MILAN AS A MEMBER OF THE SCHOOL COMMITTEE OF THE CITY OF BREWER.

filed September 9, 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, it is necessary to accept this resignation immediately so the process to fill the vacancy may begin; 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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, Julie Milan has submitted a letter of resignation effective August 27, 2015 as a City of Brewer School Committee Member; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy on the City of Brewer School Committee before proceeding to fill the vacancy for the unexpired term of Julie Milan;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Julie Milan as a City of Brewer School Committee Member and declares that a vacancy will exist for the unexpired term of Julie Milan.

2015-B049

September 15, 2015

TITLE: RESOLVE, ACCEPT RESIGNATION OF BRUCE JOHNSON AS A MEMBER OF THE CITY OF BREWER BOARD OF APPEALS.

filed September 9, 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, it is necessary to accept this resignation immediately so the process to fill the vacancy may begin; 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 resolve become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

WHEREAS, Bruce Johnson has submitted a letter of resignation effective September 8, 2015 as a member of the City of Brewer Board of Appeals ; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy on the City of Brewer Board of Appeals before proceeding to fill the vacancy for the unexpired term of Bruce Johnson;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Bruce Johnson as a member of the City of Brewer Board of Appeals and declares that a vacancy will exist for the unexpired term of Bruce Johnson.

2015-A173

September 15, 2015

TITLE: ORDER, APPOINT RICHARD MANZO AS A REGULAR MEMBER AND JENNIFER MORIN AS AN ASSOCIATE MEMBER TO THE BREWER PLANNING BOARD TO FILL VACANCIES.

filed September 9, 2015
by Matthew Vachon and
Kevin O'Connell

ORDERED, that Richard Manzo, 82 Parkway North, is herewith appointed as a regular member of the Planning Board to fill the vacancy of an unexpired term on the board due to the resignation of Allen Campbell and Jennifer Morin, 18 Tracy Terrace, is herewith appointed as an associate member of the Planning Board to fill the vacancy of an unexpired term due to the resignation of Richard Manzo as an associate member from the board;

BE IT FURTHER ORDERED, that Mr. Manzo's term will commence October 1, 2015 and expire March 31, 2017 and Ms. Morin's term will commence October 1, 2015 and expire March 31, 2017.

2015-A174

September 15, 2015

TITLE: ORDER, APPOINT KAREN COLE AS A COMMISSIONER TO THE HOUSING AUTHORITY OF THE CITY OF BREWER TO FILL A VACANCY.

filed September 9, 2015
by Matthew Vachon and
Kevin O'Connell

ORDERED, that Karen Cole, 88 Canterbury Road, is herewith appointed as a Commissioner of the Housing Authority of the City of Brewer to fill the vacancy of an unexpired term on the board due to the resignation of Allen Campbell;

BE IT FURTHER ORDERED, that Ms. Cole's term will commence October 1, 2015 and expire March 31, 2016.

2015-A175

September 15, 2015

TITLE: ORDER, APPOINT CHARLES D. FISHER AS A MEMBER TO THE CITY OF BREWER BOARD OF APPEALS TO FILL A VACANCY.

filed September 9, 2015
by Matthew Vachon and
Kevin O'Connell

ORDERED, that Charles D. Fisher, 117 Silk Street, is herewith appointed as a member of the City of Brewer Board of Appeals to fill the vacancy of an unexpired term on the board due to the resignation of Bruce Johnson;

BE IT FURTHER ORDERED, that Mr. Fisher's term will commence October 1, 2015 and expire March 31, 2018.

2015-A176

September 15, 2015

TITLE: ORDER, ISSUE WARRANTS FOR NOVEMBER 3, 2015 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND CITY OF BREWER CHARTER AMENDMENTS ELECTION AND SET POLLING HOURS FOR NOVEMBER 3, 2015 CITY OF BREWER ANNUAL MUNICIPAL ELECTION, CITY OF BREWER CHARTER AMENDMENTS ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

filed September 9, 2015
by Joseph Ferris

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

FURTHER ORDERED, that the municipal officers issue warrants for the City of Brewer Annual Municipal Election and City of Brewer Charter Amendments Election to be held on November 3, 2015 with the polls to open at 7:00 a.m. and close at 8:00 p.m.

**CITY OF BREWER
ANNUAL 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 annual municipal election in the municipality will be held at the Brewer Auditorium on Tuesday, the third day of November, 2015 for the purpose of affecting the election of:

- TWO MEMBERS OF THE CITY COUNCIL FOR THREE YEAR TERMS
- TWO MEMBERS OF THE SUPERINTENDING SCHOOL COMMITTEE FOR THREE YEAR TERMS
- ONE MEMBER OF THE SUPERINTENDING SCHOOL COMMITTEE FOR A ONE YEAR TERM TO FILL A VACANCY
- ONE TRUSTEE OF THE BREWER HIGH SCHOOL DISTRICT FOR A FIVE YEAR TERM

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 15th day of September 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 third day of November, 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.

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 15th day of September in the year of Our Lord, Two Thousand Fifteen.

Majority of the Municipal Officers of Brewer

2015-B050

September 15, 2015

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE NOVEMBER 3, 2015 CITY OF BREWER ANNUAL MUNICIPAL ELECTION, CITY OF BREWER CHARTER AMENDMENTS ELECTION AND STATE OF MAINE REFERENDUM ELECTION.

filed September 9, 2015
by Kevin O'Connell

WHEREAS, the City of Brewer Annual Municipal Election, City of Brewer Charter Amendments Election and State of Maine Referendum Election will be held on Tuesday, November 3, 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 and State Elections to be held on November 3, 2015.

F. Unfinished Business.

There were no items.

G. New Business.

2015-C011

September 15, 2015

TITLE: AMEND CHAPTER 24, ARTICLE 14 "DEFINITIONS" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ENTITLED "LAND USE CODE".

filed September 9, 2015
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 14 "Definitions", of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use Code" be amended as follows:

ARTICLE 14 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their definitions shall have the meaning given herein. When non-inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not discretionary in sense.

Further, any terms, phrases, words and their derivation not defined herein shall be given that definition which is promulgated in Webster's New World College Dictionary, Fifth Edition, Copyright 2014, on file in the City Clerk's Office.

Barnyard Animals: Domestic animals ~~kept for either consumption, sales or as work animals such as~~ including, but not limited to, cattle, horses, pigs, sheep, chickens, ducks, geese, turkeys, goats, mules, hogs and other like animals that have been traditionally found on farms and are considered to have a value for use as pets, food, or fiber production, whether or not the owner currently utilizes or capitalizes on any of the perceived values. Dogs, birds (except chickens, ducks, geese and turkeys), and cats are specifically excluded from this definition..

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

H. New Items with Leave of Council.

There were no items.

City Council Minutes
September 15, 2015

Mayor Vachon said he would accept a motion for adjournment.

ACTION: Councilor O'Connell moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:18 p.m.

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