

City Council Minutes
October 11, 2011

Regular Meeting
City Hall Council Chambers

Tuesday, October 11, 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 Tuesday, October 11, 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	R. Gerald	Ptl.	10/07/11	2010
Larry T. Doughty	D. Lord	Sgt.	10/07/11	1953
Arthur Verow	D. Lord	Sgt.	10/07/11	1950
Jerry Goss	D. Lord	Sgt.	10/07/11	1945
Kevin O'Connell	R. Gerald	Ptl.	10/07/11	2004

CITY OF BREWER REGULAR MEETING
Tuesday, October 11, 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 September 13, 2011 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2011-B037) RESOLVE, Recognize John F. Goodness. (Mayor Ferris, Councilors Verow, Doughty, Goss and O'Connell)
 - 2. Public Comments.
- C. Consent Calendar.**
 - 1. (2011-A184) ORDER, Issue Release Deed to Harold E. Sherwood, Jr., 114 Union Street. (Councilor Doughty)
 - 2. (2011-A185) ORDER, Accept Donation to the Brewer Parks and Recreation Department for the Fall Program/Leagues. (Councilor Goss)
 - 3. (2011-A186) ORDER, Approve Contract Zone Agreement Amendment of Property for Chamberlain Place Senior Housing Development Associates, LP and Brewer Housing Authority, Chamberlain Street (City Tax Map 39, Lot 39). (Councilor O'Connell)
 - 4. (2011-A187) ORDER, Approve Contract Zone Agreement Amendment of Property for Husson Park Limited Partnership and Husson Park LLC, 34 Abbott Street (City Tax Map 27, Lot 32). (Councilor Verow)
 - 5. (2011-A188) ORDER, Direct the City Clerk to Publish the Complete Text of the Municipal Ballot for the November 2, 2011 Election in the Bangor Daily News. (Councilor Doughty)
 - 6. (2011-A189) ORDER, Accept Easements from Residents to Facilitate Construction of the Elm Street Water Connection To Sherwood Forest Development. (Councilor Goss)
 - 7. (2011-A190) 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 O'Connell)

8. (2011-A191) ORDER, Authorize Olver Associates to Conduct a Comprehensive Energy Audit of the Brewer Water Pollution Control Facility.
(Councilor Verow)
9. (2011-A192) ORDER, Authorize Expenditure of Capital Funds to Establish Water Connections to 16 Properties and Construct a Water Line Extension on Wiswell Road.
(Councilor Doughty)
10. (2011-A193) ORDER, Accept Deed from the Brewer High School District to the City of Brewer for the Washington Street School Property. (Councilor Goss)
11. (2011-A194) ORDER, Authorize the Conveyance of Property to Brewer Redevelopment, LLC. (Councilor O'Connell)
12. (2011-A195) ORDER, Authorize the City Manager to Execute a Consent Agreement with Bangor Gas Company, LLC to Facilitate the Installation of Natural Gas Service to a Residence at 4 Hardy Street. (Councilor Doughty)
13. (2011-A196) ORDER, Authorize the Purchase of New Video Detection Equipment for the Washington Street/State Street Intersection. (Councilor Verow)
14. (2011-A197) ORDER, Approve the Carry Forward Encumbrance of Appropriated, but not Expended, Funds for Approved Projects. (Councilor Goss)
15. (2011-A198) ORDER, Accept Insurance Dividend from Maine Municipal Association. (Councilor Doughty)
16. (2011-A198A)ORDER, Authorize Forgiveness of Interest on 1997 Tax Bill.
(Councilor Goss)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections. (no items)

F. Unfinished Business.

1. (2011-A147) ORDER, Award Contract for Engineering Services for City Hall Accessibility Project. (tabled 8/9/11)
(Councilor O'Connell)
2. (2011-A176A) ORDER, Authorize the Purchase of a Used 816 Caterpillar Pusher/Packer. (tabled 9/13/11)
(Councilor Doughty)

G. New Business.

1. (2011-C014) Amend the General Assistance Ordinance to Incorporate Changes In Maximum Benefits. (Councilor Verow)
2. (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)
3. (2011-A199) ORDER, Set Time and Location for the Annual Meeting of the City Council and the School Committee.
(Councilor Doughty)

4. (2011-A200) 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.

A. Minutes of September 13, 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, Public Comments.

2011-B037

October 11, 2011

TITLE: ORDER, RECOGNIZE JOHN F. GOODNESS.

filed October 5, 2011
by Joseph Ferris, Arthur Verow
Larry T. Doughty, Jerry Goss,
Kevin O'Connell

WHEREAS, 2011 marks the 40th year that Brewer resident, John Goodness, has volunteered his time, expertise and guidance to the Brewer Library Association; and

WHEREAS, John Goodness is a devoted father, grandfather, businessman, and leader;

WHEREAS, John Goodness in his capacity as President and Treasurer of the Brewer Free Library Association was instrumental in the merger with the City of Brewer in November 1978 to what is the present day Brewer Public Library; and

WHEREAS, the citizens of Brewer and city officials recognize John as a dedicated, respected and caring businessman, father, grandfather, husband, volunteer and friend: and

WHEREAS, the stature he attained in the library community for his many years of dedicated service is being recognized by his family and friends and colleagues;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does, by this resolution and public pronouncement, recognize the dedication and commitment of John Goodness on the well-being and development of the community in which he works, volunteers and his service to the Brewer and the library; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to John and his family in testimony to the high esteem held for John Goodness by the citizens and officials of the City of Brewer, Maine.

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

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

John Norris, Derusha Lane, thanked the City Council for their job on the school and Wilson Street development improvement. Fisherman's Park is well kept, people are stopping for lunch, etc. It does have some potholes that need to be graded. Feels it needs pavement at the facility. Also wants more park benches at the facility.

The trail ways that are behind the Dead River facility are beautiful.

Mr. Norris also asked who paid for the signs at the intersection of Pendleton Street/South Main Street? They are actually reflecting bars, etc.

Frank Higgins- those signs were done by the School with a MDOT permit. As part of the widening those signs were placed to prevent the business from having a vehicle park and hang over the sidewalk into the right of way.

Councilor Verow- the benches at the Fisherman Park are great, maybe we should place another on the side of the High School and Public Safety Building.

C. Consent Calendar.

ACTION: Councilor Doughty removed orders 2011-A186 and A193 from the consent calendar. Councilor Verow removed order 2011-A194 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-A184

October 11, 2011

TITLE: ORDER, ISSUE TAX RELEASE DEED TO HAROLD E. SHERWOOD, JR., 114 UNION STREET.

filed October 5, 2011
by Larry T. Doughty

ORDERED, that a municipal release deed be issued to Harold E. Sherwood, Jr., releasing to him all rights, title and interest the City of Brewer may have acquired in the property on 114 Union Street (City Tax Map 29, Lot 197) 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
12256	256
12073	348
11848	78
11636	14
11421	284

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 \$1,682.24 in principal was collected along with \$142.64 in interest and \$103.91 in costs.

2011-A185

October 11, 2011

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

filed October 5, 2011
by Jerry Goss

WHEREAS, the Brewer Parks and Recreation Department has received a donation of \$100.00 from Machias Savings Bank 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).

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-A186

October 11, 2011

TITLE: ORDER, APPROVE CONTRACT ZONE AGREEMENT AMENDMENT OF PROPERTY CHAMBERLAIN PLACE SENIOR HOUSING DEVELOPMENT ASSOCIATES, LP AND BREWER HOUSING AUTHORITY, CHAMBERLAIN STREET (CITY TAX MAP 39, LOT 39).

filed October 5, 2011
by Kevin O'Connell

ORDERED, that the contract zone agreement between the City of Brewer and Chamberlain Place Senior Housing Development Associates, LP and Brewer Housing Authority, providing for a contract zone change for the property at Chamberlain Street (City Tax Map 39, Lot 39), is herewith approved; and

ORDERED, that a copy of the contract agreement for the contract zone change for the property at Chamberlain Street is herewith attached and made a part of this order; and

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign this contract agreement on behalf of the City of Brewer.

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

Councilor Doughty asked for someone to explain the upgrade project.

Code Enforcement Officer Ben Breadmore said the project update is due to funding.

The order was passed by unanimous vote.

2011-A187

October 11, 2011

TITLE: ORDER, APPROVE CONTRACT ZONE AGREEMENT AMENDMENT OF PROPERTY FOR HUSSON PARK LIMITED PARTNERSHIP AND HUSSON PARK LLC, 34 ABBOTT STREET (CITY TAX MAP 27, LOT 32).

filed October 5, 2011
by Arthur Verow

ORDERED, that the contract zone agreement between the City of Brewer and Husson Park Limited Partnership and Husson Park LLC, providing for a contract zone change for the property at 34 Abbott Street (City Tax Map 27, Lot 32), is herewith approved; and

ORDERED, that a copy of the contract agreement for the contract zone change for the property at 34 Abbott Street is herewith attached and made a part of this order; and

FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign this contract agreement on behalf of the City of Brewer.

2011-A188

October 11, 2011

TITLE: ORDER, DIRECT THE CITY CLERK TO PUBLISH THE COMPLETE TEXT OF THE MUNICIPAL BALLOT FOR THE NOVEMBER 8, 2011 ELECTION IN THE BANGOR DAILY NEWS.

filed October 5, 2011
by Larry T. Doughty

WHEREAS, the City of Brewer annual municipal election will be held on Tuesday, November 8, 2011; and

WHEREAS, Brewer City Charter, Article IV, Nominations and Elections, Section 6, states that after certification by the City Clerk of nomination signatures for candidates for election to City positions, the City Council must order one publication of the complete specimen ballot to be made in one, or more should the City Council deem it best, of the newspapers published in the City of Brewer or City of Bangor, such publication to be made not less than 10 days, nor more than 15 days prior to the election.

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith direct the City Clerk to publish the complete text of the November 8, 2011 municipal ballot in a newspaper published in the City of Brewer or City of Bangor to wit Bangor Daily News.

2011-A189

October 11, 2011

TITLE: ORDER, ACCEPT EASEMENTS FROM RESIDENTS TO FACILITATE CONSTRUCTION OF THE ELM STREET WATER CONNECTION TO SHERWOOD FOREST DEVELOPMENT.

filed October 5, 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, it is imperative that the following order become effective immediately upon its approval to avoid delay in the completion of this important construction project prior to the close of the 2011 construction season; 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;

NOW, THEREFORE, BE IT ORDERED, as follows:

WHEREAS, the City Manager, or his designee, is presently negotiating necessary easements with properties owners for four (4) separate parcels and consent from Bangor Hydro Electric Company for access to their easement; and

WHEREAS, all interested parties have verbally agreed to the general terms of the easement; and

WHEREAS, the City will require these easements from certain property owners to execute the Elm Street Water Main Cross Connection Project to Sherwood Forrest Development, a project which will help improve the water pressure for residents in this development; and

WHEREAS, under the terms of these easements, the grantors grant to the City of Brewer easements for the installation and maintenance of a water main line in the general accordance the plans attached as Exhibit A;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer authorized the City Manager to execute a consent agreement with the Bangor Hydro Electric Company and these easements in their substantial form from the following in relation to this project:

Ai Hui Lu	(Map 11, Lot 6)
Richard Coffin	(Map 12, Lot 1)
Charles & Danielle Cook	(Map 12, Lot 1A)
Raymond & Phyllis Robinson	(Map 48, Lot 37)

AND, FURTHER ORDERED, that said easements shall be accepted by the City and recorded with the Penobscot County Registry of Deeds and the Brewer City Clerk once they have been fully executed.

2011-A190

October 11, 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 October 5, 2011
by Kevin O'Connell

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
CR 2011-191 Brock Campbell	\$2,598.00

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 State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures are authorized be expended from the Asset Forfeiture Reserve Fund 2001.

2011-A191

October 11, 2011

TITLE: ORDER, AUTHORIZE OLVER ASSOCIATES TO CONDUCT A COMPREHENSIVE ENERGY AUDIT OF THE BREWER WATER POLLUTION CONTROL FACILITY.

filed October 5, 2011
by Arthur Verow

WHEREAS, the City of Brewer has received a \$20,000 principal forgiveness loan from Maine Department of Environmental Protection (MDEP) to conduct an energy audit at the Brewer Water Pollution Control Facility and its three main pump stations; and

WHEREAS, the City has been considering conducting an energy audit at the Facility for several years and this will be an excellent opportunity to complete the audit without using any sewer enterprise account funds; and

WHEREAS, Olver Associates was the only firm that responded to our RFP and is extremely familiar with all of the equipment, power driven auxiliary systems and instrumentation at the Facility, gained through 23 years of engineering services provided to the City on numerous wastewater infrastructure upgrade projects; and

WHEREAS, the energy audit will be done in partnership with Olver Associates electrical engineering sub-contractors, Lanpher Associates, Inc. of Northeast Harbor, Maine; and

WHEREAS, Olver Associates and Lanpher Associates have recently partnered to complete two MDEP funded energy audit and evaluation projects at wastewater treatment plants in Calais and Machias with the same MDEP funding package that Brewer has received for their Audit;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order to Olver Associates, Inc. for \$18,500 to conduct an Energy Audit at the Brewer Water Pollution Control Facility and to charge the project costs to account number 0581004-584001 (Facility Energy Audit).

2011-A192

October 11, 2011

TITLE: ORDER, AUTHORIZE EXPENDITURE OF CAPITAL FUNDS TO ESTABLISH WATER CONNECTIONS TO 16 PROPERTIES AND CONSTRUCT A WATER LINE EXTENSION ON WISWELL ROAD.

filed October 5, 2011
by Larry T. Doughty

WHEREAS, since 2006 the City has been providing 16 properties with bottled water to address contamination found in their wells until a long term solution could be found; and

WHEREAS, the utility extension project approved by the City Council in June 2011 and under way now along Green Point and Elm Streets will bring public water to most of these properties and allow the City to cease the bottled water program; and

WHEREAS, the Water Department has proposed that the Public Works Department construct a water line extension approximately 1,300 feet up Wiswell Road to bring public water to the remaining properties with contaminated wells; and

WHEREAS, the City offered the owners of the affected properties the opportunity to hook up to the public water source at no cost to them and to have their minimum quarterly water bills covered by the City for up to five years; and

WHEREAS, the Public Works Department is willing and able to construct the connections from the City right of way to the 16 homes, which will cost the City considerably less than hiring a contractor;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and expenditure of up to \$60,000 for the purpose of constructing the water line extension up Wiswell Road and establishing public water connections to the 16 affected properties to be expended roughly along the following lines:

<u>Wiswell Water Ext</u>		<u>Water Hookups</u>	
\$10,000	Materials and supplies	\$10,000	Materials and supplies
\$5,000	Contracted svcs (paving, etc)	\$20,000	Contracted svcs (plumbing, electr)
<u>\$5,000</u>	Equipment costs	<u>\$10,000</u>	Equipment costs
\$20,000	Total	\$40,000	Total

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his designee to obtain the materials and services necessary to complete these projects as would be in the best interests of the City and that the costs shall be charged to capital account 0601600-560032-57012 (Water Hookups/Wiswell Extension) to be funded out of the \$1,000,000 approved in the FY11 CIP as the City’s contribution to bringing water and sewer utilities to the Brewer Business and Commerce Park; and

FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City’s Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project.

2011-A193

October 11, 2011

TITLE: ORDER, ACCEPT DEED FROM THE BREWER HIGH SCHOOL DISTRICT TO THE CITY OF BREWER FOR THE WASHINGTON STREET SCHOOL PROPERTY.

filed October 5, 2011
by Jerry Goss

ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts a quitclaim deed, with covenant, from the City of Brewer High School District conveying the former Washington Street School property located at 100 Washington Street (City Tax Map 34 , Lot 56); and

FURTHER ORDERED, that the City Clerk, or his designee, is herewith authorized to record this deed in the Penobscot Registry of Deeds.

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

Councilor Goss stated that the property is being disposed of using the process as directed by the Trustees.

City Solicitor said that the order does not become effective until five days after passage of the order so transfer will not take place until then.

The order was passed by unanimous vote.

2011-A194

October 11, 2011

TITLE: ORDER, AUTHORIZE THE CONVEYANCE OF PROPERTY TO
BREWER REDEVELOPMENT, LLC.

filed October 5, 2011
by Kevin O'Connell

WHEREAS, the remediation and redevelopment of the former Washington Street School property is a high priority for the Brewer City Council and City staff; and

WHEREAS, it has become clear the City needs to convey the property to Brewer Redevelopment, LLC, an entity wholly owned by the City of Brewer, to expedite the remediation and redevelopment of the said former Washington Street School property; and

WHEREAS, the City Council finds the property to be conveyed is surplus property upon the recommendation of the City Manager, and within the meaning of the Brewer City Charter;

NOW, THEREFORE, BE IT ORDERED, that the property described in the attached quitclaim deed is declared surplus property, upon the recommendation of the City Manager and within the means of the Brewer City Charter; and

BE IT FURTHER ORDERED, the Washington Street School property shall be conveyed by Municipal Quitclaim Deed to Brewer Redevelopment, LLC, the form said deed shall be acceptable to the City Solicitor; and

FURTHER ORDERED, that the City Manager, or his designee, is authorized to sign any and all documents to effectuate said transfer.

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

Councilor Verow said that the Council passed an order in June, 2011 to demolish this building. Mentioned that the shed was to be given to the Brewer Historical Society.

City Solicitor Dearborn said it was not necessary to amend the order to update the decision of the LLC since the City Council is in control of the three members of the LLC

The order was passed by unanimous vote.

2011-A195

October 11, 2011

TITLE: ORDER, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONSENT AGREEMENT WITH BANGOR GAS COMPANY, LLC TO FACILITATE THE INSTALLATION OF NATURAL GAS SERVICE TO A RESIDENCE AT 4 HARDY STREET.

filed October 5, 2011
by Larry T. Doughty

WHEREAS, Mrs. Helen Cowan, 4 Hardy Street, has applied to Bangor Gas Company, LLC for residential natural gas service; and

WHEREAS, in order to install this new residential service it will be necessary for Bangor Gas Company, LLC to cross an existing easement previously granted by Mrs. Cowan to the City of Brewer for the installation of the Hardy Street Pump Station sewer force main; and

WHEREAS, Bangor Gas Company, LLC must acquire documented consent from the City of Brewer to overburden the City's existing sewer easement prior to installing the new gas service;

NOW, THEREFORE, BE IT ORDERED that the City Manager, or his designee, is authorized to negotiate and execute a Consent Agreement with Bangor Gas Company, LLC, under such terms and conditions as he believes to be in the best interest of the citizens of Brewer, to facilitate the installation of a residential gas service within the City's existing sewer easement on the property located at 4 Hardy Street; and

FURTHER ORDERED, that said consent agreement shall be approved as to form by the City Solicitor or some other attorney representing the City of Brewer.

2011-A196

October 11, 2011

TITLE: ORDER, AUTHORIZE THE PURCHASE OF NEW VIDEO DETECTION EQUIPMENT FOR THE WASHINGTON STREET/STATE STREET INTERSECTION.

filed October 5, 2011
by Arthur Verow

WHEREAS, earlier this summer a trial was conducted where the traffic signals at the intersection of State and Washington Streets were switched to flash mode in order to assess the need for fully actuated signals at this intersection; and

WHEREAS, feedback from the public was unanimously negative with many requests to reactivate the signals; and

WHEREAS, the signals at this intersection do not have adequate vehicle detection equipment to allow the intersection to operate efficiently; and

WHEREAS, the City has collected impact fees specifically for necessary improvements to this intersection; and

WHEREAS, the City Engineer has recommended that the intersection be upgraded with new Econolite video detection equipment in order to improve the efficiency of this intersection while matching equipment used as our standard throughout the City;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to issue a purchase order to Econolite Control Products, Inc. in an amount not to exceed \$14,000 for new video detection equipment to be installed at the Washington/State Street Intersection; 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 purchase of this equipment; and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account 0510113-551314-00482 (Impact Fee-State and Washington Street Intersection Improvements).

City Council Minutes
October 11, 2011

2011-A197

October 11, 2011

TITLE: ORDER, APPROVE THE CARRY FORWARD ENCUMBRANCE OF APPROPRIATED, BUT NOT EXPENDED, FUNDS FOR APPROVED PROJECTS.

filed October 5, 2011
by Jerry Goss

ORDERED, That the City Council herewith authorizes and approves the carry forward of funds in the following accounts from the end of Fiscal Year 2011 to Fiscal Year 2012 as follows:

Account #	Description	Carry Forward
0115111-501070	Elections – Misc Professional Services	\$1,000.00
0115501-502300	Finance – software upgrade	\$1,500.00
0115701-501070	Econ Devel – Misc Professional Services	\$35,850.00
0115701-505240	Econ Devel – Greater Bangor 4 th of July Corp	\$2,000.00
0115921-500860	Fire – Training, Conf and Meetings	\$153.96
0116100-501174	Genl Protections – Street Light Rental	\$10,161.71
0116500-501110	Transit Operating Expense- The Bus	\$31,580.50
0116611-501044	Public Works – Contracted Svcs Line Painting	\$6,925.50
0116900-501175	Parking Lot and Land Fees	\$300.00
0116900-509800	Contingent	\$2,137.50
0117121-506120	Parks and Rec – Summer Prog/League	\$304.66
	TOTAL	\$91,913.83

2011-A198

October 11, 2011

TITLE: ORDER, ACCEPT INSURANCE DIVIDEND FROM MAINE MUNICIPAL ASSOCIATION.

filed October 5, 2011
by Larry T. Doughty

WHEREAS, the City has received a dividend of \$8,573 from the Maine Municipal Association's Property & Casualty Pool in recognition of the City's positive performance in FY2011; and

WHEREAS, historically, the City has used insurance dividends to help fund Safety Committee activities, which are an important part of Brewer's positive insurance claims experience;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby accepts the \$8,573 in property and casualty dividends and directs that \$5,573 be deposited into the City's Miscellaneous Revenue account (0106904-300490) and that \$3,000 of the proceeds be deposited into the Safety Committee Reserve Revenue account (0200700-320000);

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$3,000 from the Safety Committee Reserve Account (0200700-520000) to support employee safety programs and initiatives.

2011-A198A

October 11, 2011

TITLE: ORDER, AUTHORIZE FORGIVENESS OF INTEREST ON 1997 TAX BILL

filed October 7, 2011
by Jerry Goss

WHEREAS, in preparing for her first audit in her new position, the Tax Collector has been researching and attempting to clean up old accounts; and

WHEREAS, the Tax Collector contacted Jim Hillman, owner of Down East Sheet Metal, regarding an unpaid 1997 personal property tax bill; and

WHEREAS, Mr. Hillman reviewed his records and could find no evidence that he had paid the bill, but indicated that this was the first time that he had been contacted about it; and

WHEREAS, Mr. Hillman has been a timely and consistent payer of his taxes in Brewer and is willing to pay the \$756.26 the City billed him in 1997; and

WHEREAS, the City believes it would be appropriate to forgive the interest that has accrued on this account since it did not pursue the matter in a more timely manner;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Tax Collector to forgive the interest on this 1997 personal property bill.

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.

There were no items.

F. Unfinished Business.

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 be removed from the table. There was no second. The order remains tabled.

2011-A176A

September 13, 2011

TITLE: ORDER, AUTHORIZE PURCHASE OF A 816 CATERPILLAR
PUSHER/PACKER

filed September 7, 2011
by Councilor Doughty

WHEREAS, in June the 36 year old compactor used at the Brewer Landfill began experiencing transmission and other mechanical problems; and

WHEREAS, the expenditure of thousands of dollars for a short term fix does not seem prudent given that the compactor is in the Capital Improvement Program and slated for replacement next year; and

WHEREAS, the City has funds available in the CIP to pay for the replacement of the compactor with a newer, used model; and

WHEREAS, Quotes were solicited, received and evaluated for the purchase of a used trash pusher/packer to replace unit #421 a 1975 816 Caterpillar currently being used at the Brewer CDD Landfill; and

WHEREAS, the Purchasing Agent and Shop Foreman have recommended the purchase of the 19__ 816 Caterpillar trash pusher/packer from _____ of _____;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to _____ in the amount of \$ _____ for the purchase of a 19__ 816 Caterpillar trash pusher/packer; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$ _____ from CIP account 0510133-551387, titled "Landfill Compactor #421", to be funded by \$95,000 in sand shed reimbursement funds and \$ _____ reallocated from CIP account 0510113-551384 "Lambert Road Repave", which came in under budget;

BE IF FURTHER ORDERED, that the current Public Works unit numbered 421, the 1975 816 Caterpillar Landfill Compactor, as part of the purchase agreement, be release to _____ for trade-in once the replacement compactor has been delivered to the City of Brewer

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

Councilor Doughty moved that the order be amended by complete substitution with the following order:

2011-A176A

September 13, 2011

TITLE: ORDER, AUTHORIZE PURCHASE OF A 816 CATERPILLAR
PUSHER/PACKER.

filed September 7, 2011
by Councilor Doughty

WHEREAS, in June the 36 year old compactor used at the Brewer Landfill began experiencing transmission and other mechanical problems; and

WHEREAS, the expenditure of thousands of dollars for a short term fix does not seem prudent given that the compactor is in the Capital Improvement Program and slated for replacement next year; and

WHEREAS, the City has funds available in the CIP to pay for the replacement of the compactor with a newer, used model; and

WHEREAS, Quotes were solicited, received and evaluated for the purchase of a used trash pusher/packer to replace unit #421 a 1975 816 Caterpillar currently being used at the Brewer CDD Landfill; and

WHEREAS, the Purchasing Agent and Shop Foreman have recommended the purchase of the 1989, 816B Caterpillar trash pusher/packer from Milton Caterpillar of Brewer, ME;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to sign a purchase order to Milton Caterpillar in the amount of \$150,000 for the purchase of a 1989, 816B Caterpillar trash pusher/packer; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the appropriation and expenditure of \$150,000 from CIP account 0510133-551387, titled "Landfill Compactor #421", to be funded by \$95,000 in sand shed reimbursement funds, \$28,500.00 reallocated from 2012 CIP account 0510113-551384 "Lambert Road Repave", and \$26,500.00 reallocated 2011 CIP account 0510113-551378 "Parkway No. Resurfacing" both of which came in under budget;

BE IF FURTHER ORDERED, that the current Public Works unit numbered 421, the 1975 816 Caterpillar Landfill Compactor, as part of the purchase agreement, be released and declared surplus property, to Milton Caterpillar for trade-in once the replacement compactor has been delivered to the City of Brewer; and

FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project.

The motion was seconded and passed by unanimous vote.

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

G. New Business.

2011-C014

October 11, 2011

TITLE: AMEND THE GENERAL ASSISTANCE ORDINANCE TO INCORPORATE CHANGES IN MAXIMUM BENEFITS.

filed October 5, 2011
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 11 of the Charter, Codes and Ordinances of the City of Brewer entitled "Health Officer, Health and General Assistance" be amended as follows:

- A. Amend Chapter 11, Sub-chapter 1 (General Assistance Ordinance), Article VI, Appendix A to read, in part, as follow:

APPENDIX A No. in Household	Basic Necessities: Maximum Levels of Assistance.	
	Monthly	(Change to)
1	\$603	\$611
2	\$703	\$712
3	\$897	\$909
4	\$1140	\$1155
5	\$1287	\$1304
Each additional person	\$ 75.00	\$75.00*

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.

2011-C015

October 11, 2011

TITLE: AMEND THE LAND USE CODE, CHAPTER 24, ARTICLE 4, PERFORMANCE STANDARDS, SECTION 424.2 GENERAL PARKING REQUIREMENTS, ITEM 3 OF THE CHARTER, CODES AND ORDINANCE OF THE CITY OF BREWER.

filed October 5, 2011
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that 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 entitled "Land Use Code" be amended as follows:

3. In GB and PB zones all parking spaces shall be paved striped surfaces and screened from abutting properties. In all other zones parking areas with more than seven (7) parking spaces shall be on paved striped surfaces and screened from abutting properties. ~~Parking areas with more than four (4) parking spaces shall be paved, striped, and screened from abutting properties.~~ The Code Enforcement Officer may waive the screening requirement in the General Business, Industrial, Industrial-2, HDR and HDR-2 Districts if the proposed project does not abut a Residential District. If screening is waived, tree planting may be less than required in section 424.2.4 but shall not be less than a rate of one tree per fifty feet of parking perimeter for screening. The Code Enforcement Officer may waive the paving and striping requirement for Residential Housing and in circumstances proven by the landowner/applicant to be better for the environment.

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

2011-A199

October 11, 2011

TITLE: ORDER, SET TIME AND LOCATION FOR THE ANNUAL MEETING OF THE CITY COUNCIL AND THE SCHOOL COMMITTEE.

filed October 5, 2011
by Larry T. Doughty

WHEREAS, Article II, Section 5 of the Brewer City Charter provides that the City Council shall meet and organize on the third Tuesday in November to have City Council members, elected at the annual municipal election, sworn to office and to elect a City Council Chairman or Mayor; and

WHEREAS, the location and time of this annual meeting shall be determined by vote of the City Council;

NOW, THEREFORE, BE IT ORDERED, that the annual meeting of the Brewer City Council for the year 2011 shall be held on Tuesday, November 15, 2011 at _____ p.m. at _____; and

FURTHER ORDERED, that the City Manager or the City Clerk chose an alternate site if _____ is not available on the above date and time.

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

Councilor Doughty moved that the order be amended by inserting the time of 6:00 in the first blank and the Muddy Rudder in the remaining two blanks of the order. The motion was seconded and passed by unanimous vote.

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

2011-A200

October 11, 2011

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

filed October 5, 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.

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

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

City Council Minutes
October 11, 2011

The regular meeting was called back to order by Chairman Joseph Ferris. (7:10 p.m.)
The city clerk called the roll:

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

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 7:11 p.m.

ADJOURNED, ATTEST: _____ Howard F. Kroll

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine