

City Council Minutes
November 14, 2011

Regular Meeting
City Hall Council Chambers

Monday, November 14, 2011
6:00 p.m.

The regular meeting was called to order by Chairman Joseph Ferris.
The city clerk called the roll:

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

Chairman Ferris declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

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

Chairman Ferris read the notice for the regular meeting.

TO: Joseph Ferris, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Monday, November 14, 2011 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/Joseph Ferris
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Howard F. Kroll
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	H. Kroll	CC	11/10/11	5:00 pm
Larry T. Doughty	H. Kroll	CC	11/10/11	5:00
Arthur Verow	H. Kroll	CC	11/10/11	5:00
Jerry Goss	H. Kroll	CC	11/10/11	5:00
Kevin O'Connell	H. Kroll	CC	11/10/11	5:00

CITY OF BREWER REGULAR MEETING
Monday, November 14, 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 October 11, 2011 Regular Meeting.** (Councilor Verow)
 - B. Awards, Petitions and Public Comments.**
 - 1. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. Proposed Ordinance Amendment to Chapter 9 (Fire Prevention), Article 6, Section 602 of the City of Brewer Codes and Ordinances to Permit the Sale and Use of Fireworks and Consumer Fireworks in the City of Brewer after January 1, 2012.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2011-A204) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Fall Program/Leagues. (Councilor Goss)
 - 2. (2011-A205) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Annual Brewer Days Celebration.
(Councilor O'Connell)
 - 3. (2011-A206) ORDER, Accept Donation from the Customers of JR Redemption Center to the Brewer Fire Department for the Public Safety Museum.
(Councilor Doughty)
 - 4. (2011-A207) ORDER, Accept Funds from the North Brewer Cemetery Association. (Councilor Verow)
 - 5. (2011-A208) ORDER, Accept Funds from Sale of Surplus Materials and Authorize Placement of Funds in Account for Use in Brewer History Room at the Library. (Councilor Goss)

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6. (2011-A209) ORDER, Accept Bill of Sale from Brewer Redevelopment, LLC to Brewer Historical Society to Convey the Personal Property Located at the Site of the Former Washington Street School on Washington Street, Brewer, Maine.
(Councilor O'Connell)
7. (2011-A210) ORDER, Award Bid for Tractor for the Brewer Parks and Recreation Department.
(Councilor Goss)
8. (2011-A211) ORDER, Authorize a Change Order to Lou Silver, Inc. Contract for the Green Point Road/Elm Street Water and Sewer Project.
(Councilor Verow)
9. (2011-A212) ORDER, Authorize Purchase of a Replacement Dump Truck/Plow for Public Works.
(Councilor Doughty)
10. (2011-A213) ORDER, Authorize Purchase of a Replacement Loader for Public Works.
(Councilor O'Connell)
11. (2011-A214) ORDER, Accept Grant Funds to the Brewer Environmental Department to Purchase an Industrial Scientific Multi-Gas Monitor to Use for Confined Space Entry.
(Councilor Goss)
12. (2011-A215) ORDER, Authorize the Water Department to Update Their Terms and Conditions.
(Councilor Verow)
13. (2011-A216) ORDER, Approve Contract for Brewer Water Pollution Control Facility Sludge Disposal Services. (Councilor Doughty)
14. (2011-A217) ORDER, Waive Foreclosure of Certain Mobile Home Properties Located in Brewer, Maine.
(Councilor O'Connell)
15. (2011-A218) ORDER, Accept Proceeds from Sale of Surplus Materials and Appropriate for Use.
(Councilor Goss)
16. (2011-A219) ORDER, Declare Fire Department Coats Surplus and Authorize Their Disposal.
(Councilor Verow)
17. (2011-A220) ORDER, Authorize City to Join Other Area Communities in Working Together to Renegotiate Terms for Cable Franchise Renewal with Time Warner Cable.
(Councilor Doughty)
18. (2011-A221) ORDER, Authorize the Write Off of Property Taxes

19. (2011-A222) ORDER, On 26 White Tail Road. (Councilor Goss)
Authorize Grant of Funds to Brewer
Redevelopment, LLC. (Councilor Doughty)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2011-B039) RESOLVE, Declare Results of the November 8, 2011
City of Brewer Annual Municipal Election
and the State of Maine Referendum
Election. (Councilor Goss)

F. Unfinished Business.

1. (2011-A147) ORDER, Award Contract for Engineering Services
for City Hall Accessibility Project.
(Councilor O'Connell)(tabled 8/9/11)
2. (2011-C011) Amend the Land Use Code, Chapter 24, Article 7
(Subdivision Ordinance), of the Charter, Codes and
Ordinances of the City of Brewer by Complete Substitution
of the Article. (Councilor Verow)(posted 9/14/11)
3. (2011-C012) Amend Chapter 20, Entitled "Licenses and Permits",
Article 1 (General Provisions Applicable to Both Licenses
and Permits) and Article 2 (Licenses) of the Charter, Codes
and Ordinances of the City of Brewer. (Councilor Doughty)
(posted 9/14/11)
4. (2011-C013) Amend Chapter 9, Article 6, Section 602 of the City of
Brewer's Codes and Ordinances to Permit the Sale and
Use of Fireworks and Consumer Fireworks in the City of
Brewer After January 1, 2011. (Councilor Verow)
(posted 9/14/11)
5. (2011-C014) Amend the General Assistance Ordinance to Incorporate
Changes In Maximum Benefits. (Councilor Verow)
(posted 10/12/11)
6. (2011-C015) Amend the Land Use Code, Chapter 24, Article 4,
Performance Standards, Section 424.2 General Parking
Requirements, Item 3 of the Charter, Codes and Ordinances
of the City of Brewer. (Councilor Goss)(posted 10/12/11)

G. New Business.

1. (2011-C018) Amend the Land Use Code, Chapter 24, Article 1,
General, Section 108 Amendments, Subsection 108.2
Zoning Amendments, Item 4 Council and by adding
Subsection 108.2.5 of the Charter, Codes and
Ordinances of the City of Brewer. (Councilor Doughty)
2. (2011-C019) Amend Chapter 1, Entitled "The City Council",
Article 3 Rules of Order, Section 330.5C Posting of Proposed
Ordinances or Ordinance Amendments of the Charter, Codes
and Ordinances of the City of Brewer. (Councilor Verow)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of October 11, 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.

B. Awards, Petitions and Public Comments.

1. Public Comments.

There were not public comments.

IV. Recess for Public Hearing.

The public hearing was called to order by Chairman Joseph Ferris.

The city clerk called the roll:

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

Chairman Ferris declared a quorum present. The City Clerk read the notice for the public hearing.

**CITY OF BREWER
PUBLIC HEARING**

Notice is hereby given that the City Council of the City of Brewer will hold a public hearing on Monday, November 14, 2011 at 6:00 P.M. in the Council Chambers at Brewer City Hall to receive comments on a proposed ordinance amendment to Chapter 9 (Fire Prevention), Article 6, Section 602 of the City of Brewer Codes and Ordinances to permit the sale and use of fireworks and consumer fireworks in the City of Brewer after January 1, 2012.

Any person may attend this public hearing and speak on this proposed amendment. Written comments may also be submitted. The deadline for submission of written comments is 5:00 P.M. on the date of the public hearing. Written comments should be addressed to the Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Howard F. Kroll
City Clerk

Published in Bangor Daily News November 7, 2011
Posted City Hall Bulletin Board November 2, 2011

Police Chief Antone spoke about the laws regarding fireworks.

Fire Chief Parent spoke about the laws and believes that a permit process would be in effect.

William Soule, Milford, wants to open a store and if the City keeps the ordinance in effect then he can't obtain a federal license if he doesn't have a physical location, etc.

Joan Richert, 38 Willow Way, spoke about the dangers of kids using fireworks.

V. Adjourn Public Hearing and Continue with Regular Meeting.

Chairman Ferris closed the public hearing at 6:34 p.m. and said the regular meeting would resume. The City Clerk called the roll and all members of the council were present.

C. Consent Calendar.

ACTION: Councilor Doughty removed order 2011-A211 from the consent calendar. and Councilor Verow removed order 2011-A220 from the consent calendar.

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

2011-A204

November 14, 2011

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

filed November 9, 2011
by Jerry Goss

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$100.00 from Bangor Tire Company for Brewer Parks and Recreation Department's Fall Program/Leagues;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted to the Fall Program/Leagues account (0107123 300328); and

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from account 0117121 506130 (Fall Program/Leagues).

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NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

2011-A205

November 14, 2011

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

filed November 9, 2011
by Kevin O'Connell

WHEREAS, the City of Brewer has received a donation of \$500.00 from Kindred Healthcare 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.

2011-A206

November 14, 2011

TITLE: ORDER, ACCEPT DONATION FROM THE CUSTOMERS OF JR
REDEMPTION CENTER TO THE BREWER FIRE
DEPARTMENT FOR THE PUBLIC SAFETY MUSEUM.

filed November 9, 2011
by Larry T. Doughty

WHEREAS, the City of Brewer has received a donation of \$100.00 from the customers of JR Redemption Center;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be deposited in the Fire Museum Donation account 0200000-320000-59009; and

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of these funds from the Department's budget account 0200000-520000-59009 (Fire Museum Expense); and

FURTHER ORDERED, that a letter of acknowledgement and appreciation be sent to the customers of JR Redemption Center for their generous donation.

2011-A207

November 14, 2011

TITLE: ORDER, ACCEPT FUNDS FROM THE NORTH BREWER
CEMETERY ASSOCIATION.

filed November 9, 2011
by Arthur Verow

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$2,329.22 from the North Brewer Cemetery Association, an association formed over seventy years ago to maintain the North Brewer Cemetery (aka Day Road Cemetery); and

WHEREAS, the North Brewer Cemetery Association has expressed their desire to have these funds dedicated toward the maintenance of the North Brewer Cemetery (aka Day Road Cemetery), including such items as stone repair and cleaning and installation of a new flag pole;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted to 0200000-320000-71005 (Day Road Cemetery Grant Rev from N Brewer Cemetery Association);

AND FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from 0200000-520000-71005 (Day Road Cemetery Expense) in keeping with the intent expressed by the North Brewer Cemetery Association.

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.

2011-A208

November 14, 2011

TITLE: ORDER, ACCEPT FUNDS FROM SALE OF SURPLUS MATERIALS AND AUTHORIZE PLACEMENT OF FUNDS IN ACCOUNT FOR USE IN BREWER HISTORY ROOM AT THE LIBRARY.

filed November 9, 2011
by Jerry Goss

WHEREAS, the Brewer Public Library has a circulation desk it is not using that is located in the old library location; and

WHEREAS, Center Drive School in Orrington has offered \$100 for the removal and purchase of said desk; and

WHEREAS, the library would like the funds to be used in the Brewer History Room project;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith declares the circulation desk surplus property and accepts the offer of \$100 for the old circulation desk from Center Drive School; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited in 0600057-360010-72017 (Library History Room Contributions) and be appropriated and expended from 0600057-560000-72017 (Library History Room Expenses) on the Brewer History Room project.

2011-A209

November 14, 2011

TITLE: ORDER, ACCEPT BILL OF SALE FROM BREWER REDEVELOPMENT, LLC TO BREWER HISTORICAL SOCIETY TO CONVEY THE PERSONAL PROPERTY LOCATED AT THE SITE OF THE FORMER WASHINGTON STREET SCHOOL ON WASHINGTON STREET, BREWER, MAINE.

filed November 9, 2011
by Kevin O'Connell

ORDERED, that the Brewer City Council authorizes the City Manager to execute and deliver a Bill of Sale from the Brewer Redevelopment, LLC to the Brewer Historical Society to convey the personal property located at the site of the former Washington Street School on Washington Street, Brewer, Maine; and

FURTHER ORDERED, that the Bill of Sale be herewith attached and become a permanent part of this order.

2011-A210

November 14, 2011

TITLE: ORDER, AWARD BID FOR TRACTOR FOR THE BREWER
PARKS AND RECREATION DEPARTMENT.

filed November 9, 2011
by Jerry Goss

WHEREAS, bids were solicited, received and evaluated for the purchase of a tractor; and

WHEREAS, Dorr's Equipment of Bangor, Maine has provided the City of Brewer with a bid on a tractor which satisfies our bid specifications;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Dorr's Equipment in the amount of \$16,900 (the low bid) for the purchase of a 2011 Kubota L3540HSTC-3 tractor with a bucket loader ; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510124-551442.

Results from October 26, 2011 bid opening for tractor replacement:

Vendor	Model Year Bid	Price
Dorr's Equipment	2011	\$16,900
Greenway Equipment	2012	\$18,680
Greenway Equipment	2012	\$19,463
Northwood Power Equipment	2011	\$27,000

2011-A211

November 14, 2011

TITLE: ORDER, AUTHORIZE A CHANGE ORDER TO LOU SILVER, INC. CONTRACT FOR THE GREEN POINT ROAD/ ELM STREET WATER AND SEWER PROJECT.

filed November 9, 2011
by Arthur Verow

WHEREAS, the original contract awarded to Lou Silver, Inc. did not include the installation of new water main along Sid Arey Drive; and

WHEREAS, the installation of this section of water main will be required to provide new water service to the proposed Business and Commerce Park; and

WHEREAS, it has now been determined that the overall project budget has sufficient funding available for the installation of this section of water main; and

WHEREAS, the City Engineer has negotiated acceptable terms with Lou Silver, Inc. for furnishing and stalling this additional water main;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to execute a change order to the Green Point Road/Elm Street Water and Sewer Main contract with Lou Silver, Inc. in the amount of \$199,200 to furnish and install 2400' of 14" DR9 PE water main on Sid Arey Drive under the same terms and conditions of the original contract between the parties; and

BE IT FURTHER ORDERED, that the costs for this work shall be charged to account 0601600-560030-57012.

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

City Engineer Frank Higgins said he had enough funding in the budget to cover the change which wasn't in the original bid, the bids for the change came in lower than projected. The Rotherdale section will be updated to get the water service upgraded.

The order was passed by unanimous vote.

2011-A212

November 14, 2011

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT
DUMP TRUCK/PLOW FOR PUBLIC WORKS.

filed November 9, 2011
by Larry T. Doughty

WHEREAS, bids were solicited, received and evaluated for the purchase of a dump truck/snowplow to replace Public Works unit #424 a 1998 GMC plow truck; and

WHEREAS, Daigle & Houghton, of Hermon, ME provided the City with the lowest of the three bids received in the amount of \$128,059.87; and

WHEREAS, Daigle & Houghton has offered to credit the City \$11,000 for the purchase of our current spare truck and plow unit #423, already declared surplus;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Daigle & Houghton in the amount of \$117,059.87 for the purchase of a 2012, 7300SFA International dump truck with plow, wing and sander body; and

BE IF FURTHER ORDERED, that the current Public Works unit numbered 423, the 1996 Ford L8000 plow truck, with a plow and wing, be released and transfer ownership to Daigle & Houghton once the replacement truck has been delivered; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-551376, titled "Dump/Plow Replacement #424"; and

BE IT FURTHER ORDERED, that \$3,000 in unneeded funds from account 0510133-551386 (JCB Loader #435 Replacement) be reallocated to 0510133-551376 (Dump/Plow Replacement #424) to support this purchase.

2011-A213

November 14, 2011

TITLE: ORDER, AUTHORIZE PURCHASE OF A REPLACEMENT
LOADER FOR PUBLIC WORKS.

filed November 9, 2011
by Kevin O'Connell

WHEREAS, bids were solicited, received and evaluated for the purchase of a loader to replace Public Works unit #435 a 2002 JCB Loader; and

WHEREAS, T B Equipment, Inc. of Bangor, Maine has provided the City of Brewer with a bid on a loader which satisfies our bid specifications;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to T B Equipment, Inc. in the amount of \$112,688.00 for the purchase of a 2011 HL757-9 Hyundai Loader; and

BE IT FURTHER ORDERED, that Public Works unit #435, the 2002 JCB loader, as part of the bid package, be release and transferred ownership to T B Equipment, Inc. for trade-in once the replacement loader has been delivered to the City of Brewer; and

BE IT FURTHER ORDERED, that funds for this purchase shall be charged to the CIP account 0510133-551386, titled "JCB Loader #435 Replacement";

2011-A214

November 14, 2011

TITLE: ORDER, ACCEPT GRANT FUNDS TO THE BREWER ENVIRONMENTAL DEPARTMENT TO PURCHASE AN INDUSTRIAL SCIENTIFIC MULTI-GAS MONITOR TO USE FOR CONFINED SPACE ENTRY.

filed November 9, 2011
by Jerry Goss

WHEREAS, the Brewer Water Pollution Control Facility and the Collection Systems operators perform approximately 50 confined space entries per year; and

WHEREAS, the Multi-Gas Monitors currently in use are 10-15 years old and we no longer can get parts to repair the meters; and

WHEREAS, the Bureau of Labor Standards regulations and the Environmental Department confined space entry policy both require those performing confined space entries to monitor the atmosphere for oxygen, lower explosive limit, hydrogen sulfide and carbon monoxide; and

WHEREAS, the Environmental Department has received a Safety Enhancement Grant from Maine Municipal Association for \$1,495.40 intended to cover two-thirds of the cost of purchasing a Multi-Gas Monitor;

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 Environmental Department to be deposited in account number 0680002-360000-88001 (2011 MMA Safety Grant – Gas Monitor Grant Revenue); and

FURTHER BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order to Wise El Santo for \$2,243.10 to obtain an Industrial Scientific ISC ITX 4 Gas Monitor, which shall be charged to 0680002-560000-88001 (MMA Safety Grant - Gas Monitor Expense), two-thirds which shall be funded by the MMA Safety Grant and one-third (\$747.30) of which shall be funded by monies budgeted in account number 0817702-502800 (Safety Supplies).

2011-A215

November 14, 2011

TITLE: ORDER, AUTHORIZE THE WATER DEPARTMENT TO
UPDATE THEIR TERMS AND CONDITIONS.

filed November 9, 2011
by Arthur Verow

WHEREAS, the Terms and Conditions of the Brewer Water Department must be filed with the Maine Public Utilities Commission; and

WHEREAS, the Terms and Conditions of the Brewer Water Department constitute a contract between our Customers and the Utility; and

WHEREAS, the Maine Public Utilities Commission recently approved Chapter 660 rule changes for Public Utilities, which go into effect January 1, 2012; and

WHEREAS, the Brewer Water Department has not updated its' Terms and Conditions since December 2007; and

WHEREAS, a copy of the proposed Terms and Conditions showing all additions and deletions has been included for City Council Review; and

WHEREAS, the Maine Public Utilities Commission has the final say on the acceptance of the Water Department Terms and Conditions, and may require changes and modification to these Terms and Conditions;

NOW, THEREFORE, BE IT ORDERED, that the Water Department is authorized to submit these Terms and Conditions to the Public Utilities Commission for review and acceptance; and

BE IT FURTHER ORDERED, that the Water Department is authorized to make modifications to these Terms and Conditions based upon the requirements made by the Maine Public Utilities Commission and their acceptance of these Terms and Conditions.

2011-A216

November 14, 2011

TITLE: ORDER, APPROVE CONTRACT FOR BREWER WATER POLLUTION CONTROL FACILITY SLUDGE FACILITY SLUDGE DISPOSAL SERVICES.

filed November 9, 2011
by Larry T. Doughty

WHEREAS, the City of Brewer Water Pollution Control Facility's 5 year contract with New England Organics (NEO) for sludge disposal expires on December 14, 2011; and

WHEREAS, on October 14, 2011 the City requested proposals from contractors to provide a price quote for transportation and disposal of dewatered sludge from the City's Water Pollution Control Facility; and

WHEREAS, Soil Preparation, Inc. of Plymouth, Maine presented the lowest bids for both transportation and disposal of the sludge produced annually at the Brewer Water Pollution Control Facility;

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to execute a five year contract with Soil Preparation, Inc. of Plymouth, Maine, upon its being approved as to legal form by the City Solicitor, to provide sludge transportation and disposal services at the annual rates below:

<u>Year</u>	<u>Transportation (per load)</u>	<u>Disposal (per ton)</u>
Year 1	\$155	\$54.33
Year 2	\$166	\$54.66
Year 3	\$166	\$55.00
Year 4	\$176	\$55.33
Year 5	\$176	\$55.66

NOTE: The only other bid was received from New England Organics at the annual rates below:

<u>Year</u>	<u>Transportation (per load)</u>	<u>Disposal (per ton)</u>
Year 1	\$360	\$54.96
Year 2	Year 1 price plus CPI	Year 1 price plus CPI
Year 3	Year 2 price plus CPI	Year 2 price plus CPI
Year 4	Year 3 price plus CPI	Year 3 price plus CPI
Year 5	Year 4 price plus CPI	Year 4 price plus CPI

2011-A217

November 14, 2011

TITLE: ORDER, WAIVE FORECLOSURE OF CERTAIN MOBILE
HOME PROPERTIES LOCATED IN BREWER, MAINE.

filed November 9, 2011
by Kevin O'Connell

WHEREAS, on June 21, 2010, after notices were provided in accordance with state law, the City of Brewer filed at the Penobscot Registry of Deeds liens against the mobile homes listed below for failure to pay FY2010 taxes in full; and

WHEREAS, FY2010 taxes on these properties remain unpaid and the statutory foreclosure will take place on December 21, 2011; and

WHEREAS, it is not in the best interest of the City of Brewer to allow the foreclosure of said properties to take place because they all rest on rented land and foreclosure could possibly result in the City being liable for rents and/or other expenses due;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith agrees to waive foreclosure on the properties listed below located in Brewer, Maine, for the 2010 tax year and authorizes the City Deputy Treasurer to sign statutory waivers of foreclosure and record them in the Penobscot County Registry of Deeds;

Name	Property Location
FORD SHANNON	15 BLACK BEAR ROAD
GOULD SCOTT	14 WHITE TAIL RD
MACDONALD TIMOTHY S	33 BLACK BEAR RD
MATTHEWS RAYMOND	23 BLACK BEAR RD
MATTHEWS RAYMOND C	26 BLACK BEAR RD
PORTER ARIEN	28 WHITE TAIL RD
ROYAL-NEVERS JOY A	12 BLACK BEAR
SMITH NOBELEE	34 BLACK BEAR
STEWART RANDALL	27 WHITE TAIL RD

BE IT FURTHER ORDERED, that the Deputy Treasurer is authorized to take any and all other actions that may be necessary to carry out the terms and conditions of this order.

2011-A218

November 14, 2011

TITLE: ORDER, ACCEPT PROCEEDS FROM SALE OF SURPLUS
MATERIALS AND APPROPRIATE FOR USE.

filed November 9, 2011
by Jerry Goss

WHEREAS, Public Works has received checks in the amount of \$850.00, \$500.00 and \$1,706.10 (totaling \$3,056.10) from the sale of scrap materials from the former Public Safety Building and \$252.00 from the sale of scrap metal turned in by the Public Works vehicle maintenance crew; and

WHEREAS, the City Council desires to apply these proceeds to support expenses associated with the Public Safety Museum and FY12 Public Works vehicle maintenance and repairs costs, respectively;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith orders the proceeds from the sale of this surplus property be deposited into and appropriated and expensed from the accounts listed below:

\$3,056.10	0200000-320000-59009 Fire Museum Donations	0200000-520000-59009 Fire Museum Expense
\$252.00	0106604-300490 Public Works Misc Rev	0116641-504200 PW Vehicle Maint & Repair

2011-A219

November 14, 2011

TITLE: ORDER, DECLARE FIRE DEPARTMENT COATS SURPLUS
AND AUTHORIZE THEIR DISPOSAL.

filed November 9, 2011
by Arthur Verow

WHEREAS, the Fire Department received 30 new high visibility coats paid for by a grant from the Stephen and Tabitha King Foundation; and

WHEREAS, the old coats no longer meet the safety standards set forth by OSHA and the NFPA; and

WHEREAS, the old coats have negligible value because they do not meet current safety standards;

NOW THEREFORE BE IT ORDERED, that the City Council hereby declares the old coats surplus and authorizes the Fire Chief to dispose of the coats as he sees fit, including by giving the coats to Fire Department or other City employees.

2011-A220

November 14, 2011

TITLE: ORDER, AUTHORIZE CITY TO JOIN OTHER AREA COMMUNITIES IN WORKING TOGETHER TO RENEGOTIATE TERMS FOR CABLE FRANCHISE RENEWAL WITH TIME WARNER CABLE.

filed November 9, 2011
by Larry T. Doughty

WHEREAS, the City's 15 year cable franchise agreement with Time Warner Cable (TWC) expires in October 2013; and

WHEREAS, the City has received notice from TWC that it would like to negotiate to renew the franchise agreement; and

WHEREAS, many other communities in the region including Bangor have similarly structured franchise agreements expiring in the same time frame and will be joining together to negotiate with TWC collectively and share equally in the associated attorneys fees; and

WHEREAS, the City of Brewer participated in a similar collaborative negotiation in the late 1990s to establish the first cable franchise agreement and the approach proved successful and cost effective; and

WHEREAS, the current renegotiation process is anticipated to get underway in December 2011;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to take any and all actions required to join the collaborative renegotiation effort, including signing a Memorandum of Understanding and incurring legal expenses, which shall be shared equally among all participants.

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

Councilor Verow wanted to know if there would be a timeframe to get a contract.

City Manager Steve Bost said he would keep the council informed.

The order was passed by unanimous vote.

2011-A221

November 14, 2011

TITLE: ORDER, AUTHORIZE THE WRITE OFF OF PROPERTY
TAXES ON 26 WHITE TAIL ROAD.

filed November 9, 2011
by Jerry Goss

WHEREAS, there is a total of approximately \$680 in past due FY2010 and FY2011 taxes, interest and fees on the mobile home located at 26 White Tail Road in Brewer; and

WHEREAS, the property sits on rented land, is currently uninhabitable and is possessed by the bank since the owners walked away from the property in the spring of 2011; and

WHEREAS, the owner of the trailer park in which the mobile home is situated, Roger Tracy, believes he has a party who may be willing to invest some money in the trailer to make it habitable if the past taxes are forgiven; and

WHEREAS, the City has consulted with the City Solicitor and determined that the time and cost involved in acquiring and disposing of this property exceeds the potential benefit;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the write off of the outstanding tax balances for the property situated at 26 White Tail Road in Brewer.

2011-A222

November 14, 2011

TITLE: ORDER, AUTHORIZE GRANT OF FUNDS TO BREWER
REDEVELOPMENT, LLC.

filed November 9, 2011
by Larry T. Doughty

WHEREAS, on September 13, 2011, the Brewer City Council authorized the creation of Brewer Redevelopment LLC whose purpose is to take and hold title to four former school properties and to market, develop and otherwise make use of the properties for the betterment of the City; and

WHEREAS, Brewer Redevelopment LLC has taken title to the former Washington Street School property and begun to work on reuse and redevelopment issues associated with each of the four properties; and

WHEREAS, to meet its purpose the LLC needs funding with which to preserve, operate secure and maintain the properties until they can be sold or redeveloped; and

WHEREAS, in accordance with Article 3 of the Limited Liability Agreement, the City of Brewer (the LLC's "sole member") may distribute the previously allocated funds to the LLC in its entirety; and

WHEREAS, the FY2012 budget appropriated \$53,192 specifically for costs associated with the former school properties and \$48,000 of these funds are still remaining;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes that \$48,000 of the funds budgeted for costs associated with the former school properties be appropriated and expended on a grant to Brewer Redevelopment LLC to support its mission and purpose.

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.

E. Nominations, Appointments, Elections.

2011-B039

November 14, 2011

TITLE: RESOLVE, DECLARE RESULTS OF THE NOVEMBER 8, 2011 CITY OF BREWER ANNUAL MUNICIPAL ELECTION AND THE STATE OF MAINE REFERENDUM ELECTION.

filed November 9, 2011
by Jerry Goss

WHEREAS, the City of Brewer Annual Municipal Election and the State of Maine Referendum Election was held on November 8, 2011; 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 Annual Municipal Election and the State of Maine Referendum Election as follows:

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

The resolve was adopted by unanimous vote.

F. Unfinished Business.

1. (2011-A147) ORDER, Award Contract for Engineering Services for City Hall Accessibility Project. (Councilor O'Connell)(tabled 8/9/11)

ACTION: Councilor O'Connell moved that the order be removed from the table. The motion was seconded and passed by unanimous vote.

Councilor Verow discussed the documents that were handed out to council by City Engineer Frank Higgins.

Councilor Doughty moved that the order be amended by striking out the words "ramp" in the order and inserting the word "chairlift". The motion was seconded and passed by unanimous vote.

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

2. (2011-C011) Amend the Land Use Code, Chapter 24, Article 7 (Subdivision Ordinance), of the Charter, Codes and Ordinances of the City of Brewer by Complete Substitution of the Article. (Councilor Verow)(posted 9/14/11)

ACTION: Councilor Verow moved that the ordinance amendment be enacted. The motion was seconded and passed.

The ordinance amendment was enacted by unanimous vote.

3. (2011-C012) Amend Chapter 20, Entitled "Licenses and Permits", Article 1 (General Provisions Applicable to Both Licenses and Permits) and Article 2 (Licenses) of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Doughty) (posted 9/14/11)

ACTION: Councilor Doughty moved that the ordinance amendment be enacted. The motion was seconded.

Councilor Doughty moved that the ordinance amendment be amended by striking out Section 220.2. The motion was seconded and passed by unanimous vote.

The ordinance amendment, as amended, was enacted by unanimous vote.

4. (2011-C013) Amend Chapter 9, Article 6, Section 602 of the City of Brewer's Codes and Ordinances to Permit the Sale and Use of Fireworks and Consumer Fireworks in the City of Brewer After January 1, 2011. (Councilor Verow)
(posted 9/14/11)

ACTION: Councilor Verow moved that the ordinance amendment be enacted. The motion was seconded and passed.

The ordinance amendment was enacted by unanimous vote.

5. (2011-C014) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Verow)
(posted 10/12/11)

ACTION: Councilor Verow moved that the ordinance amendment be enacted. The motion was seconded and passed.

The ordinance amendment was enacted by unanimous vote.

6. (2011-C015) Amend the Land Use Code, Chapter 24, Article 4, Performance Standards, Section 424.2 General Parking Requirements, Item 3 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Goss)(posted 10/12/11)

ACTION: Councilor Goss moved that the ordinance amendment be enacted. The motion was seconded and passed.

The ordinance amendment was enacted by unanimous vote.

G. New Business.

2011-C018

November 14, 2011

TITLE: AMEND THE LAND USE CODE, CHAPTER 24, ARTICLE 1, GENERAL, SECTION 108 AMENDMENTS, SUBSECTION 108.2 ZONING AMENDMENTS, ITEM 4 COUNCIL AND BY ADDING SUBSECTION 108.2.5 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

filed November 9, 2011
by Larry T. Doughty

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 24, Article 1 (General), Section 108 Amendments, Subsection 108.2 Zoning Amendments, Item 4 Council and by adding Subsection 108.2.5 of the Charter, Codes and Ordinances of the City of Brewer entitled "Land Use" be amended as follows:

1. Subsection 108.2 ZONING AMENDMENTS
4. COUNCIL

The City Council, upon receipt of the Planning Board's recommendation, shall meet and consider legislation to enact the Zoning Ordinance or Amendment. Any Amendment shall be certified to the City Clerk by the City Council and posted by the City Clerk in accordance with Title 30-A M.R.S.A. § 3002.

2. Subsection 108.2.5
5. Any revision to this Land Use Code of the City of Brewer shall follow the provision set forth in Section 108, and Subsection 108.1 through and including 108.4 of this Article.

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.

2011-C019

November 14, 2011

TITLE: AMEND CHAPTER 1 ENTITLED "THE CITY COUNCIL",
ARTICLE 3 RULES OF ORDER, SECTION 330.5C POSTING
OF PROPOSED ORDINANCES OR ORDINANCE AMENDMENTS
OF THE CHARTER, CODES AND ORDINANCES OF THE CITY
OF BREWER.

filed November 9, 2011
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 1 Entitled "The City Council", Article 3 (Rules of Order), Section 330.5C (Posting of Proposed Ordinances or Ordinance Amendments) of the Charter, Codes and Ordinances of the City of Brewer be amended as follows:

SECTION 330.5C. POSTING OF PROPOSED ORDINANCES OR ORDINANCE
AMENDMENTS.

An attested copy of the proposed Ordinances or Ordinance Amendments must be filed with the City Clerk at least seven (7) days before the date of the Council meeting at which such proposed Ordinances or Ordinance Amendments are to be considered. An attested copy of any proposed Code to be adopted by reference or any amendment thereto, certified by the Municipal Officers, must be filed with and posted by the City Clerk in a conspicuous place in Brewer City Hall for at least Thirty (30) days before the date of the Council meeting at which such proposed Code is to be adopted by reference or any amendment thereto is to be enacted.

Notwithstanding the above, the City Clerk may prepare and post proposed Ordinances and/or Ordinance Amendments that deal with ministerial matters as listed in Section 330.5. Any such Ordinances and/or Ordinance Amendments dealing with ministerial matters, that are prepared and posted by the City Clerk at least seven (7) days before the date of a Council Meeting, may be acted upon by the City Council at such meeting.

For the purposes of this Section any revisions to the Land Use Code of the City of Brewer, Maine, set forth under Chapter 24 of the City's Codes and Ordinances shall follow the posting requirements under Title 30-A M.R.S.A. § 3002, as it constitutes a series of Ordinances and not the adoption of amendment of a Code or Codes under Title 30-A M.R.S.A. § 3003.

(Reference to Maine Laws. Title 30-A Sections 3002 and 3003.)

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.

H. New Items with Leave of Council.

Councilor Verow commended Mayor Ferris for his tenure as Mayor.

Mayor Ferris mentioned that he had received a letter from the Maine State Housing Authority and wanted Council to approve his replying to this.

The City Clerk polled the Council and all were in favor.

Councilor Goss moved that the Mayor have the authority to send a letter to the Maine State Housing Authority. The motion was seconded and passed by unanimous vote.

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 7:10 p.m.

ADJOURNED, ATTEST: _____ Howard F. Kroll

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine