

City Council Minutes
December 12, 2017

Regular Meeting
City Hall Council Chambers

Tuesday, December 12, 2017
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss. The City Clerk called the roll:

Councilor Vachon-present
Councilor O’Connell-present
Councilor Ferris-present

Councilor Uhlenhake-present
Chairman Goss-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 Tuesday, December 12, 2017 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/Ronda J. Hogan
City Clerk

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of 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	E.Willey	Sgt.	12/8/17	19:05
Matthew Vachon	R.Hogan	C.C.	12/8/17	3:15 pm
Beverly Uhlenhake	E.Willey	Sgt.	12/8/17	19:07
Jerry Goss	E.Willey	Sgt.	12/8/17	19:23
Kevin O’Connell	E.Willey	Sgt.	12/8/17	19:12

CITY COUNCIL REGULAR MEETING
Tuesday, December 12, 2017 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 November 21, 2017 Regular Meeting and 2017 Annual Meeting** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
 - 1. (2017-B024) RESOLVE Resolution of Respect for William Joseph Lawlor (Councilor Ferris)
- IV. Recess for Public Hearings.**
 - 1. Application of Kosta's Restaurant & Bar, 429 Wilson Street for a City of Brewer Amusement License.
 - 2. Applications of TimeOut Enterprises, LLC, 30 Clisham Road for a State of Maine Restaurant Class I,II,III, IV (malt, spirituous and vinous) Liquor License and a City of Brewer Amusement License.
- C. Consent Calendar.**
 - 1. (2017-A183) ORDER Commit Sewer Assessment to Treasurer for Collection (Councilor Ferris)
 - 2. (2017-A184) ORDER Commit Water Assessment to Treasurer for Collection (Councilor O'Connell)
 - 3. (2017-A185) ORDER Authorize the City Manager to Sign a Contract with Olver Associates for Engineering Services for Projects being Funded by the \$5,600,000 USDA Rural Development Loan/Grant. (Councilor Vachon)
 - 4. (2017-A186) ORDER Accept Donation to the Brewer Public Library for Special Programming. (Councilor Uhlenhake)
 - 5. (2017-A187) ORDER Accept Donations to the Brewer Public Library for Books (Councilor Ferris)
 - 6. (2017-A188) ORDER Accept State Asset Forfeiture Funds (Councilor O'Connell)
 - 7. (2017-A189) ORDER Accept Donation to the Brewer Fire Department (Councilor Vachon)
 - 8. (2017-A190) ORDER Approve Purchase of a Replacement Hose for the City of Brewer Fire Department (Councilor Uhlenhake)
 - 9. (2017-A191) ORDER Designate City Manager to Act as Agent of the City Council for Approval of Utility Location Permits (Councilor Ferris)
 - 10. (2017-A192) ORDER Authorize City Manager, or His Designee, to Sign Release Deeds on Behalf of the City of Brewer (Councilor O'Connell)
 - 11. (2017-A193) ORDER Authorize City Clerk to Sign Applications for

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12. (2017-A194) ORDER Renewal of Liquor Licenses on Behalf of the City Council (Councilor Vachon)
Authorize City Clerk, Or In The Absence of the City Clerk, A Deputy Clerk, To Sign Applications for Liquor Catering Events, Beano Licenses, Bingo Licenses and Other Games of Chance on Behalf of the City Council (Councilor Uhlenhake)
13. (2017-A195) ORDER Authorize the City Manager, Stephen Bost, or His Designee, to Apply For, Accept and Be the Designated City Council Official to Accept Delivery of Forfeited Property of Behalf of the City of Brewer and to Authorize the City Solicitor, Joel Dearborn, to Certify on all Applications for Forfeited Property to the Authority of the City Manager to Act on Behalf of the City of Brewer (Councilor Ferris)
14. (2017-A196) ORDER Issue City of Brewer Amusement License to Kosta's Restaurant & Bar, 429 Wilson Street (Councilor O'Connell)
15. (2017-A197) ORDER Issue City of Brewer Amusement License to TimeOut Enterprises, LLC, 30 Clisham Road (Councilor Vachon)
16. (2017-A199) ORDER Authorize Agreement with Carol J. Jewell and Gordon W. Brewer for Payment of Tax Liens and Current and Future Taxes on Property Located at 73 Outback Lane (Councilor Uhlenhake)
17. (2017-A200) ORDER Accept Brewer's Share of Funds Related to Closeout and Expiration of Contract with PERC (Councilor Ferris)
18. (2017-A201) ORDER Accept a Gift of Property Located at 1068 North Main Street by The Heirs of Avis H. Jordan (Councilor O'Connell)
19. (2017-A202) ORDER Authorize the Replacement of a Heavy Duty Rescue Pumper for the Fire Department (Councilor Vachon)
20. (2017-A203) ORDER Authorize the Refurbishment of the Pierce Ladder Truck (Councilor Uhlenhake)
21. (2017-A204) ORDER Authorize Three Month Extension of Ambulance Contract with Meridan Mobile Health, LLC d/b/a Capital Ambulance (Councilor Vachon)
22. (2017-B026) RESOLVE Approve State of Maine Restaurant Class I, II, III, IV Liquor License for TimeOut Enterprises, LLC, 30 Clisham Road (Councilor Ferris)

D. Monthly Reports. (Councilor O'Connell)

E. Nominations, Appointments, Elections.

1. (2017-A198) ORDER Appoint Bobbi Johnson as a Commissioner of the

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Housing Board of the City of Brewer to fill a vacancy.
(Councilor Vachon)

F. Unfinished Business.

1. (2017-C018) Amend Chapter 19 (Traffic Code), Article 5, Section 506, Schedule 3 (Stop Intersections). (Councilor Vachon)
2. (2017-C019) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, Section 410 Conversions – Single Family to Multi-Family, Section 411, Day Care, Section 415 Home Occupations, and Section 416 In-Law Apartment. (Councilor Uhlenhake)
3. (2017-C020) Amend Chapter 30, Entitled "Housing Code" of the City of Brewer Charter, Codes and Ordinances, Article 1. (Councilor Ferris)

G. New Business.

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of November 21, 2017 Regular Meeting and 2017 Annual Meeting

ACTION: Councilor O'Connell moved that the minutes be accepted and placed on file. The motion was seconded and passed with unanimous vote.

B. Awards, Petitions and Public Comments.

2017-B024

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TITLE: RESOLVE, RESOLUTION OF RESPECT FOR WILLIAM JOSEPH LAWLOR

Filed November 9, 2017

By Joseph L. Ferris

WHEREAS, on the 4th day of November, 2017, death brought to a close the full and active life of William Joseph Lawlor of Brewer; and

WHEREAS, Bill was a graduate of Pemetec High School and continued his education at the University of Maine, where he lettered in cross-country each year of his college career before graduating with a degree in Business Administration; and

WHEREAS, Bill served his country as a Combat Veteran in the European Theatre during WWII with the US Army; and

WHEREAS, Bill served his community as a licensed real estate broker for 54 years, working for his own company, Great Northeast Realty, and also Cashman Associates and Dawson Bradford before his retirement at age 80; and

WHEREAS, Bill was a devoted husband, brother, father, grandfather, great-grandfather and Irishman who was an avid runner, a passion he started in college and stayed with him well into his 80's, Bill always enjoyed a cup of tea and conversation with his friends;

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NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of William Joseph Lawlor to the well-being and development of the community in which he lived 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 William Joseph Lawlor by the citizens and officials of the City of Brewer, Maine.

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

Councilor Ferris read the resolve into the recorded and presented the resolution to Mrs. Lawlor and family.

Councilor Ferris stated that Bill Lawlor was a great guy who will be missed. He stated that back when he was first starting his career in law, Bill had his shop across the street and the two spent a lot of time together as friends and clients and Councilor Ferris really enjoyed that time and the stories that he heard, especially the one about earning his letter from the University of Maine in cross-country before heading off to the war.

Councilor O'Connell told a quick story about what a nice guy Bill Lawlor was. When one of Councilor O'Connell's children had an accident and tore up his front lawn, Bill's comment to Councilor O'Connell was "Kevin, don't worry about it, I will take care of it, don't worry about it". Councilor O'Connell says it is just a small example of what a great guy he was. Councilor O'Connell really thought the world of him.

Chairman Goss met Bill Lawlor when he was principal at Brewer High School and after his first meeting, he saw him everywhere...in shorts, running! Chairman Goss is very happy that Bill Lawlor was being recognized because he always gave to the City of Brewer.

Jack Cashman, a friend and fellow runner of Mr. Lawlor spoke saying that Bill was very proud of the number of races they had run together and how many times he had beaten Mr. Cashman. He relayed a story about how quick witted Mr. Lawlor was and what a great friend he was and thanked the Council for doing this for Mr. Lawlor and his family.

Edward Dennis, Bill Lawlor's favorite son-in-law spoke, thanking the City and the Council for this resolution of respect. He says it means a lot to the family and it is appreciated.

The resolve was adopted by unanimous vote.

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IV. Recess for Public Hearings.

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

The public hearing was called to order by Chairman Goss.

The City Clerk called the roll:

Councilor Vachon-present
Councilor Uhlenhake-present
Chairman Goss-present

Councilor O'Connell-present
Councilor Ferris-present

Chairman Goss declared all members were present.

Chairman Goss read the public notice.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 12th day of December, 2017 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications of:

1. TimeOut Enterprises, LLC, d/b/a TimeOut Pizza Buffet/The Loft, 30 Clisham Road, Brewer, Maine for a State of Maine Class I, II, III and IV (malt, spirituous and vinous) liquor license and a City of Brewer Amusement License.
2. Kosta's Restaurant and Bar, d/b/a Kosta's Restaurant & Bar, 429 Wilson Street, Brewer, Maine for a City of Brewer Amusement License.

These applications are available for public inspection at the office of the **Brewer City Clerk** **(989-7050)** and this notice is posted on the bulletin board at Brewer City Hall.

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

Ronda J. Hogan
City Clerk

published December 4, 5 and 6th in the Bangor Daily News
Posted City Hall bulletin board November 30, 2017

Chairman Goss asked the City Clerk if all the inspections were completed and in order. The City Clerk confirmed that they were.

Councilor Ferris moved that the inspections/files be accepted and placed on file. The motion was

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seconded and accepted unanimously.

Chairman Goss asked the City Clerk if any written comments had been received for the public hearing. The City Clerk did not receive any written comments pertaining to the public hearing.

Chairman Goss asked if there were any public comments to be heard. There were no public comments.

Chairman Goss closed 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 the orders on the consent calendar have passage and the resolve be adopted.

The motion was seconded and passed by unanimous vote.

2017-A183

December 12, 2017

TITLE: ORDER: COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION

Filed December 4, 2017
By Joseph L. Ferris

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

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$561,952.35** at the established rate, as provided by Title 30A MRSA § 3406 and Title 38 MRSA § 1208 [1989]) and as such sections may be amended from time to time; and

FURTHER ORDERED, That said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
December 2017	\$558,990.27	
September 2017	\$381.92	

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October 2017	\$1,035.12	
November 2017	\$1,545.04	
TOTAL	\$561.952.35	

2017-A184

December 12, 2017

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION

Filed December 4, 2017
By Kevin O'Connell

WHEREAS, under Chapter 40 of the Water Department 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 **\$598,188.79** at the established rate, as provided by Title 30A MRSA § 3406 (supp [1991] and Title 38 MRSA § 1208 [1989]) and as such sections may be amended from time to time; and

FURTHER ORDERED, That said charges are due and payable on the date of this commitment.

EVENT	COMMITMENT	COMMENTS
December 2017	\$589,628.44	
September 2017	\$1422.59	
October 2017	\$2,764.75	
November 2017	\$4,373.01	
TOTAL	\$598,188.79	

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2017-A185

December 12, 2017

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO SIGN A CONTRACT WITH OLVER ASSOCIATES FOR ENGINEERING SERVICES FOR PROJECTS BEING FUNDED BY THE \$5,600,000 USDA RURAL DEVELOPMENT LOAN/GRANT

Filed December 4, 2017
By Matthew Vachon

WHEREAS, the City has requested USDA Rural Developments assistance to fund four (4) projects at the Water Pollution Control Facility and to replace the Riverview Terrace and Oak Grove pump stations, and

WHEREAS, a \$4,200,000 loan and \$1,400,000 grant has been obligated to the City by USDA Rural Development for the wastewater facility and pump station improvement projects, and

WHEREAS, the purpose of the projects being funded by USDA Rural Development is to stay compliant with the requirements of the City’s wastewater discharge permit and to provide for the health, safety and general welfare of the citizens of the City of Brewer, and

NOW, THEREFORE BE IT ORDERED, that the City Council herewith exercise its authority under Chapter 36, Section 404 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contracted services, and

NOW, THEREFORE, BE IT FURTHER ORDERED that the City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with Olver Associates for \$829,000 for engineering services for projects being funded by the \$5,600,000 loan/grant recently received from Rural Development and that expenses associated with this contract be charged to the appropriate administration, design and engineering accounts within Fund 6808 (2017 Sewer USDA \$5.6M).

Summary of Engineering Fees

Preliminary Design Phase-----	\$325,000
Final Design Phase/Bidding and Negotiating Phase-----	\$90,000
Construction Phase-----	\$90,000
Post-Construction Phase-----	\$10,000
Resident Project Representative (Inspection Phase)-----	\$285,000
Miscellaneous Expenses, Geotechnical and Advertising-----	\$29,000

STATEMENT OF FACT

Design, construction administration and inspection are required for projects being funded by USDA Rural Development. Olver Associates in Winterport, Maine has a long standing relationship and has provided outstanding environmental engineering services to the City of Brewer for over 20 years.

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2017-A186

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

Filed December 6, 2017
By Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received a contribution of \$100.00 from David and Lynn Cabibi to supplement and support the children's programming budget at the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that this donation be appropriated and expended to supplement and support children's programming at the Library, as requested by the donors;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$100.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-506150 (Library Special Events).

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.

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support children's programming at the Library.

2017-A187

December 12, 2017

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

Filed December 6, 2017
By Joseph L. Ferris

WHEREAS, the Brewer Public Library has received contributions totaling \$166.00 from Paradis Shop 'n Save in Brewer, James W. Nichols, and Spaulding Memorial Library of Sebago, to supplement and support the purchase of new books for the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that these donations be appropriated and expended as requested by the donors;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$166.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books).

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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.

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions to support the purchase of new books.

2017-A188

December 12, 2017

TITLE ORDER: ACCEPT STATE FORFEITURE FUNDS

Filed November 30, 2017
By Kevin O'Connell

WEREAS, the Brewer Police Department has conducted an investigation where a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS; this sum of money was offered to the City of Brewer in recognition of the Brewer Police Department's valuable assistance in the successful completion of the investigation; and

WHEREAS; under Maine Law, title 15 MRSA., SS 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, therefore, be it ordered, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money and assets forfeited as a result of the recent criminal investigation cited:

Docket Number	Assets
CR-17-1083	\$2757.40 in US Currency

AND, Further ordered, that the City Manager or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

AND, further ordered, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

Statement of Fact

The City of Brewer Police Department received \$2757.40 in asset forfeiture funds as the result of a successful drug investigation. These assets have been ordered by the court to be turned over to the Brewer Police Department.

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2017-A189

December 4, 2017

TITLE: ORDER, ACCEPT DONATION TO THE BREWER FIRE
DEPARTMENT.

Filed Dec 6, 2017
By Matthew Vachon

WHEREAS, the Brewer Fire Department has received a contribution of \$96.00 from JR Redemption; and

WHEREAS, it is the recommendation and request of the Public Safety Director that this donation be appropriated and expended to supplement and support the purchase of new American flags for the City of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$96.00 and authorizes its deposit into account 02000000-32000-50001 (American Flag account) and expenditure from account 02000000-52000-50001 (American Flags).

Note: The Brewer Fire Department sends a letter of acknowledgement and appreciation on behalf of the City Council and the Fire Department to all who contribute to the Fire Department.

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Flag fund, and authorizes the expenditure of this contribution to support the purchase of new flags.

2017-A190

December 12, 2017

TITLE: ORDER APPROVE PUCHASE OF A REPLACEMENT
FIRE HOSE FOR THE CITY OF BREWER FIRE
DEPARTMENT

Filed December 5, 2017
By Beverly Uhlenhake

WEREAS, the Brewer Fire Department must replace fire hose that is no longer serviceable;
and

WHEREAS; three competitive bids were sought from different vendors and only one responded.

WHEREAS; the bid submitted totals \$19,978 for replacement fire attack and supply hoses;

WHEREAS; these items are included in this years approved CIP budget.

NOW, therefore, be it ordered, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the purchase of replacement fire hoses.

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AND, further ordered that the funds will be withdrawn from the Approved FY 2018 CIP account FY 18 CIP Fire Hose Replacement account #0510132-551219.

Statement of Fact

The City of Brewer Fire Department will purchase replacement fire hose for a total cost of \$19,978.00. A total of three bids were requested and only one was received.

2017-A191

December 12, 2017

TITLE: ORDER, DESIGNATE CITY MANAGER TO ACT AS AGENT OF THE CITY COUNCIL FOR APPROVAL OF UTILITY LOCATION PERMITS.

Filed Dec 6, 2017
By Joseph L. Ferris

ORDERED, that Stephen Bost, Brewer City Manager, is herewith authorized to accept applications for utility location permits on behalf of the City Licensing Authority, to wit, the City Council, for calendar year 2018; and

FURTHER ORDERED, that Stephen Bost, in his capacity as Brewer City Manager, is authorized to approve such applications on behalf of the Brewer City Council during calendar year 2018.

STATEMENT OF FACT

Chapter 20 of the City of Brewer Code of Ordinances entitled "Licenses and Permits", under Section 307 provides that the City Council may designate the City Manager to accept and approve applications for utility location permits on their behalf.

2017-A192

December 12, 2017

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO SIGN RELEASE DEEDS ON BEHALF OF THE CITY OF BREWER.

Filed Dec 6, 2017
By Kevin O'Connell

ORDERED, that the City Manager, or his designee, is herewith authorized to sign release/municipal quitclaim deeds on behalf of the City of Brewer releasing any interest the City might have in and to real estate covered by a Tax Collector's Lien Certificate which has been paid within the statutory period of redemption, but not discharged by the City Treasurer within the same time period.

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STATEMENT OF FACT

This is an annual housekeeping order.

2017-A193

December 12, 2017

TITLE: ORDER, AUTHORIZE CITY CLERK TO SIGN APPLICATIONS FOR RENEWAL OF LIQUOR LICENSES ON BEHALF OF THE CITY COUNCIL.

Filed Dec 6, 2017
By Matthew Vachon

ORDERED, that the City Clerk is herewith authorized to sign, on behalf of and as agent of the City licensing authority, to wit, the City Council, all applications for renewal of State of Maine Liquor licenses during calendar year 2018. This authorization is subject to the limitation on her authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

STATEMENT OF FACT

This is an annual housekeeping order.

2017-A194

December 12, 2017

TITLE: ORDER, AUTHORIZE THE CITY CLERK, OR IN THE ABSENCE OF THE CITY CLERK, A DEPUTY CLERK TO SIGN APPLICATIONS FOR LIQUOR CATERING EVENTS, BEANO LICENSES, BINGO LICENSES AND OTHER GAMES OF CHANCE ON BEHALF OF THE CITY COUNCIL.

Filed Dec 6, 2017
By Beverly Uhlenhake

ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as an agent of the City Licensing Authority, to wit, the City Council, all applications to operate beano, bingo or other games of chance during the year 2018. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer; and

FURTHER ORDERED, that the City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is herewith authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications for catered events at which alcohol is to be served by persons, corporations or other legal entities licensed by the State of Maine to do liquor catering during the year 2018. The City Clerk, or in the absence of the City Clerk, a Deputy City Clerk, is also authorized to sign, on behalf of and as agent of the City Licensing Authority, to wit, the City Council, all applications to the State of Maine for approval for events at the Brewer Auditorium at

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which BYOB is permitted during the year 2018. This authorization is subject to the limitation on the City Clerk's authority as set forth in Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer.

STATEMENT OF FACT

This is an annual housekeeping order.

2017-A195

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TITLE: ORDER, AUTHORIZE THE CITY MANAGER, STEPHEN BOST, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT AND BE THE DESIGNATED CITY OFFICIAL TO ACCEPT DELIVERY OF FORFEITED PROPERTY ON BEHALF OF THE CITY OF BREWER AND TO AUTHORIZE THE CITY SOLICITOR, JOEL DEARBORN, TO CERTIFY ON ALL APPLICATIONS FOR FOREITED PROPERTY TO THE AUTHORITY OF THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BREWER.

Filed Dec 6, 2017
By Joseph L. Ferris

WHEREAS, from time to time, the City of Brewer becomes eligible to receive forfeited property as the result of its Police Department personnel being involved in resolving criminal cases; and

WHEREAS, in order to receive forfeited property an application must be prepared and submitted on behalf of the City; and

WHEREAS, the City needs to designate a person who may accept forfeited property on its behalf; and

WHEREAS, the City also needs to designate the person to receive the delivery of the transfer of forfeited documents and/money on behalf of the City; and

WHEREAS, the City Solicitor has to certify in the application for transfer of forfeited property to the authority of the person signing the application;

NOW THEREFORE, IT IS HEREBY ORDERED, by the Brewer City Council as follows:

1. The City Manager, Stephen Bost, or his designee, is authorized to sign any and all applications for the transfer of forfeited property on behalf of the City of Brewer.
2. The City Manager, Stephen Bost, or his designee, is authorized to accept forfeited property on behalf of the City.
3. The City Manager, Stephen Bost, or his designee, is hereby designated as City official to receive the delivery of any and all forfeited documents and/or money on behalf of the City.

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4. The City Solicitor, Joel Dearborn, is authorized to certify to the authority of the City Manager, or his designee, to act on behalf of the City, as provided in this Order on any and all applications for the transfer of forfeited property.

STATEMENT OF FACT

This is an annual housekeeping order.

2017-A196

December 12, 2017

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO THOMAS SHANOS
D/B/A KOSTA'S RESTAURANT & BAR, 429 WILSON
STREET.

Filed November 16, 2017
By Kevin O'Connell

WHEREAS, Thomas Shanos's application for a City of Brewer Amusement License for Kosta's Restaurant & Bar, 429 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on December 12, 2017 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

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

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

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

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

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

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

NOW, THEREFORE , BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Thomas Shanos d/b/a Kosta's Restaurant & Bar, 429 Wilson Street, for the City's licensing year commencing May 2, 2017 and expiring May 1, 2018.

2017-A197

December 12, 2017

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO RHONDA LEIGH VIGUE
D/B/A TIMEOUT ENTERPRISES, LLC, 30 CLISHAM ROAD.

Filed November 9, 2017
By Matthew Vachon

WHEREAS, Rhonda Leigh Vigue's application for a City of Brewer Amusement License for TimeOut Enterprises, LLC, 10 Clisham Road, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on December 12, 2017 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

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

- e. The character of any applicant;
- f. The location of the place of business;
- g. The manner in which it has been operated; and
- h. Whether the operation has endangered the health or safety of persons in or on areas surrounding the place of business; and

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

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

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

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

NOW, THEREFORE, BE IT ORDERED, that the City Clerk, as agent to the Licensing Authority, to wit, the City Council, is herewith authorized and directed to issue a City of Brewer Amusement License to Rhonda Leigh Vigue d/b/a TimeOut Enterprises, LLC, 30 Clisham Road, for the City's licensing year commencing May 2, 2017 and expiring May 1, 2018.

2017-A199

December 12, 2017

TITLE: ORDER, AUTHORIZE AGREEMENT WITH CAROL J. JEWELL AND GORDON W. BREWER FOR PAYMENT OF TAX LIENS AND CURRENT AND FUTURE TAXES ON PROPERTY LOCATED AT 73 OUTBACK LANE

Filed December 7, 2017

By Beverly Uhlenhake

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into an agreement between the City of Brewer and Carol J. Jewell and Gordon W. Brewer, ("Jewell and Brewer") wherein Jewell and Brewer are permitted to reacquire the property at 73 Outback Lane (Tax Map 1, Lot 10B), which will be acquired by the City on December 24, 2017 by virtue of foreclosing City of Brewer tax collector liens, provided Jewell and Brewer pay to the City of Brewer all outstanding tax and other 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.

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Statement of Fact

This order authorizes the City to enter a repurchase agreement with Carol Jewell and Gordon Brewer for the property at 73 Outback Lane. The property has an outstanding tax balance of about \$11,000 for years FY2016 through FY2018. Jewell and Brewer have agreed to pay \$500 per month, among other terms, which would allow them to reacquire the property in about 22 months, or October 2020.

2017-A200

December 12, 2017

TITLE: ORDER, ACCEPT BREWER'S SHARE OF FUNDS RELATED TO
CLOSEOUT AND EXPIRATION OF CONTRACT WITH PERC

Filed December 7, 2017
By Joseph L. Ferris

WHEREAS, the City has taken steps to end its partnership with the Penobscot Energy Recovery Company (PERC) at the end of its 30 year contract term on March 31, 2018; and

WHEREAS, as part of the windup of this partnership and contract with PERC, the City received a \$52,508 check that represents Brewer's proportional share of a \$1.3 million debt service reserve that was no longer needed to collateralize PERC's debt obligations;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith accepts these funds and authorizes them to be deposited in the City's PERC Contract Expiration Reserve (0200000-320000-67001).

Statement of Fact

This order accepts \$52,508 in funds related to the closeout and expiration of the City's contract with PERC and authorizes the proceeds to be deposited in the PERC Contract Expiration Reserve for future use.

2017-A201

December 12, 2017

TITLE: ORDER, ACCEPT A GIFT OF PROPERTY LOCATED AT 1068 NORTH
MAIN STREET BY THE HEIRS OF AVIS H. JORDAN

Filed December 6, 2017
By Kevin O'Connell

WHEREAS, at its December 12, 2017, regular meeting, the City Council was presented with a gift of property located at 1068 North Main Street by a Quitclaim Deed Without Covenant presented by the Heirs of Avis H. Jordan, namely; Phyllis Jordan of Bangor, Maine; Robert J. Jordan of Blaine, Maine; and Miriam J. King of Brewer, Maine; a copy of which is attached, and

WHEREAS, the City Council have voted to accept said gift of property;

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NOW THEREFORE, BE IT ORDERED, that the Brewer City Council herewith accepts the gift of property located at 1068 North Main Street made by the Heirs of Avis H. Jordan, namely; Phyllis Jordan, Robert J. Jordan and Miriam J. King, and

FURTHER THEREFORE, the City Clerk shall record said executed in the Penobscot County Registry of Deeds.

Statement of Fact

The Avis H. Jordan Heirs have agreed to convey to the City a gift of property on North Main Street (Route 9) that fronts on the Penobscot River.

2017-A202

December 12, 2017

ORDER AUTHORIZE THE PURCHASE OF A REPLACEMENT HEAVY DUTY RESCUE PUMPER FOR THE FIRE DEPARTMENT

Filed December 8, 2017

By Matthew Vachon

WHEREAS, the Brewer Fire Department has taken its primary engine, Engine 301, out of service due to enhanced frame corrosion; and

WHEREAS, it is critical to Brewer's insurance rating and long term emergency response capabilities that it have a heavy duty rescue pumper in its fleet; and

WHEREAS, the City has evaluated the options available to fill this need and determined that staying with Pierce trucks will be most cost effective; and

WHEREAS, the Fire Department recommends the City purchase a built-to-specification Pierce Enforcer 1500 gallon per minute pumper, which has an estimated useful life of 20 years; and

WHEREAS, the City has received from Minuteman Fire & Rescue Apparatus, Inc. of Massachusetts a quote of \$647,889 for the unit less \$9,000 if the City trades in its out-of-service Engine 301, a 2002 Pierce Dash Heavy Duty Rescue Pumper (VIN ending in 2521), and joins—at no cost to the City—HGACBuy, the Houston-Galveston Area Council cooperative buying group;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the purchase of one Pierce Enforcer pumper and associated equipment for a net cost not to exceed \$640,000 delivered; and

BE IT FURTHER ORDERED, that this expense shall be charged to account 0510132-551235 (Fire Unit 301 Replacement), paid for with current cash flow, and added to the anticipated spring 2018 bond issue for financing; and

FURTHER ORDERED, that the City Council hereby declares the existing Engine 301, a 2002 Pierce Dash Heavy Duty Rescue Pumper, surplus and authorizes its transfer to Minuteman Fire & Rescue Apparatus as the trade-in once the replacement truck has been delivered; and

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FURTHER ORDERED, that the Council authorizes the City Manager, or his designee, to complete the necessary paperwork to participate in the no-cost Houston-Galveston Area Council cooperative buying group;

FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the purchase of this equipment.

STATEMENT OF FACT

The City has had to remove its primary engine, Unit 301, from service due to corrosion problems. The Fire Department recommends purchase of a Pierce Enforcer Rescue Pumper to replace this critical piece of equipment. The order seeks authorization for funding of up to \$640,000, declares the out of service #301 surplus, and allows the City Manager to sign a no-cost contract with a cooperative buying group, which provides a 1% discount on the truck purchase price. The City anticipates financing this purchase by adding it to the bond issue it plans for spring 2018.

2017-A203

December 12, 2017

ORDER AUTHORIZE THE REFURBISHMENT OF THE PIERCE LADDER TRUCK

Filed December 8, 2017
By Beverly Uhlenhake

WHEREAS, a July 2017 inspection by Pierce Manufacturing of the Brewer Fire Department's 2000 Pierce Dash 105-foot Aerial Ladder truck, Unit 305, found major corrosion in the frame and elsewhere, resulting in a recommendation that the unit be replaced or fixed as soon as possible; and

WHEREAS, given cost and other considerations, the City recommends fixing this unit rather than replacing it; and

WHEREAS, the City has received from Minuteman Fire & Rescue Apparatus, Inc. of Massachusetts a quote of \$557,249 for Pierce Manufacturing to undertake a complete overhaul and refurbishment of the City's ladder truck, which would extend its useful life 10 to 13 years; and

WHEREAS, the quote reflects the minimum cost to fix the known problems with the unit and the City anticipates additional repairs to be identified once the truck has been taken apart; and

WHEREAS, based on information from Pierce and Minuteman, the City expects the cost of such additional work to be less than \$100,000;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of up to \$650,000 for the refurbishment of Unit 305, the 2000 Pierce Dash 105-foot Aerial Ladder truck, to be completed by Pierce Manufacturing, Inc.; and

BE IT FURTHER ORDERED, that this expense shall be charged to account 0510132-551236 (Fire 305 Ladder Refurbishment), paid for with current cash flow, and added to the anticipated spring 2018 bond issue for financing; and

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FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the purchase of this equipment.

STATEMENT OF FACT

An inspection of Unit 305, the City's ladder truck, found serious corrosion problems that must be addressed as soon as possible. The Fire Department recommends having the manufacturer, Pierce, refurbish the truck, which would extend the life of this vehicle 10 to 13 years. The order seeks authorization for funding of up to \$650,000 for this purpose. The City anticipates financing this purchase by adding it to the bond issue it plans for spring 2018.

2017-A204

December 12, 2017

ORDER AUTHORIZE THREE MONTH EXTENSION OF AMBULANCE CONTRACT
 WITH MERIDIAN MOBILE HEALTH LLC DBA CAPITAL AMBULANCE

Filed December 8, 2017
By Matthew Vachon

WHEREAS, the City's contract with Meridian Mobile Health LLC (dba Capital Ambulance) to provide, through a public-private partnership, ambulance services to the City expires on December 31, 2017; and

WHEREAS, the City is working with Capital Ambulance to evaluate possible amendments to certain provisions, and the parties feel more time is needed to assess and negotiate the changes;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager and/or his designee to sign a three month extension of the current contract with Meridian Mobile Health LLC.

STATEMENT OF FACT

The City's current contract with Capital Ambulance expires December 31, 2017. There are still a few terms of the contract we are negotiating, so this order seeks to extend the current contract terms three months through March 31, 2018 to allow for further discussions with Capital.

2017-B026

December 12, 2017

TITLE: RESOLVE, APPROVE STATE OF MAINE RESTAURANT CLASS
 I,II,III,IV LIQUOR LICENSE TO TIMEOUT ENTERPRISES,
 LLC., 30 CLISHAM ROAD.

Filed November 13, 2017
by Joseph L. Ferris

WHEREAS, TimeOut Enterprises, LLC, 30 Clisham Road has applied to the State of Maine, Bureau of Liquor Enforcement, for a Class I, II, III, IV Restaurant, (malt, spirituous and vinous)

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liquor license; and

WHEREAS, the Brewer City officials have reviewed this application and conducted background checks on the applicant and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicants have not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;
3. There is no record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
4. There is no record of repeated incidents of record of breaches of peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and
5. There is no record of the applicants having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws).
6. A determination by the municipal officers or county commissioners that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of TimeOut Enterprises, LLC, 30 Clisham Road, for a State of Maine, Bureau of Liquor Enforcement, for a Class I, II, III, IV Restaurant, (malt, spirituous and vinous) liquor license.

D. Monthly Reports.

ACTION: Councilor O'Connell moved that the monthly reports received from the city departments be accepted and placed on file. The motion was seconded and passed unanimously.

E. Nominations, Appointments, Elections.

ACTION: Councilor Vachon made a motion that the order have passage. The motion was seconded.

Councilor Uhlenhake amended the motion to correct the spelling of Bobbi Johnson's name. The motion was seconded and passed by unanimous vote.

2017-A198

December 12, 2017

TITLE ORDER: APPOINT BOBBI JOHNSON AS A COMMISSIONER OF

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THE HOUSING AUTHORITY OF THE CITY OF BREWER TO
FILL A VACANCY.

Filed November 14, 2017
By Matthew Vachon

ORDERED, that Bobbi Johnson, 37 Allison Park, is herewith appointed to the Board of Commissioners of the Housing Authority of the City of Brewer to fill a currently vacant unexpired term; and

ORDERED, that Ms. Johnson's term will commence December 19, 2017 and expire March 31, 2019; and

Statement of Fact:

This is an appointment that has been made to fill an unexpired term on the Housing Authority Commissioners Board.

F. Unfinished Business.

2017-C018

December 12, 2017

Title: AMEND CHAPTER 19 OF THE CITY OF BREWER ORDINANCE, ARTICLE 5, SECTION 506, SCHEDULE 3.

Filed October 12, 2017
By Matthew Vachon

Be it ordained by the Brewer City Council that the Brewer City Traffic Code shall be amended by changing Chapter 19, Article 5, Section 506, Schedule 3, by adding:

(59) The southernmost intersection of Longmeadow Drive and Washington Street, with the vehicular traffic stopping on Longmeadow Drive.

Statement of Fact

This ordinance amendment adds a stop sign to the southernmost end of Longmeadow Drive at Washington Street per the request of a resident in the area, due to safety concerns that have developed over the years.

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

2017-C019

December 12, 2017

Title: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, SECTION 410 CONVERSIONS – SINGLE FAMILY TO MULTI-FAMILY, SECTION 411, DAY CARE, SECTION 415 HOME OCCUPATIONS, AND SECTION 416 IN-LAW APARTMENT.

Filed October 23, 2017
By Beverly Uhlenhake

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Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Land Use Code" shall be amended by adding the following subsections to Article 4:

ARTICLE 4 PERFORMANCE STANDARDS

410 CONVERSIONS - SINGLE FAMILY TO MULTI-FAMILY

410.6 Converted buildings shall meet the life safety requirements contained in Chapter 30 Housing Code, Article 1 Section 101.19 Residential house & multi-family housing vacant more than 12 months and new additions, of the City of Brewer Charter, Codes, and Ordinances.

411 DAY CARE

411.7 LIFE SAFETY REQUIREMENTS

1. A minimum of one illuminated exit sign with emergency lights at main entrance of business.
2. A minimum of one fire extinguisher at main entrance of business.
3. Hard wired interconnected combination smoke and carbon monoxide detectors shall be located on all levels of the building.
4. Windows and any exterior opening on a second floor and higher that creates a hazard and/or window sills that is less than 24 inches from the floor must have proper fall protections.

415 HOME OCCUPATIONS

415.14 LIFE SAFETY REQUIREMENTS

1. A minimum of one illuminated exit sign with emergency lights at main entrance of business.
2. A minimum of one fire extinguisher at main entrance of business.
3. Hard wired interconnected combination smoke and carbon monoxide detectors shall be located on all levels of the building.
4. Windows and any exterior opening on a second floor and higher that creates a hazard and/or window sills that is less than 24 inches from the floor must have proper fall protections.

416 IN-LAW APARTMENT

416.8 Buildings with in-law apartments shall meet the life safety requirements contained in Chapter 30 Housing Code, Article 1 Section 101.19 Residential house & multi-family

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housing vacant more than 12 months and new additions, of the City of Brewer Charter, Codes, and Ordinances.

STATEMENT OF FACT:

This ordinance is being changed so that we might better protect our residents especially our young people. There are a lot of new in-home daycares opening up and we want to protect all the people by making sure that proper fire exits are clearly marked and that there is a hard-wired smoke and carbon detector on all floors that are interconnected, and fall protection on windows which are less than the required 24 inches above the floor.

The Planning Board held a public hearing on September 26, 2017 and made the recommendation to adopt these amendments.

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

2017-C020

December 12, 2017

Title: AMEND CHAPTER 30, ENTITLED "HOUSING CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 1.

Filed October 23, 2017
By Joseph L. Ferris

Be it ordained by the City of Brewer in City Council assembled that Chapter 30, of the Charter, Codes and Ordinances of the City of Brewer, entitled "Housing Code" shall be amended by adding the following subsection to Article 1:

101.19 Residential house & multi-family housing vacant more than 12 months and new additions

All houses vacant for more than 12 months must install hard wired interconnected combination smoke and carbon monoxide detectors on all levels. Creating additional living spaces to existing level must add a hard wired smoke and carbon monoxide detectors that is interconnect to existing levels. Proper fire protection between two separate living quarters must be installed to meet NFPA 101 life safety code. Any living quarters over 20 feet in height must have adequate egress to a rescue platform, one per bedroom. Any windows or opening on a second floor and higher that creates a hazard and or window sill that is less than 24 inches from the floor must have proper fall protections.

STATEMENT OF FACT:

This ordinance is being changed so that we might better protect our residents especially our young people. There are a lot of new in-home daycares opening up and we want to protect all the people by making sure that proper fire exits are clearly marked and that there is a hard-wired smoke and carbon detector on all floors that are interconnected, and fall protection on windows which are less than the required 24 inches above the floor.

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ACTION: Councilor Ferris moved that the proposed ordinance amendment be enacted. The motion was seconded and passed with unanimous vote.

G. New Business.

There were no items.

H. New Items with Leave of Council.

ACTION: Chairman Goss introduces order 2017-A205 “Authorizing Issuance of the City’s General Obligation Bonds to Finance the Purchase, Refurbishing and Equipping of Fire Department Vehicles and a Tax Levy Therefor.” under suspension of the rules.

Chairman Goss asked the City Clerk to poll the Council to see if there was unanimous consent to take up this order.

The Council members vote unanimous consent to take up order 2017-A205 under suspension of the rules.

2017-A205

TITLE: ORDER, Authorizing Issuance of the City’s General Obligation Bonds to Finance the Purchase, Refurbishing and Equipping of Fire Department Vehicles and a Tax Levy Therefor.

Filed December 11, 2017
By Joseph L. Ferris and
Kevin O’Connell

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

THAT the City Treasurer/ Finance Director be and hereby is authorized, in the name of and on behalf of the City, to borrow up to One Million Seven Hundred Forty Thousand Dollars (\$1,740,000.00) to finance costs related to the City’s purchase, refurbishing and equipping of Fire Department vehicles, as more specifically listed on Attachment A hereto (the “Projects”).

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City’s general obligation bonds at one time and from time to time in an amount not to exceed One Million Seven Hundred Forty Thousand Dollars (\$1,740,000.00) aggregate principal amount, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Projects.

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.

THAT said bonds and notes 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.

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THAT 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 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 the City Treasurer/ Finance Director shall determine the form, date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds and notes, including the timing and provision for their sale and award, her approval to be conclusively evidenced by the execution thereof.

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 that purpose, shall be sufficient to pay the interest on said bonds, payable in such year, and the principal of such bonds maturing in such year.

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 or notes for and participate in the Depository Trust Company Book-Entry Only System.

THAT the City Treasurer/ Finance Director be and hereby is authorized and directed to covenant and certify in the name of and 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

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"private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT the City Treasurer/ Finance Director be and hereby is authorized to covenant and agree, in the name of and 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 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 City Treasurer/ Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and 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 term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

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

1. To any costs of the Projects listed on Attachment A;
2. If the bonds or notes 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 or notes including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds or notes.

THAT if the actual cost of any Project differs from the estimated cost on Attachment A, whether due to completion, delay or abandonment of the Project for any other reason, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the bonds or

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notes to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

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 in the name of and on behalf of the City to do or cause to be done all such acts and things, and to execute, deliver, such contracts, agreements, certificates, instruments 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 or notes are underwritten in a public sale or a loan agreement with the Maine Municipal Bond Bank in usual and customary form, if the bonds or notes are issued to or through the Maine Municipal Bond Bank, to carry out the provisions of this Order in connection with the issuance of the bonds or notes, 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 notes 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 or 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 in the name of and 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 in the name of 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.

City Council Minutes
December 12, 2017

THAT it is the intent of the City Council that this Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2, such that any costs of the Projects paid by the City prior to issuance of the Bonds may be reimbursed with the proceeds of the Bonds, to the extent desired by the City and permitted by Treasury Regulation §1.150-2.

Attachment A

Fire Department Vehicles

Purchase a 2016 Pierce Saber Stock Unit Pumper Engine and associated equipment	\$450,000.00
Refurbish the City's 2000 Pierce Dash 105-foot Aerial Ladder Truck, Unit 305	\$650,000.00
Purchase a Pierce Enforcer Pumper Truck and associated equipment	\$640,000.00
Total	\$1,740,000.00

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

I. ADJOURN.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by a unanimous vote. The meeting adjourned at 6:25p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine