

City Council Minutes
August 14, 2018

Regular Meeting
City Hall Council Chambers

Tuesday, August 14, 2018
4:00 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 Stephen Bost and Acting City Solicitor Andrew Hamilton 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, August 14, 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	R.Freeman	Officer	8/10/18	16:55
Matthew Vachon	A. Treadwell	Admin. Asst.	8/10/18	4:00pm
Beverly Uhlenhake	R. Freeman	Officer	8/10/18	16:45
Jerry Goss	R. Hogan	C.C.	8/10/18	3:30pm
Kevin O’Connell	R. Hogan	C.C.	8/10/18	4:00pm

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CITY COUNCIL REGULAR MEETING
Tuesday, August 14, 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 July 10, 2018 Regular Meeting, July 24, 2018 Emergency Special Meeting and July 31, 2018 Special Meeting.** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
- IV. Public Hearing**
 - 1. Discuss Application Being Submitted to the State of Maine CDBG Program for a Micro-Enterprise Assistance Program
 - 2. Application of Tsunami Hollow, d/b/a Brookside, 554 South Main Street for a State of Maine Class A Lounge (Class X) Liquor License and City of Brewer Amusement License.
- V. Adjourn Public Hearing**
- C. Consent Calendar.**
 - 1. (2018-A131) ORDER Authorize purchase of winter sand (Councilor Ferris)
 - 2. (2018-A132) ORDER Authorize receipt of funds for the pool painting account (Councilor Vachon)
 - 3. (2018-A133) ORDER Amend access, trail and stabilization easement document on the property located at 95 South Main Street, recorded in Book 10570, page 4 of the Penobscot County Registry of Deeds (Councilor O'Connell)
 - 4. (2018-A134) ORDER Tax release deed, map 032, lot 18, 95 Silk Street (Councilor Uhlenhake)
 - 5. (2018-A135) ORDER Tax release deed, map 29, lot 34, 52 Brimmer Street (Councilor Ferris)
 - 6. (2018-A136) ORDER Accept donations to the Brewer Parks and Recreation Department for the fall soccer program (Councilor Vachon)
 - 7. (2018-A137) ORDER Accept donations to the Brewer Parks and Recreation Department for Brewer Days (Councilor O'Connell)
 - 8. (2018-A138) ORDER Issue Amusement License to Tsunami Hollow, d/b/a Brookside, 554 South Main Street (Councilor Ferris)
 - 9. (2018-A139) ORDER Authorize purchase of replacement photocopiers and award of a multiyear service agreement (Councilor Vachon)
 - 10. (2018-A140) ORDER Authorize purchase of a replacement pick up truck for the Water Department (Councilor O'Connell)
 - 11. (2018-A141) ORDER Authorize replacement of one police vehicle for the Brewer Police Department (Councilor Ferris)
 - 12. (2018-B028) RESOLVE Approve State of Maine Class A Lounge (Class X) Liquor License for Tsunami Hollow, d/b/a Brookside, 554 South Main Street (Councilor Uhlenhake)
 - 13. (2018-B029) RESOLVE Accept report from Brewer Police Department regarding enhanced

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school safety measures (Councilor Goss)

D. Monthly Reports. (Councilor Uhlenhake)

E. Nominations, Appointments, Elections.

F. Unfinished Business.

G. New Business

1. (2018-C007) Amend Chapter 19 (Traffic Code), Article 3, Section 315, Schedule F (Accessible Parking), North Main Street, Line Items #1 and #2. (Councilor Ferris)

2. (2018-A142) ORDER Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(A) on a personnel matter (Councilor Vachon)

H. New Items with Leave of Council.

I. ADJOURN.

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A. Minutes

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

B. Awards, Petitions and Public Comments

ACTION: Doug Dividio, 106 State Street spoke to the Council about an idea he has for an energy co-op for the City. Councilor O’Connell shared his thoughts on energy co-op’s in Maine. Chairman Goss welcomed Mr. Dividio to contact the City Manager’s office so that the City Manager and possibly some of his department heads could hear Mr. Divido’s ideas and discuss them further with him.

IV. Recess for Public Hearing

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

The public hearing was call to order by Chairman Goss.

The City Clerk called the roll:

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

Chairman Goss declared all the members were present.

Chairman Goss read the public notice:

Public Hearing Notice
The City of Brewer

The City of Brewer will hold a Public Hearing on August 14, 2018 at 6:00pm, at Brewer City Hall, to discuss acceptance of a Micro-Enterprise Assistance CDBG Grant in the amount of \$50,000. The purpose of the grant is to provide funds for Waltzing Matilda footwear manufacturer. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: Stephen Bost, City Manager at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City’s/City’s programs or services, please call Stephen Bost, City Manager 989-7500 so that accommodations can be made.

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City of Brewer
80 North Main Street
Brewer ME 04412
989-7500

Published in the Bangor Daily News
August 1, 2018

City of Brewer Economic Development Director, D'arcy Main-Boyington gave a quick re-cap on the program and the City's role in it and offered to answer any questions the Council or the public may have.

Councilor O'Connell asked if Waltzing Matilda was staying in their current location.

Councilor Ferris asked if this was similar to the program the City entered into with Tiller & Rye and how it worked out.

Chairman Goss asked if there had been any written comments from the public. The City Clerk said there had been none.

Chairman Goss read the second public notice:

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 14th day of August 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications of:

1. Tsunami Hollow, d/b/a Brookside, 554 South Main Street, Brewer, Maine for a State of Maine Class A Lounge (Class X) liquor license and a City of Brewer Amusement License.

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

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

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Ronda J. Hogan
City Clerk

published August 1st, 2nd, and 3rd
in the Bangor Daily News

Acting City Solicitor Andrew Hamilton made a few procedural comments to the Council.

Brett D. Baber Attorney at Lanham, Blackwell & Baber, 133 Broadway Bangor, introduced himself as the representative for Charlie Gibbs d/b/a Tsunami Hollow, the applicant for a State of Maine Class A Lounge (Class X) liquor license at 554 South Main Street, Brewer. Mr. Baber gave a brief history of Mr. Gibbs and what led him to apply for a liquor license for 554 South Main Street.

Acting City Solicitor recommended that the Council Chair invite questions from the Council so that the Council decision is supported by the record.

Councilor Ferris asked if Attorney Baber was aware that there are unpaid taxes on the property at 554 South Main Street Brewer. Mr. Baber said that those were the prior owner's responsibility.

Acting City Solicitor, on the behalf of the City Council, asked if Mr. Baber was aware that question number 13 on the application submitted to the City by Tsunami Hollow was incomplete. Mr. Baber stated that at the request of the Brewer Police Department he has submitted a complete court transcript of the trial and sentencing from Penobscot County Courthouse dated February of 1985. Mr. Gibbs stated that he also submitted a criminal history report attached to his original application.

Acting City Solicitor questioned why Mr. Gibbs was charged with a Class C crime instead of what is normally a Class D crime, he asked what Mr. Gibbs did in regards to the gun that was in his backpack. Mr. Baber stated that once pulled over by the Brewer police officer, Mr. Gibbs went to retrieve the gun, which frightened the officer and made him act to disarm him. Mr. Baber stated that the struggle for the guy/clip is stated in the transcript.

Acting City Solicitor asked the representative from the Brewer Police Department if there was any objection from the Police Department if the transcripts from the Penobscot County Courthouse could be submitted for the record. The Brewer Police Department had no objection.

Councilor Uhlenhake noted that the felony charge was in 1984 but there have been more offenses stated in your submitted criminal history since that date making her question the applicant's character which is part of the requirements of the Brewer City Ordinances.

Acting City Solicitor asked the applicant to characterize the three time periods of his employment with the former Brookside Bar & Grill. From 2009-2012 Mr. Gibbs was a financial backer only; 2012-Aug 2013 Mr. Gibbs was managing the business and August of 2013 the owner asked him to leave the property and the property was managed by another local couple.

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Acting City Solicitor asked the applicant if he had considered leasing the property instead of running it himself. The applicant stated that he is hoping to run it because he will make more money that way.

Chris Martin, Brewer Deputy Chief of Police, went over materials that he has previously submitted to the City Clerk's office and stated the police departments concerns with the applicant.

Chairman Goss asked the City Clerk if we had received correspondence about the is application. The Clerk stated we had received 2 letters and they were submitted to the Council. Michelle Harmon, Orrington resident with a small business in Brewer read and submitted her concerns to the Council. Crista Jakacky, previous manager of Brookside Bar & Grill, Glenburn resident, read the letter she had submitted to the City Council.

Chairman Goss closed the public hearing.

The City Clerk called the role and all members of the Council were present.

Chairman Goss said the regular meeting would resume at this time.

C. Consent Calendar

ACTION: Councilor Uhlenhake removed order 2018-A138 and resolve 2018-B028 from the consent calendar.

The motion was seconded and passed by unanimous vote.

Based on the findings of the Council, the applicant was convicted of a Class C crime, Councilor O'Connell made a general motion to deny both the applications.

The motion was seconded and passed by unanimous vote.

2018-A131

August 14, 2018

TITLE: ORDER, AUTHORIZE PURCHASE OF WINTER SAND

Filed August 6, 2018

By Joseph L. Ferris

WHEREAS, bids were solicited, received and evaluated for the purchase of approximately 2,500 cubic yards of winter sand per year in FY19 and FY20, and

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WHEREAS, Wellman Paving Inc. of Winterport, ME has provide the City of Brewer with the lowest bid of the four (4) bids received for acceptable winter sand, \$9.00 per yard in FY19 and \$9.18 per yard in FY20;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Wellman Paving Inc., in the amount of \$22,500.00 in FY19 and \$22,950.00 in FY20 for supply and delivery of approximately 2,500 cubic yards of winter sand per year; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to Public Works account 0116671-502540, titled, "Sand Purchases".

Statement of Fact

Our current 2-year contract with Clisham Construction has expired, this contract will meet our need for sand during the next two winter seasons. The 2,500 cubic yards is based on our historical average usage and is used for bidding purposes, the actual amount purchased each year varies.

2018-A132

August 14, 2018

TITLE: ORDER, AUTHORIZE RECEIPT OF FUNDS FOR THE POOL PAINTING ACCOUNT

Filed August 6, 2018

By Matthew Vachon

WHEREAS, the Parks & Recreation Department loaned the City of Calais, eight 5 gallon pails of pool paint and whereas the City of Calais chose to reimburse (via check) the City of Brewer for the paint rather than replace; and

WHEREAS, the Parks & Recreation Department will dedicate all proceeds from the sale of the paint into the Pool Painting Account to purchase more paint;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith authorizes the acceptance and receipt of the \$760 proceeds to account (0107124-300490) Miscellaneous Revenues and authorizes the expenditure of these funds from account (0117131 502590), Pool Painting.

Statement of Fact

This order accepts \$760 in reimbursement from the City of Calais for pool paint that the Brewer Parks and Recreation Department provided them and authorizes its deposit into the Pool Painting Account.

2018-A133

August 14, 2018

TITLE: ORDER, AMEND ACCESS, TRAIL, AND STABILIZATION EASEMENT DOCUMENT ON THE PROPERTY LOCATED AT 95 SOUTH MAIN STREET RECORDED IN BOOK 10570,

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PAGE 4 OF THE PENOBSCOT COUNTY REGISTRY OF
DEEDS.

Filed August 2, 2018
By Kevin O'Connell

WHEREAS, the property located at 95 South Main Street and identified as Brewer tax map 29 lot 107 is currently owned by G.H. Doane, a Maine corporation, with reference to the deed recorded in book 7195, page 245 of the Penobscot County Registry of Deeds; and

WHEREAS, said property is encumbered by an existing easement for access, the Riverwalk Trail, shore stabilization, and a Brewer Public Safety Department boat ramp which is further detailed in the easement deed from G.H. Doane to the City of Brewer, dated June 30, 2006 and recorded in book 10570, page 4 of said Penobscot County Registry of Deeds; and

WHEREAS, said landowner would like to amend said existing easements in order to expand the potential building footprint of the property; and

WHEREAS, the current Brewer Public Safety Director has stated the need for the boat ramp no longer exists and the current City Engineer agrees that the location of the access/trail/stabilization easement could be revised to encumber less land area and serve the same purpose; and

WHEREAS, the said landowner agrees to have that portion of land surveyed and an amended easement deed prepared at their cost.

THEREFORE, BE IT ORDERED, the City of Brewer agrees to amend the said easements located at 95 South Main Street to eliminate the boat ramp rights and access to it from South Main Street and to revise the location of the access/trail/stabilization easement to encumber less land area; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign said amended easement document, and any other necessary documents, on behalf of the City of Brewer and record said executed easement with the Penobscot County Registry of Deeds.

Statement of Fact

This amended easement would revise the existing easements located at 95 South Main Street, tax map 29 lot 107 to eliminate the boat ramp and move the access/trail/stabilization easement line closer to the Penobscot River in order to accommodate proposed development of the property. This revision will require MDOT concurrence per the Terms & Conditions of the 2003 Municipal/State Agreement for the Shore Stabilization Project.

ACTION: Councilor Uhlenhake removed order 2018-A133 from the consent calendar.

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Councilor O'Connell moved that the order have passage. The motion was seconded.

Councilor Ferris and Councilor Uhlenhake abstained from voting on this order.

The order passed with a vote of 3-0-2.

2018-A134

August 14, 2018

TITLE: ORDER, TAX RELEASE DEED, MAP 032, LOT 18, 95 SILK STREET

Filed July 25, 2018
By Beverly Uhlenhake

BE IT ORDERED THAT a municipal Release Deed be issued to **ALEX N. SMALL AND ANDREA SMALL** releasing to them all interest that the City of Brewer may have acquired by virtue of tax and /or sewer liens on their property; and

BE IT FURTHER ORDERED that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact

A total of \$1875.55 was collected, \$1,565.67 in principal, along with \$140.84 in interest and \$169.04 in costs.

2018-A135

August 14, 2018

TITLE: ORDER, TAX RELEASE DEED, MAP 29, LOT 34, 52 BRIMMER STREET

Filed July 25, 2018
By Joseph L. Ferris

BE IT ORDERED THAT a municipal Release Deed be issued to **William Bradford Koch JR. successor of Steven D. and Kelly K. Stratton**, of Brewer, County of releasing to him all interest that the City of Brewer may have acquired by virtue of tax liens on their property; and

BE IT FURTHER ORDERED that the City Manager be herewith authorized to execute this Release Deed on behalf of the City of Brewer.

Statement of Fact

A total of \$7920.58 was collected, \$6860.65 in principal, along with \$763.39 in interest and \$296.54 in costs.

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2018-A136

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TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS
AND RECREATION DEPARTMENT FOR THE FALL
SOCCER PROGRAM

Filed July 25, 2018
By Matthew Vachon

WHEREAS, the Brewer Parks & Recreation Department has received donations of \$100.00 from Mann Hill Garage, LLC d/b/a Quality Tire & Service Center and \$200.00 from Glidden Auto Body, Inc. for support of the Fall Soccer Program; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donors that these donations be appropriated and expended to supplement the Fall Soccer Program;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to account 0107123-300328; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from account 0117121-506130 (Fall/Program League).

Statement of Fact

This order accepts a contribution to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Fall Soccer Program.

2018-A137

August 14, 2018

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

Filed July 25, 2018
By Kevin O'Connell

WHEREAS, the Brewer Parks & Recreation Department has received donations of \$500.00 from Brewer Center for Health & Rehabilitation, \$500.00 from Marden's Inc. and \$500.00 from Machias Savings Bank for support of Brewer Days; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donors that these donations be appropriated and expended to supplement the Brewer Days;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council

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herewith accepts this donation and directs that the donation be receipted to account 0200000-320000-71002; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from account 0200000-520000-71002 (Brewer Days Expense).

Statement of Fact

This order accepts contributions to the City of Brewer Parks & Recreation Department and authorizes the expenditure of this contribution to support the Brewer Days event.

2018-A138

August 14, 2018

TITLE: ORDER, ISSUE AMUSEMENT LICENSE TO TSUNAMI HOLLOW, D/B/A
BROOKSIDE, 554 SOUTH MAIN STREET

Filed August 3, 2018
By Joseph L. Ferris

WHEREAS, Tsunami Hollow, d/b/a Brookside, application for a City of Brewer Amusement License for Brookside, 554 South Main Street, has been received by the City Clerk; and

WHEREAS, the City Council held a public hearing on this application on August 14, 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

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- 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 Tsunami Hollow d/b/a Brookside, 554 South Main Street, for the City's licensing year commencing May 1, 2018 and expiring May 6, 2019.

ACTION: Councilor Ferris made a motion to deny order 2018-A138.

The motion was seconded and passed unanimously.

2018-A139

August 14, 2018

**TITLE: ORDER, AUTHORIZE PURCHASE OF REPLACEMENT
PHOTOCOPIERS AND AWARD OF A MULTIYEAR SERVICE
AGREEMENT**

Filed August 8, 2018
By Matthew Vachon

WHEREAS, bids were solicited, received and evaluated for the purchase of replacement photocopiers for various locations across the City as well as a 5-year contract to provide service to these copiers as was included in the FY19 approved City and Sewer Capital Improvement Programs, and

WHEREAS, the City's current copiers are all approaching 10 years old and experiencing increased maintenance issues, and

WHEREAS, the City received four bids with the lowest responsive bid coming from Bangor Computer Copy of Hermon, Maine, a dealer for Kyocera Document Solutions of New England;

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NOW, THEREFORE BE IT ORDERED, that the City Council herewith authorizes the purchase of five multifunction print/scan/photocopy machines from Bangor Computer Copy / Kyocera Document Solutions of New England and the award of a 5-year service contract, and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to approve a purchase order for an amount not to exceed \$21,000 as well as to enter into a 5-year maintenance and service agreement with the company for the new copiers, and

BE IT FURTHER ORDERED, that four of the copiers shall be charged to City CIP account 0510130-551022 (Copiers) and the fifth copier to Sewer account 0817702-503000 (Minor Equipment) and paid for with funds approved as part of the FY2019 budget.

FURTHER ORDERED, the City Council hereby declares that the existing copiers shall be deemed surplus and authorizes their 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 five photocopiers from Bangor Computer Copy of Hermon, Maine, which was the lowest responsive bidder, to replace ones approaching 10 years old in various City offices as included in the approved in the FY2019 budget. It also authorizes the execution of a 5-year service and maintenance contract for the copiers.

2018-A140

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TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT PICKUP TRUCK FOR WATER DEPARTMENT

Filed August 8, 2018

Kevin O'Connell

WHEREAS, Bids were solicited, received and evaluated for the purchase of a pickup truck to replace Water Department unit #753 a 2003 Chevy ½ ton regular cab; and

WHEREAS, Quirk Ford of Augusta provided the City with the lowest of the three (3) bids received in the amount of \$30,462.00;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Quirk Ford of Augusta in the amount of \$30,462.00 for the purchase of a 2018, ½ ton 4WD S/C Ford pickup truck, \$28,873.00 for the truck and \$1,589.00 for the extended warranty; and

BE IF FURTHER ORDERED, that the funds for this purchase be charged to the FY19 CIP account # 0571003-573039 titled "Unit 753 Ozone plant truck 4wd 1/2 ton", approved in the FY19 CIP budget.

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BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of the 2003 ½ ton Chevy unit #753 by means that would be in the best interest of the City of Brewer; and

BE IT FURTHER ORDERED, that any funds received from the sale or disposal of the above-mentioned items be receipted to the Water Department Sale of Asset account (0700006-300410) and used to augment the Water Department's general capital reserve account (0700000-110805).

Statement of Fact

The replacement of truck #753 was approved in the FY19 CIP budget; this order authorizes the purchase of the replacement truck. This order also allows us to sell the current truck and place any proceeds into the capital account.

2018-A141

August 14, 2018

TITLE: ORDER, AUTHORIZE THE PURCHASE OF ONE REPLACEMENT VEHICLE
FOR THE BREWER POLICE DEPARTMENT

Filed July 30, 2018
By Joseph L. Ferris

WHEREAS, the FY19 approved Capital Improvement Program included funding for replacement of one Police vehicle for primary patrol use; and

WHEREAS, bids were solicited for one new vehicle to be placed in service and the best option bid was received from Darling's Ford in Bangor; and

WHEREAS, this vehicle is currently in stock and available for purchase from Darling's Ford eliminating the normal twelve weeks ordering and delivery estimated time from the other vendors; and

WHEREAS, the bids consisted of one 2018 Ford Utility Police Interceptor AWD with a lighting and siren package, at a cost of \$31,779, with a trade in allowance for a 2013 Chevy Tahoe Police Pursuit Vehicle valued at \$9,000, for a total purchase price for the new patrol vehicle of \$22,779; and

WHEREAS, the bid prices do not include the cost to equip the vehicles.

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorized the City Manager or his designee to sign a purchase order with Darling's Ford of Bangor for the amount of its bid price and authorizes the appropriation and expenditure of this amount from capital account 0510132-511200 (Police Vehicles) to fund the purchase of the vehicle described above; and

BE IT FURTHER ORDERED, that the City Council hereby authorized the appropriation and expenditure from CIP account 0510132-511200 (Police Vehicles) the funding necessary to cover the cost of painting and equipping the patrol vehicle (estimated to be approximately \$17,122). However, such expenditures shall not exceed funding available as approved in the FY19 CIP; and

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FURTHER ORDERED, the City Council hereby declares the Police Department's 2013 Chevy Tahoe Police Pursuit Vehicle (VIN#1GNLC2E02DR271661) surplus and authorizes the City Manager or his designee to dispose of the vehicle by allowing for trade in to offset the purchase price of the new Police vehicle; and

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 goods and supplies for this project.

Statement of Fact

Bids for the patrol vehicle were solicited from 3 vendors: Darling's Ford (\$22,779 w/ trade in); Varney GMC (\$24,707 w/ trade in); and Quirk Auto Group (\$25,638 w/ trade in). Bids consisted of vehicles that needed to be ordered and manufactured with an estimated twelve-week delivery time and vehicles that were currently in stock.

2018-B028

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TITLE: RESOLVE, APPROVE STATE OF MAINE CLASS A LOUNGE (CLASS X)
LIQUOR LICENSE TO TSUNAMI HOLLOW, D/B/A/ BROOKSIDE,
554 SOUTH MAIN STREET.

Filed August 3, 2018

By Beverly Uhlenhake

WHEREAS, Tsunami Hollow, d/b/a Brookside, 554 South Main Street has applied to the State of Maine, Bureau of Liquor Enforcement, for a Class A Lounge, (Class X) liquor license; and

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

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

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

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- 6) A determination by the municipal officers or county commissioners that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Tsunami Hollow, d/b/a Brookside, 554 South Main Street, for a State of Maine, Bureau of Liquor Enforcement, Class A Lounge, (Class X) liquor license.

ACTION: Councilor Uhlenhake made a motion to deny resolve 2018-B028.

The motion was seconded and passed unanimously.

2018-B029

August 14, 2018

TITLE: RESOLVE, ACCEPT REPORT FROM BREWER POLICE DEPARTMENT
REGARDING ENHANCED SCHOOL SAFETY MEASURES

Filed August 9, 2018
By Jerry Goss

WHEREAS, the Brewer Police Department has conducted a comprehensive analysis of safety and security needs for the City of Brewer and Brewer Public Schools; and

WHEREAS, the Brewer Police Department has submitted these findings and recommendations to the City Manager and City Council for review and consideration; and

WHEREAS, the Brewer Police Department has submitted these findings and recommendations to the School Superintendent and School Committee for review and consideration; and

WHEREAS, the City of Brewer and the Brewer School Department are committed to the safety and security of our schools.

NOW, THEREFORE BE IT RESOLVED, that the City Council accepts this report and recommendations made and supports the ongoing implementation of these recommendations for improved safety and security.

Statement of Fact

This order supports the Brewer Police Department's efforts and plans for improved safety and security for the City of Brewer and the Brewer School Department.

ACTION: Councilor Vachon moved that the remaining orders have passage and the resolve be adopted.

The motion was seconded and passed by unanimous vote.

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D. Monthly Reports

ACTION: Councilor Uhlenhake moved that the monthly reports be accepted and placed on file.

The motion was seconded and passed unanimously.

E. Nominations, Appointments, Elections

ACTION: There were no nominations, appointments or elections.

F. Unfinished Business

ACTION: There was no unfinished business.

G. New Business

ACTION: Councilor Ferris moved that the amendment be certified and filed with the City Clerk for posting.

The motion was seconded and passed unanimously.

2018-C007

August 14, 2018

TITLE: AMEND CHAPTER 19 (TRAFFIC CODE), ARTICLE 3, SECTION 315, SCHEDULE F (ACCESSIBLE PARKING), NORTH MAIN STREET, LINE ITEMS #1 AND #2

Filed July 18, 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 F, NORTH MAIN STREET, by removing in their entirety line items 1 & 2 and replacing them with new line item #1:

(1) One parking space adjacent to the property at 98 North Main street.

Statement of Fact

This ordinance change addresses two accessible parking spaces that are in sections of North Main Street where parking is no longer allowed at any time. It also adds a new accessible parking space, per a new business owner's request, in front of 98 North Main Street, formerly Dave's Barber Shop.

ACTION: Councilor Vachon moved that the order have passage.

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The motion was seconded and passed by unanimous vote.

Chairman Goss said the meeting would resume after the executive session.

The City Clerk called the role:

Councilor Vachon – present

Councilor O’Connell – present

Chairman Goss - present

Councilor Ferris – present

Councilor Uhlenhake – present

2018-A142

August 14, 2018

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO
TITLE 1, M.R.S.A. §405(6)(A) ON A PERSONNEL MATTER

Filed August 1, 2018

By Matthew Vachon

ORDERED that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, §405(6)(A) on a personnel matter.

The regular meeting was called back to order by Chairman Goss.

The City Clerk called the role:

Councilor Vachon – present

Councilor O’Connell – present

Chairman Goss – present

Councilor Ferris – present

Councilor Uhlenhake – present

H. New Items with Leave of Council.

ACTION: Councilor Vachon moved that the order have passage.

The motion was seconded. City Manager, Stephen Bost, amended the date on order 2018-A143 from June 30, 2022 to June 30, 2021.

Councilor Vachon moved that the order as amended have passage. The motion was seconded and passed unanimously.

2018-A143

August 14, 2018

TITLE: ORDER, EXTEND THE CITY MANAGER’S EMPLOYMENT
CONTRACT.

Filed August 1, 2018

By Matthew Vachon & Jerry

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Goss

WHEREAS, the City Council has done a performance evaluation of the City Manager, Stephen M. Bost; and

WHEREAS, the City Council believes it is in the best interest of the citizens, businesses, employees and staff of the City of Brewer to extend the term of the City Manager's employment contract;

NOW THEREFORE, BE IT ORDERED, that Section 2(A) of the Employment Contract of the City Manager, Stephen M. Bost, is amended to provide for an expiration date of June 30, 2021, and in all other respects the Employment Contract will remain in full force and effect.

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 7:45 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan
City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine