

City Council Minutes  
June 5, 2018

Regular Meeting  
City Hall Council Chambers

Tuesday, June 5, 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-absent  
Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Stephen Bost and City Solicitor Jonathan Pottle 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, June 5, 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	Caron	Officer	6/1/18	16:55
Matthew Vachon	A. Treadwell	Admin. Asst.	6/1/18	4:00 pm
Beverly Uhlenhake	Jones	Officer	6/1/18	17:45
Jerry Goss	Caron	Officer	6/1/18	17:46
Kevin O’Connell	Jones	Officer	6/1/18	17:48

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# City Council Minutes

June 5, 2018

## CITY COUNCIL REGULAR MEETING

Tuesday, June 5, 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 May 29, 2018 Special Meeting** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
  - 1. (2018-B013) RESOLVE Resolution of respect for Patrick H. Campbell, Sr. (Councilor Ferris)
  - 2. (2018-B014) RESOLVE Recognize Lou Colburn for 40 years of service with the City of Brewer (Councilor Goss)
  - 3. Public Comments
- C. Consent Calendar.**
  - 1. (2018-B015) RESOLVE Approve City and School budget appropriations for fiscal year 2019. (Councilor O'Connell)
  - 2. (2018-B016) RESOLVE Approve Water Pollution Control Facility budget for fiscal year 2019. (Councilor Uhlenhake)
  - 3. (2018-B017) RESOLVE Approve Water Department budget for fiscal year 2019. (Councilor Ferris)
  - 4. (2018-B018) RESOLVE Approve School budget appropriation for fiscal year 2019. (Councilor Vachon & Ferris)
  - 5. (2018-B019) RESOLVE Approve Regional Vocational High School operating Budget. (Councilor O'Connell & Uhlenhake)
  - 6. (2018-B020) RESOLVE Approve Regional Vocational High School budget on adult education. (Councilor Uhlenhake & Ferris)
  - 7. (2018-A103) ORDER Set tax due date and interest rate. (Councilor Vachon)
  - 8. (2018-A104) ORDER Accept advance payments on FY2020 taxes. (Councilor O'Connell)
  - 9. (2018-A105) ORDER Set FY2019 interest rate for late payment of sewer bills. (Councilor Uhlenhake)
  - 10. (2018-A106) ORDER Set interest rate paid on abatements and overpayments of taxes. (Councilor Ferris)
  - 11. (2018-A107) ORDER Authorize set off against unpaid taxes. (Councilor Vachon)
  - 12. (2018-A108) ORDER Authorize application of interest earnings to reserve fund. (Councilor O'Connell)
  - 13. (2018-A109) ORDER Authorize funding of abatement expense. (Councilor Uhlenhake)
  - 14. (2018-A110) ORDER Accept donations to the Brewer Public Library. (Councilor Ferris)
  - 15. (2018-A111) ORDER Grant approval to Delano G. Merritt d/b/a Cap's Tavern to allow patrons to consume alcohol at a special outdoor event on the establishment's property. (Councilor Vachon)
  - 16. (2018-A112) ORDER Ratify terms of consent decree and judgement between

# City Council Minutes

June 5, 2018

City of Brewer and Brent & Suzanne Trueworthy related to the property at 112 South Main Street. (Councilor O'Connell)

17. (2018-A113) ORDER Authorize settlement terms and use of fund balance to pay tax abatement expense. (Councilor Uhlenhake)
18. (2018-A114) ORDER Amend Code Enforcement fees. (Councilor Ferris)
19. (2018-A115) ORDER Extend contracts for curbside solid waste and curbside recycling services. (Councilor Vachon)
20. (2018-A116) ORDER Authorize the Brewer School Department to expend such other funds that may be received from Federal or State grants or programs. (Councilor O'Connell & Vachon)

**D. Monthly Reports.** (Councilor Uhlenhake)

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

**F. Unfinished Business.**

1. (2018-C004) Amend Chapter 19, Entitled "Traffic Code" of the City of Brewer Charter, Codes and Ordinances, Article 3, Section 315 (Councilor Ferris)

**G. New Business.**

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

**I. ADJOURN.**

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**A. Minutes of May 29, 2018 Special Meeting**

**ACTION:** Councilor O'Connell 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**

2018-B013

June 5, 2018

**TITLE:** RESOLVE, RESOLUTION OF RESPECT FOR PATRICK H. CAMPBELL

Filed May 3, 2018  
By Joseph L. Ferris

WHEREAS, on the 29th day of April 2018, death brought to a close the full and active life of Patrick H. Campbell, Sr. of Brewer; and

WHEREAS, Patrick's strong work ethic started at an early age when he began his career by setting up bowling pins by hand for a penny a string and then learned machine tooling as a young teen; and

WHEREAS, Patrick later became an Aviation Mechanic during WWII aboard the USS Coral Sea and eventually an Aviation Electrician and Combat Aircrewman flying AD5N "Sky Raider" aircraft during the Korean War and Vietnam War; and

City Council Minutes  
June 5, 2018

WHEREAS, Patrick married Roselle Turner on December 26, 1949 becoming a devoted husband and family man; and

WHEREAS, after 20 years of military service, Patrick retired in 1968, returning to Brewer to start Campbell's Vending Service with just 5 coffee machines, growing his company into a well known and respected area business.

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

BE IT 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 Patrick H. Campbell by the citizens and officials of the City of Brewer.

**ACTION:** Councilor Ferris moved that the resolve be postponed since the family involved could not be in attendance. The motion was seconded and passed unanimously.

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2018-B014

June 5, 2018

**TITLE:** RESOLVE, RECOGNIZE LOU COLBURN FOR 40 YEARS OF SERVICE WITH THE CITY OF BREWER.

Filed May 30, 2018  
By Jerry Goss

WHEREAS, May 30, 2018 marked 40 years of dedicated service excellence with the City of Brewer for Lou Colburn; and

WHEREAS, after graduating high school, Lou served 4 years with the U.S. Navy and then completed his Associates Degree in Environmental Services; and

WHEREAS, Lou began his career with the City of Brewer and the Water Pollution Control Facility just 3 years after the plant was built; and

WHEREAS, Lou Colburn has always provided outstanding leadership in the three different positions he has held since 1978, acting as Operations Manager, Lab Manager and Chief Operator; and

WHEREAS, the City of Brewer is extremely fortunate to have Lou as an outstanding example of a model employee, maintaining the delicate balance of professionalism, work ethic, and approachable supervisor.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates, commends, and expresses their extreme pride in the dedicated service that Lou Colburn has provided the City of Brewer for the past 40 years.

City Council Minutes  
June 5, 2018

**ACTION:** Councilor Vachon moved that the resolve be adopted, the motion was seconded.

Chairman Goss read the resolve into the record and presented the resolve to Lou Colburn.

Chairman Goss stated that Lou is an “unsung hero” for the City of Brewer, but tonight the Council would like to “sing his song” because he sees you as a role model and the guy that gets things done on a daily basis as part of the team.

Councilor O’Connell stated that 4 decades takes a lot of dedication and Lou should be proud, as we are proud to have him on the Brewer team.

Councilor Vachon asked if Lou was ready for 40 more years and thank him for everything that he has done and continues to do for the City.

Councilor Ferris thanked Lou for everything Lou does on a regular basis for the City.

City Manager Stephen Bost mentioned that it was very evident what a remarkable person and employee Lou is when at the luncheon/roast the City had for him, there were close to 80 people there who have worked with Lou since the beginning and continue to respect and admire Lou and the work he does.

The resolve was adopted by unanimous vote.

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**PUBLIC COMMENTS**

There were no public comments

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**C. Consent Calendar**

2018-B015

June 5, 2018

**TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION FOR FISCAL YEAR 2019.**

Filed May 29, 2018  
By Kevin O’Connell

BE IT RESOLVED, that the sum of \$16,833,690 which sum constitutes the estimated requirements of the City for the fiscal year 2019 (commencing July 1, 2018 and terminating June 30, 2019) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in

City Council Minutes  
June 5, 2018

addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

**STATEMENT OF FACT**

This annual order authorizes the levy of \$16,833,690 in property taxes in support of the FY 2019 City and School budgets and authorizes expenditures for FY 2019 as outlined in the accompanying schedules. It also approves non-property tax funding to support those expenditures.

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2018-B016

June 5, 2018

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY  
BUDGET FOR FISCAL YEAR 2019.

Filed May 29, 2018  
By Beverly Uhlenhake

BE IT RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2018 through June 30, 2019, as follows:

Total Cash Operating Expenses	\$ 1,945,766
Total Debt Service	\$ 789,412
Total Depreciation	\$ 625,000
Total Other Non-Operating Expenses	\$ <u>0</u>
SUBTOTAL	\$ 3,360,178
Total Capital Improvements	\$ <u>450,000</u>
GRAND TOTAL EXPENDITURES	\$ 3,810,178
Total Operational Revenues	\$ 2,710,590
Total Use of Retained Earnings	\$ 625,000
Other non-operational Revenue	\$ <u>24,588</u>
SUBTOTAL	\$ 3,360,178
Total Capital Funding	\$ <u>450,000</u>
GRAND TOTAL REVENUES	\$ 3,810,178

**STATEMENT OF FACT**

This annual order authorizes the Water Pollution Control Facility expenditures for FY 2019 and approves funding to support those expenditures. The budget maintains the current sewer rate.

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2018-B017

June 5, 2018

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL  
YEAR 2019.

City Council Minutes  
June 5, 2018

Filed May 29, 2018  
By Joseph L. Ferris

BE IT RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2018 through June 30, 2019 as follows:

Total Cash Operating Expenses	\$ 1,534,390
Total Debt Service	\$ 993,438
Total Depreciation	\$ 80,252
Total Other Non-Operating Expenses	\$ <u>9,587</u>
SUBTOTAL	\$ 2,617,667
Total Capital Improvements	\$ <u>1,705,000</u>
GRAND TOTAL EXPENDITURES	\$ 4,322,667
Total Operational Revenues	\$ 2,617,667
Total Use of Retained Earnings	\$ 0
Other non-operational Revenue	\$ <u>0</u>
SUBTOTAL	\$
Total Capital Funding	\$ <u>1,705,000</u>
GRAND TOTAL REVENUES	\$ 4,322,667

**STATEMENT OF FACT**

This annual order authorizes the Water Department expenditures for FY 2019 and approves funding to support those expenditures, including the modest June 1, 2018 increase in metered water rates approved by the Maine Public Utilities Commission on May 15, 2018

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2018-B018

June 5, 2018

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2019.

Filed May 31, 2018  
By Matthew Vachon &  
Joseph L. Ferris

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2019:

1. That \$9,118,079 be authorized to be expended for Regular Instruction.
2. That \$3,956,235 be authorized to be expended for Special Education.
3. That \$0 be authorized to be expended for Career and Technical Education.
4. That \$1,104,854 be authorized to be expended for Other Instruction.

## City Council Minutes

June 5, 2018

5. That \$1,524,500 be authorized to be expended for Student and Staff Support.
6. That \$564,901 be authorized to be expended for System Administration.
7. That \$1,020,669 be authorized to be expended for School Administration.
8. That \$568,500 be authorized to be expended for Transportation and Buses.
9. That \$1,865,752 be authorized to be expended for Facilities Maintenance.
10. That \$2,671,495 be authorized to be expended for Debt Service and Other Commitments.
11. That \$12,368 be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that \$16,975,510 be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$6,128,264 be raised as the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section §15688; and

*Explanation: The school administrative unit's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

BE IT FURTHER RESOLVED, that \$195,077 be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12; and

*Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

BE IT FURTHER RESOLVED, that \$1,345,969 be raised and appropriated in additional local funds for school purposes under Maine Revised Statutes, Title 20-A §15671-A.

The school committee recommends \$1,345,969 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$1,387,886: The Essential Programs and Services funding model does not fully fund a number of educational costs in the school administrative unit such as special education needs, extra and co-curricular costs and local voter approved debt service; and

*Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the (municipality/district) budget for educational programs.*



City Council Minutes  
June 5, 2018

BE IT FURTHER RESOLVED, that the school committee be authorized to expend \$22,407,353 for the fiscal year beginning July 1, 2018 and ending June 30, 2019 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section §15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

<u>Category</u>	<u>Estimated Amounts</u>
Title IA	370,000
Title IIA	50,000
Title IV	30,000
Local Entitlement	400,000
School Lunch Subsidy	225,000

AND BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2018 to June 30, 2019 be approved in the amount of \$2,974,859.  
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2018-B019

June 5, 2018

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL OPERATING BUDGET.

Filed May 31, 2018  
By Kevin O'Connell &  
Beverly Uhlenhake

BE IT RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2018 – June 30, 2019 in the amount of \$2,651,077.

**STATEMENT OF FACT**

The budget for 2017-2018 was \$2,721,957.

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2018-B020

June 5, 2018

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL BUDGET ON ADULT EDUCATION.

City Council Minutes  
June 5, 2018

Filed May 31, 2018  
By Beverly Uhlenhake &  
Joseph L. Ferris

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of \$323,782 for the year July 1, 2018 – June 30, 2019.

**STATEMENT OF FACT**

The budget for 2017-2018 was \$337,182.

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2018-A103

June 5, 2018

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

Filed May 29, 2018  
By Matthew Vachon

BE IT ORDERED, that taxes for the municipal year commencing July 1, 2018 and which shall expire on June 30, 2019 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due  
and payable on or before September 11, 2018

and if the same are not paid on or before September 11, 2018 they shall bear interest at the rate of 8.0% per annum from September 12, 2018 until paid.

B. 1/2 of the total taxes due  
and payable on or before March 12, 2019

and if the same are not paid on or before March 12, 2019 they shall bear interest at the rate of 8.0% per annum from March 13, 2019 until paid.

**STATEMENT OF FACT**

This is an annual order. Brewer taxes are always due on the second Tuesday of September and March. The City uses the maximum rate of interest that can be charged per Title 36, M.R.S.A. Section 505.4. This rate is set annually by the Office of the State Treasurer.

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City Council Minutes  
June 5, 2018

2018-A104

June 5, 2018

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2020 TAXES.

Filed May 29, 2018  
By Kevin O'Connell

BE IT ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2020 taxes which have not been committed or billed.

**STATEMENT OF FACT**

In accordance with Title 36 MRSA §506-A, Municipalities should vote annually on the acceptance of advance payments.

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2018-A105

June 5, 2018

TITLE: ORDER, SET FY2019 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

Filed May 29, 2018  
By Beverly Uhlenhake

BE IT ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at eight percent (8.0%) per annum for Fiscal Year 2019.

**STATEMENT OF FACT**

This is an annual order.

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2018-A106

June 5, 2018

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND OVERPAYMENTS OF TAXES.

Filed May 29, 2018  
By Joseph L. Ferris

BE IT ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2019 shall be paid at the rate of four percent (4.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

**STATEMENT OF FACT**

This is an annual order.

City Council Minutes  
June 5, 2018

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2018-A107

June 5, 2018

TITLE: ORDER, AUTHORIZE SET OFF AGAINST UNPAID TAXES.

Filed May 29, 2018  
By Matthew Vachon

WHEREAS, Title 36, M.R.S.A., Section §905, requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

**STATEMENT OF FACT**

This is an annual order.

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2018-A108

June 5, 2018

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO RESERVE FUND.

Filed May 29, 2018  
By Kevin O'Connell

WHEREAS, in keeping with PUC regulations, the City maintains a dedicated reserve account for the Water fund called the Standpipe Maintenance and Repair Reserve account; and

WHEREAS, this reserve fund earns interest, but this interest has not been taken into account when determining the level of reserve account funding each year.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these interest earnings to supplement the regular annual funding of this reserve account.

**STATEMENT OF FACT**

This is an annual order.

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City Council Minutes  
June 5, 2018

2018-A109

June 5, 2018

TITLE: ORDER, AUTHORIZE FUNDING OF ABATEMENT EXPENSE.

Filed May 29, 2018  
By Beverly Uhlenhake

WHEREAS, state law requires the governing body to specifically authorize the use of overlay funds, even in the case of tax abatements; and

WHEREAS, tax abatements to date total \$6,030;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$6,030 from the tax abatement account (0100100-300004) to be funded by Overlay approved as part of the FY18 budget (0119901-509810).

**STATEMENT OF FACT**

This annual order appropriates overlay dollars to fund expenses associated with FY2018 tax abatements, as required by State law.

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2018-A110

June 5, 2018

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

Filed May 30, 2018  
By Joseph L. Ferris

WHEREAS, the Brewer Public Library has received a contribution of \$100.00 from Gilberto and Patricia Andrei to supplement and support the purchase of new books for the City of Brewer Public Library, in memory of Bertha Williams; and

WHEREAS, it is the recommendation and request of the Library Director that this donation be appropriated and expended as requested by the donors.

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$100.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-502750 (Library Books); and

BE IT FURTHER ORDERED, that the Council authorizes the acceptance of any additional contributions received in memory of Ms. Williams beyond the contribution mentioned above and authorizes their appropriation and expenditure to supplement the Library's book budget in accordance with above.

**STATEMENT OF FACT**

City Council Minutes  
June 5, 2018

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.

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2018-A111

June 5, 2018

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/A  
CAP'S TAVERN TO ALLOW PATRONS TO CONSUME  
ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE  
ESTABLISHMENT'S PROPERTY.

Filed May 30, 2018  
By Matthew Vachon

WHEREAS, Delano G. Merritt d/b/a Cap's Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap's Tavern has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 22, 2018 for an outdoor event from 12:00 noon to 11:00 p.m. with a live band; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Cap's Tavern to consume alcohol in an outdoor area at 494 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council herewith approves Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 11:00 p.m. Sunday, July 22, 2018 for an outdoor event with a live band; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

**STATEMENT OF FACT**

Annual order for requests from Brewer establishments to conduct an outdoor event which needs City Council approval.

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

City Council Minutes  
June 5, 2018

Councilor Ferris stated that he was abstaining from this vote.

The order passed with a 3-0-1 vote.

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2018-A112

June 5, 2018

TITLE: ORDER: RATIFY TERMS OF CONSENT DECREE AND JUDGMENT  
BETWEEN CITY OF BREWER AND BRENT AND SUZANNE  
TRUEWORTHY RELATED TO THE PROPERTY AT 112 SOUTH  
MAIN STREET

Filed May 30, 2018  
By Kevin O'Connell

WHEREAS, multiple tax and sewer liens against the property situated at 112 South Main Street, Brewer, Maine, (Tax Assessor's Map 28, Lot 44) and more specifically described in the Penobscot County Registry of Deeds in Book 11329, Page236 (herein after referred to as the "Property") have automatically foreclosed, and

WHEREAS, per authorization provided in 2015-A158, the City entered a payment agreement with the former owners of the property, Brent and Suzanne Trueworthy, on August 24, 2015; and

WHEREAS, on October 12, 2016, the City served the Trueworthys with a Notice of Default for failure to adhere to the terms of the agreement; and

WHEREAS, to resolve this matter, the City proposed and the Trueworthys agreed to terms written into a Consent Decree and Judgment; and

WHEREAS, the terms of the Consent Decree include acknowledgment that the Trueworthys have lost any right, title and interest they had in the property as well as agreement to pay water and sewer fees due and to vacate the property on or before June 15, 2018; and

WHEREAS, the Court issued an order approving the aforescribed Consent Decree and Judgment.

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby ratifies approval of the terms of the Consent Decree and Judgment (Docket No. BANDC-RE-17-15) and authorizes the City Manager, or his designee, to take any and all steps necessary to enforce the Consent Decree and Judgment.

**STATEMENT OF FACT**

In August 2015, the City entered into a payment agreement with Brent and Suzanne Trueworthy to regain ownership of the property at 112 South Main Street. They did not adhere to the terms of the agreement, and the City has been litigating with them since. To resolve the matter, the City has negotiated terms of a Consent Decree that requires them to pay their water and sewer bills and to vacate the property by June 15, 2018. This order ratifies approval the terms of the Consent Decree and authorizes the City Manager to enforce them.

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City Council Minutes  
June 5, 2018

2018-A113

June 5, 2018

TITLE: ORDER, AUTHORIZE SETTLEMENT TERMS AND USE OF FUND  
BALANCE TO PAY TAX ABATEMENT EXPENSE

Filed May 30, 2018  
By Beverly Uhlenhake

WHEREAS, in FY17, the owner of the property at 55 Baker Boulevard, 395 Bangor Brewer LLC, filed a tax abatement application and subsequent appeal of its assessment that was denied by the City Assessor as well as the City's Board of Assessment Review (BAR); and

WHEREAS, 395 Bangor Brewer LLC appealed the BAR decision to the State Board of Property Tax Review, which ruled in its favor; and

WHEREAS, the City believes the State Board decision was faulty and filed an appeal in Maine Superior Court; and

WHEREAS, given the cost and uncertainty of the appeal process, the parties have agreed to a negotiated value that is between the City's figure and the State Board figure that will apply to its FY17, FY18, and FY19 taxes; and

WHEREAS, the amount of the abatement for FY17 represents \$27,584.34 in taxes and \$28,552.50 in taxes for FY18, plus interest as negotiated to settle this matter (using the interest rate previously determined to be applicable by the Council for overpayments) ; and

WHEREAS, according to the City's Fund Balance policy, one purpose of fund balance is to allow absorption of large unanticipated expenses, such as abatements or lawsuits, without negatively impacting the tax rate in a particular year.

NOW, THEREFORE, BE IT ORDERED, to resolve the pending matter before Maine Superior Court (City of Brewer and Steven Weed v. 395 Bangor Brewer LLC, Docket AP-2018-\_\_\_), the City Council hereby authorizes the terms of the settlement, which sets the assessed value for the property at 55 Baker Boulevard (Tax Map 20, Lot 13) at \$2.2 million for FY17 and \$2.3 million for FY18 and FY19, and authorizes and directs the City Manager to undertake any and all actions necessary or appropriate to effectuate this settlement

BE IT FURTHER ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the appropriation and expenditure of \$13,970.00 from Overlay (0119901-509810) and \$43,358.88 of Unassigned Fund Balance (0109800-300901) for the purpose of paying 395 Bangor Brewer LLC a total of \$57,328.88 for the abatement amounts and related interest due on its FY17 and FY18 taxes.

**STATEMENT OF FACT**



# City Council Minutes

June 5, 2018

After an unfavorable decision by the State Board of Property Tax Review, the City has negotiated a settlement to the assessment appeal brought by 395 Bangor Brewer, LLC over the valuation of its property at 55 Baker Boulevard. As a result, 395 Bangor Brewer, LLC will be granted abatements that represent \$27,584.34 in taxes for FY17 and \$28,552.50 in taxes for FY18. This order authorizes the settlement terms and the use of fund balance to cover the cost of the abatements plus the interest due, and authorizes the City Manager to take any necessary or appropriate actions to effectuate this settlement.

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2018-A114

June 5, 2018

TITLE:           ORDER,           AMEND CODE ENFORCEMENT FEES.

Filed May 30, 2018  
By Joseph L. Ferris

WHEREAS, the Charter, Codes and Ordinances of the City of Brewer allows the City Council to establish fees for City licenses and permits; and

WHEREAS, as part of the FY2019 budget process, the Code Enforcement Department has reviewed its permit fee schedule and determined that it can be amended and still remain competitive with the rates of surrounding cities and towns.

NOW, THEREFORE, BE IT ORDERED, that the following Code Enforcement Department permit fees be amended:

Permit	Current Fee	New Fee
<b>BUILDING PERMITS</b>		
New Construction & Remodel of Existing		
Minimum permit fee	\$45	\$50
Maximum permit fee	\$25,000	\$25,000
Finished Space		
Unfinished Space	\$0.40/sq ft	\$0.50/sq ft
	\$0.20/sq ft	\$0.25/sq ft
<b>ELECTRICAL PERMITS</b>		
Residential		
Temporary Service	\$30	\$40
Change/Upgrade of Service	\$40	\$50
Addition to Existing Wiring	\$30	\$40
New One & Two Family Dwellings	\$60	\$70
New Multi-Family Apartment Bldgs	\$60 for first two units \$30 each unit after	\$70 for first two units \$35 each unit after
Commercial		

City Council Minutes  
June 5, 2018

	two  \$60 plus 1% of cost of job	two  \$70 plus 1% of cost of job
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Permit	Current Fee	New Fee
<b>OIL, GAS &amp; SOLID FUEL PERMITS</b>		
Oil Burner	\$40	\$50
Wood Stove/Pellet Stove	\$40	\$50
Fire Place	\$40	\$50
Vented Space Heaters	\$40	\$50
Chimney	\$40	\$50
<b>MISCELLANEOUS PERMITS</b>		
Business Sign	\$40	\$50
Fences	\$40	\$50
Swimming Pools	\$40	\$50

**STATEMENT OF FACT**

This order amends a number of fees charged by Code Enforcement for certain permits. The last time Code Enforcement changed any of its fees was in 2014. The recommended permit fees are in line with surrounding communities.

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2018-A115

June 5, 2018

TITLE:       ORDER,       EXTEND CONTRACTS FOR CURBSIDE SOLID WASTE AND  
CURBSIDE RECYCLING SERVICES

Filed May 30, 2018  
By Matthew Vachon

WHEREAS, the City's current contracts with Pine Tree Waste Services, Inc. for weekly curbside refuse collection and biweekly curbside recycling collection expire on June 30, 2018; and

WHEREAS, Pine Tree has offered a two-year extension of these contracts that would hold rates level for the first year and provide a 2% adjustment in year two; and

# City Council Minutes

June 5, 2018

WHEREAS, given the transition period we are experiencing regionally with solid waste and internationally with recycling markets, the Finance Director recommends accepting this limited extension offer and pursuing a full bid process in 2019 once the solid waste landscape has settled and the City is more likely to obtain competitive bid proposals.

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to negotiate and execute two-year contract extensions (in substantive form as attached) with Pine Tree Waste, Inc. of Hermon, Maine, to provide curbside refuse and recycling services as may be in the best interests of the residents and taxpayers of the City of Brewer; 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 this purchase of contractor services.

## STATEMENT OF FACT

The City's contracts with Pine Tree Waste Services for curbside collection of trash and recycling expire June 30, 2018. Given the current transition period described in this Order, it is recommended that a two-year extension of the contract be authorized that holds current rates for the first year and provide for a 2% increase in the second year.

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2018-A116

June 5, 2018

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT  
TO EXPEND SUCH OTHER FUNDS THAT MAY BE  
RECEIVED FROM FEDERAL OR STATE GRANTS OR PROGRAMS.

Filed May 31, 2018  
By Kevin O'Connell &  
Matthew Vachon

BE IT ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the 2019 fiscal year for school purposes provided such grants, programs, or other sources do not require the expenditure of other funds not previously appropriated.

**ACTION:** Councilor Ferris removed order 2018-A111 from the consent calendar.

Councilor Vachon moved that the remaining resolves be adopted, and the remaining orders have passage, the motion was seconded. The motion passed by unanimous vote.

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**D. Monthly Reports.**

City Council Minutes  
June 5, 2018

Councilor Vachon moved that the monthly reports be accepted and placed on file, the motion was seconded.

The motion passed unanimously.

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

There were none.

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**F. Unfinished Business.**

2018-C004

May 8, 2018

TITLE: AMEND CHAPTER 19 (TRAFFIC CODE) ARTICLE 3, SECTION 315

Filed April 2, 2018  
By Joseph L. Ferris

BE IT ORDAINED by the Brewer City Council that the Brewer City Traffic Code shall be amended by changing Chapter 19, Article 3, Section 315, Schedule A (90 Minute Parking), deleting Item (2) under the North Main Street heading in its entirety:

~~(2) On the southerly side of North Main Street from Center Street southwesterly to Church Street.~~

BE IT FURTHER ORDAINED by the Brewer City Council that the Brewer City Traffic Code, Chapter 19, Article 3, Section 315, Schedule C (No Parking Anytime) shall be amended by adding the following items 5 & 6 under the North Main Street heading,

(5) On either side of North Main Street from State Street to Betton/Parker Streets.

(6) On the easterly side of North Main Street between Parker Street and Church Street.

**Statement of Fact**

This ordinance amendment deletes parking on the east side of North Main Street from Church to Center Streets to accommodate lane modifications by MDOT associated with improvements to the North Main Street/Betton Street traffic signals which will be completed by the end of June.

**ACTION:** Councilor Ferris moved that the amendment be enacted, the motion was seconded.

The ordinance amendment passed unanimously.

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**G. New Business.**

City Council Minutes

June 5, 2018

There was none.

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

There were none

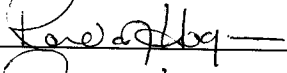
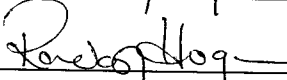
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**I. Adjourn**

Chairman Goss stated that prior to adjourning he would like to reiterate one more time the Council's thanks to the School Committee, the Superintendent and the School Department for a very cooperative job this year on putting the budget together. He also reminded everyone that the Brewer softball and baseball teams are in the playoffs this Thursday afternoon. Councilor Ferris thanked the City Finance Director and City Manager for their work on the budget, he stated it is much appreciated. The City Manager thanked the School Committee and the School Department for working with the City Staff on the budget, he stated that there is a lot of work behind the scenes a lot of sweat equity involved in presenting a budget without a mill rate increase.

Chairman Goss said he would accept a motion for adjournment.

**ACTION:** Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting was adjourned at 6:15 p.m.

ADJOURNED, ATTEST: \_\_\_\_\_  \_\_\_\_\_ Ronda J. Hogan  
City Clerk  
A TRUE COPY, ATTEST: \_\_\_\_\_  \_\_\_\_\_ Brewer, Maine

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