

City Council Minutes

March 6, 2018

Regular Meeting
City Hall Council Chambers

Tuesday, March 6, 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. City Manager Bost and City Solicitor Dearborn were also present.

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

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, March 6, 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

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	S. Bost	C.M.	3/5/18	5:00 pm
Matthew Vachon	A.Treadwell	Admin. Asst.	3/2/18	4:15 pm
Beverly Uhlenhake	D.Martin	Off.	3/2/18	15:55
Jerry Goss	D.Martin	Off.	3/2/18	15:43
Kevin O'Connell	A.Treadwell	Admin. Asst.	3/2/18	4:00 pm

City Council Minutes
March 6, 2018

CITY COUNCIL REGULAR MEETING
Tuesday, March 6, 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 February 13, 2018 Regular Meeting** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
 - 1. (2018-B005) RESOLVE Resolution of Respect for Michael Xirinachs (Councilor Ferris)
 - 2. (2018-B006) RESOLVE Resolution of Respect for Vaughn Harris Holyoke (Councilor Goss)
 - 3. PROCLAMATION Science Month in the City of Brewer (Councilor Uhlenhake)
- C. Consent Calendar.**
 - 1. (2018-A014) ORDER Authorize Purchase of a Replacement Truck and Plow for Public Works (Councilor Ferris)
 - 2. (2018-A019) ORDER Accept Donations to the Brewer Public Library for Books and Headphones (Councilor Vachon)
 - 3. (2018-A020) ORDER Accept Donations to the Brewer Public Library for Books (Councilor O'Connell)
 - 4. (2018-A021) ORDER Accept Insurance Refund from Maine Municipal Association (Councilor Uhlenhake)
 - 5. (2018-A023) ORDER Authorize Appropriation of Backup Ambulance Revenue to Cover Backup Ambulance Expense (Councilor O'Connell)
 - 6. (2018-A024) ORDER Authorizing Issuance of the City's General Obligation Bonds to Finance Improvements to the City's Water Pollution Control Facilities, Various Sewer System Repairs and Improvements and Acquisition of a Replacement Flusher Truck, and a Tax Levy Therefor (*Amends, Replaces and Supersedes Order No. 2015-A207*) (Councilor Uhlenhake)
 - 7. (2018-A025) ORDER Authorize Purchase of a Combination Flusher/Vacuum Truck (Councilor Vachon)
- D. Monthly Reports.** (Councilor O'Connell)
- E. Nominations, Appointments, Elections.**
 - 1. (2018-B007) RESOLVE Accept Resignation of Joel A. Dearborn, Sr. as City Solicitor for the City of Brewer (Councilor Ferris)
 - 2. (2018-A022) ORDER Appoint Jonathan A. Pottle as City Solicitor for the City of Brewer (Councilor Uhlenhake)
- F. Unfinished Business.**
- G. New Business.**
- H. New Items with Leave of Council.**
- I. ADJOURN.**

City Council Minutes

March 6, 2018

A. Minutes of February 13, 2018 Regular Meeting

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

B. Awards, Petitions and Public Comments

2018-B005

March 6, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR
MICHAEL XIRINACHS

Filed February 16, 2018
By Joseph L. Ferris

WHEREAS, on the 2nd day of February, 2018, death brought to a close the full and active life of Michael Xirinachs of Brewer; and

WHEREAS, after high school graduation Michael joined the US Coast Guard to fight in WWII, spending two years in the North Atlantic with the Greenland Patrol, the first cutter to cross the Arctic Circle; and

WHEREAS, Michael was assigned to the Lurlene in the South Pacific where he participated in the liberation of the Philippines; and

WHEREAS, on August 2, 1969, he married Susan Lyford, returning to Brewer with their son Keith where Michael worked as the area director for the American Cancer Society, volunteer services director for Bangor Mental Health and later the Eastern Area Agency on Aging; and

WHEREAS, Michael continued to serve his community in his retirement years as a corrections officer for the Penobscot County Sheriff's Department and as a jury officer for the Penobscot County Court; and

WHEREAS, Michael enjoyed swimming, gardening, music and dancing and although he was a N.Y. sports fan, he came to appreciate the Red Sox and Patriots; and

WHEREAS, Michael served on the Brewer Parks & Recreation Committee for over 17 years and was a member of the Brewer Historical Society;

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

City Council Minutes

March 6, 2018

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

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

Councilor Ferris read the resolve into the record and presented the resolution to Mrs. Xirinachs and family.

Councilor Ferris stated that Michael was a very nice man and will be missed.

Councilor O'Connell stated that Michael was always such gentleman, he is an example of a man that is a giving man, and he was a great guy.

Chairman Goss said he could still hear his words "Have you got a minute?" and he would share with Chairman Goss his thoughts and ideas in a very quiet and unassuming manner and Chairman Goss knew where he stood and always respected that at all times.

The resolve was adopted by unanimous vote.

2018-B006

March 6, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR
VAUGHN HARRIS HOLYOKE

Filed February 13, 2018
By Jerry Goss

WHEREAS, on the 7th day of February, 2018, death brought to a close the life well-lived of Vaughn Harris Holyoke, lifelong resident of Brewer; and

WHEREAS, Vaughn was a 1952 graduate of Brewer High School, a graduate of the University of Maine, earned his master's degree from Rutgers University and his doctorate from Pennsylvania State University; and

WHEREAS, Vaughn began his career at the University of Maine in 1958 as a County Agent at Large and remained with the University for 38 years, as well as serving in the Air National Guard from 1956 to 1966; and

WHEREAS, Vaughn married Marjorie McCleary three months after their first date and remained married for more than 57 years, raising three children, Glen, John and Lori; and

WHEREAS, Vaughn volunteered generously, coaching numerous children's sports teams including basketball, little league and eventually cross country; and

City Council Minutes

March 6, 2018

WHEREAS, Vaughn became a runner himself, qualifying for the Boston Marathon both in 1980 and in 1982;

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

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

ACTION: Chairman Goss moved that the resolve be adopted. The motion was seconded.

Chairman Goss read the resolve into the record and presented the resolution to Glen and John Holyoke, Vaughn Holyoke's sons.

Chairman Goss stated that what Vaughn Holyoke represented is how he himself grew up here in the Brewer community; how he was taught to compete, respect the opposing team, to be kind to others. Those values and morals that he was taught and has passed on to his family and they have passed on to their families, it is Brewer tradition and Vaughn was a huge part of that.

Councilor Ferris expressed that he can see Vaughn running up and down Eastern Avenue, he was a good runner, as well as a big advocate of Title 9, and he made sure that the Boards and such he was involved with here in Brewer were aware. He also remembers Vaughn's legacy of helping local farmers. Councilor Ferris stated that Vaughn was a good man and he will be missed.

Councilor O'Connell initiated a round of applause for both gentlemen the Council was honoring tonight stating that they were both examples of what are the best things about the City of Brewer offers.

The resolve was adopted by unanimous vote.

PROCLAMATION

Science Month

WHEREAS, Science generates knowledge that we as individuals and a society greatly benefit from; and

WHEREAS, In the month of March, the City of Bangor hosts the Maine Science Festival, a gathering that brought together over 30,000 Festival goers in the first three years, with participants coming from Fort Kent to Kittery and outside of Maine; and

WHEREAS, The Festival draws scientist and engineers from all over Maine to Bangor to explore, dissect, and celebrate the remarkable science happening right here in Maine; and

City Council Minutes

March 6, 2018

WHEREAS, Brewer students and residents have been going to the Maine Science Festival since the first year, and this year both Brewer JROTC and Brewer Robotics will be presenters during the 2018 festival weekend; and

WHEREAS, Throughout the Festival, workshops, forums, hands-on activities, exhibits, films and talks empower children and adults to engage with science; and

WHEREAS, Due to the contributions of the Festival's sponsors and partners, almost all of the events are free to the public; and

WHEREAS, It is important to recognize the contributions of science to society, inspire people of all ages to pursue scientific study, and highlight the emerging fields in science that are critical to better understanding the world we live in; and

NOW, THEREFORE, I, JERRY W. GOSS, Mayor of the City of Brewer, do hereby proclaim the month of March, two thousand eighteen as

SCIENCE MONTH

IN WHITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Brewer to be imprinted this sixth day of March Two Thousand and Eighteen.

Signed this sixth day of March, 2018

Jerry W. Goss, Mayor

ACTION: Councilor Uhlenhake read the proclamation and said that it would be placed in the minutes of the meeting.

PUBLIC COMMENTS

There were no public comments.

C. Consent Calendar

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

The motion was seconded and passed by unanimous vote.

2018-A014

March 6, 2018

TITLE:

ORDER

AUTHORIZE PURCHASE OF A
REPLACEMENT TRUCK/PLOW FOR PUBLIC
WORKS

Filed February 6, 2018

City Council Minutes

March 6, 2018

By Joseph L. Ferris

WHEREAS, Bids were solicited, received and evaluated for the purchase of a dump truck/snowplow to replace Public Works unit #439, a 2009 Sterling plow truck, which was included in the approved FY18 CIP budget; and

WHEREAS, Freightliner of Maine provided the City with the lowest bid of the three bids received in the amount of \$130,452.00, which includes the trade-in deduction of \$25,000.00 for unit #439;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Freightliner of Maine in the amount of \$130,452.00 for the purchase of a 2019 114SD Freightliner dump truck with plow, wing and sander body; and

BE IF FURTHER ORDERED, that the current unit 439, with a plow and wing, be released and transferred ownership to Freightliner of Maine once the replacement vehicle has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to CIP account 0510133-551368, titled "Sterling Sand/Plow".

Statement of Fact

This purchase will replace one of our oldest and most problematic plow trucks, unit #439. The bid results show a lower slightly lower purchase price if equipped with plow equipment from Viking Cives; however all of our current trucks have Fairfield plow equipment which we are familiar with and have parts in stock for. We wish to stay with the Fairfield plow equipment. This purchase will exceed the approved amount in the FY18 CIP budget by \$452.00.

2018-A019

March 6, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC LIBRARY FOR BOOKS AND HEADPHONES.

Filed February 20, 2018

By Matthew Vachon

WHEREAS, the City of Brewer Public Library received a donation of several new books and eight (8) pairs of new headphones from the Brewer Library Association; and

WHEREAS, the headphones are valued at approximately \$64, and will be used by patrons in the public computer lab and connected to the Library Wi-Fi network, as well as Library staff accessing web-training opportunities, continuing education courses, and online meetings; and

WHEREAS, the books are primarily large print items to supplement that section of the Library collection; and

City Council Minutes

March 6, 2018

WHEREAS, it is the recommendation and request of the Library Director that these items be accepted for immediate use;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts the donation of these books and headphones for use to support the mission and tasks of the Library.

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

STATEMENT OF FACT

This order accepts the donation of eight pair of headphones from the Brewer Library Association to the City of Brewer Public Library, and authorizes the use of these items.

2018-A020

March 6, 2018

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

Filed February 15, 2018
By Kevin O'Connell

WHEREAS, the Brewer Public Library has received contributions totaling \$98.00 from Sharon Van Dyne and Paradis Shop 'n Save of Brewer to supplement and support the purchase of new books for the City of Brewer Public Library; and

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

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$98.00 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.

STATEMENT OF FACT

This order accepts a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support the purchase of new books.

2018-A021

March 6, 2018

TITLE: ORDER, ACCEPT INSURANCE REFUND FROM MAINE MUNICIPAL ASSOCIATION

Filed February 27, 2018
By Beverly Uhlenhake

City Council Minutes

March 6, 2018

WHEREAS, the City has received \$7,921 in dividends from the Maine Municipal Association's Property and Casualty insurance pool in recognition of the fund's and the City's positive performance in 2017; and

WHEREAS, historically, the City has used insurance dividends to help capitalize the insurance deductible reserve, which the City holds to help offset unanticipated insurance deductible payments that may be required from time to time;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$7,921 in property and casualty dividends and directs that they be deposited into the City's Insurance Deductible Reserve account (02000000-320000-62001) and authorizes the expenditure of these funds on unanticipated insurance deductible payments.

Statement of fact

This order accepts \$7,921 in insurance dividends and authorizes their deposit into the City's Insurance Deductible Reserve.

2018-A023

March 6, 2018

TITLE ORDER AUTHORIZE APPROPRIATION OF BACKUP AMBULANCE
REVENUE TO COVER BACKUP AMBULANCE EXPENSE

Filed February 28, 2018
By Kevin O'Connell

WHEREAS, the City's approved FY2018 budget anticipated the elimination of the second ambulance at the Public Safety Building and, therefore, included \$0 revenue and expense for the second ambulance; and

WHEREAS, the City's billing contractor, Meridian Mobile Health, continued after July 1, 2017 to collect amounts owed for second ambulance services provided prior to termination of the contract such that the City has received just over \$23,000 in payments into its Second Ambulance revenue account and paid Capital Ambulance just over \$10,000 for its share of that revenue from the Ambulance Revenue Distribution expense account; and

WHEREAS, collections on the second ambulance have now concluded;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of \$10,365 of the revenue in the Second Ambulance revenue account (0105903-300311) from the Ambulance Revenue Distribution expense account (0115911-501078).

STATEMENT OF FACT

The FY2018 budget did not include any revenue or expense for the backup ambulance since the City terminated that service June 30, 2017. This order adjusts the ambulance expense budget by

City Council Minutes

March 6, 2018

\$10,365 to reflect close out expenses associated with final billing and funds that from the \$23,056 collected after July 1, 2017 for backup ambulance services provided prior to contract termination.

2018-A024

March 6, 2018

TITLE: ORDER, Authorizing Issuance of the City's General Obligation Bonds to Finance Improvements to the City's Water Pollution Control Facilities, Various Sewer System Repairs and Improvements and Acquisition of a Replacement Flusher Truck, and a Tax Levy Therefor (*Amends, Replaces and Supersedes Order No. 2015-A207*)

Filed March 1, 2018
By Beverly Uhlenhake

WHEREAS, the Brewer City Council adopted Order No. 2015-A207 on November 16, 2015, authorizing the issuance of general obligation bonds of the City of Brewer in the amount of \$1,500,000 to finance various water pollution control and sewer system repairs and improvements and a flusher truck (collectively as the "Prior Bond Order" and the "Prior Projects"); and

WHEREAS, the City Council desires to increase the borrowing amount by \$400,000 and to modify the Prior Projects as provided herein, and amend, replace and supersede the Prior Bond Order as set forth below;

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED, that the City Treasurer/ Finance Director and Chair of the City Council be and hereby are, authorized and empowered, in the name of and on behalf of the City, to borrow up to \$1,900,000 from the United States Department of Agriculture – Rural Development, from the Maine Municipal Bond Bank or from such other suitable lender as the City Treasurer/ Finance Director shall determine, or any combination thereof, at one time or from time to time, to finance the projects listed on Attachment A hereto (the "Projects"), and to finance issuance costs with respect thereto; and

BE IT FURTHER ORDERED, that pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, to evidence such loan, there is hereby authorized the issue and sale at one time and from time to time up to One Million Nine Hundred Thousand Dollars (\$1,900,000) aggregate principal amount of the City's general obligation bonds, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to finance a portion of the costs of the Projects; and

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

City Council Minutes

March 6, 2018

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

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

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

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

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

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

BE IT FURTHER ORDERED, that upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first

City Council Minutes

March 6, 2018

exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same; and

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

BE IT FURTHER ORDERED, that the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the City Treasurer/ Finance Director; and

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

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

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

BE IT FURTHER ORDERED, that the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure

City Council Minutes

March 6, 2018

that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met; and

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

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

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

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

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

BE IT FURTHER ORDERED, that if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that

City Council Minutes

March 6, 2018

the remaining authorized but unissued bonds will not be issued in furtherance of the Projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect; and

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

BE IT FURTHER ORDERED, that this Order shall replace, amend and supersede the Prior Bond Order in all respects and such Prior Bond Order shall be of no further force and effect; provided, however, that such Prior Bond Order shall still be and remain effective as a declaration of official intent for purposes of IRS Treasury Regulation §1.150-2.

Statement of Fact

This order revises and replaces order 2015-A207 that authorized \$1.5 million in bond financing for various sewer system and Water Pollution Control Facility capital improvements. This order increases the total amount of borrowing by \$400,000, which will allow the City to purchase a replacement flusher truck that meets the City's specifications and will be most cost effective over the long term. This order also broadens the description of projects on which the funds may be expended to ensure that the City can apply the funding to the sewer system's highest priority needs. Retirement of existing debt will allow the sewer fund to accommodate payment on this additional \$400,000 with little to no impact on sewer rates.

Attachment A

List of Projects - \$1,900,000 Bonds

Various improvements at the Water Pollution Control Facility, including replacement of the main distribution panel, pump station controls and freight elevator controls
Various sewer system repair, replacement and maintenance projects in numerous areas across the City, including but not limited to Oak Grove, Longmeadow Drive, N-S-E-W Streets, Kings Court, Davis Court, Elm/Mill Street, Church Street,

City Council Minutes

March 6, 2018

and South Main Street
Equipment and upgrades to support the sanitary
sewer system, including SCADA controls and a
replacement Combination Flusher / Vacuum Truck
Building improvements and/or construction,
including those needed to accommodate new
flusher truck

2018-A025

March 6, 2018

TITLE: ORDER AUTHORIZE PURCHASE OF A COMBINATION
 FLUSHER/VACUUM TRUCK

Filed March 1, 2018
By Matthew Vachon

WHEREAS, bids were solicited, received and evaluated for the purchase of a combination
flusher/vacuum truck for use on the City's sewer and stormwater systems to replace the City's
Unit #408, and

WHEREAS, the current flusher/vacuum truck was purchased by the City in 1996 and is well past
its useful life expectancy, and

WHEREAS, the City staff spent a significant amount of time completing demonstrations of
equipment prior to developing a bidding package so that features needed to conduct the required
work in the sewer could be defined, and

WHEREAS, the City received three bids for the combination flusher/vacuum truck, and two of
the bid were non-responsive as the bidders could not furnish features required of the detailed
specifications, and

WHEREAS, CN Wood North, Inc. from Westbrook Maine was the only responsive bidder and
submitted a bid of \$389,000 for a Vactor Model 2100 Plus Combination Flusher/Vacuum Truck,

NOW, THEREFORE BE IT ORDERED, that the City Council herewith exercise its authority
under Chapter 36, Section 404 of the Charter, Codes and Ordinances of the City of Brewer in the
purchase of a combination flusher/vacuum truck to replace City's Unit #408, and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign a
purchase order to CN Wood North, Inc. for \$389,000, and

BE IT FURTHER ORDERED, that this purchase shall be charged to Sewer CIP account
0581003-583019 (Vactor combination flusher/vacuum truck) and paid for with funds raised
through a bond issue scheduled for spring 2018.

City Council Minutes

March 6, 2018

FURTHER ORDERED, the City Council hereby declares that, upon receipt of the new truck, the City's 1996 Vactor truck (VIN ending in 23278) shall be surplus and authorizes its disposal in a manner the City Manager or his designee determines is in the best interest of the City.

Statement of Facts:

This order authorizes the purchase of a Vactor combination flusher/vacuum truck for \$389,000 and declares the current 1996 Vactor truck surplus. The City has utilized the existing Vactor combination flusher/vacuum truck for the last 22 years. It was very important to staff that was involved in the demonstration of the equipment and helped create the detailed specifications, that the City purchase a piece of equipment that will serve its citizens for a similar period of time. The budget approved to purchase this equipment was \$400,000; therefore, the bid of \$389,000 is within the allocated budget

D. Monthly Reports

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

E. Nominations, Appointments, Elections

2018-B007

March 6, 2018

TITLE: RESOLVE, ACCEPT RESIGNATION OF JOEL A. DEARBORN, SR. AS CITY SOLICITOR FOR THE CITY OF BREWER

Filed February 13, 2018
By Joseph L. Ferris

WHEREAS, Joel A. Dearborn will officially retire as Brewer City Solicitor on April 1, 2018 after thirty-eight consecutive years of dedicated service; and

WHEREAS, Jody is the youngest of three sons born to Ella and Dr. Arthur Dearborn, and a graduate of Brewer High School, the University of Maine and New England School of Law; and

WHEREAS, Jody interned for Wayne Libhart, Esq. and Joseph L. Ferris, Esq. and joined the practice at 120 North Main Street in 1974 where his office has remained since; and

WHEREAS, Jody married Jackie Foster in 1976 in a ceremony performed by Joseph Ferris and they have raised two sons, Jay and Jonathan, and have been blessed with three grandchildren; and

WHEREAS, Jody has been active in the Brewer Kiwanis, Boy Scouts, and a longtime member of the Holden Town Council; and

City Council Minutes

March 6, 2018

WHEREAS, Jody has served the City of Brewer and it's City Council with distinction for nearly four decades, providing sound guidance and legal counsel to many; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council herewith accepts the resignation effective April 1, 2018 of Joel A. Dearborn as City Solicitor and declares that a vacancy exists for the position of City Solicitor.

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

Councilor Ferris read the resolve into the record.

Councilor Ferris stated that Jody will be dearly missed, that he has done a wonderful job for the City that he has been a colleague, a partner, a close friend and the incoming Solicitor will have big shoes to fill.

Councilor Uhlenhake expressed that Jody has been that voice in our ear as we lead the meeting and it is much appreciated and will be missed, she thanked him for all his help.

Councilor Vachon admired the fact that Jody has 38 years of consecutive service to the City, he only has 37 consecutive years of being alive so it is all very impressive to him. Councilor Vachon thanked Jody for all the help he gives to anyone who is sitting in the Chairman position; it has been much appreciated and will be missed.

Councilor O'Connell offered a challenge coin to Jody and stated that he will miss him dearly; noting how many times he has screwed up and Jody always gets him back on track.

Chairman Goss relayed how much ease he gets from sitting next to Jody during meetings, knowing that if something is off, it will calmly be corrected. He appreciates Jody's professionalism; and wanted to make it well known how much you are appreciated by the City of Brewer. Brewer has been very fortunate.

City Manager Stephen Bost wanted to take an opportunity to thank Jody for his friendship over the years and his legal guidance. He stated that Jody has left an indelible mark on the City, a very positive one. He said that one of the things he will miss the most, other than their friendship, is the vast institutional knowledge Jody has of the City. Steve had done some calculations and estimated that Jody was at his 532nd City Council meeting, half of which, Steve was by his side; Steve noted that Jody has pulled us all through many an issue and has done so with professionalism and that will be missed.

City Council Minutes

March 6, 2018

City Solicitor Jody Dearborn acknowledged and thanked his wife Jackie for marrying him 42 years ago and staying by his side for all these years. He went on to thank the Councilors because they are what makes this City work; the City Manager and Assistant Manager for the outstanding job they do keeping the City on track and the City Staff for being his “go-to” people. Jody ended by welcoming John Pottle and saying he leaves John in good hands.

The resolve was accepted by unanimous vote.

2018-A022

March 6, 2018

TITLE: ORDER, APPOINT JONATHAN A. POTTLE AS CITY SOLICITOR
FOR THE CITY OF BREWER

Filed February 28, 2018
By Beverly Uhlenhake

WHEREAS, Brewer City Solicitor, Joel A. Dearborn, will retire from his position as City Solicitor for the City of Brewer on April 1, 2018; and

WHEREAS, the City Council is charged with the appointment of a successor to fill this vacancy;

NOW THEREFORE BE IT ORDERED, that Jonathan A. Pottle, Esq. is herewith appointed to the position of City Solicitor for the City of Brewer; and

FURTHER ORDERED, that the term commences for the position of City Solicitor effective as of April 1, 2018.

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

Councilor Uhlenhake read the order into the record and welcomed Jonathan Pottle.

City Manager Stephen Bost welcomed Jonathan Pottle to the City of Brewer.

Chairman Goss stated that he was very impressed with Jonathan’s credentials and is excited to have him on board; his one piece of advice was not to try and fill Jody’s shoes, just put on your own shoes and come on in.

The motion passed by unanimous vote.

F. Unfinished Business.

There were no items.

City Council Minutes
March 6, 2018

G. New Business.

There were no items.

H. New Items with Leave of Council.

There were no items.

I. ADJOURN.

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 6:30 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine