



**CITY COUNCIL REGULAR MEETING**  
**Tuesday, August 9, 2011 6:00 P.M.**  
**Brewer City Hall Council Chambers**

- I. Call to Order.** (Mayor Joseph Ferris)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**  
(Mayor Ferris)
- A. Minutes of July 12, 2011 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
  - 1. (2011-B033) RESOLVE, Commend Tyler Eagan and Amber Cates for Their Life Saving Actions on July 5, 2011. (Councilor O'Connell)
  - 2. Public Comments.
- C. Consent Calendar.**
  - 1. (2011-A140) ORDER, Accept Donations to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration. ( Councilor Doughty )
  - 2. (2011-A141) ORDER, Accept Grant From Stephen and Tabitha King Foundation to the Brewer Public Library for Brewer History Room Renovations. (Councilor Goss)
  - 3. (2011-A142) ORDER, Accept Donations of Books and Materials and Authorize Sale of Surplus Books and Materials. (Councilor Verow)
  - 4. (2011-A143) ORDER, Accept Grant From Stephen and Tabitha King Foundation to the Brewer Fire Department to Purchase High Visibility Jackets for the Brewer Fire Department Personnel. (Councilor O'Connell)
  - 5. (2011-A144) ORDER, Accept Grant Funds to the Brewer Police Department for the Purchase of a Safe Medicine Return Box for Use by the Public. (Councilor Doughty)
  - 6. (2011-A145) ORDER, Issue Release Deed to Laurie and John Jewell, Dirigo Drive. (Councilor Goss)
  - 7. (2011-A146) ORDER, Issue Release Deed to John and Laurie Jewell, Dirigo Drive. (Councilor Verow)
  - 8. (2011-A147) ORDER, Award Contract for Engineering Services for City Hall Accessibility Project. (Councilor O'Connell)
  - 9. (2011-A148) ORDER, Award Contract for Surveying Services on Portions of Green Point Road and Elm Street. (Councilor Doughty)
  - 10. (2011-A149) ORDER, Accept Funds in a Forfeiture Resulting From a Recent Court Case that the Brewer Police Made A Substantial Contribution in the Successful Prosecution of. (Councilor Goss)

11. (2011-A150) ORDER, Authorize the Brewer Water Department to Abate Sprinkler Bill. (Councilor Verow)
12. (2011-A151) ORDER, Authorize the Brewer Water Department to Sell Surplus Water Meters. (Councilor O'Connell)
13. (2011-A152) ORDER, Authorize the Switch from #2 Heating Fuel to Natural Gas for City Hall and the Auditorium. (Councilor Doughty)

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

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

1. (2011-A153) ORDER, Reappoint Animal Control Officer. (Councilor Goss)

**F. Unfinished Business.** (none)

**G. New Business.**

1. (2011-C009) Amend Chapter 26, Entitled Animal Control, Article 2 Dogs, Section 208 Duty to Dispose of Feces of the Charter Codes and Ordinances of the City of Brewer. (Councilor Verow)
2. (2011-C010) Amend Chapter 19, Article 3, Section 315 Parking Limited and Prohibited, Schedule C of the City of Brewer Charter, Codes and Ordinances Entitled "Traffic Code" To Amend Item 132 (No Parking on Pendleton Street Between Parkway South and Sky View Avenue. (Councilor Doughty)
3. (2011-A154) ORDER, Authorize Borrowing and Issuance of General Obligation Refunding Bond in the Principal Amount of Three Million Ninety Thousand Dollars (\$3,090,000) (Councilor Goss)
4. (2011-B034) RESOLVE, Ratify Collective Bargaining Agreement Between the City of Brewer and the Brewer Firefighters' Union. (Councilor Verow)
5. (2011-A155) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(E) on a Legal Matter. (Councilor O'Connell)

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

**I. ADJOURN.**

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**A. Minutes of July 12, 2011 Regular Meeting.**

**ACTION:** Councilor Verow moved that the minutes be accepted. The motion was seconded and passed.

The minutes were approved by unanimous vote.

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

2011-B033

August 9, 2011

**TITLE:** RESOLVE, COMMEND TYLER EAGAN AND AMBER CATES  
FOR THEIR LIFE SAVING ACTIONS ON  
JULY 5, 2011.

filed August 3, 2011  
by Kevin O'Connell

WHEREAS, on July 5, 2011 Tyler Eagan and Amber Cates were travelling on North Main Street in Brewer when they witnessed car quickly turn and disappear from sight. They turned around to investigate and, after shining their lights in the area, found skid marks leading to the Penobscot River; and

WHEREAS, with flashlight in hand, Tyler immediately climbed down to the edge of the river where he observed a car on its roof sinking in the water. Without concern for his personal safety, Tyler dove into the river and observed that the driver of the car was inside. After breaking a window, Tyler was able to successfully pull the driver from the vehicle while Amber called 911 and directed Brewer Police and Fire units to the scene; and

WHEREAS, the actions of Tyler Eagan and Amber Cates more than likely saved the life of the driver in this serious accident; and

WHEREAS, the Brewer City Council commends Tyler Eagan and Amber Cates for their life saving actions on July 5, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognize and commend Tyler Eagan and Amber Cates for their extraordinary efforts to save the life of an accident victim on July, 5, 2011 in the City of Brewer, Maine.

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

Councilor O'Connell presented Tyler Eagan and Amber Cates with a commendation plaque.

The resolve was adopted by unanimous vote.

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**PUBLIC COMMENTS.**

Reverend Bob Carlson, President of Penobscot Health Care, spoke to the Council to ask for reconsideration for business equipment exemption tax request which was submitted after the deadline.

Councilor Verow moved that the documents submitted by Reverend Carlson be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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**C. Consent Calendar.**

**ACTION:** Councilor Doughty removed orders 2011-A147 and 149 from the consent calendar. Councilor Goss removed orders 2011-A140, A141, and A143 from the consent calendar.

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

2011-A140

August 9, 2011

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

filed August 3, 2011  
by Larry T. Doughty

WHEREAS, the City of Brewer has received donations totaling \$3000.00 from Marden's Inc., Trans-Tech Industries, Joel and Jacquelyn Dearborn and the 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.

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

Councilor Goss read the order into the record to express appreciation of the generosity of the donations.

The order was passed by unanimous vote.

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2011-A141

August 9, 2011

**TITLE:** ORDER, ACCEPT GRANT FROM STEPHEN AND TABITHA KING FOUNDATION TO THE BREWER PUBLIC LIBRARY FOR BREWER HISTORY ROOM RENOVATIONS.

filed August 3, 2011  
by Jerry Goss

WHEREAS, the City of Brewer has received a grant of \$15,000.00 from the Stephen and Tabitha King Foundation to the Brewer Public Library;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this grant and directs that it be deposited in account 0600072-360000-72017 (King Foundation Grant Revenue) and be expended from account 0600072-560000-72017 (King Foundation Grant Expense) to be used in conjunction with Library Association donations and City of Brewer CIP funds to completely renovate the former boiler room into the Brewer History Room at the Brewer Public Library; and

FURTHER ORDERED, that a letter of acknowledgement and appreciation be sent to the Stephen and Tabitha King foundation for this generous grant to enrich library services to Brewer residents.

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

Councilor Goss read the order into the record to express appreciation of the generosity of the donations.

The order was passed by unanimous vote.

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2011-A142

August 9, 2011

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

filed August 3, 2011  
by Arthur Verow

WHEREAS, from time to time the Brewer Public Library receives donations of books and materials 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 directs that these proceeds be deposited in revenue account 0107204-300410 (Library Sale of Assets).

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2011-A143

August 9, 2011

TITLE: ORDER, ACCEPT GRANT FROM STEPHEN AND TABITHA KING  
FOUNDATION TO THE BREWER FIRE DEPARTMENT  
TO PURCHASE HIGH VISIBILITY JACKETS FOR THE  
BREWER FIRE DEPARTMENT PERSONNEL.

filed August 3, 2011  
by Kevin O'Connell

WHEREAS, the City of Brewer has received a grant of \$6,500.00 from the Stephen and Tabitha King Foundation to the Brewer Fire Department;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this grant and directs that it be deposited in account 0600059-360000-59016 (King Foundation High Visibility Jacket Grant Revenue) and be expended from account 0600059-560000-59016 (King Foundation High Visibility Jacket Grant Expense) to be used purchase 28 Responder High Visibility jackets for all the fire department personnel; and

FURTHER ORDERED, that a letter of acknowledgement and appreciation be sent to the Stephen and Tabitha King foundation for this generous grant to enrich library services to Brewer residents .

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

Councilor O'Connell moved that the order be amended by striking out the words "enrich library services to Brewer residents" and replace it with "the Brewer Fire Department in the last paragraph of the order. The motion was seconded and Passed by unanimous vote.

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

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2011-A144

August 9, 2011

**TITLE:** ORDER, ACCEPT GRANT FUNDS TO THE BREWER POLICE DEPARTMENT FOR THE PURCHASE OF A SAFE MEDICINE RETURN BOX FOR USE BY THE PUBLIC.

filed August 3, 2011  
by Larry T. Doughty

WHEREAS, the Brewer Police Department has been an active participant in the United States Drug Enforcement Administration's National Prescription Drug Take Back Initiative for the past two years; and

WHEREAS, a majority of abused prescription drugs are obtained from family and friends, including the home medicine cabinet; and

WHEREAS, this important program provides a venue for persons who want to dispose of unwanted and unused prescription drugs; and

WHEREAS, these efforts have been a huge success in removing potentially dangerous prescription drugs, particularly controlled substances, from our community; and

WHEREAS, the Brewer Police Department would like to expand our efforts in the collecting of unwanted prescription drugs by purchasing a Safe Medicine Return Box allowing citizens of Brewer opportunity to safely dispose of these drugs during normal business operating hours; and

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WHEREAS, the Healthy Maine Partnerships, a collaborative effort of the Maine Department of Health and Human Services Maine Center for Disease Control and Prevention, Maine Office of Substance Abuse, and the Maine Department of Education, has dispersed grant monies to the Bangor Region Public Health and Wellness, a division of the City of Bangor's Health and Community Services Department, which allows for the purchase of Safe Medicine Return Box at a cost of \$945.00; and

WHEREAS, the Brewer Police Department has been awarded \$945.00 from these grant monies for the purchase of a Safe Medicine Return Box;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the acceptance of this grant money to the City of Brewer to be deposited in the small grants fund, 0600058-360000-58020 for revenue; and

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to purchase a Safe Medicine Return Box with the awarded \$945.00, to be paid out of the small grants fund, 0600058-560000-58020 for expenses.

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2011-A145

August 9, 2011

TITLE: ORDER, ISSUE TAX RELEASE DEED TO LAURIE AND JOHN JEWELL, DIRIGO DRIVE.

filed August 3, 2011  
by Jerry Goss

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, a closing for sale of property falls within this time period and deeds need to be recorded as soon as possible; 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;

ORDERED, that a municipal release deed be issued to Laurie and John Jewell, releasing to them all rights, title and interest the City of Brewer may have acquired in the property on Dirigo Drive (City Tax Map 13, Lot 5) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12506	292
12169	44
11856	29

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 \$18,779.72 in principal was collected along with \$672.39 in interest and \$22.16 in costs.

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2011-A146

August 9, 2011

TITLE: ORDER, ISSUE TAX RELEASE DEED TO JOHN AND LAURIE  
JEWELL, DIRIGO DRIVE.

filed August 3, 2011  
by Arthur Verow

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, a closing for sale of property falls within this time period and deeds need to be recorded as soon as possible; 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;

ORDERED, that a municipal release deed be issued to John and Laurie Jewell, releasing to them all rights, title and interest the City of Brewer may have acquired in the property on Dirigo Drive (City Tax Map 13, Lot 5A) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12506	214
12168	339
11855	314

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 \$14,180.45 in principal was collected along with \$453.27 in interest and \$22.16 in costs.

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2011-A147

August 9, 2011

**TITLE: ORDER, AWARD CONTRACT FOR ENGINEERING SERVICES FOR CITY HALL ACCESSIBILITY PROJECT.**

filed August 3, 2011  
by Kevin O'Connell

WHEREAS, at its July 2011 meeting Council, after hearing and considering a presentation by Carpenter Associates of Old Town, Maine, instructed the City Engineer to solicit a proposal for Design Services from Carpenter Associates including the design, cost estimate, and preparation of bidding documents for a project to provide new handicapped accessibility features for all levels of City Hall; and

WHEREAS, said proposal has been solicited, received and evaluated by the City Engineer and deemed acceptable;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a contract with Carpenter Associates of Old Town, Maine, under such terms and conditions as he believes to be in the best interest of the citizens of Brewer, in an amount not to exceed \$25,000 for the design of new handicapped accessibility facilities for City Hall including an exterior ramp to the upper floor level and a chair lift to the so-called Bunker level as generally presented to the Council at its July 2011 regular meeting; and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these Design Services; and

BE IT FURTHER ORDERED, that the costs of these services shall be charged to account 0510120-551001 (City Hall Infrastructure).

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

Councilor O'Connell moved that the order be tabled. The motion was seconded and passed.

The order was tabled by a 4 to 1 vote, Councilor Doughty voting against.

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2011-A148

August 9, 2011

TITLE: ORDER, AWARD CONTRACT OF SURVEYING SERVICES ON PORTIONS OF GREEN POINT ROAD AND ELM STREET.

filed August 3, 2011  
by Larry T. Doughty

WHEREAS, in the FY 2012 CIP, Council authorized \$20,000 for surveying and design services for anticipated future improvements to existing City streets necessary to provide access to the future Business and Commerce Park to be located behind the existing landfill; and

WHEREAS, improvements will be required to the section of Green Point Road between Dirigo Drive and Elm Street and to the section of Elm Street between Green Point Road and Sid Arey Drive; and

WHEREAS, the Engineering Department plans to design the necessary improvements in-house but requires a detailed survey of these areas before the design work can begin; and

WHEREAS, the James W. Sewall Co. of Old Town has extensive surveying experience in this section of the City having recently completed the boundary survey and certification for the new Business and Commerce Park;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is herewith authorized to execute a contract with the James W. Sewall Co. of Old Town, Maine under such terms and conditions as he determines to be in the best interests of the citizens of Brewer, in an amount not to exceed \$9000, for the completion of surveying services necessary to support the design of improvements to the sections of Green Point Road and Elm Street described above; and

BE IT FURTHER ORDERED, that the City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these Surveying Services; and

BE IT FURTHER ORDERED, that the costs of these Surveying Services shall be charged to account 0601600-560020-57013 (Arch and Engin-Access Roads).

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2011-A149

August 9, 2011

**TITLE:** ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM A RECENT COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION IN THE SUCCESSFUL PROSECUTION OF.

filed August 3, 2011  
by Jerry Goss

WHEREAS, as a result of a criminal investigation conducted by a member of the Brewer Police Department a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Case Reference Number	Sum
08-DEA-500228	\$4,840.51
10-DEA-537087	\$81,250.00
11-DEA-544281	\$593.91

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the Asset Forfeiture Receipt Account 0200100-320000 and that expenditures are authorized be expended from the Asset Forfeiture Reserve Fund 2001.

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

Councilor Doughty asked Chief Antone to discuss the intent for the funds.

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Chief Antone said the funds will go toward the installation and purchase of the in-vehicle camera systems.

The order was passed by unanimous vote.

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2011-A150

August 9, 2011

TITLE: ORDER, AUTHORIZE THE BREWER WATER DEPARTMENT  
TO ABATE SPRINKLER BILL.

filed August 3, 2011  
by Arthur Verow

WHEREAS, erroneous bills were sent to Maine Oxy-Acetylene Supply Company aka Maine Oxy-Acetylene Supply Co. for a sprinkler system; and

WHEREAS, the Maine Public Utilities Commission has final jurisdiction over this bill;  
and

WHEREAS, the Brewer Water Department has discussed this situation with the general manager of Maine Oxy-Acetylene Supply Company aka Maine Oxy-Acetylene Supply Co. and we have come to a tentative mutual agreement for abatement; and

WHEREAS, Maine Oxy-Acetylene Supply Company aka Maine Oxy-Acetylene Supply Co. has agreed to waive all future appeals for the settlement of this account; and

WHEREAS, the Brewer Water Department has agreed to provide an abatement of \$9,774.40;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to enter into all necessary agreements and sign all necessary documents prepared by the City Solicitor to settle this account on mutually agreeable terms. Funding for this abatement shall be charged to water revenue account 0700004-300499 (adjustments write off).

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2011-A151

August 9, 2011

TITLE: ORDER, AUTHORIZE THE BREWER WATER DEPARTMENT  
TO SELL SURPLUS WATER METERS.

filed August 3, 2011  
by Kevin O'Connell

WHEREAS, Federal regulations will require all water utilities to purchase only lead free meters after January 14, 2014; and

WHEREAS, the Brewer Water Department now has surplus meters that will not meet the lead free federal regulations; and

WHEREAS, the Brewer Water Department believes that early participation in the lead free requirement will only enhance the water quality of the water system and enable the Water Department to better meet State required lead and copper testing standards; and

WHEREAS, the Brewer Water Department already purchases meters on an annual basis to ensure high quality and accurate meters for the metering program;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to sell all surplus water meters as scrap and receipt the funds to water revenue account 0700004-370402 (Non-departmental Revenue) and expend the same from water expense account 0718502-502720 (Supply Meter) on new water meters that will meet the federal requirements.

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2011-A152

August 9, 2011

TITLE: ORDER, AUTHORIZE THE SWITCH FROM #2 HEATING FUEL TO NATURAL GAS FOR CITY HALL AND THE AUDITORIUM.

filed August 3, 2011  
by Larry T. Doughty

WHEREAS, Bangor Natural Gas already has a gas line available for the Brewer Auditorium to tie into; and

WHEREAS, Bangor Natural Gas has stated they will be installing a gas line down North Main Street to make gas available for City Hall; and

WHEREAS, Bangor Natural Gas is only requesting a 1-year commitment for the purchase of Natural Gas at both locations; and

WHEREAS, the City of Brewer anticipates significant savings in the cost of heating fuel at these two locations by switching to natural gas;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the City Manager, or his designee, to execute all necessary agreements with Bangor Natural Gas to purchase natural gas for up to 1-year; and

FURTHER ORDERED, that the City Manager, or his designee, is authorized to fund all necessary conversion costs for the heating systems at City Hall and the Auditorium to allow for natural gas burners or dual burner technology and all conversion costs shall be charged to each respective expense account 0115310-502020 (City Hall Heating Fuel) & 0117101-502020 (Auditorium Heating Fuel).

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**D. Monthly Reports.**

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

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

2011-A153

August 9, 2011

**TITLE:** ORDER, REAPPOINT ANIMAL CONTROL OFFICER.

filed August 3, 2011  
by Jerry Goss

**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, the term for the Animal Control Officer expired July 31, 2011 and the City of Brewer wishes to continue with his services; 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;

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, 2011 and expiring July 31, 2012.

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

The order was passed by unanimous vote.

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**F. Unfinished Business.**

There are not items.

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**G. New Business.**

2011-C009

August 9, 2011

TITLE: ORDER, AMEND CHAPTER 26, ENTITLED ANIMAL CONTROL, ARTICLE 2 DOGS, SECTION 208 DUTY TO DISPOSE OF FECES OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed August 3, 2011  
by Arthur Verow

Be it ordained by the City Council of the City of Brewer that Chapter 26, of the City of Brewer Charter, Codes and Ordinances entitled "Animal Control", Article 2 Dogs, Section 208 Duty to Dispose of Feces be amended adding the following:

SECTION 208. DUTY TO DISPOSE OF FECES. It shall be a violation of this Chapter for any person who owns or keeps a dog to fail to immediately remove and dispose of any feces left by his or her dog on any street, sidewalk, publicly owned property or private property of another. It shall be a violation of this Ordinance for any person who owns or keeps a dog to appear with such dog on any City street, sidewalk or publicly owned property without the means of removal of canine feces that may be left by such dog. For the purpose of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. Disposal shall be accomplished by transporting such feces to a toilet designed for the disposal of human feces, or by placing the feces in a sealed plastic bag and depositing it in a dumpster or container that is used to collect trash for appropriate disposal.

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

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2011-C010

August 9, 2011

**TITLE:** AMEND CHAPTER 19, ARTICLE 3, SECTION 315 PARKING LIMITED AND PROHIBITED, SCHEDULE C OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES ENTITLED "TRAFFIC CODE" TO AMEND ITEM 132 (NO PARKING ON PENDLETON STREET BETWEEN PARKWAY SOUTH AND SKY VIEW AVENUE.

filed August 3, 2011  
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer that Chapter 19, of the City of Brewer Charter, Codes and Ordinances entitled "Traffic Code" to amend item 132 as follows:

ARTICLE 3, SECTION 315 PARKING LIMITED AND PROHIBITED.

**SCHEDULE C**

No person in charge of a vehicle shall stand, park or leave the same at any time in the following streets:

- (132) On the Northerly and Southerly side of Pendleton Street between Parkway South and Sky View Avenue between the hours of 7:00 a.m. until 3:00 p.m. Monday through Friday while school is in session.

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

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2011-A154

August 9, 2011

**TITLE:** ORDER, AUTHORIZE BORROWING AND ISSUANCE OF GENERAL OBLIGATION REFUNDING BOND IN THE PRINCIPAL AMOUNT OF THREE MILLION NINETY THOUSAND DOLLARS (\$3,090,000).

filed August 3, 2011  
by Jerry Goss

WHEREAS, The City of Brewer found it necessary to undertake certain public improvement projects which were eligible for financing by the City of Brewer through the issuance of general obligation bonds or notes under Title 30-A, Section 5772, of the Maine Revised Statutes, as amended, and the City Charter; and whereas the City Council has previously issued Bonds to support these projects, which it now finds advantageous to refinance,

NOW, THEREFORE, BE IT ORDERED, That pursuant to authority granted by the Constitution and laws of the State of Maine, the Charter of the City of Brewer and Section 5772 of Title 30-A, Maine Revised Statutes, as amended, and any other applicable authority under the Constitution and the laws of the State of Maine thereto enabling, the City of Brewer is hereby authorized to issue and sell its general obligation refunding bond or bonds (the "Bond or Bonds") of the City of Brewer in an aggregate principal amount not to exceed \$3,090,000 for the purpose of providing financing for refinancing, repaying and refunding the following bonds:

- 1) 1995A General Obligation Bonds in the original principal amount of \$1,100,000 (\$180,000 outstanding), dated August 1, 1995;
- 2) 1996 Series B General Obligation Bonds in the original principal amount of \$850,000 (\$200,000 outstanding), dated August 1, 1996;
- 3) 2000 General Obligation Bonds – Series A in the original principal amount of \$2,060,000 (\$610,000 outstanding), dated April 1, 2000; and
- 4) 2001 General Obligation Bonds in the original amount of \$4,280,000 (\$2,100,000 outstanding), dated November 1, 2001

(the "Project") for a term not to exceed eleven (11) years, for a total principal amount of Bonds authorized of \$3,090,000.

The City Council hereby authorizes the City Treasurer/Finance Director and the Chairman of the City Council to execute and deliver the Bonds on behalf of the City of Brewer. The General Obligation Bonds are to be sold upon such further terms and conditions and at such interest rates as may be approved by the Chairman of the City Council and the City Treasurer/Finance Director, and shall have the City Seal affixed and attested by the City Clerk or Deputy Clerk, and shall be approved as to substance by the City Manager and approved as to form by the City Solicitor.

The General Obligation Bonds which are authorized in a principal amount of \$3,090,000 may be subject to call for redemption pursuant to Title 30-A, Section 5772 (6) of the Maine Revised Statutes, as amended, as determined by the City Treasurer/Finance Director and Chairman of the Brewer City Council to be in the best interests of the City of Brewer, and such call provisions in the Bonds may be with or without premium and provide for the Bonds to be called at such times prior to their maturity as may be determined in the discretion of the City Treasurer/Finance Director and Chairman of the Brewer City Council and stated on the face of the Bonds, and that the Bonds shall contain provisions setting forth the method by which the option to call may be exercised and the procedure for payment in the event of call as well as the legal effect of exercising the option to call the Bonds by the City. The Bonds shall be issued and sold to the Maine Municipal Bond Bank or other lending institution or through an underwriter or financial advisor to be determined by the City Treasurer/Finance Director and Chairman of the City Council. All or a portion of the Bonds and Notes and all or a portion of the interest on the Bonds and Notes may be subject to federal income taxation under the provisions of the Internal

Revenue Code of 1986, as amended, as such status is determined by the City Treasurer/Finance Director to be in the best interests of the City of Brewer.

The City Council hereby authorizes the City Treasurer/Finance Director and the Chairman of the City Council to execute and deliver the Bonds and Notes on behalf of the City of Brewer. The Bonds and Notes may be executed, sold and delivered to a lending institution selected by the City Treasurer/Finance Director and the Chairman of the City Council upon such further terms and conditions and at such interest rates and maturities as may be approved by the Chairman of the City Council and the City Treasurer/Finance Director, and shall have the City Seal affixed and attested by the City Clerk or Deputy Clerk, and shall be approved as to substance by the City Manager and approved as to form by the City Solicitor.

ORDERED, That pursuant to the requirements of the Tax Reform Act of 1986, and Section 265 (b)(3) of the Internal Revenue Code of 1986, as amended, the City of Brewer hereby designates the Bonds to be “qualified tax exempt obligations” of the City and represents that the City shall not issue in 2011 an aggregate total amount of qualified tax exempt obligations in excess of \$10,000,000. Further, the City does not reasonably expect to issue tax exempt obligations in an amount in excess of \$5,000,000 during 2011.

ORDERED, that subject to appropriation, the City shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bonds and to maintain the status of the Bonds as a “qualified tax exempt obligation” of the City, and that the Bonds may be subject to such further terms and conditions as may be agreed to by the Chairman of the City Council and the City Treasurer/Finance Director to carry into effect the full intent of the orders.

ORDERED, that the City Treasurer/Finance Director or the Chairman of the Brewer City Council be and each of them hereby is authorized for the foregoing purposes to make application to the Maine Municipal Bond Bank, or other lending institution for sale of the Bonds, and to execute a Loan Agreement with the Bond Bank or other loan documents with other lending institutions in such form as the Bond Bank or other lending institution may require.

ORDERED, that all actions heretofore taken by the municipal officers of the City of Brewer relating to the issuance of the Bonds be, and they hereby are ratified, approved and confirmed.

ORDERED, that the municipal officers and officials of the City are hereby authorized to execute and deliver any and all documents and certificates, and to take any and all actions, including affixing the seal of the City as may be necessary or convenient to carry out the intent of the foregoing orders or any one of them.

ORDERED, that the law firm of Eaton Peabody, is hereby designated as Bond Counsel for the City to advise the City with respect to the issuance and sale of the Bond, and to prepare documents and render opinions as may be necessary or convenient for the purpose.

CITY OF BREWER  
Financial Statement

1. Total City Indebtedness

A. Bonds outstanding and unpaid (removed 3,090,000)	\$ 38,343,798
B. Bonds authorized and unissued	\$ 2,617,000
C. Bonds to be issued under this Order:	\$ 3,090,000
<b>TOTAL</b>	<b>\$40,960,798</b>

2. Costs

At an individual estimated interest rates of 1.24% to 2.4% for a term of 10 years, the estimated costs of this bond issue will be:

Principal	\$ 3,090,000
Interest	\$ 333,258
Total Debt Service	\$ 3,423,258

3. Validity

The validity of the bonds is not affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the approval by the councilors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

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Samuel N. Graves  
Deputy Treasurer/Deputy Finance Director  
City of Brewer, Maine

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

The order was passed by unanimous vote.

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2011-B034

August 9, 2011

**TITLE:** RESOLVE, RATIFY COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE CITY OF BREWER AND THE BREWER  
FIREFIGHTERS' UNION.

filed August 3, 2011  
by Arthur Verow

**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 imperative that this resolve become effective immediately upon its adoption as the effective date of the agreement has passed; 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;

WHEREAS, negotiations between the City of Brewer and IAFF Local 2162 representing the firefighters of the Brewer Fire Department, have recently been completed; and

WHEREAS, the negotiators for both parties have recommended that this collective bargaining agreement be ratified by their respective parties;

NOW, THEREFORE, BE IT RESOLVED, that the City Council, on behalf of the City of Brewer, herewith ratifies this collective bargaining agreement and authorizes the City Manager, or his designee, to sign said agreement on behalf of the City of Brewer. This agreement shall be effective from July 1, 2011 and shall expire on June 30, 2012.

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

The resolve was adopted by unanimous vote.

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2011-A155

August 9, 2011

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

filed August 3, 2011  
by Kevin O'Connell

**ORDERED**, that the City Council convene in executive session pursuant to Title 1, M.R.S.A. §405(6)(E) on a legal matter.

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

Councilor O'Connell moved that the Council convene into executive session. The motion was seconded and passed by unanimous vote.

Mayor Ferris said the City Council, City Solicitor, City Manager and City Assessor would convene into executive session. He said the regular meeting would resume after the executive session. (6:42 p.m.)

The regular meeting was called back to order by Mayor Joseph Ferris at 7:14 p.m.  
The city clerk called the roll:

Chairman Ferris	-	present	Councilor Doughty	-	present
Councilor Goss	-	present	Councilor O'Connell	-	present
Councilor Verow	-	present			

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

No items.

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Chairman Ferris said he would accept a motion for adjournment.

**ACTION:** Councilor Doughty moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:15 p.m.

**ADJOURNED, ATTEST:** \_\_\_\_\_ Howard F. Kroll  
City Clerk

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