

City Council Minutes

March 27, 2018

Regular Meeting  
City Hall Council Chambers

Tuesday, March 27, 2018  
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. Assistant City Manager James Smith and City Solicitor Jody 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, March 27, 2018 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

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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	D. Martin	Off.	3/23/18	17:00
Matthew Vachon	A.Treadwell	Admin. Asst.	3/23/18	3:30 pm
Beverly Uhlenhake	D.Martin	Off.	3/23/18	16:54
Jerry Goss	D.Martin	Off.	3/23/18	16:38
Kevin O’Connell	A.Treadwell	Admin. Asst.	3/23/18	4:00 pm

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**CITY COUNCIL REGULAR MEETING**  
**Tuesday, March 27, 2018 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 March 6, 2018 Regular Meeting** (Councilor Uhlenhake)
- B. Awards, Petitions and Public Comments.**
  - 1. Public Comments
- IV. Public Hearing**
  - 1. Applications for Renewal of City Amusement Licenses
  - 2. Discuss Application Being Submitted to the State of Maine CDBG Program for a Micro-Enterprise Assistance Program
  - 3. Review water rates for all metered services of the Brewer Water Department
- V. Adjourn Public Hearing**
- C. Consent Calendar.**
  - 1. (2018-A026) ORDER Accept Donation to the Brewer Public Library for Books (Councilor Vachon )
  - 2. (2018-A027) ORDER Accept Donation to the Brewer Public Library for Special Events (Councilor O’Connell)
  - 3. (2018-A028) ORDER Authorize Purchase of Rock Salt (Councilor Ferris)
  - 4. (2018-A029) ORDER Authorize the City Manager, or his Designee, to Execute a Three Party Partnership Agreement for the Resurfacing of a Portion of Wilson Street. (Councilor Uhlenhake)
  - 5. (2018-A030) ORDER Issue Amusement License to Del Merritt d/b/a Cap’s Tavern, 494 So. Main Street (Councilor Vachon)
  - 6. (2018-A031) ORDER Issue Amusement License to Fraternal Order of Eagles #3177, 22 Atlantic Avenue (Councilor O’Connell)
  - 7. (2018-A032) ORDER Issue Amusement License to RMB&G, Inc. d/b/a Brewster’s Fine Food & Drink, 359 Wilson Street (Councilor Ferris)
  - 8. (2018-A033) ORDER Issue Amusement License to Jeffrey Ashey d/b/a Jeff’s Catering, 15 Littlefield Way (Councilor Uhlenhake)
  - 9. (2018-A034) ORDER Issue Amusement License to CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirit, 393 No. Main Street (Councilor Vachon)
  - 10. (2018-A035) ORDER Issue Amusement License to Tracey Marceron, Between Friends Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street (Councilor O’Connell)
  - 11. (2018-A036) ORDER Issue Amusement License to Charles Henry, Inc. at

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- Bangor Brewer Bowling Lanes, 534 Wilson Street  
(Councilor Ferris)
12. (2018-A037) ORDER Issue Amusement License to Bangor Area Recovery Network, 142 Center Street (Councilor Uhlenhake)
13. (2018-A038) ORDER Issue Amusement License to Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street (Councilor Vachon)
14. (2018-A039) ORDER Issue Amusement License to Meghan Black d/b/a Humble, 518 South Main Street (Councilor O'Connell)
15. (2018-A040) ORDER Issue Amusement License to Mason's Brewing Company, LLC, 15 Hardy Street (Councilor Ferris)
16. (2018-A041) ORDER Issue Amusement License to Andrew Geaghan, Timka, Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street #4 (Councilor Uhlenhake)
17. (2018-A042) ORDER Issue Amusement License to Thomas Shanos, Kosta's Restaurant & Bar, 429 Wilson Street (Councilor Vachon)
18. (2018-A043) ORDER Issue Amusement License to TimeOut Enterprises, LLC d/b/a TimeOut Pizza and The Loft Restaurant, 30 Clisham Road (Councilor O'Connell)
19. (2018-A044) ORDER Commit Water Assessment to Treasurer for Collection (Councilor Ferris)
20. (2018-A045) ORDER Commit Sewer Assessment to Treasurer for Collection (Councilor Uhlenhake)
21. (2018-A046) ORDER Award Contract for the Mill Street Resurfacing and Slope Stabilization Project (Councilor Vachon)
22. (2018-A047) ORDER Award Contract for Church Street and East, West, North and South Streets Sewer Separation Project (Councilor O'Connell)
23. (2018-A048) ORDER Award Contract for Main Electrical Panel Project at the Water Pollution Control Facility (Councilor Ferris)
24. (2018-A062) ORDER Accept Easements Negotiated for the Riverwalk Phase 2 Project (Councilor Uhlenhake)
25. (2018-A063) ORDER Accept Easements for the Church Street and Miscellaneous Areas Sewer Improvement Project (Councilor Vachon)
26. (2018-A064) ORDER Condemnation Order Pursuant to Title 30-A M.R.S.A. Section 3101 and Title 23 M.R.S.A. §3022, et seq. for the Brewer Riverwalk Trail Phase II Project (Councilor Goss)
27. (2018-A065) ORDER Authorize City Manager to Sign Cooperative Agreement with Meridian Mobile Health d/b/a Capital Ambulance for Ambulance Services (Councilor O'Connell)

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28. (2018-A066) ORDER Reaffirm Authorization for Brewer Water Department's Public Fire Protection Allocation to Exceed 30% (Councilor Ferris)
29. (2018-A067) ORDER Accept Proposed Adjustment to Metered Water Rates and Authorize Their Submission to the Maine Public Utilities Commission (Councilor Uhlenhake)
30. (2018-A068) ORDER Accept Proceeds from the Sale of Brewer's Share of Equity in the Penobscot Energy Recovery Company (PERC) Facility (Councilor Vachon)
31. (2018-A069) ORDER Declare the Parcel Situated on Wilson Street, Brewer, Maine and More Specifically Described in the Penobscot County Registry of Deeds, in Book 4564 Page 204, to be Surplus and Authorize Its Disposal (Councilor O'Connell)
32. (2018-A070) ORDER Declare the Property Situated at 7 Madison Avenue, Brewer, Maine and More Specifically Described in the Penobscot Registry of Deeds, in Book 4811 Page 1, to be Surplus and Authorize Its Disposal (Councilor Ferris)
33. (2018-A071) ORDER Declare the Property Situated at 225 Wilson Street Brewer, Maine and More Specifically Described in the Penobscot Registry of Deeds, in Book 12761 Page 289, to be Surplus and Authorize Its Disposal (Councilor Uhlenhake)
34. (2018-A072) ORDER Grant Easement to the Heirs of Janice L. Spaulding to Construct a Driveway and Install Utility Services (Councilor Vachon)

**D. Monthly Reports.** (Councilor O'Connell)

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

**1. Consent Calendar**

- a. (2018-A049) ORDER Reappoint Inspector of Buildings (Councilor Vachon)
- b. (2018-A050) ORDER Reappoint Inspector of Plumbing (Councilor O'Connell)
- c. (2018-A051) ORDER Reappoint Member to the Board of Commissioners of the Housing Authority of the City of Brewer (Councilor Ferris)
- d. (2018-A052) ORDER Reappoint Members to the Board of Appeals of the City of Brewer (Councilor Uhlenhake)
- e. (2018-A053) ORDER Reappoint Members to the Conservation Commission of the City of Brewer (Councilor Vachon)
- f. (2018-A054) ORDER Reappoint Member to the Library Board of Trustees of the City of Brewer (Councilor O'Connell)
- g. (2018-A055) ORDER Appoint and Reappoint Members to the Parks and Recreational Advisory Commission of the City of Brewer (Councilor Ferris)

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- h. (2018-A056) ORDER Reappoint Members to the Brewer Planning Board (Councilor Uhlenhake)
- i. (2018-A057) ORDER Reappoint Member to the Brewer Board of Assessment Review (Councilor Vachon)
- j. (2018-A058) ORDER Reappoint Member to the Brewer Cemetery Board (Councilor O'Connell)
- k. (2018-A059) ORDER Confirm City Manager's Appointments of Constables (Councilor Ferris)
- l. (2018-A060) ORDER Appointment of Republican Election Clerks (Councilor Uhlenhake)
- m. (2018-A061) ORDER Appointment of Democratic Election Clerks (Councilor Vachon)

**F. Unfinished Business.**

**G. New Business.**

- 1. (2018-C003) Amend Chapter 24, Entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, to Add Section 441 Mobile Food Businesses, and Article 14, Definitions (Councilor O'Connell)

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

**I. ADJOURN.**

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**A. Minutes of March 6, 2018 Regular Meeting (Councilor Uhlenhake)**

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

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**B. Awards, Petitions and Public Comments**

**Public Comments**

**ACTION:** Councilor Ferris requested that in light of the current events in our society, especially the Parkland shootings, he would like the Council to talk about school safety and what steps the Council can take to help, as long as it is permitted by state law, federal law and City of Brewer charter. Some ideas that he would like the Council to discuss and maybe take effect by City Ordinance are; minimum age to buy firearms, banning the sale of assault weapons in our City, firm up back ground checks, and don't allow gun shows in our City. He would like to act on the momentum created and show the students and City that the Council is listening. Councilor Ferris said he, along with Mayor Goss and City Manager Stephen Bost met with Brewer Public Safety Director and Deputy Police Chief and feels that his opinion is completely opposite of the Police Department on this issue. Councilor Ferris feels that ideas the police department have are more focused on the individual or the mental health of these individuals and although he has no issue working on those issues too, he would like to focus more on the weapons themselves. City Solicitor Jody Dearborn, although passing the baton tonight to the new City Solicitor Jonathan Pottle, recommends that the Council gets some insight from Solicitor Pottle, after he has had time to speak with the police department, and hold a workshop in the near future so the Council can have this discussion. Councilor Uhlenhake supports looking into this process further and requests that the Mayor look into it with City Staff. Mayor Goss relayed that he had already started that process by working with City Staff to start development of a comprehensive position paper that will give the Council a starting point to generate further discussion and develop a position for the Council. Councilor Uhlenhake clarified that the position statement that the city departments are putting together is just a draft, not a final opinion, it will be a starting point, Mayor Goss agreed. Councilor Ferris requested that a member of the Council be included in the drafting of the paper. Councilor O'Connell volunteered to help draft the paper. Councilor Ferris reminded everyone that this all may be for not if we do not get a recommendation from the City Solicitor that this is an area the Council can legislate. Mayor Goss assured everyone that the committee will definitely take recommendations from the City Solicitor first and foremost. Councilor O'Connell stated that he was at an organized march the past couple of days and he relayed that we should be very proud of these "kids" that they are very mature, very capable and we should support them and be extremely proud of them. Mayor Goss agreed and said that he and Councilor Uhlenhake were at the school during the "walk out" when the Brewer kids did not walk-out; they met in the gym, a safer venue, and he gives them a great deal of credit for that; and stated that the kids appreciated the Council's appearance and he hopes that this paper will let the kids know that the Council means what they say. Mayor Goss thanked Councilor Ferris for raising this whole topic up and thinks that the Council now has a better direction on where they are going and how they are going to get there for the May meeting.

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Mayor Goss presented a recent copy of the Maine Town & City magazine where there were two articles on City Staff, Linda Johns, City Planner and Dave Cote, Public Works Director. Mayor Goss requested that the articles be recorded in the minutes so that they go on public record and people see what a great team Brewer has on a daily basis. Councilor Ferris made a motion to accept the articles and place them on file with the City Clerk. The motion was seconded and passed by unanimous vote. (See attached articles)

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## **IV. Public Hearing**

Chairman Goss stated that the City Council would recess for a public hearing and after the public hearing the Council 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 O'Connell-present

Councilor Uhlenhake-present

Councilor Ferris-present

Chairman Goss-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 27<sup>th</sup> day of March, 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider applications from the following businesses for renewal of city amusement licenses to permit them to have dancing and live entertainment on their premises, non-alcoholic, as well as those which are licensed by the State of Maine for the sale of alcohol:

1. Cap's Tavern, 494 South Main Street
2. Fraternal Order of Eagles, 22 Atlantic Ave.
3. Brewster's Fine Food & Drink, 359 Wilson Street
4. Jeff's Catering, 15 Littlefield Way
5. The Bangor Area Recovery Network, 142 Center Street
6. City Side Restaurant & Jester's Food and Spirits, 393 No. Main Street
7. Between Friends/Generations Theatre, 39 Center Street
8. Charles Henry, Inc. at Bangor Brewer Bowling Lanes, 534 Wilson Street
9. High Tide Restaurant, 5 South Main Street
10. Humble, 518 South Main Street
11. Geaghan Brothers Brewing Company, 34 Abbott Street, #4
12. Mason's Brewing Company, 15 Hardy Street

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13. Kosta's Restaurant & Bar, 429 Wilson Street
14. TimeOut Enterprises, LLC, 30 Clisham Road

Any person may present written or oral comments at this public hearing on these applications.

Ronda J. Hogan  
City Clerk, Brewer, Maine

Chairman Goss asked if there were any public comments in regard to these applications. There were none.

Chairman Goss inquired if we had received any written comments in regard to these applications. The City Clerk stated that there were no written comments received.

Chairman Goss confirmed with the City Clerk that the inspections were completed and in order for these applications. The City Clerk confirmed that they were.

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

Chairman Goss read the second public hearing notice.

**Public Hearing Notice**  
The City of Brewer

The City of Brewer will hold a Public Hearing on Tuesday, March 27, 2018 at 6:00 p.m. at Brewer City Hall Council Chambers to discuss an application being submitted to the State of Maine CDBG program for a Micro-Enterprise Assistance Program. The purpose of the grant application is to provide assistance to Waltzing Matilda USA, a manufacturing company. Public comments will be solicited at the Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to James Smith, Assistant City Manager, 80 North Main Street, Brewer, ME 04412 at any time prior to the Public Hearing. TDD/TTY users may call 1-800-457-1220. If you are physically unable to access any of the City's programs or services, please call City Hall at 207-989-7500, so that accommodations can be made.





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Chairman Goss asked Brewer's Economic Development Director, D'arcy Main-Boyington to address the Council on this application. D'arcy stated that the purpose of this public hearing was part of an application to the State of Maine CDBG program where the City of Brewer is applying for a grant and if we are successful the City will receive a portion of the Federal funds allocated to the state which cities and towns compete for. If the City of Brewer is successful and receives those funds, we would then grant these funds out to Waltzing Matilda USA, a leather working manufacturer, so they can move their manufacturing facility from New York to here in Brewer. D'arcy explained that as a stipulation of this grant, in order to qualify, the applicant must create new jobs, and in this case, two new jobs, that will go to employees in the low to moderate income households. If the applicant does not do this, if they do not "meet benefit" the funds can be requested to go back to the state and eventually the federal government. D'arcy assured the Council that the steps are in place to make sure that this does not happen that the applicant plans on hiring from the Career Center, which can pre-qualify any employees, making sure that they meet the requirements, the City also has the process structured so that the applicant will not actually receive the funds until both hires that meet the requirement have been made.

Economic Development Director, D'arcy Main-Boyington introduced Mike Balitsaris, the owner of Waltzing Matilda USA who explained what his company is, how it came to be and his goals; he also had some of his products with him to show the Council.

Mayor Goss stated that he sees this company starting small and exploding and he hopes that the explosion happens here in Brewer because it will be huge. Councilor O'Connell read a letter that Mike Allen, President of Winterport Boot Company had submitted for the public hearing (see attached). Mayor Goss pointed out that the Brewer Business Alliance and CES, Inc. also submitted letters of support for Waltzing Matilda's application and he would like to have those entered into the minutes. Councilor Ferris made a motion that the letters of support be accepted and placed on file. The motion was seconded and passed with unanimous vote.

**From:** Jessamine Pottle <[jpottle@ces-maine.com](mailto:jpottle@ces-maine.com)>

**Date:** Thursday, March 15, 2018 at 8:00 PM

**To:** D'arcy Main-Boyington <[dmain-boyington@brewermaine.gov](mailto:dmain-boyington@brewermaine.gov)>

**Subject:** {SPAM?} Waltzing Matilda Support

Hi D'arcy,

I believe that the deadline is next week to send emails in support of Waltzing Matilda's application for a CDBG grant.

As a representative of CES, Inc., a business headquartered in Brewer, I am delighted to lend our support for Waltzing Matilda's CDBG application. Brewer is a terrific community for businesses to grow like we have over the last 40 years. We are fully in support of expanding the manufacturing sector with businesses like Waltzing Matilda's in our city and hope to welcome them to Brewer soon.

Thank you for the opportunity to send a few words along. If you need anything more, please do not hesitate to contact me.

Best,  
Jessie

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**Jessamine L. Pottle** ♦ Marketing Director  
P 207.989.4824 | F 207.989.4881 | C 207.745.9387

**CES**INC

**Engineers ♦ Environmental Scientists ♦ Surveyors**

465 South Main Street, PO Box 639, Brewer, Maine 04412 | [www.ces-maine.com](http://www.ces-maine.com)



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**From:** Kathleen Shane <[KathleenShane@downeasttoyota.com](mailto:KathleenShane@downeasttoyota.com)>

**Date:** Monday, March 26, 2018 at 12:53 PM

**To:** D'arcy Main-Boyington <[dmain-boyington@BrewerMaine.gov](mailto:dmain-boyington@BrewerMaine.gov)>, Renee Doble <[rdoble@brewermaine.gov](mailto:rdoble@brewermaine.gov)>

**Subject:** Brewer Business support of Waltzing Matilda-USA (let me know if you want more)

To whom it may concern,

Brewer Business Alliance is a group of Brewer businesses who meet together on a monthly basis to support businesses in Brewer. The BBA recognizes and promotes how important new businesses are to our community especially a manufacturing business. We are in support of Waltzing Matilda- USA bringing their business to Brewer and believe the CDBG- micro enterprise grant will help bring a new business into our community.

Thank you,

Kathleen Shane

BBA- president.

**Kathleen Shane, Rental Manager**

**Downeast Toyota Rental**

640 Wilson St. Brewer, ME 04412

(207) 991-0303 or 800-869-6827 ext. 303

[www.downeasttoyotarental.com](http://www.downeasttoyotarental.com)



Chairman Goss asked if there were any public comments in regard to this application. Kierie Piccininni of Winterport Boot Shop spoke in support of the Waltzing Matilda USA application, stating that quality products, made in the USA products, are becoming increasingly popular and in demand. She relayed that a product like what Waltzing Matilda USA is offering will be very

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well received in Brewer and in Maine, it is what the consumers and Brewer residents are looking for and she hopes they come to Brewer.

There were no further comments so Chairman Goss read the third public hearing notice.

**BREWER WATER DEPARTMENT  
LEGAL NOTICE**

Notice of Public Hearing

The Brewer Water Department will hold a public hearing, pursuant to 35-A MRSA § 6104, on March 27th, 2018 at 6:00 p.m. in the City Council Chambers at City Hall in Brewer. The purpose of the hearing is to:

1. Review a proposed 10.0% increase in the current water rates for all metered services of the Brewer Water Department and
2. Give customers the opportunity to testify, pose questions, and make comments regarding the proposed rate increase.

The proposed increase in water rates would provide an increase of \$150,337 in the annual revenues of the Department.

Customers have the right to an open and fair hearing, and to further hearings before the Maine Public Utilities Commission. Customers may petition the Commission to investigate the proposed rate change; signatures on customer petitions filed pursuant to 35-A MRSA § 6104(7) are invalid unless accompanied by the printed names and addresses of the signers. Pursuant to 35-A MRSA § 6104(7), the petition must include the signatures of at least 537 customers of the Brewer Water Department and be submitted within 30 days of the public hearing. Brewer Water Department will, upon request, provide customers with petition forms that include spaces for signatures and the printed names and addresses of the signers. Customers may also request assistance from the Public Advocate, State House Station 112, Augusta, ME 04333, or telephone (207) 287-2445, or [www.maine.gov/mpuc](http://www.maine.gov/mpuc).

Materials supporting the rate increase are available at the Department's office, 223 Greenpoint Road, Brewer, Monday – Friday (excluding holidays) between 8:30 a.m. and 4:30 p.m. Customers have the right and are encouraged to review these materials and to request information relating to current and proposed rates.

Chairman Goss asked Brewer Water Superintendent Rodney Butler to address the Council. Superintendent Butler explained that the last water rate increase for Brewer residents was in 2005 and the department works hard to keep the water rates steady but with the current infrastructure aging and needing repair, the department is proposing a 10% increase to address those needs.

Chairman Goss asked if there were any public comments in regard to this application. There were none.

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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.

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**C. Consent Calendar**

**Action:** Councilor Uhlenhake removed orders 2018-A062, 2018-A064 and 2018-A068 from the consent calendar.

Councilor Ferris removed orders 2018-A030, 2018-A038, 2018-A042, 2018-A047, and 2018-A070 from the consent calendar.

Councilor Vachon moved that the remaining orders have passage. The motion was seconded and passed unanimously.

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2018-A026

March 27, 2018

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

Filed March 13, 2018  
By Matthew Vachon

WHEREAS, the Brewer Public Library has received a contribution of \$50.00 from the Zmistowski family, in memory of Mrs. Virginia Walker; and

WHEREAS, the Brewer Public Library has received contributions totaling \$50.00 from the MPM Club and Ginny Boothby, in memory of Mrs. Beth Beal; and

WHEREAS, the Brewer Public Library has received a contribution of \$20.00 from an anonymous donor; and

WHEREAS, the above donors indicated that these donations were intended to supplement and support the purchase of new books for the City of Brewer Public Library, and 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 \$120.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books).

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

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**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.

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2018-A027

March 27, 2018

TITLE            ORDER:            ACCEPT DONATIONS TO THE BREWER PUBLIC LIBRARY  
FOR SPECIAL EVENTS

Filed March 13, 2018  
By Kevin O'Connell

WHEREAS, the Brewer Public Library has received a contribution of \$40.00 from Elizabeth Cozzi to supplement and support the 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 as requested by the donor;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$40.00 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.*

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2018-A028

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TITLE            ORDER            AUTHORIZE PURCHASE OF ROCK SALT

Filed March 9, 2018  
By Joseph L. Ferris

WHEREAS, New England Salt Company of Bangor, Maine was selected through a formal bid process in FY 2016 to supply the Cities of Brewer, Bangor and the Town of Hampden with rock salt during the 2015/2016 winter season; and

WHEREAS, New England Salt Company has offered to extend the contract with the three communities for a third year under the same terms and conditions, including price per ton, as the FY16 bid; and

WHEREAS, all Public Works Directors of their respective communities believes it is in the best interest of their communities to accept the offer from New England Salt Company to extend the contract for an additional year;

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NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to New England Salt Company in the amount of \$112,380.00 for supplying and delivering 2000 tons of rock salt at \$56.19 per ton during the 2018/2019 winter season; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the Public Works FY19 account 0116671-502530, titled, "Rock Salt"; and

BE IT FURTHER ORDERED, that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter Codes and Ordinances of the City of Brewer in the purchase of contractor services for the project.

**Statement of Fact**

This will allow the City of Brewer to once again, lock in a very favorable price per ton for rock salt for the 2018/2019 winter season without the cost of putting the contract back out for formal bid. In comparison the lowest price of any Maine DOT Region is currently \$59.38 per ton and the Bangor Region is at \$61.90 per ton.

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2018-A029

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TITLE           ORDER:           AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO  
EXCUTE A THREE PARTY PARTNERSHIP AGREEMENT  
FOR THE RESURFACING OF A PORTION OF WILSON  
STREET

Filed March 12, 2018  
By Beverly Uhlenhake

WHEREAS, BACTS authorized funding of a project to resurface Wilson Street in 2018 from Thompson Street to Arista Drive; and

WHEREAS; the City's 10% cost share for this project is currently estimated to be approximately \$50,000; and

WHEREAS; the FY2018 CIP identified a potential FY 2019 CIP expenditure of \$50,000 for this project; and

WHEREAS; the City Engineer has reviewed the proposed Three Party Partnership Agreement for this project and recommends approval thereof:

NOW THEREFORE BE IT ORDERED that the City Manager, or his designee, is authorized to sign all necessary documents with the Maine Department of Transportation and BACTS for MDOT project WIN#020859.00 obligating the City to a 10% cost share for the project which is currently estimated to not exceed \$468, 320, and

BE IT FURTHER ORDERED, that \$50,000 in funding for this the City's share of this project shall be included in the Capital Improvement Program portion of the FY 2019 budget.

# City Council Minutes

March 27, 2018

## Statement of Fact

This order is for the upcoming MaineDOT project that is much needed on the section of Wilson Street from Thompson Street to Arista Drive. The majority of the work will be milling the pavement and repaving, but other miscellaneous work will be occurring, including some ADA work at Wilson and Dirigo. This order authorizes the City's funding of its 10% cost share for the MDOT administered project, which most likely will be raised through bonding.

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2018-A030

March 27, 2018

TITLE           ORDER:       ISSUE AMUSEMENT LICENSE TO DEL MERRITT D/B/A  
CAP'S TAVERN, 494 SOUTH MAIN STREET

Filed March 16, 2018

By Matthew Vachon

WHEREAS, Del Merritt's application for a City of Brewer Amusement License for Cap's Tavern, 494 So. Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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;

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- 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 Del Merritt d/b/a Cap's Tavern, 494 So. Main Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

**ACTION:** Councilor Vachon moved that the order have passage. The motion was seconded. The order passed 4-0 with Councilor Ferris abstaining.

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2018-A031

March 27, 2018

TITLE ORDER: ISSUE AMUSEMENT LICENSE TO FRATERNAL ORDER OF EAGLES #3177, 22 ATLANTIC AVE

Filed March 16, 2018  
By Kevin O'Connell

WHEREAS, The Fraternal Order of Eagles #3177's application for a City of Brewer Amusement License for the Eagles Club, 22 Atlantic Avenue, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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:



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- 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;
- 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 The Fraternal Order of Eagles #3177, 22 Atlantic Avenue, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

## STATEMENT OF FACT

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A032

March 27, 2018

TITLE            ORDER:            ISSUE AMUSEMENT LICENSE TO RMB&G, INC D/B/A  
BREWSTER'S FINE FOOD & DRINK, 359 WILSON STREET

Filed March 16, 2018  
By Joseph L. Ferris

WHEREAS, RMB&G Inc.'s application for a City of Brewer Amusement License for Brewster's Fine Food & Drink, 359 Wilson Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 in accordance with Chapter 20, Article 2, Section 218, et seq. of the Charter, Codes and Ordinances of the City of Brewer; and

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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;
- 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 RMB&G, Inc. d/b/a Brewster's Fine Food & Drink, 359 Wilson Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A033

March 27, 2018

TITLE            ORDER:            ISSUE AMUSEMENT LICENSE TO JEFFREY E. ASHEY

# City Council Minutes

March 27, 2018

AND JEFF'S CATERING AND BAKESHOP, INC. D/B/A  
JEFF'S CATERING, 15 LITTLEFIELD WAY

Filed March 16, 2018  
By Beverly Uhlenhake

WHEREAS, Jeffrey E. Ashe and Jeff's Catering and Bakeshop, Inc.'s application for a City of Brewer Amusement License for Jeff's Catering, 15 Littlefield Way, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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;

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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 Jeffrey E. Ashe and Jeff's Catering and Bakeshop, Inc. d/b/a Jeff's Catering, 15 Littlefield Way, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A034

March 27, 2018

TITLE            ORDER:            ISSUE AMUSEMENT LICENSE TO CTK, INC. D/B/A  
CITY SIDE RESTAURANT/JESTERS FOOD & SPIRIT, 393  
NORTH MAIN STREET

Filed March 16, 2018  
By Matthew Vachon

WHEREAS, CTK, Inc.'s application for a City of Brewer Amusement License for City Side Restaurant/Jesters Food & Spirit, 393 North Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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 CTK, Inc. d/b/a City Side Restaurant/Jesters Food & Spirit, 393 North Main Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

## STATEMENT OF FACT

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A035

March 27, 2018

TITLE           ORDER:       ISSUE AMUSEMENT LICENSE TRACEY MARCERON,  
BETWEEN FRIENDS, INC. D/B/A BETWEEN  
FRIENDS/GENERATIONS THEATRE, 39 CENTER STREET

Filed March 16, 2018  
By Kevin O'Connell

WHEREAS, Tracey Marceron, Between Friends, Inc.'s application for a City of Brewer Amusement License for Between Friends/Generations Theatre, 39 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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

City Council Minutes  
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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;
- 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 Tracey Marceron, Between Friends, Inc. d/b/a Between Friends/Generations Theatre, 39 Center Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A036

March 27, 2018

TITLE            ORDER:        ISSUE AMUSEMENT LICENSE TO CHARLES HENRY,  
INC. AT BANGOR BREWER BOWLING LANES, 534  
WILSON STREET

Filed March 16, 2018  
By Joseph L. Ferris

WHEREAS, Charles Henry Inc.'s application for a City of Brewer Amusement License for Bangor Brewer Bowling Lanes, 534 Wilson Street, has been received by the City Clerk; and

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WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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 Charles Henry Inc. d/b/a Charlie's at the Bangor Brewer Bowling Lanes, 534 Wilson Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

### **STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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City Council Minutes  
March 27, 2018

2018-A037

March 27, 2018

TITLE           ORDER:       ISSUE AMUSEMENT LICENSE TO BANGOR AREA  
RECOVERY NETWORK, 142 CENTER STREET

Filed March 16, 2018  
By Beverly Uhlenhake

WHEREAS, Sharon Field's application for a City of Brewer Amusement License for Bangor Area Recovery Network, 142 Center Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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;



# City Council Minutes

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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 Bangor Area Recovery Network, 142 Center Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

## STATEMENT OF FACT

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A038

March 27, 2018

TITLE            ORDER:        ISSUE AMUSEMENT LICENSE TO THOMAS SHANOS,  
HIGH TIDE RESTAURANT, LLC D/B/A HIGH TIDE  
RESTAURANT, 5 SOUTH MAIN STREET

Filed March 16, 2018

By Matthew Vachon

WHEREAS, Thomas Shanos, High Tide Restaurant, LLC's application for a City of Brewer Amusement License for High Tide Restaurant, 5 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street, for the City’s licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

**ACTION:** Councilor Vachon moved that the order have passage. The motion was seconded. The order passed 4-0 with Councilor Ferris abstaining.

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2018-A039

March 27, 2018

TITLE ORDER: ISSUE AMUSEMENT LICENSE TO MEGHAN BLACK D/B/A HUMBLE, 518 SOUTH MAIN STREET

Filed March 16, 2018  
By Kevin O’Connell

WHEREAS, Meghan Black’s application for a City of Brewer Amusement License for Humble, 518 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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

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- 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;
- 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 Meghan Black d/b/a Humble 518 South Main Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A040

March 27, 2018

TITLE            ORDER:            ISSUE AMUSEMENT LICENSE TO MASON'S BREWING COMPANY, LLC, 15 HARDY STREET

Filed March 16, 2018  
By Joseph L. Ferris

## City Council Minutes

March 27, 2018

WHEREAS, Mason's Brewing Company, LLC's application for a City of Brewer Amusement License for Mason's Brewing Company, LLC, 15 Hardy Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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 Mason's Brewing Company, LLC, 15 Hardy Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

City Council Minutes  
March 27, 2018

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A041

March 27, 2018

TITLE           ORDER:       ISSUE AMUSEMENT LICENSE TO ANDREW GEAGHAN,  
TIMKA, INC. D/B/A GEAGHAN BROTHERS BREWING  
COMPANY, 34 ABBOTT STREET #4

Filed March 16, 2018  
By Beverly Uhlenhake

WHEREAS, Andrew Geaghan's application for a City of Brewer Amusement License for Timka, Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street, #4, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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;

City Council Minutes

March 27, 2018

- 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 Andrew Geaghan, Timka, Inc. d/b/a Geaghan Brothers Brewing Company, 34 Abbott Street #4, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

**STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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2018-A042

March 27, 2018

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

Filed March 16, 2018

By Matthew Vachon

WHEREAS, Thomas Shanos, Kosta's Restaurant & Bar'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 March 27, 2018 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;

# City Council Minutes

March 27, 2018

- 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;
- 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, Kosta's Restaurant & Bar, 429 Wilson Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

### STATEMENT OF FACT

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

**ACTION:** Councilor Vachon moved that the order have passage. The motion was seconded. The order passed 4-0 with Councilor Ferris abstaining.

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2018-A043

March 27, 2018

TITLE           ORDER:       ISSUE AMUSEMENT LICENSE TO ROBERT THOMAS,  
TIMEOUT ENTERPRISES, LLC D/B/A TIMEOUT PIZZA &  
THE LOFT, 30 CLISHAM ROAD

Filed March 16, 2018  
By Kevin O'Connell

WHEREAS, Robert Thomas, TimeOut Enterprises, LLC's application for a City of Brewer Amusement License for TimeOut Pizza & The Loft, has been received by the City Clerk; and

# City Council Minutes

March 27, 2018

WHEREAS, the City Council held a public hearing on this application on March 27, 2018 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;
- 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 Robert Thomas, TimeOut Enterprises, LLC, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

## **STATEMENT OF FACT**

This is a yearly order for the renewal of amusement licenses requiring a public hearing and approval by Council.

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City Council Minutes  
March 27, 2018

2018-A044

March 27, 2018

TITLE                                      ORDER                                      COMMIT WATER ASSESSMENT TO  
TREASURER FOR COLLECTION

Filed March 19, 2018  
By Joseph L. Ferris

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 **\$591,987.04** 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
March	\$589,370.81	
December	\$800.01	
January	\$726.95	
February	\$1,089.27	
TOTAL	<b>\$591,987.04</b>	

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2018-A045

March 27, 2018

TITLE                                      ORDER                                      COMMIT SEWER ASSESSMENT TO  
TREASURER FOR COLLECTION

Filed March 19, 2018  
By Beverly Uhlenhake

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

City Council Minutes  
March 27, 2018

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$564,258.19** 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
March 2018	\$562,842.12	
December 2017	\$893.15	
January 2018	\$368.17	
February 2018	\$154.75	
<b>TOTAL</b>	<b>\$564,258.19</b>	

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2018-A046

March 27, 2018

TITLE           ORDER:       AWARD CONTRACT FOR THE MILL STREET  
RESURFACING AND SLOPE STABILIZATION PROJECT

Filed March 19, 2018  
By Matthew Vachon

WHEREAS; Bids were solicited, and two bids were received and reviewed by the Engineering Department for the Mill Street Resurfacing and Slope Stabilization project;

NOW THEREFORE, BE IT ORDERED that the City Manager, or his designee, is authorized to execute a contract with Whitmore Contracting of Brewer, ME ( the lowest acceptable bidder) in an amount not to exceed \$ 200,000 for the completion of the Mill Street project; and

BE IT FURTHER ORDERED that the costs of this project shall be charged to CIP account 0510113-551623, in anticipation that the funding will be approved as part of the FY2019 budget.

**Statement of Fact**

# City Council Minutes

March 27, 2018

This Order awards the contract for the Mill Street Resurfacing and Slope Stabilization project. This project will be addressing several drainage and erosion issues on this roadway and will be repaving the entire length of the roadway. This is an MPI project that was awarded in 2017 and DOT will be reimbursing us for 50% of our expenditures on the project. The bid tabulation is attached.

\*\*\*

2018-A047

March 27, 2018

TITLE           ORDER:       AWARD CONTRACT FOR CHURCH STREET AND EAST,  
WEST, NORTH AND SOUTH STREETS SEWER  
SEPARATION PROJECT

Filed March 19, 2018  
By Kevin O'Connell

WHEREAS, request for bids were solicited from contractors for completion of the Church Street and East, West, North and South Streets sewer separation projects, and

WHEREAS, bids were submitted, opened on March 23, 2018, and reviewed by the City's Director of Environmental Services and the City's project engineer Mr. William Olver P.E., President of Olver Associates, and

WHEREAS, the Director of Environmental Services and project engineer William Olver P.E. recommends the contract for the Church Street and East, West, North and South Streets sewer separation projects be awarded to S.E. McMillian Co., Inc. of Bangor, Maine based on the lowest acceptable bid of \$137,777.00, and

WHEREAS, these projects will be funded with money available through Rural Development loan, and

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with S.E. McMillian Co., Inc. for \$137,777.00 for the Church Street and East, West, North and South Streets sewer separation projects, and

BE IT FURTHER ORDERED, that the cost for this work be charged to account numbers 0680711-560030 (Church Street Construction) and 0680707-560030 (East, West, North and South Streets Construction).

## Statement of Facts

The projects in this Council Order are the last of the sewer separation projects listed in the 2014 Master Plan for Combined Sewer Flow Abatement as Category 1 projects. The City is required by Maine Department of Environmental to complete these projects in 2018.

Bids Accepted:

Thibodeau \$177,324.00

McMillan \$137,777.00

City Council Minutes

March 27, 2018

**ACTION:** Councilor Vachon moved that the order have passage. The motion was seconded. The order passed 4-0 with Councilor Ferris abstaining.

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2018-A048

March 27, 2018

**TITLE ORDER:** AWARD CONTRACT FOR MAIN ELECTRICAL PANEL PROJECT AT THE WATER POLLUTION CONTROL FACILITY

Filed March 19, 2018  
By Joseph L. Ferris

WHEREAS, request for bids were solicited for a contractor to replace the Main Electrical Panel at the Water Pollution Control Facility, and

WHEREAS, bids were submitted, opened on March 23, 2018 and reviewed by the City’s Director of Environmental Services and the City’s project engineer Mr. William Olver P.E., President of Olver Associates, and

WHEREAS, the Director of Environmental Services and project engineer William Olver P.E. recommends the Main Electrical Panel Project contract be awarded to Underwood Electric, of Presque Isle, Maine, based on the lowest acceptable bid of \$32,749.00, subject to successful reference check and Rural Development approval, and

WHEREAS, this project will be funded with loan money received from Rural Development, and

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager to issue a purchase order and sign a contract with Underwood Electric for \$32,749.00 to complete the Main Electrical Panel Project at the Water Pollution Control Facility, and

BE IT FURTHER ORDERED, that the cost for this work be charged to account number 0680703-560030.

**Statement of Facts**

The facility main electrical panel went on line with the original plant in 1975 and has never been upgraded. In 2012, Dwight Lanpher an electrical engineer with Lanpher Associates completed an energy audit of the facility and highly recommended this project because replacement parts were no longer available for the panel.

Main Electrical Panel Project Bid Tabulation

Wilcox	\$ 58,530
Underwood	\$ 32,749
Gifford	\$194,500

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2018-A062

March 27, 2018



# City Council Minutes

March 27, 2018

This order formally accepts easements negotiated in good faith for Phase 2 of the Riverwalk Trail Project. Currently there are two property owners with whom we have not been able to reach a negotiated agreement. The rights for those 2 properties will be acquired by a separate order exercising the City's powers of eminent domain.

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

Councilor Uhlenhake moved that the order be amended by complete substitution. The motion was seconded and passed unanimously.

The order, as amended, passed by unanimous vote.

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2018-A063

March 27, 2018

TITLE            ORDER            ACCEPT EASEMENTS FOR THE CHURCH STREET AND  
MISCELLANEOUS AREAS SEWER IMPROVEMENT  
PROJECT

Filed March 20, 2018  
By Matthew Vachon

WHEREAS, the City is undertaking a Sewer project known as "Church Street and Miscellaneous Area Sewer Improvement Project", hereinafter referred to as the "Project", and

WHEREAS, the City has acquired Permanent and Temporary Easements to complete the Project, hereinafter referred collectively to as the "Easements", and

WHEREAS, said Easements need to be accepted by the Brewer City Council on behalf of the City of Brewer, and

WHEREAS, all Easements are in the possession of the City Clerk,

NOW THEREFORE, BE IT ORDERED, the Brewer City Council on behalf of the City of Brewer accepts the following Easements for the Project:

1. Gerald Hoxie and Jean Hoxie
2. Wanda Caron
3. Christopher B. Brady
4. Marilyn A. Phinney

FURTHER, BE IT ORDERED, the City Clerk shall file the Permanent Easements in the Penobscot County Registry of Deeds and file the Temporary Easements in the City Clerk's records.

City Council Minutes  
March 27, 2018

**STATEMENT of FACTS**

This City Council Order accepts the necessary Easements to undertake and complete the above entitled Project.

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2018-A064

March 27, 2018

TITLE            ORDER            CONDEMNATION ORDER PURSUANT TO TITLE 30-A  
M.R.S.A. SECTION 3101 AND TITLE 23 M.R.S.A. §3022, ET  
SEQ. FOR THE BREWER RIVERWALK TRAIL PHASE II  
PROJECT

Filed March 20, 2018

By Jerry Goss

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

WHEREAS, it is imperative that this order become effectively immediately upon its passage ensure that the Brewer Riverwalk Trail Project can be constructed during the upcoming 2018 construction period; and

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

WHEREAS, the City of Brewer, here after referred to as the "City", has undertaken the Riverwalk, Phase II Project in partnership with the State of Maine acting through its Maine Department of Transportation, being State Project No. HPP-1885(800), and

WHEREAS, the City has attempted, in good faith, to negotiate the acquisition of the necessary easements with all owners of affected properties, and

WHEREAS, the City has acquired all of the necessary property rights and easements except for two (2), and

WHEREAS, the City has been unable to acquire the necessary property rights from Bonton Towers and Getchell Brothers Co. after extensive good faith negotiations by the City's agent on behalf of the City, and

WHEREAS, time is of the essence to acquire the said property rights to construct the said Brewer Riverwalk Trail, Phase II during the construction season in 2018, and

WHEREAS, the City must condemn the property rights from the above referenced owners for the health, welfare and best interest of the Citizens of the City of Brewer in accordance with Title 30-A M.R.S.A. §3301 and Title 23 M.R.S.A. §3022, et seq., and

## City Council Minutes

March 27, 2018

WHEREAS, the City Engineer has recommended the property rights be condemned for the public purpose of construction of the Riverwalk Trail Phase II, State Project HPP-1885(800)

NOW THEREFORE BE IT ORDERED that the City Council finds that it is the best interest and public purpose of the City of Brewer to condemn the following described property rights from Bonton Towers and Getchell Brothers for the Brewer Riverwalk Trail Phase II Project (State Project No. HPP-1885(800) as follows:

### Bonton Towers

Certain property and rights therein in the City of Brewer, County of Penobscot, State of Maine, bounded and described as follows:

A Permanent Construction & Maintenance Easement and Temporary Construction Rights over the property described below for the purpose of constructing and permanently maintaining the Brewer Riverwalk Trail – Phase 2, so-called. The rights conveyed are more specifically defined herein:

### Permanent Construction & Maintenance Easement:

- a) Access to the general public to use land covered by the easements for trails and such other public and private purposes the City may determine appropriate;
- b) Access by the City of Brewer, its employees and agents, to construct, erect and maintain the trails and trail amenities of whatever nature, including but not limited to, lighting and recording features, within the above described easements;
- c) The right to establish and maintain plantings, flowers, grass and trees; and
- d) The right to upgrade the trail and associated amenities over time.

### Temporary Construction Rights:

- a) The right to enter the designated portion of the Grantor's property with workers and equipment for the purpose of matching walkways and driveways into the public improvements being constructed as part of the Brewer Riverwalk Trail – Phase 2 project, and whatever public improvements are necessary.

Temporary Construction Rights granted herein shall automatically terminate on July 30, 2019, or when the construction of the improvements has been completed, whichever comes first.

### Location and Extent of Rights:

The permanent and temporary rights described herein shall pertain to portions of a parcel of land in the City of Brewer, Maine, situated between the northwesterly side of North Main Street and the southeasterly bank of the Penobscot River, said portions being



## City Council Minutes

March 27, 2018

depicted as Item No. 3 (Bonton Towers) on Sheet 38 of Right of Way plans created by the Maine Department of Transportation for Federal Aid Project No. HPP-1885(800) entitled "Brewer Riverwalk Trail Phase 2", said plans being dated August 2017, to be recorded in the Penobscot County Registry of Deeds.

### Getchell Brothers Co.

Certain property and rights therein in the City of Brewer, County of Penobscot, State of Maine, bounded and described as follows:

A Permanent Drainage Easement, Permanent Construction & Maintenance Easement and Temporary Construction Rights over the property described below for the purpose of constructing and permanently maintaining the Brewer Riverwalk Trail – Phase 2, so-called. The rights conveyed are more specifically defined herein:

#### Permanent Drainage Easement:

- a) Access by the City of Brewer, its employees and agents, to construct, erect and maintain drainage ditches and structures for the purpose of conveying storm water runoff; and
- b) The right to convey and flow storm water from the City of Brewer's Riverwalk Trail area to the Penobscot River.

#### Permanent Construction & Maintenance Easement:

- a) Access to the general public to use land covered by the easements for trails and such other public and private purposes the City may determine appropriate;
- b) Access by the City of Brewer, its employees and agents, to construct, erect and maintain the trails and trail amenities of whatever nature, including but not limited to, lighting and recording features, within the above described easements;
- c) The right to establish and maintain plantings, flowers, grass and trees; and
- d) The right to upgrade the trail and associated amenities over time.

#### Temporary Construction Rights:

- a) The right to enter the designated portion of the Grantor's property with workers and equipment for the purpose of matching walkways and driveways into the public improvements being constructed as part of the Brewer Riverwalk Trail – Phase 2 project, and whatever public improvements are necessary.

Temporary Construction Rights granted herein shall automatically terminate on July 30, 2019, or when the construction of the improvements has been completed, whichever comes first.

# City Council Minutes

March 27, 2018

## Location and Extent of Rights:

The permanent and temporary rights described herein shall pertain to portions of a parcel of land in the City of Brewer, Maine, situated between the northwesterly side of North Main Street and the southeasterly bank of the Penobscot River, said portions being depicted as Item No. 2 (Getchell Bros. Co.) on Sheet 37 of Right of Way plans created by the Maine Department of Transportation for Federal Aid Project No. HPP-1885(800) entitled "Brewer Riverwalk Trail Phase 2", said plans being dated August 2017, to be recorded in the Penobscot County Registry of Deeds.

FURTHER BE IT ORDERED, that the City Clerk shall give all required statutory notices to said owners upon this City Council order becoming effective; and

BE IT FURTHER ORDERED that the Municipal Officers hereby determine that damages to be paid as just compensation for the rights acquired herein are as follows:

- (a) Bonton Towers - \$3650.00
- (b) Getchell Brothers Co. - \$2650.00

AND BE IT FURTHER ORDERED that the City Clerk, as agent for the Brewer City Council, shall cause a copy of this Condemnation Order and a check in the amount of damages herein determined to be served upon the two affected property owners; and

BE IT FURTHER ORDERED that the City Clerk shall certify a copy of this Condemnation Order and cause it to be recorded, along with sheets 37 and 38 of the MDOT Right of Way Plans referenced herein, at the Penobscot County Registry of Deeds.

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

Councilor Vachon moved that the order be amended by complete substitution.

City Solicitor Joel Dearborn clarified that the substituted order should have the same reference number attached to it that the original order did. Councilor Uhlenhake moved that the original reference number (2018-A064) be attached to the substituted order. The motion was seconded and passed unanimously

The motion was seconded and passed unanimously.

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

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2018-A065

March 27, 2018

TITLE: ORDER, AUTHORIZE CITY MANAGER TO SIGN COOPERATIVE AGREEMENT WITH MERIDIAN MOBILE HEALTH (dba CAPITAL AMBULANCE) FOR AMBULANCE SERVICES

City Council Minutes  
March 27, 2018

filed March 21, 2018  
by Kevin O'Connell

WHEREAS, in 1999 the City entered into a Cooperative Ambulance Agreement with Meridian Mobile Health, LLC (dba Capital Ambulance) to provide ambulance services to the City of Brewer based out of the Public Safety Building; and

WHEREAS, the City and Capital have renewed and extended the Agreement multiple times, with the current Agreement set to expire on March 31, 2018; and

WHEREAS, the City and Capital have negotiated mutually agreeable terms to continue the fruitful partnership for another three years, through March 31, 2021;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to finalize and sign an Agreement with Capital Ambulance to provide ambulance services through March 31, 2021 under terms substantially the same as included in the attached draft Agreement.

**Statement of Fact**

The City's contract for ambulance services with Capital Ambulance expires on March 31. This order authorizes the City to sign a new contract that would continue these services through March 31, 2021. Capital pays the City approximately \$180,000 per year for the right to serve Brewer and base an ambulance at the Public Safety Building.

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2018-A066

March 27, 2018

TITLE:           ORDER,                   REAFFIRM AUTHORIZATION FOR BREWER WATER  
DEPARTMENT'S PUBLIC FIRE PROTECTION  
ALLOCATION TO EXCEED 30%

filed March 21, 2018  
by Joseph L. Ferris

WHEREAS, on September 16, 2008, in association with the 7.3% rate decrease sought by the Brewer Water Department, the Brewer City Council authorized the amount of revenue raised from public fire protection (hydrants) to exceed the Maine Public Utilities Commission's (MPUC) established limit of 30%; and

WHEREAS, on February 20, 2018, the Brewer Water Department filed documents with the MPUC seeking an increase of 10% in its metered water rates; and

WHEREAS, the 2018 filing proposes to keep public and private fire protection rates unchanged as these rates still slightly exceed recommended thresholds established by the MPUC; and

# City Council Minutes

March 27, 2018

WHEREAS, in particular, when public fire protection revenue is proposed to exceed 30% of gross revenue for a water system, the MPUC requires the municipality formally accept the waiver of this recommended limit; and

WHEREAS, the Brewer Water Department's long term goal is to bring public and private fire protection rates in line with MPUC recommendations over time as the economics of the water system allow;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council reaffirms the Brewer Water Department's existing authorization for its public fire protection allocation to exceed the 30% limit established by the MPUC.

### **Statement of Fact**

The proposed rate increase filed with the Maine Public Utilities Commission on February 20, 2018 includes proposed revenue from public fire protection (hydrants) that, at 32%, exceeds the 30% limit set in MPUC rules. This order reaffirms the 2008 waiver of this limit to avoid having to increase metered water rates more than currently proposed.

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2018-A067

March 27, 2018

TITLE:           ORDER,           ACCEPT PROPOSED ADJUSTMENT TO METERED WATER RATES AND AUTHORIZE THEIR SUBMISSION TO THE MAINE PUBLIC UTILITIES COMMISSION

filed March 21, 2018  
by Beverly Uhlenhake

WHEREAS, on February 20, 2018, the Brewer Water Department filed documents with the Maine Public Utilities Commission (MPUC) seeking an increase of 10% in its metered water rates effective June 1, 2018; and

WHEREAS, in accordance with MPUC requirements, the Water Department on March 5, 2018 mailed a notice of the proposed increase to all water customers, made the filing documents available for public review, and on March 27, 2018 held a public hearing on the issue; and

WHEREAS, the City Council has reviewed the rate proposal and the comments received on it;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the Water Department's proposed 10% increase in metered water rates effective June 1, 2018 and authorizes the City to submit this increase in final form to the MPUC for its review and approval.

### **Statement of Fact**

This order approves the Water Department's proposed 10% increase in metered water rates effective June 1, 2018 and authorizes the City to submit them to the Maine Public Utilities Commission for review and approval.

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City Council Minutes  
March 27, 2018

2018-A068

March 27, 2018

TITLE      ORDER      ACCEPT PROCEEDS FROM THE SALE OF BREWER'S  
SHARE OF EQUITY IN THE PENOBSCOT ENERGY  
RECOVERY COMPANY (PERC) FACILITY

Filed March 21, 2018  
By Matthew Vachon

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, as well as in keeping with the terms of the December 2016 settlement agreement between PERC and the Municipal Review Committee (MRC), the City exercised its option to sell its share of equity in the PERC facility back to the private sector partners for a sum of \$75,601.20;

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 \$75,601.20 in funds from the sale of Brewer's equity stake in PERC and authorizes the proceeds to be deposited in the PERC Contract Expiration Reserve for future use.

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

Councilor Uhlenhake requested that Brewer City Finance Director, Karen Fussell address the Council on how the new project is going and if any of the economics has changed given China's regulations on recyclables and if the funds from that could be used to pay for this.

Brewer City Finance Director, Karen Fussell addressed the Council stating that the Fiberright facility opening has been delayed but she is optimistic that the facility should be able to accept waste in September. She stated that although what is happening in China has a dampening effect on the overall profitability of the plant there is no cause for concern for the overall feasibility of the project or the economics of it.

The order passed unanimously.

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2018-A069

March 27, 2018

TITLE:      ORDER:      DECLARE THE PARCEL SITUATED ON WILSON STREET,  
BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED  
IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS, IN

City Council Minutes

March 27, 2018

BOOK 4564 PAGE 204, TO BE SURPLUS AND AUTHORIZE  
ITS DISPOSAL

filed: March 21, 2018

by: Kevin O'Connell

WHEREAS, multiple tax liens against the undeveloped land situated on the south side of Wilson Street, Brewer, Maine, at the end of the I-395 off ramp (Tax Assessor's Map 2, Lot 2) and more specifically described in the Penobscot County Registry of Deeds in Book 4564, Page 204 (herein after referred to as the "Real Estate") have automatically foreclosed, and

WHEREAS, the City has acquired title to the Real Estate; and

WHEREAS, City staff has concluded that the Real Estate is not required for public purposes and has recommended to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Real Estate described above situated on Wilson Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Real Estate as would be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale or transfer of said Real Estate.

**Statement of Fact**

The City obtained ownership of this six acre undeveloped, largely wetland parcel of land formerly owned by Robert Smith and Mary Louella Dixon through the automatic foreclosure of multiple tax liens going back to 2015. Over the years, the City has sent the former owners several notices via Certified Mail regarding the liens, the foreclosures and the opportunity to reacquire the property. The mailings were signed for, but the City was never contacted regarding the parcel. This order declares the property, located on outer Wilson Street near the Holden border, surplus and authorizes the City Manager to sell it.

\*\*\*

2018-A070

March 27, 2018

TITLE: ORDER: DECLARE THE PROPERTY SITUATED AT 7 MADISON AVENUE, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS, IN BOOK 4811 PAGE 1, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL

Filed: March 21, 2018

By: Joseph L. Ferris

# City Council Minutes

March 27, 2018

WHEREAS, multiple tax and sewer liens against the property situated at 7 Madison Avenue, Brewer, Maine, (now Tax Assessor's Map 35, Lot 99 and formerly Tax Map 35, Lots 99 and 100) and more specifically described in the Penobscot County Registry of Deeds in Book 4811, Page 1 (herein after referred to as the "Property") have automatically foreclosed, and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and has recommended to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City's staff recommendation, hereby declares the Property situated at 7 Madison Avenue, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property as would be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale or transfer of said Property.

### Statement of Fact

The City obtained ownership of this vacant property formerly owned by the Heirs of Marie L. McDonough through the automatic foreclosure of multiple sewer and tax liens going back to 2014. The City worked with the Heirs for some time to regain ownership: first, through a December 2016 payment arrangement on which they stopped paying last September, and second, this year, through a final, unsuccessful opportunity to pay the \$13,402 balance due in full. This order declares the property, located at 7 Madison Avenue, surplus and authorizes the City Manager to sell it.

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

The order passed 4-0 with Councilor Ferris abstaining.

\*\*\*

2018-A071

March 27, 2018

**TITLE:**       **ORDER:**       **DECLARE THE PROPERTY SITUATED AT 225 WILSON STREET, BREWER, MAINE AND MORE SPECIFICALLY DESCRIBED IN THE PENOSBCOT COUNTY REGISTRY OF DEEDS, IN BOOK 12761 PAGE 289, TO BE SURPLUS AND AUTHORIZE ITS DISPOSAL**

Filed: March 21, 2018  
By: Beverly Uhlenhake

City Council Minutes

March 27, 2018

WHEREAS, multiple tax liens against the property situated at 225 Wilson Street, Brewer, Maine, (Tax Assessor’s Map 29, Lot 18) and more specifically described in the Penobscot County Registry of Deeds in Book 12761, Page 289 (herein after referred to as the “Property”) have automatically foreclosed, and

WHEREAS, the City has acquired title to the Property; and

WHEREAS, City staff has concluded that the Property is not required for public purposes and has recommended to the City Council that it be declared surplus and sold or otherwise disposed of as would be in the best interest of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council, based on the City’s staff recommendation, hereby declares the Property situated at 225 Wilson Street, Brewer, Maine, to be surplus property for public purposes; and authorizes the City Manager, or his designee, to sell or otherwise dispose of the Property as would be in the best interest of the citizens of the City of Brewer; and

FURTHER BE IT ORDERED, that the City Manager, or his designee, is authorized to take any and all further action he, or his designee, deem necessary and to sign any and all documents that he, or his designee, also deem appropriate to effectuate the sale or transfer of said Property.

**Statement of Fact**

The City obtained ownership of this vacant property formerly owned by Jessica Porter through the automatic foreclosure of multiple tax liens going back to 2014. The City worked with Ms. Porter for some time to regain ownership: first, through a December 2016 payment arrangement on which she stopped paying last March, and second, this year, through a final, unsuccessful opportunity to pay the \$12,276 balance due in full. This order declares the property, located at 225 Wilson Street, surplus and authorizes the City Manager to sell it.

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2018-A072

March 27, 2018

TITLE            ORDER            GRANT EASEMENT TO THE HEIRS OF JANICE L. SPAULDING TO CONSTRUCT A DRIVEWAY AND INSTALL UTILITY SERVICES

Filed March 22, 2017  
By Matthew Vachon

WHEREAS, the heirs of Janice L. Spaulding would like to either develop or convey their parcel of land currently identified as Brewer tax map 24 lot 11; and

WHEREAS, said parcel is shown as lots 321-328 on a Plan of the A.H. Chapman Co., for Brewer Heights, E.N. Sheffield Engineer, dated April 1921, and recorded in the Penobscot County Registry of Deeds in plan book 11, page 40; and



# City Council Minutes

March 27, 2018

WHEREAS, said parcel is located on the unbuilt “paper” street in said Brewer Heights shown as an extension of Central Avenue and does not have legal access to an accepted City street; and

WHEREAS, the City of Brewer has extended its rights over this paper street as included in City Council Order 2017-A143 which is recorded in said Registry as book 14614, page 211, in accordance with Title 23 M.R.S.A. §3032; and

WHEREAS, the City of Brewer is identified as owner of said paper street by virtue of the document recorded in said Registry as book 4456, page 229;

NOW, ORDERED, the City of Brewer grants an easement to the heirs of Janice L. Spaulding, their heirs and assigns, to construct a driveway and install utility services within the so-called paper street identified as the extension of Central Street; and

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign said easement on behalf of the City of Brewer and record said executed easement with the Penobscot County Registry of Deeds.

## Statement of Fact

This easement would grant legal access to the landlocked parcel identified as tax map 24 lot 11 over the paper street shown as an extension of Central Avenue.

\*\*\*

## 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 by a unanimous vote.

## E. Nominations, Appointments, Elections

**ACTION:** Councilor Vachon moved that the orders on the consent calendar have passage. The motion was seconded and passed unanimously.

2018-A049

March 27, 2018

TITLE ORDER REAPPOINT INSPECTOR OF BUILDINGS

Filed March 20, 2018  
by Matthew Vachon

WHEREAS, Title 25 M.R.S.A. § 2351 provides that the municipal officers shall annually, by the month of April, appoint an Inspector of Buildings; and

WHEREAS, Stewart Brooks is the Brewer Code Enforcement Officer for the City of Brewer; and

City Council Minutes

March 27, 2018

WHEREAS, it is the sense of the Brewer City Council that the Code Enforcement Officer performs as part of his duties inspection of buildings;

NOW, THEREFORE, BE IT ORDERED that Stewart Brooks is herewith reappointed to the position of Inspector of Buildings for the City of Brewer for a term commencing April 1, 2018 and expiring March 31, 2019.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of person to position of inspector of buildings with approval by Council.

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2018-A050

March 27, 2018

TITLE ORDER REAPPOINT INSPECTOR OF PLUMBING

Filed March 20, 2018  
by Kevin O'Connell

ORDERED, that Stewart Brooks is herewith reappointed Inspector of Plumbing for the City of Brewer for a term of one year commencing on April 1, 2018 and expiring on March 31, 2019.

FURTHER ORDERED, that the City Clerk notify the Maine Department of Human Services of this appointment.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of person to position of inspector of plumbing with approval by Council.

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2018-A051

March 27, 2018

TITLE ORDER REAPPOINT MEMBER TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF BREWER

Filed March 20, 2018  
by Joseph L. Ferris

ORDERED, that Alan Wilcox, 17 Broadlawn Drive, is herewith reappointed to the Board of Commissioners of the Housing Authority of the City of Brewer for a five year term; and

ORDERED, that Mr. Wilcox's term will commence April 1, 2018 and expire March 31, 2023.

**STATEMENT OF FACT**

City Council Minutes  
March 27, 2018

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A052

March 27, 2018

TITLE                      ORDER                      REAPPOINT MEMBERS TO THE BOARD OF APPEALS OF THE CITY OF BREWER

Filed March 20, 2018  
by Beverly Uhlenhake

ORDERED, that Deborah Turner, 127 Starlight Drive, Barry Twitchell, 50 Alan-A-Dale Road, and Charles D. Fisher, 117 Silk Street are herewith reappointed to the Board of Appeals of the City of Brewer for three year terms; and

ORDERED, that Ms. Turner, Mr. Twitchell, and Mr. Fisher terms will commence April 1, 2018 and expire March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A053

March 27, 2018

TITLE                      ORDER                      REAPPOINT MEMBERS TO THE CONSERVATION COMMISSION OF THE CITY OF BREWER

Filed March 20, 2018  
by Matthew Vachon

ORDERED, that Michele Daniels, 28 School Street and Michael Fitzpatrick, 36 Deer Park Drive, are herewith reappointed to the Conservation Commission of the City of Brewer for a three year term, and;

ORDERED, that Ms. Daniels, and Mr. Fitzpatrick's terms will commence April 1, 2018 and expire March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A054

March 27, 2018

TITLE                      ORDER                      REAPPOINT MEMBER TO THE

City Council Minutes  
March 27, 2018

LIBRARY BOARD OF TRUSTEES OF THE  
CITY OF BREWER

Filed March 20, 2018  
by Kevin O'Connell

ORDERED, that Michele Daniels, 28 School Street, is herewith reappointed to the Library Board of Trustees of the City of Brewer for a three year term, and;

ORDERED, that Ms. Daniels term will commence April 1, 2018 and expire March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A055

March 27, 2018

TITLE	ORDER	APPOINT AND REAPPOINT MEMBERS TO THE PARKS AND RECREATIONAL ADVISORY COMMISSION OF THE CITY OF BREWER
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Filed March 20, 2018  
by Joseph L. Ferris

ORDERED, that Paul Soucy, 59 Broadlawn Drive, is appointed to the Parks and Recreational Advisory Commission of the City of Brewer for a three year term and Thomas Tardiff, 9 Willow Way, is herewith for a three year term; and

FURTHER ORDERED, that Mr. Soucy and Mr. Tardiff's terms will commence on April 1, 2018 and expire March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A056

March 27, 2018

TITLE	ORDER	REAPPOINT MEMBERS TO THE BREWER PLANNING BOARD
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Filed March 20, 2018  
by Beverly Uhlenhake

ORDERED, that James Mullen, 46 Wintergreen Way and Constance Holden, 108 Chamberlain Street, are herewith reappointed to the Brewer Planning Board of the City of Brewer for a three

City Council Minutes  
March 27, 2018

year terms; and

BE IT FURTHER ORDERED, that Mr. Mullen and Ms. Holden's terms will commence April 1, 2018 and expire on March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A057

March 27, 2018

TITLE	ORDER	REAPPOINT MEMBER TO THE BREWER BOARD OF ASSESSMENT REVIEW
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Filed March 20, 2018  
by Matthew Vachon

ORDERED, that Michael Whalen, 271 Chamberlain Street, is herewith reappointed to the Board of Assessment Review of the City of Brewer for a three year terms; and

BE IT FURTHER ORDERED, that Mr. Whalen's term will commence April 1, 2018 and expire on March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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2018-A058

March 27, 2018

TITLE	ORDER	REAPPOINT MEMBER TO THE BREWER CEMETERY BOARD
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Filed March 20, 2018  
by Kevin O'Connell

ORDERED, that Michele Daniels, 28 School Street, is herewith reappointed to the Cemetery Board of the City of Brewer for a three year terms; and

BE IT FURTHER ORDERED that Ms. Daniels term will commence April 1, 2018 and expire on March 31, 2021.

**STATEMENT OF FACT**

This is a yearly order for appointment or reappointment of persons to city boards and commissions with approval by Council.

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City Council Minutes  
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2018-A059

March 27, 2018

TITLE RESOLVE CONFIRM CITY MANAGER'S APPOINTMENTS OF  
CONSTABLES

Filed March 20, 2018  
By Joseph L. Ferris

RESOLVED, that the City Council herewith confirms the City Manager's appointments of the following constables for the City of Brewer for terms of one year each commencing April 1, 2018 and expiring March 31, 2019:

Public Safety Director Jason Moffitt  
Deputy Police Chief Chris Martin  
Captain Anthony Pinette  
Cpl. Levi Sewall  
Cpl. Amy Nickerson  
Cpl. Zachary Caron  
Cpl. Thomas Tardiff  
Sgt. Edward Willey  
Sgt. Paul Gauvin  
Sgt. Nelson Feero  
Sgt. Fred Luce  
Stewart Brooks, Code Enforcement Officer  
Dan Joy, Animal Control Officer

**STATEMENT OF FACT**

This is a yearly order to confirm City Manager's appointment of constables for the City of Brewer.

\*\*\*

2018-A060

March 27, 2018

TITLE: ORDER, APPOINTMENT OF REPUBLICAN ELECTION CLERKS.

filed March 20, 2018  
by Beverly Uhlenhake

ORDERED, that the following Brewer registered voters, having been duly nominated by the Republican City Committee, are herewith appointed as City Election Clerks for a term of two years commencing May 1, 2018 and expiring April 30, 2020.

Name	
Earl Seymour	17 Aspen Way
Cordula Campbell	261 Wiswell Rd.
Nancy Tracy	204 Chamberlain St.
Michael E. Dolley	29 Canterbury Rd.
Martha (Marty) Dolley	29 Canterbury Rd.

# City Council Minutes

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Betsy Migliore	7 Highland St. .
Jennifer A. Phanthay	13 Elm St.
Jane Hinckley	5 Woodridge Rd.
Melanie Eglund	35 Oak Grove Dr.
William T. Rogers	26 Craig Dr.
Pamela Spaulding	41 Madison Ave.
Christine Lamson	105 Washington St.
Barbara Howard	58 Colonial Cir. #309
Kathy Dowling	19 Chambers St.
David Clark	205 Washington St.
Linda Deveau-McNally	12 Short St.
Edward Youngblood	735 No. Main St.
Margaret Youngblood	735 No. Main St.
Charles Don Coppedge	146 Parker St.
Deborah Deane	1 Chamberlain St.

## STATEMENT OF FACT

Election clerks are appointed every two years to work the State and Municipal elections.

\*\*\*

2018-A061

March 27, 2018

TITLE: ORDER, APPOINTMENT OF DEMOCRATIC ELECTION CLERKS.

filed March 20, 2017  
by Matthew Vachon

ORDERED, that the following Brewer registered voters, having been duly nominated by the Democratic City Committee, are herewith appointed as City Election Clerks for a term of two years commencing May 1, 2018 and expiring April 30, 2020.

Name	
Ellen Campbell	117 Chamberlain St.
Anna Butera	1065 No. Main St.
Patricia Gilmore	40 Maid Marion Ln.
Irene Slabyj	43 Robin Hood Dr.
Barbara Patterson	32 Lynn Ave.
Ann Gallant	53 Madison Ave.
Melissa Snow	74 Grove St.
Bertha McAvoy	152 Parkway No.
Denise Fernald	53 Holyoke St.
Lisa Gardner	484 Day Rd.
Michele Powers	16 School St.
Paul Powers	16 School St.
Jackie Haney	115 Silk St.
Mike Haney	115 Silk St.
Hope Eye	332 No. Main St.

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Michaelle Day	387 Eastern Ave.
Bruce Roberts	253 Chamberlain St.
Coralie Giles	341 Parkway So.
Marie Keane	14 Starlight Dr.
Ruth Spellman	58 Hillcrest Dr.
Sandra Cleaves	5 Somerset St., Apt. 301
Margaret Guthrie	11 Patten Ct., Apt. B
Nathan Cutting	21 Grove St.
Kristine Tardiff	1 Chamberlain St.

## STATEMENT OF FACT

Election clerks are appointed every two years to work the State and Municipal elections.

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### F. Unfinished Business

There were no items

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### G. New Business

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

2018-C003

March 27, 2018

TITLE AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, TO ADD SECTION 441 MOBILE FOOD BUSINESSES, AND ARTICLE 14, DEFINITIONS.

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 subsection to Article 4 and adding the following definitions to Article 14:

#### ARTICLE 4 PERFORMANCE STANDARDS

#### 441. MOBILE FOOD BUSINESSES

Mobile food businesses shall include mobile food trailers, mobile food trucks, mobile ice cream vendors, and mobile food pushcarts. See Article 14 of this Land Use Code for definitions.

411.1 All entities desiring to operate a mobile food business within the City shall meet the following requirements:

1. Obtain a license from the City of Brewer. Said license shall include the type of mobile food business, number of mobile units, location and hours of operation. Such license shall be issued by the City Clerk upon certification of the Health Officer, Code Enforcement



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- Officer, Police Chief, and the Fire Chief, or their designees. The fee for said license shall be in accordance with the City of Brewer Schedule of Fees.
2. Must meet local inspections.
  3. All food truck owners/drivers must consent to and pass a background check conducted by the Brewer Police Department and demonstrate proof of vehicle insurance. General liability insurance is required when operating on City property.
  4. Must have all necessary licenses and permits from the State of Maine.
  5. Must meet NFPA adopted standards.
  6. Must supply a written traffic management plan approved by the Brewer Police Chief or his/her designee. This does not apply to mobile ice cream vendors and mobile food pushcarts.
  7. The business must be used by foot traffic and not as a vehicle drive-thru.
  8. Must be located in allowed locations. See 441.2 of this Brewer Land Use Code.
  9. Cannot exceed operating more than 4 hours during any 24 hour period per location without City approval.
  10. The business infrastructure shall not be permanently affixed to the ground.
  11. If located on private property, must have written landowner permission.
  12. Must provide own recycling and trash disposal for the business and patrons.
  13. Outdoor furniture (such as tables and chairs) is permitted with approval and cannot cause safety hazards. Items must also be removed when business is not in operation. Approval of the outdoor furniture shall be by the Code Office when on private land and by the Parks & Recreation Department when on public land.
  14. The area around the business must be maintained in a clean and attractive condition.
  15. All signs shall be physically attached to the unit.
  16. No horns, amplified systems, or other sound-producing devices or music systems which can be heard outside of the truck may be used. This does not apply to mobile ice cream vendors.
  17. No alcohol, tobacco, marijuana, or controlled substances may be sold or given.
  18. No third party advertising may be displayed on any mobile food business.

The above items are required for each license renewal and shall meet the ordinance and/or standards in place at the time of renewal.

441.2 Mobile food businesses are allowed to operate either on public or private land as follows:

1. If located on private property, must be located in the Convenience Business (CB), Downtown Development (DD), or the Office Residential (OR) zoning districts. All equipment, tables, chairs, recycling and trash containers must not be located within the public right-of-way of any road or sidewalk.
2. Mobile food trucks and mobile food trailers are not allowed to operate in the public right-of-way of any accepted City Street with the exception of that portion of Betton Street which is used as a public parking lot. Mobile Ice Cream vendors are allowed to operate in the public right-of-way of City streets.
3. Mobile food businesses are allowed to operate on specific public locations after receiving local license and permit. After receiving a mobile food business license from the City

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Clerk's Office, the applicant may proceed to the Brewer Parks and Recreation Department to request a permit to operate on City property. The Brewer Parks and Recreation Department shall set specific locations along with allowed dates/times and maximum number of mobile food businesses for each site. Permits/approvals to operate on school property shall be obtained through the Brewer School Department.

4. Mobile food trucks and mobile food trailers shall not operate:
  - a. At a location where space for pedestrian passage will be reduced to less than four (4) feet;
  - b. At a location which obstructs access to any entrance to any building of a facility used by the public, including but not limited to doors and emergency exits;
  - c. Within ten (10) feet of any handicap access ramp, pedestrian crosswalk or fire hydrant;
  - d. Within two hundred (200) feet walking distance of a business selling food and/or beverages for on-site consumption without the business's written agreement;
  - e. Within any landscaped areas.

ARTICLE 14 DEFINITIONS

**Mobile Food Business.** A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location.

**Mobile Food Court.** A parcel of land where two (2) or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business, vending cart and seasonal farm stand, located on the same parcel of land shall be considered a mobile food court.

**Mobile Food Trailer.** A mobile food business that serves food or beverages from a non-motorized vehicle that is normally pulled behind a motorized vehicle. The term "mobile food trailer" shall not include vending carts, mobile food trucks, or mobile ice cream vendors.

**Mobile Food Truck.** A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts, mobile food trailers, or mobile ice cream vendors.

**Mobile Ice Cream Vendors.** Individuals selling pre-packaged novelty ice cream from a non-stationary vehicle or mobile pushcart. Open food handling such as, but not limited to, flavored grinding ice and pretzels are not allowed.

**Mobile Food Pushcart.** A portable vending device, pushcart, or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Transportation, used for the displaying, storing, or transporting of food offered for sale by a vendor. Said cart may be up to four (4) feet in width,

# City Council Minutes

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six (6) feet in length, excluding auxiliary items such as handles or fenders, or otherwise the cart shall not occupy space greater than a total of twenty-four (24) square feet.

## Statement of Fact

These ordinance amendments are proposed in order to allow mobile food businesses to operate within the City of Brewer under specific regulations.

The Planning Board held a public hearing on March 5, 2018 and unanimously made the recommendation to adopt these amendments.

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## H. New Items with Leave of Council

**ACTION:** Chairman Goss introduced order 2018-A073 “Award Annual Contract for Resurfacing of City Streets” under suspension of the rules.

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

The Council members voted 5 to 0 unanimous consent to take up order 2018-A073 under suspension of the rules.

2018-A073

March 27, 2018

TITLE            ORDER            AWARD ANNUAL CONTRACT FOR RESURFACING OF CITY STREETS

Filed March 26, 2017

By Kevin O’Connell & Joseph Ferris

WHEREAS; Bids were publicly solicited, 6 bids were received and reviewed for the City’s 2018 Paving Contract;

NOW, THEREFORE, BE IT ORDERED that the City Manager, or his designee, is authorized to execute a contract with Hopkins Landscaping and Paving, the lowest acceptable bidder, in an amount not to exceed \$374,000.00 for the Annual Paving of City Streets; and

BE IT FURTHER ORDERED that charges to this contract shall be to the approved CIP account (0510113-551311) Paving (General)

## Statement of Fact

This order awards the annual contract for paving City Streets. The bid tabulation for the project is attached.

Councilor O’Connell moved that the order have passage. The motion was seconded and passed by unanimous vote.

## I. ADJOURN.

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Chairman Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Uhlenhake moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:10 p.m.

ADJOURNED, ATTEST: \_\_\_\_\_ Ronda J. Hogan

City Clerk

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