

City Council Minutes
July 8, 2014

Regular Meeting
City Hall Council Chambers

Tuesday, July 8, 2014
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Vachon	-	present
Councilor Uhlenhake	-	present	Chairman Goss	-	present
Councilor O'Connell	-	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, July 8, 2014 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/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or 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	Z. Caron	Ptl.	07/03/14	1256
Matthew Vachon	Z. Caron	Ptl.	07/03/14	1318
Beverly Uhlenhake	P. Ryan	CC	07/08/14	1420
Jerry Goss	Z. Caron	Ptl.	07/03/14	1241
Kevin O'Connell	Z. Caron	Ptl.	07/03/14	1304

CITY COUNCIL REGULAR MEETING
Tuesday, July 8, 2014 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 June 3, 2014 Regular Meeting.** (Councilor Vachon)
- B. Awards, Petitions, Public Comments.**
 - 1. (2014-B035) RESOLVE, Recognize Coach Dave Jeffrey for Induction Into the Maine Principals' Association Hall of Excellence. (Mayor Goss)
 - 2. (2014-B036) RESOLVE, Recognize Marc Inman for his Many Years of Dedicated Service to the City of Brewer Serving as a Member the Brewer Planning Board. (Councilor O'Connell)
 - 3. (2014-B037) RESOLVE, Recognize Companies and Volunteers for their Contributions to the 2014 Stream Cleanup Program. (Councilor Vachon)
 - 4. Public Comments.
- C. Consent Calendar.**
 - 1. (2014-A095) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Ferris)
 - 2. (2014-A096) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Uhlenhake)
 - 3. (2014-A097) ORDER, Issue Release Deed to John E. Mackin, Sr., Mary E. Mackin, Jody E. Mackin and Carla M. Mackin for Property Located at 15 Sargent Drive, (Tax Map 39, Lot 26). (Councilor O'Connell)
 - 4. (2014-A098) ORDER, Accept a Permanent Easement from the Maine Department of Transportation for a Water Line Adjacent to Green Point Road. (Councilor Vachon)
 - 5. (2014-A099) ORDER, Authorize the Purchase of Variable Frequency Drives for the Hardy Street Pump Station. (Councilor Ferris)
 - 6. (2014-A100) ORDER, Accept Donations of Books and Materials and Authorize Sale of Surplus Books and Materials. (Councilor Uhlenhake)
 - 7. (2014-A101) ORDER, Accept Donation to the Brewer Public Library. (Councilor O'Connell)

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8. (2014-A102) ORDER, Accept Land and Water Conservation Grant.
(Councilor Vachon)
9. (2014-A103) ORDER, Accept Donations to the Brewer Parks and
Recreation Department for the Annual
Brewer Days Celebration. (Councilor Ferris)
10. (2014-A104) ORDER, Authorize Appropriation of Funds for the Sewer
Enterprise Account Wellness Program.
(Councilor Uhlenhake)
11. (2014-A105) ORDER, Authorize Appropriation of Funds for the Water
Enterprise Account Wellness Program.
(Councilor O'Connell)
12. (2014-A106) ORDER, Authorizing Issuance of the City's General
Obligation Bonds to Finance Various Municipal
Transportation, Infrastructure and Miscellaneous
Capital Improvement and Equipment Projects and
a Tax Levy Therefor. (Councilor Vachon)
13. (2014-A107) ORDER, Authorize Amendment to Agreement with Jeff
Brawn and Lance Pinkham for Payment of Tax
Liens, Sewer Liens, and Current and Future Taxes
and Sewer on 34 Jefferson Street.
(Councilor Ferris)
14. (2014-A108) ORDER, Authorize Write-off of Uncollectible Sewer and Tax
Balances. (Councilor Uhlenhake)
15. (2014-A109) ORDER, Authorize Natural Gas Contract for the Public
Safety Building. (Councilor O'Connell)
16. (2014-A110) ORDER, Authorize Abatement and Write-off of Taxes
Incorrectly Assessed. (Councilor Vachon)
17. (2014-A111) ORDER, Authorize Contract for Public Works Facility
Energy Upgrade. (Councilor Uhlenhake)

D. Monthly Reports. (Councilor Ferris)

E. Nominations, Appointments, Elections.

1. (2014-A112) ORDER, Reappoint Animal Control Officer.
(Councilor O'Connell)
2. (2014-B038) RESOLVE, Accept Resignation of Robert Zani as a
Regular Member of the Brewer Planning Board.
(Councilor Vachon)
3. (2014-B039) RESOLVE, Accept Resignation of March Inman as a
Regular Member of the Brewer Planning Board.
(Councilor Ferris)
4. (2014-B040) RESOLVE, Accept Resignation of Thomas McGary as an
Associate Member of the Planning Board of
the City of Brewer. (Councilor Uhlenhake)
5. (2014-B041) RESOLVE, Accept Resignation of Lionel El-Hajj, II as an
Associate Member of the Planning Board of
the City of Brewer. (Councilor O'Connell)

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6. (2014-A113) ORDER, Appoint Regular Members and Associate Members to the Brewer Planning Board to Fill Vacancies. (Councilors Vachon and O'Connell)
7. (2014-B042) RESOLVE, Declare Results of the June 10, 2014 City of Brewer School Budget Approval Election and State of Maine Primary Election. (Councilor Ferris)

F. Unfinished Business.

1. (2014-C010) Amend Chapter 1 (The City Council), Article 3, Rules of Order, Section 330, Meetings, Subsection 330.8 by Adding Consent Calendar to Items F and G of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris) (posted 6/4/14)
2. (2014-C011) Amend Chapter 2 (The City Manager), Section 102, Powers and Duties of the City of Brewer Charter, Codes and Ordinances. (Councilor O'Connell)(posted 6/4/14)
3. (2014-C012) Amend Chapter 3 (The City Clerk), Section 101, Establishment of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)(posted 6/4/14)
4. (2014-C013) Amend Chapter 5 (Assessor), Article 1, The Assessor, Section 101, Establishment of the City of Brewer Charter, Codes and Ordinances. (Councilor Uhlenhake)(posted 6/4/14)

G. New Business.

1. (2014-A114) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. § 405(6)(A) on a Personnel Matter (City Manager's Annual Evaluation). (Councilor Uhlenhake)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of June 3, 2014 Regular Meeting.

ACTION: Councilor Vachon 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.

2014-B035

July 8, 2014

**TITLE: RESOLVE, RECOGNIZE COACH DAVE JEFFREY FOR
INDUCTION INTO THE MAINE PRINCIPALS'
ASSOCIATION HALL OF EXCELLENCE.**

filed July 1, 2014
by Jerry Goss

WHEREAS, Dave Jeffrey is a graduate of Brewer High School and the University of Maine; and

WHEREAS, Dave returned to his high school alma mater as a special education teacher, a position which he still holds; and

WHEREAS, Dave has coached indoor and outdoor track for 24 years, winning eight state championships, 23 Eastern Maine titles and numerous conference crowns. He has earned track and field coach of the year on seven occasions and as Meet Director of the Eastern Maine cross country championship races for nearly thirty years; and

WHEREAS, Dave was the driving force behind Brewer Timing Services, a company that provides fully automatic timing using state-of-the-art technology at state and regional cross country and indoor and outdoor track meets; and

WHEREAS, Dave Jeffrey is among the first ten inductees who will be named to the Brewer High School's Athletic Hall of Fame;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer, herewith congratulates Dave Jeffrey on his many accomplishments in teaching and athletics and his positive contributions to the image and reputation of the great City of Brewer.

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

Councilor Ferris read the resolve into the record. He said that Coach Jeffrey's record spoke for itself.

Mayor Goss said he was not surprised that Coach Jeffrey was not present. He said he tends to shy away from public recognition for his achievements.

The resolve was adopted by unanimous vote.

2014-B036

July 8, 2014

TITLE: RESOLVE, RECOGNIZE MARC INMAN FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE CITY OF BREWER SERVING AS A MEMBER OF THE BREWER PLANNING BOARD.

filed July 1, 2014
by Kevin O'Connell

WHEREAS, Brewer citizen Marc Inman has tendered his resignation from the Brewer Planning Board effective June 20, 2014; and

WHEREAS, Marc was appointed an associate Planning Board member effective April 1, 2006 and became a full member on April 1, 2009; and

WHEREAS, Marc voluntarily served over eight years on the Board reviewing projects, evaluating proposed ordinance amendments, and attending regular monthly meetings, site visits, workshops, and special meetings; and

WHEREAS, the Planning Department and the Planning Board will miss Marc's vast knowledge and sense of humor, along with his knack of keeping the meetings moving forward with his timely motions and seconds; and

WHEREAS, Marc has also volunteered his time to the Brewer community by serving on other boards and committees such as the Penobscot Landing Advisory Committee and many youth athletic boards and as a coach; and

WHEREAS, Marc's love for and commitment to the City of Brewer, has spurred his desire to make it a better place to live;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognizes and commends Marc Inman for outstanding and dedicated service to the Citizens of Brewer.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record while presenting it to Marc.

Councilor O'Connell said that the planning board ties directly to the community development of the City so good members are important on the board.

Marc said that he was sad to be leaving the City of Brewer as he loves it very much but will always be available if needed.

Alan Campbell, Chairman of the Planning Board, said that Marc will be very much missed. His input and knowledge were an important part of planning board meetings. He said that the entire board wanted to thoroughly, thoroughly thank him for his service.

Mayor Goss said that Marc didn't want a pat on the back either but he was going to get one anyway. He said that the Town of Hampden will be fortunate to have him but understands that family does come first.

The resolve was adopted by unanimous vote.

2014-B037

July 8, 2014

**TITLE: RESOLVE, RECOGNIZE COMPANIES AND VOLUNTEERS
FOR THEIR CONTRIBUTIONS TO THE 2014
STREAM CLEANUP PROGRAM.**

filed July 1, 2014
by Matthew Vachon

WHEREAS, the City of Brewer held its 10th Annual Stream Cleanup Event on May 10, 2014; and

WHEREAS, the City's Stream Cleanup Committee, with the help of 210 volunteers from all over the State, conducted a very successful stream cleanup program resulting in 3.8 tons of trash being collected and disposed of at PERC and recycled at the Brewer Landfill; and

WHEREAS, the stream cleanup program was completed at no cost to the Brewer taxpayer as a result of donations of valuable time, supplies and funds from local businesses and volunteers;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends the Stream Cleanup Committee, the volunteers and all the local businesses that contributed to the phenomenal success of the 2014 stream cleanup program.

Donations:

Dunkin Donuts	Canoe Creek
Jeff's Catering	ZEE Medical
Olver Associates	NES/NIS
United Rental	Brewer FCU
EBS	Playland Adventures
Bangor FCU	Rand and Rand Dentistry
Randy Spain	Team Properties, LLC
Nickerson O'Day	Lou Silver

Volunteers:

Scout Pack 11	Rainbow Girls
Cub Scout Pack 44	Geocaching of Maine
Girl Scout Troop 1167	Brewer Fire
Scout Troop I	Penobscot Job Corps
Girl Scout Troop 911	Larry Doughty
Kevin O'Connell	Dunkin Donuts
CES	Gabby Cyr
Tim & Grace Brochu	Ellen Fisher

Southworth Milton CES
EJ Prescott Nichols Plumbing
Vacationland Inn

US Cellular of Brewer
Stream Cleanup Committee
Public Works Department

2014 Stream Cleanup Donation List

Dunkin Donut- Coffee, Hot Chocolate and Donuts
Jeff's Catering- Meal for 200 volunteers a \$2,000 value
CES- \$500.00
United Rental- Message Boards a \$560.00 value
Olver Associates- \$250.00
Canoe Creek, LLC- \$250.00
Playland Adventures- \$250.00
Rand and rand Dentistry- \$250.00
EJ Prescott- \$250.00
Nichols Plumbing- \$250.00
Vacationland Inn- \$250.00
Twin City Tire- \$250.00
EBS- Water, Gloves and Trash Bags a \$250.00 value
Lowe's- Water, Gloves and Trash Bags a \$250 value
ZEE Medical- 4 Dozen Gloves a \$250.00 value
NES/NIS- \$250.00
Brewer Federal Credit Union- \$250.00
Machias Savings Bank- \$250.00
Randy Spain- \$100.00
Bangor Federal Credit Union- \$100.00
Nickerson O'Day- \$100.00
Lou Silver, Inc.- \$50.00
Team Properties, LLC- \$50.00
Soutworth Milton- \$25.00

2014 Volunteer Groups and Individuals- 210

Brewer Boy Scout Pack 11
Orrington Weblos Cub Scout Pack 44
Orrington Daisy Girl Scout Troop 1167
Brewer Boy Scout Troop 1
Brewer Daisy Scout Troop 911
Rainbow Girls
Dunkin Donuts
Geocaching of Maine
CES
Penobscot Job Corps
Larry Doughty- Pictures
Councilor Kevin O'Connell
Janet and James Bertolino
Ellen Fisher
Gabby Cyr
Tim and Grace Brochu

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US Cellular of Brewer
Mandy Clark and children
Brewer Fire Department
Stream Cleanup Committee
Brewer Public Works

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Councilor Vachon read the resolve into the record.

Mayor Goss thanked everyone involved the stream cleanup program.

Councilor Uhlenhake said yes, thank you, considering it was pouring down rain that day.

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

There were no public comments.

C. Consent Calendar.

ACTION: Councilor Uhlenhake removed order 2014-A106.

Councilor Vachon moved that the remaining orders on the consent calendar have passage. The motion was seconded and passed by unanimous vote.

2014-A095

July 8, 2014

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed July 1, 2014
by Joseph Ferris

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$586,893.80** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

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FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2014	\$583,087.42	
March 2014	\$ 1,898.28	
April 2014	\$ 968.21	
May 2014	\$ 939.89	
Total	\$586,893.80	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$586,893.80** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2014-A096

July 8, 2014

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed July 1, 2014
by Beverly Uhlenhake

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

NOW, THEREFORE WE, the Brewer City Council, does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$514,126.12** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

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EVENT	COMMITMENT	COMMENTS
June 2014	\$512,614.83	
March 2014	\$-160.60	
April 2014	\$909.04	
May 2014	\$762.85	
Total	\$514,126.12	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$514,126.12** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2014-A097

July 8, 2014

TITLE: ORDER, ISSUE RELEASE DEED TO JOHN E. MACKIN, SR.,
MARY E. MACKIN, JODY E. MACKIN AND CARLA M.
MACKIN FOR PROPERTY LOCATED AT 15 SARGENT
DRIVE (TAX MAP 39, LOT 26).

filed July 1, 2014
by Kevin O'Connell

ORDERED, that a municipal release deed be issued to John E. Mackin, Sr., Mary E. Mackin, Jody E. Mackin and Carla M. Mackin for property located at 15 Sargent Drive releasing to them all rights, title and interest the City of Brewer may have acquired in the property located on 15 Sargent Drive (City Tax Map 39, Lot 26) by virtue of City of Brewer tax or sewer liens recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
11856	39
12169	54
12506	312
12848	35
13228	102

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$17,024.20 in principal was collected, along with \$2,722.91 in interest and \$231.67 in costs.

2014-A098

July 8, 2014

TITLE: ORDER, ACCEPT A PERMANENT EASEMENT FROM THE
MAINE DEPARTMENT OF TRANSPORTATION FOR
A WATER LINE ADJACENT TO GREEN POINT ROAD.

filed July 1, 2014
by Matthew Vachon

WHEREAS, in June of 2011 The City of Brewer and the Maine Department of Transportation (MDOT) entered into a License Agreement for the installation of the new water main along Green Point Road on a parcel of land owned by the MDOT (Tax Map 13, Lot 2A); and

WHEREAS, the MDOT now plans to sell the parcel of land which contains the area covered by the License Agreement to a third party; and

WHEREAS, the MDOT is proposing to convert this License Agreement to a Permanent Easement prior to the sale of this property, and to record the easement in the Penobscot County Registry of Deeds, in order to protect the City of Brewer's rights to operate and maintain the existing water line in perpetuity; and

WHEREAS, the Permanent Easement proposed by the MDOT has been reviewed by the City Engineer and the City Solicitor and deemed acceptable;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer accepts a Permanent Easement from the MDOT for the continuing operation and maintenance of a water line adjacent to Green Point Road on Tax Map 13, Lot 2A.

2014-A099

July 8, 2014

TITLE: ORDER, AUTHORIZE THE PURCHASE OF VARIABLE
FREQUENCY DRIVES FOR THE HARDY STREET
PUMP STATION.

filed July 1, 2014
by Joseph Ferris

WHEREAS, the useful life for variable frequency drive unit are typically 15 years; and

WHEREAS, the variable frequency drive units controlling the three pumps at Hardy Street Pump Station are 17 years old; and

WHEREAS, the City has received three prices to purchase one (1) 50 horse power and two (2) 150 horse power variable frequency drive units; and

WHEREAS, Stultz Electric submitted the lowest bid cost of \$24,375 for the three variable frequency drive units; and

WHEREAS, funding for the variable frequency drive units will be Rural Development grant money still available from the Jefferson Street and Tibbetts Street Sewer Improvement project;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order to obtain three (3) variable frequency drives from Stultz Electric of Portland, Maine for \$24,375.00 and charge the expenses to account number 0680608-560000.

Pricing obtained is as follows:

Stultz Electric \$24,375
Sords Electric \$25,500
Flow Factor \$26,100

2014-A100

July 8, 2014

TITLE: ORDER, ACCEPT DONATIONS OF BOOKS AND MATERIALS
AND AUTHORIZE SALE OF SURPLUS BOOKS
AND MATERIALS.

filed July 1, 2014
by Beverly Uhlenhake

WHEREAS, from time to time the Brewer Public Library receives donations of books and materials; and

WHEREAS, some of the books and materials received are ones the Library already has or does not need; and

WHEREAS, from time to time the Library reviews its collection and retires books that are no longer in use; and

WHEREAS, the library would like to offer such unneeded books and materials to the public in exchange for a donation to the Library;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the donations of books and materials it may receive throughout the year; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Library Director to identify throughout the year books and materials that are unneeded and Council declares such items to be surplus and further authorizes the Library to offer the items to the public in exchange for a donation to the Library; and

FURTHER ORDERED, that the City Council hereby directs that these proceeds be deposited in revenue account 0107204-300410 (Library Sale of Assets) and that these proceeds be appropriated for expenditure from expense account 0117201-502750 (Books) for the purpose of replenishing Library inventory with the more current and requested items.

NOTE: This is an annual order.

2014-A101

July 8, 2014

TITLE: ORDER, ACCEPT DONATION TO THE BREWER
LIBRARY.

filed July 1, 2014
by Kevin O'Connell

WHEREAS, the Brewer Public Library has received a contribution of \$50.00 from Gloria Faulkner; and

WHEREAS, Ms. Faulkner is a faithful contributor to the City of Brewer Public Library;
and

WHEREAS, it is the recommendation and the request of the Library Director that this contribution be used to supplement and support the purchase of new books;

NOW, THEREFORE, BE IT ORDERED, that the City Council, herewith accepts this generous contribution of \$50.00 from Ms. Faulkner; and

BE IT FURTHER ORDERED, that this \$50.00 donation be deposited in account 0107204-300420 (Library Contributions/Donations) and be appropriated and expended from 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.*

2014-A102

July 8, 2014

TITLE: ORDER, ACCEPT LAND WATER CONSERVATION GRANT.

filed July 1, 2014
by Matthew Vachon

WHEREAS, the City, through its Parks & Recreation Department, applied for and received a Land Water Conservation grant from the National Park Service for redevelopment of the Dougherty Recreational Complex (formerly Washington Street School); and

WHEREAS, the amount of \$147,900 awarded will be matched by funds approved as part of the City's FY2014 Capital Improvement Program as well as a generous donation from Eastern Maine Healthcare Systems;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that reimbursements from the Land Water Conservation Fund (LWCF) be deposited in account # 0500100-360000 (Grant Proceeds); and

FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of these grant funds, along with the City's share of the expenses, from account #0510104-551446 (Washington St Recreational Complex).

2014-A103

July 8, 2014

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS AND RECREATION DEPARTMENT FOR THE ANNUAL BREWER DAYS CELEBRATION.

filed July 1, 2014
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of \$1500.00 from Brewer Federal Credit Union for support of this year's Brewer Days Celebration;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this generous donation, and directs that the donated funds be receipted to account 0200000 320000 71002 (Brewer Days Contributions); and

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

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

2014-A104

July 8, 2014

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE
SEWER ENTERPRISE ACCOUNT WELLNESS PROGRAM.

filed July 1, 2014
by Beverly Uhlenhake

WHEREAS, the Sewer Department anticipates small quantities of scrap metal from various construction projects in FY15 which will result in new revenues; and

WHEREAS, the Sewer Department will dedicate all proceeds from the sale of scrap metal to fund and support a sewer wellness program;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in 0680001-300410 (Sewer Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY15, from account 0680001-500844 (Sewer Wellness Expense) to support the sewer wellness program which shall be funded by the proceeds from the sale of such surplus city property.

NOTE: This is an annual order.

2014-A105

July 8, 2014

TITLE: ORDER, AUTHORIZE APPROPRIATION OF FUNDS FOR THE
WATER ENTERPRISE ACCOUNT WELLNESS PROGRAM.

filed July 1, 2014
by Kevin O'Connell

WHEREAS, the Water Department anticipates small quantities of scrap metal from various construction projects in FY15 which will result in new revenues; and

WHEREAS, the Water Department will dedicate all proceeds from the sale of scrap metal to fund and support a water wellness program;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith declares such scrap metal surplus, authorizes the sale of the surplus property and the receipt of the proceeds in account 0670001-300410 (Water Wellness Sale of Assets) and authorizes the appropriation and expenditure of funds received from recycling scrap metal in FY15, from account 0670001-500844 (Water Wellness Expense) to support the water wellness program which shall be funded by the proceeds from the sale of such surplus city property.

NOTE: This is an annual order.

2014-A106

July 8, 2014

TITLE: ORDER, AUTHORIZING ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE VARIOUS MUNICIPAL TRANSPORTATION, INFRASTRUCTURE AND MISCELLANEOUS CAPITAL IMPROVEMENT AND EQUIPMENT PROJECTS AND A TAX LEVY THEREFOR.

filed July 1, 2014
by Matthew Vachon

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

THAT pursuant to 30-A M.R.S.A. §5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to One Million Eighty-five Thousand Dollars (\$1,085,000) aggregate principal amount of general obligation bonds of the City of Brewer, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to finance various municipal transportation, infrastructure and miscellaneous capital improvement and equipment projects as more specifically listed on Attachment A hereto, and to finance issuance costs with respect thereto.

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.

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

THAT 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.

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

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.

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

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

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

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

THAT 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").

THAT 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.

THAT the City Treasurer/ Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the City Treasurer/ Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the City Treasurer/ Finance Director.

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

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:

- To any costs of the projects listed on Attachment A;
- 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;
- To pay debt service on the bonds.

THAT if the actual cost of any project differs from the estimated cost on Attachment A, the City Treasurer/ Finance Director is authorized, in her discretion to reallocate proceeds of the Bonds to any other listed project.

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 Maine Municipal Bond Bank in usual and customary form, if the bonds are issued to or through the Maine Municipal Bond Bank, to carry out the provisions of this Order in connection with the issuance of the Bonds, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, as may be necessary or desirable.

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

THAT if any of the officers or officials of the City who have signed or sealed the bonds 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.

THAT if, following issuance of some but less than all of the bonds authorized hereby, the City Treasurer/ Finance Director determines, in her sole discretion, that the remaining authorized but unissued bonds will not be issued in furtherance of the projects, then the City Treasurer/ Finance Director may so note on the financial books and records of the City, in the form and manner as she shall determine to be appropriate, that such authorized but unissued bonds will not be issued following which notation the remaining unissued bonds shall not thereafter be issued and the authority established pursuant to this Order to issue such remaining unissued bonds shall be extinguished and of no further force and effect.

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and 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.

Attachment A

FY2015 Capital Improvement Program		
Building Renovations and Improvements	\$	126,000
Road Paving, Construction and Improvements		465,000
Equipment		487,000
Other – Issuance Costs		7,000
Total	\$	1,085,000

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

Councilor Uhlenhake asked Finance Director Karen Fussell if she could give a brief description of some of the things included in the FY2015 Capital Improvement Program

Finance Director Karen Fussell said that it included two large pieces of equipment for Public Works and many smaller purchases and projects.

The order was passed by unanimous vote.

2014-A107

July 8, 2014

TITLE: ORDER, AUTHORIZE AMENDMENT TO AGREEMENT WITH
JEFF BRAWN AND LANCE PINKHAM FOR PAYMENT
OF TAX LIENS, SEWER LIENS AND CURRENT AND
FUTURE TAXES AND SEWER ON 34 JEFFERSON STREET.

filed July 1, 2014
by Joseph Ferris

EMERGENCY PREAMBLE

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

WHEREAS, it is imperative that this order become effective immediately upon its passage in order to allow the terms of this agreement to commence without delay; and

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

WHEREAS, on July 10, 2013, Jeff Brawn and Lance Pinkham entered into a repayment agreement with the City of Brewer to reclaim title to the property at 34 Jefferson Street (Tax Assessor's Map 35, Lot 93); and

WHEREAS, since that time Brawn and Pinkham have paid the City approximately \$4,700, but have now encountered circumstances that make the year-round payments of \$100 per week infeasible; and

WHEREAS, the City is willing to amend the terms of the repayment agreement; and

WHEREAS, Jeff Brawn and Lance Pinkham have agreed to pay \$125.00 per week from April through September, and \$50.00 per week from October through May until such time as the entire obligation is paid in full; and

WHEREAS, this restructuring will only extend the repayment period approximately three months (ending in May 2017 rather than in February 2017);

ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to enter into a new payment agreement between the City of Brewer and Jeff Brawn and Lance Pinkham per the terms above, wherein Brawn and Pinkham are permitted to reacquire the property at 34 Jefferson Street, which has been acquired by the City by virtue of foreclosing City of Brewer tax collector liens and sewer liens.

2014-A108

July 8, 2014

TITLE: ORDER, AUTHORIZE WRITEOFF OF UNCOLLECTIBLE SEWER
AND TAX BALANCES.

filed July 1, 2014
by Beverly Uhlenhake

WHEREAS, in 2013 the City took possession of the property located at 8 East Summer Street formerly owned by Debra Fogg; and

WHEREAS, in June 2014, the City sold the property for \$10,700; and

WHEREAS, the City applied these proceeds to outstanding tax and sewer amounts owed on the property; and

WHEREAS, the proceeds covered much, but not all, of the balances due;

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the remaining balances associated with the property at 8 East Summer Street as of the date of its sale by the City be written off as uncollectible.

NOTE: The writeoff includes \$2,257 in the sewer fund (\$1,387 in principal, \$18 in fees and \$852 in interest) and \$3,692 in forgone interest collections in the general fund.

2014-A109

July 8, 2014

TITLE: ORDER, AUTHORIZE NATURAL GAS CONTRACT FOR THE
PUBLIC SAFETY BUILDING.

filed July 1, 2014
by Kevin O'Connell

WHEREAS, in 2014 Bangor Gas will be extending its natural gas pipeline down Parkway South past the Public Safety Building; and

WHEREAS, the City wishes to connect the Public Safety Building to the gas line for heating purposes; and

WHEREAS, to effect this connection, Bangor Gas requires the City sign a service agreement, which may require certain easements across City property;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the City Manager or his designee to sign the service agreement with Bangor Gas to connect the Public Safety Building to natural gas.

2014-A110

July 8, 2014

TITLE: ORDER, AUTHORIZE ABATEMENT AND WRITE-OFF OF
TAXES INCORRECTLY ASSESSED.

filed July 1, 2014
by Matthew Vachon

WHEREAS, efforts to collect past due personal property taxes from the business at 505 Wilson Street known as Morall Brake Center revealed that the City has been taxing the business in the wrong company name; and

WHEREAS, the Assessor can re-issue bills in the correct name, but can only do so going back three years; and

WHEREAS, the Assessor has re-issued personal property bills totaling \$3,298 (plus interest) for 2012, 2013 and 2014 in the correct name, but now the bills issued in the incorrect name need to be abated; and

WHEREAS, the Assessor can, under his own authority abate only current year taxes; and

WHEREAS, the City Solicitor has reviewed the case and recommended the taxes from 2010 and 2011 totaling \$2,405 (\$1,809 in principal and \$596 in interest) be written off;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith authorizes the writeoff of 2010 and 2011 personal property taxes for account #91959 Morall Brake.

FURTHER ORDERED, that the City Council hereby authorizes the abatement of 2012 and 2013 personal property taxes for account #91959 billed in the name of Morall Brake.

2014-A111

July 8, 2014

TITLE: ORDER, AUTHORIZE CONTRACT FOR PUBLIC WORKS FACILITY
ENERGY UPGRADE.

filed July 1, 2014
by Beverly Uhlenhake

WHEREAS, quotes were solicited, received and evaluated for electrical work to upgrade the Public Works facility with energy efficient lighting which should provide the City with approximately \$7,000 in energy cost savings per year ; and

WHEREAS, Davis Electric, Inc. of Holden, Maine provided the City of Brewer with the lowest acceptable quote for the project;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Davis Electric, Inc. of Holden, Maine in the amount of \$36,000.00 for all the parts, material, and labor required to upgrade the Public Works Facility lighting; and

BE IT FURTHER ORDERED, that funds for the project shall be charged to account 0510123-551306 (PW Building Lighting Retrofit) which was included in the Capital Improvement Program approved as part of the Fy2015 budget.

D. Monthly Reports.

ACTION: Councilor Ferris moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

Councilor Uhlenhake asked the Finance Director why excise tax revenues were higher than last year. Do we know if it was from personal or business vehicles?

Karen Fussell, Finance Director, said that excise tax collections are higher than last year and in general all communities are seeing increases. Karen said thought it was probably more personal vehicles than business ones.

E. Nominations, Appointments, Elections.

2014-A112

July 8, 2014

TITLE: ORDER, REAPPOINT ANIMAL CONTROL OFFICER.

filed July 1, 2014
by Kevin O'Connell

ORDERED, that Daniel Joy of Bucksport, Maine is herewith reappointed as the City of Brewer's primary Animal Control Officer for a term commencing August 1, 2014 and expiring July 31, 2015.

ACTION: Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2014-B038

July 8, 2014

TITLE: RESOLVE, ACCEPT RESIGNATION OF ROBERT ZANI AS A
REGULAR MEMBER ON THE BREWER PLANNING
BOARD.

filed July 1, 2014
by Matthew Vachon

EMERGENCY PREAMBLE

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

WHEREAS, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

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

WHEREAS, Robert Zani has submitted, by letter dated June 5, 2014, his resignation as a regular member on the Brewer Planning Board; and

WHEREAS, the City Council is required to formally accept this resignation and declare a vacancy on the Brewer Planning Board for the unexpired term of Robert Zani before a replacement can be appointed to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts Robert Zani's resignation as a regular member on the Brewer Planning Board effective June 5, 2014 and declares a vacancy on this board and the Council shall proceed to fill this vacancy.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

2014-B039

July 8, 2014

TITLE: RESOLVE, ACCEPT RESIGNATION OF MARC INMAN AS A
REGULAR MEMBER ON THE BREWER PLANNING
BOARD.

filed July 1, 2014
by Joseph Ferris

EMERGENCY PREAMBLE

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

WHEREAS, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

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

WHEREAS, Marc Inman has submitted, by letter dated June 20, 2014, his resignation as a regular member on the Brewer Planning Board; and

WHEREAS, the City Council is required to formally accept this resignation and declare a vacancy on the Brewer Planning Board for the unexpired term of Marc Inman before a replacement can be appointed to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts Marc Inman's resignation as a regular member on the Brewer Planning Board effective June 20, 2014 and declares a vacancy on this board and the Council shall proceed to fill this vacancy.

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

The resolve was adopted by unanimous vote.

2014-B040

July 8, 2014

TITLE: RESOLVE, ACCEPT RESIGNATION OF THOMAS MCGARY AS AN ASSOCIATE MEMBER OF THE PLANNING BOARD OF THE CITY OF BREWER.

filed July 1, 2014
by Beverly Uhlenhake

EMERGENCY PREAMBLE

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

WHEREAS, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

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

WHEREAS, Thomas McGary has submitted a letter of resignation dated July 8, 2014, as an associate member of the Brewer Planning Board; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy for an associate member before proceeding to fill the vacancy for the unexpired term of former regular member Robert Zani;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Thomas McGary as an associate member of the Brewer Planning Board and declares that a vacancy will exist on the Planning Board for an associate member.

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

2014-B041

July 8, 2014

TITLE: RESOLVE, ACCEPT RESIGNATION OF LIONEL EL-HAJJ, II AS AN ASSOCIATE MEMBER OF THE PLANNING BOARD OF THE CITY OF BREWER.

filed July 1, 2014
by Kevin O'Connell

EMERGENCY PREAMBLE

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

WHEREAS, it is necessary for vacancies to be filled on city boards and committees before the next meeting; and

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

WHEREAS, Lionel El-Hajj, II has submitted a letter of resignation, dated June 26, 2014 and effective as of July 1, 2014, as an associate member of the Brewer Planning Board; and

WHEREAS, the City Council must vote to accept this resignation and declare a vacancy for an associate member before proceeding to fill the vacancy for the unexpired term;

NOW, THEREFORE, BE IT RESOLVED, that the City Council herewith accepts the resignation of Lionel El-Hajj, II as an associate member of the Brewer Planning Board and declares that a vacancy will exist on the Planning Board for an associate member.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

The resolve was adopted by unanimous vote.

2014-A113

July 8, 2014

TITLE: ORDER, APPOINT REGULAR MEMBERS AND ASSOCIATE MEMBERS TO THE BREWER PLANNING BOARD TO FILL VACANCIES.

filed July 1, 2014
by Matthew Vachon and
Kevin O'Connell

ORDERED, that Thomas McGary, 22 Chapman Street is herewith appointed as a regular member of the Planning Board to fill the vacancy of an unexpired term on the board due to the resignation of Robert Zani and Constance Holden, 108 Chamberlain Street, is herewith appointed as a regular member of the Planning Board to fill the vacancy of an unexpired term due the resignation of Marc Inman from the board and James Mullen, 46 Wintergreen Way, and Karen Morelli, 319 Wiswell Road, as associate members of the Planning Board to fill two vacancies; and

ORDERED, that Mr. McGary's term will commence July 13, 2014 and expire March 31, 2016 and Mrs. Holden's term will commence July 13, 2014 and expire March 31, 2015. Mr. Mullen's term will commence July 13, 2014 and expire March 31, 2017. Mrs. Morelli's term will commence July 13, 2014 and expire March 31, 2015.

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

Mayor Goss thanked Constance Holden, who was in the audience, for volunteering to serve on a very important City board.

The order was passed by unanimous vote.

2014-B042

July 8, 2014

TITLE: RESOLVE, DECLARE RESULTS OF THE JUNE 10, 2014
CITY OF BREWER SCHOOL BUDGET APPROVAL
ELECTION AND STATE OF MAINE PRIMARY
ELECTION.

filed July 1, 2014
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election and State of Maine Primary Election was held on June 10, 2014; and

WHEREAS, Brewer election officials tabulated the results for the vote in the City of Brewer and the City Clerk has verified these results;

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the results for the City of Brewer School Budget Approval Election and State of Maine Primary Election as follows:

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

The resolve was adopted by unanimous vote.

F. Unfinished Business.

1. (2014-C010) Amend Chapter 1 (The City Council), Article 3, Rules of Order, Section 330, Meetings, Subsection 330.8 by Adding Consent Calendar to Items F and G of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)
(posted 6/4/14)

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

2. (2014-C011) Amend Chapter 2 (The City Manager), Section 102, Powers and Duties of the City of Brewer Charter, Codes and Ordinances.
(Councilor O'Connell)(posted 6/4/14)

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

3. (2014-C012) Amend Chapter 3 (The City Clerk), Section 101, Establishment of the City of Brewer Charter, Codes and Ordinances.
(Councilor Vachon)(posted 6/4/14)

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

4. (2014-C013) Amend Chapter 5 (Assessor), Article 1, The Assessor, Section 101, Establishment of the City of Brewer Charter, Codes and Ordinances. (Councilor Uhlenhake)(posted 6/4/14)

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

G. New Business.

2014-A114

July 8, 2014

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

filed July 1, 2014
by Beverly Uhlenhake

City Council Minutes
July 8, 2014

ORDERED, that the Brewer City Council convene in executive session pursuant to Title1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

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

The order was passed by unanimous vote.

Mayor Goss said the executive session on a personnel matter would include City Council members and the City Manager for his annual evaluation.

Mayor Goss said the regular meeting would resume after the executive session and take up no more business except to adjourn.

The regular meeting adjourned at 6:33 p.m. for City Council members to go into executive session.

The regular meeting was called back to order by Chairman Goss.
The city clerk called the roll:

Councilor O'Connell	-	present	Councilor Vachon	-	present
Councilor Ferris	-	present	Chairman Goss	-	present
Councilor Uhlenhake	-	present			

Mayor 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 7:00 p.m.

ADJOURNED, ATTEST:_____ Pamela J. Ryan

City Clerk

A TRUE COPY, ATTEST:_____ Brewer, Maine