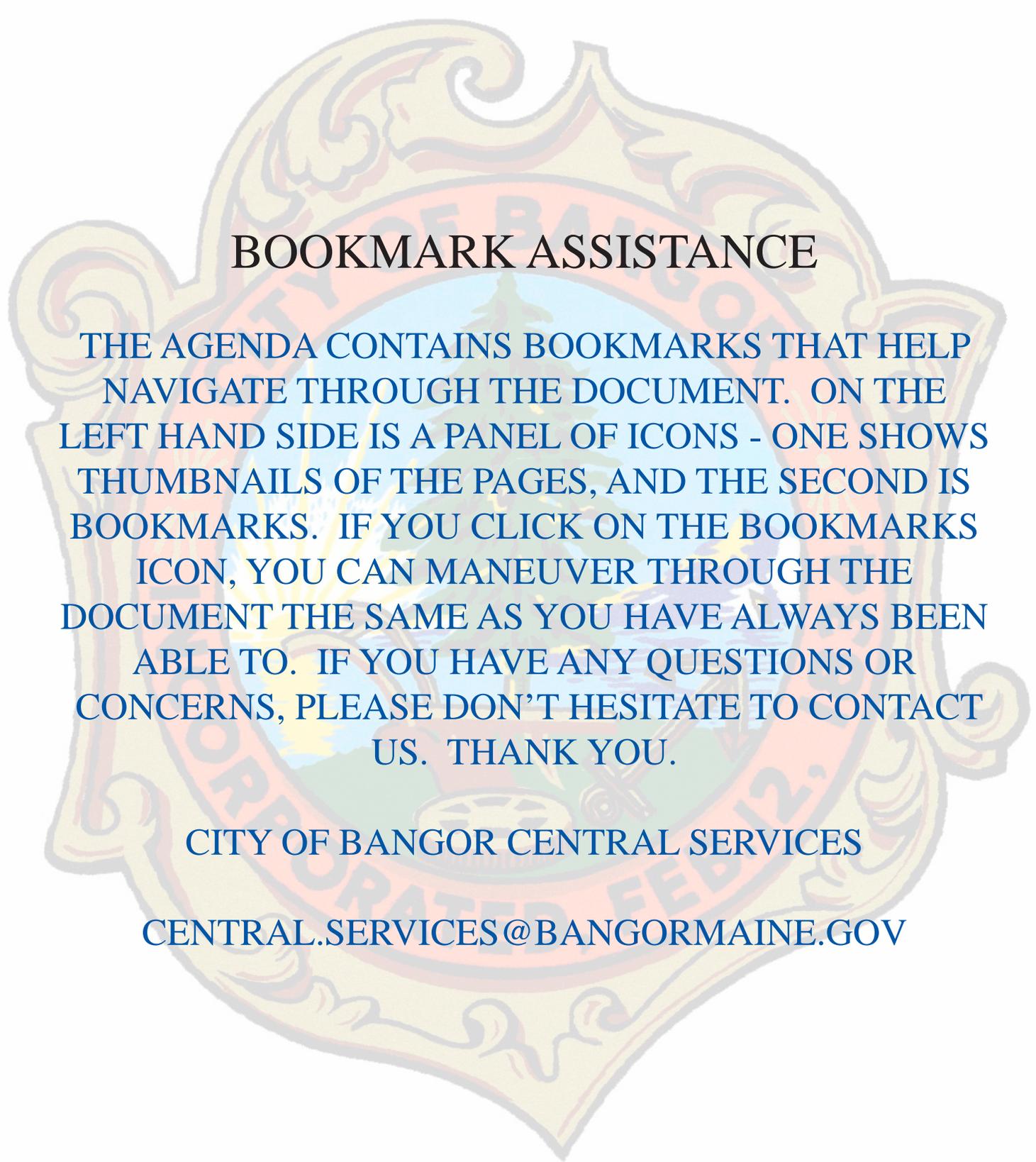


MEDIA
COPY



CITY COUNCIL AGENDA

SEPTEMBER 8, 2014



BOOKMARK ASSISTANCE

THE AGENDA CONTAINS BOOKMARKS THAT HELP NAVIGATE THROUGH THE DOCUMENT. ON THE LEFT HAND SIDE IS A PANEL OF ICONS - ONE SHOWS THUMBNAILS OF THE PAGES, AND THE SECOND IS BOOKMARKS. IF YOU CLICK ON THE BOOKMARKS ICON, YOU CAN MANEUVER THROUGH THE DOCUMENT THE SAME AS YOU HAVE ALWAYS BEEN ABLE TO. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE DON'T HESITATE TO CONTACT US. THANK YOU.

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 8, 2014

PLEDGE ALLEGIANCE TO THE FLAG

INTRODUCTION: **Introducing Captain Philip (Greg) Hodge of the Bangor Fire Department.**

PUBLIC COMMENT

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

*Explanatory Note: All items listed in the Consent Agenda are considered routine and are proposed for adoption by the City Council by one motion without discussion or deliberation. If discussion on any item is desired any member of the Council or public may merely request removal of the item to its normal sequence in the regular agenda prior to a motion for passage of the Consent Agenda.

MINUTES OF: Bangor City Council Regular Meeting of August 25, 2014, Airport Committee Meeting of August 12, 2013 and Business & Economic Development Committee Meeting of August 5, 2014

14-280 RESOLVE Ratifying Execution of Municipal Quitclaim Deed – **GALLANT
Real Estate Located at 454 Ohio Street**

Executive Summary: Real estate tax and sewer liens matured on the property of Paula Merritt located at 454 Ohio Street. This property had already been purchased by Hermon Junction Corporation when the liens were discovered. All outstanding charges due the City have been paid. There are no property issues. Because the liens matured and in order to clear the title, the quitclaim deed has been executed releasing the City’s interest in the property. This Resolve will ratify the staff action.

14-281 ORDER Authorizing Execution of Municipal Quitclaim Deed – **BLANCHETTE
Real Estate Located at 43 Fourteenth Street**

Executive Summary: Sewer and real estate tax liens matured on the property of Tammy M. Hoyt. All outstanding charges due the City have been paid. There are no outstanding code issues. Because the liens matured, a quitclaim deed is required to release the City’s interest in the property. Staff recommends approval.

14-282 ORDER Authorizing the City Manager to Accept \$5,106.54 in **CIVIELLO
Donation from an “Anonymous Donor” for the
Special Account: *Pay It Forward* Fund**

Executive Summary: This order authorizes the City Manager to accept 154 shares of Weyerhaeuser Company stock valued at \$5,106.54, from a donor who wishes to remain anonymous. The *Pay It Forward* Account is a special account, funded by donations, that gives an extra hand to a person in need with the expectation that he or she, when able, will in turn donate time or money to another person in need. The Fund is administered by the Director of Health and Community Services. This item was reviewed and recommended for approval at the Government Operations Committee Meeting of September 3, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 8, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

<u>14-283</u> <u>ORDER</u>	Authorizing a Five Year Contract for Airport Improvement Program (AIP) Engineering & Architectural Services with Jacobs	DURGIN
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Executive Summary: This order will authorize a five year contract with Jacobs Engineering to assist with design and implementation of Airport Improvement Program (AIP) funded projects through the Federal Aviation Administration (FAA). In accordance with the federal rules for AIP programs, the City is required to receive engineering proposals every five years.

On August 6, 2014 the City received statements of qualifications from three qualified engineering firms. After review of the proposals staff determined that Jacobs offered the best combination of services and direct experience with BIA. The AIP program provides approximately \$1.5 to \$2.0 million dollars per year for improvements and additions to the Airport's infrastructure. Jacobs Engineering has been working with the Airport for the past several years and is familiar with AIP funded projects and has direct experience with the on-going AIP projects at BIA. On September 3, 2014 the Finance Committee reviewed and approved staff recommendation to award the contract to Jacobs. The contract award recommendation must be reviewed and approved by the City Council as it is over three years.

<u>14-284</u> <u>ORDER</u>	Authorizing Contract Award in the Amount of \$113,546 to ADS Environmental Services for the Sewer Flow Monitoring Program	BALDACCI
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Executive Summary: This order will authorize a contract award to ADS Environmental Services in the amount of \$113,546 to provide and two flow meters and technical assistance with the sewer flow monitoring program. If approved, ADS will deploy two sewer flow meters and providing data collection and analysis from these meters as well as the other meters in the City. The increase in the number of flow meters is in response to increased efforts to characterize wastewater flows in various section of our sewer collection system. The flow monitoring results will be used with our sewer system evaluation and asset management programs to determine the areas where the most cost effective sewer rehabilitation should take place. On September 3 2014, the Finance Committee recommended authorizing the execution of the contract with ADS Environmental Services in the amount of \$113,546. The contract award recommendation must be reviewed and approved by the City Council as it is over \$100,000.

<u>14-285</u> <u>ORDER</u>	Authorizing an Amendment to the Indenture of Lease with L.L. Bean, Inc. (Map 102, Lot 006)	NEALLEY
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Executive Summary: This Order will authorize an amendment to the lease with LL Bean, Inc. to extend the lease term for the Bangor facility until 2016. L.L. Bean will continue to have an option to terminate the lease by providing a six (6) month notice of termination. LL Bean, Inc. is responsible for taxes, utilities and other operating costs. This item was reviewed by the Council in Executive Session on August 25, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 8, 2014

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

proposed agreement provides \$550,703.00 for administration and \$2,415,000 for food vouchers. The grant covers the period from October 1, 2014 through September 30, 2015. This was reviewed and recommended for approval at the Government Operations Committee of September 3, 2014.

**14-276 RESOLVE Applying For, Accepting and Appropriating Grant PLOURDE
Funds from the U.S. Department of Housing and
Urban Development - Shelter Plus Care Renewal**

Executive Summary: The City applies annually for renewal funding to continue several homeless programs under the U.S. Department of Housing and Urban Development’s Homeless Continuum of Care. The City’s Shelter Plus Care program won initial funding from the federal government in 1993. The program is used to provide subsidized rents for qualified homeless individuals with a primary diagnosis of mental illness, chronic substance abuse or HIV related illness who are receiving support services. The grant award period is September 1, 2014 through August 31, 2015. The amount of the grant is \$395,170 which will support 51 housing units. This was reviewed and recommended for approval at the Government Operations Committee of September 3, 2014.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**LIQUOR LICENSE Application for Liquor License Renewal, Malt, GALLANT
(CLASS XI) Spirituous, Vinous of The Reverend Noble Pub d/b/a
Ipanema Bar and Grill, 10 Broad Street**

**PUBLIC HEARING Application for Special Amusement License Renewal GALLANT
of The Reverend Noble Pub d/b/a Ipanema Bar and
Grill, 10 Broad Street**

**14-292 ORDER Authorizing the Execution of an Agreement with NEALLEY
Eastern Maine Community College Foundation –
Bass Park Infield, Track, and Grandstand**

Executive Summary: Eastern Maine Community College Foundation (EMMC Foundation) wishes to use the infield, a portion of the track and the grandstand at Bass Park for a fund raising event, Snocross. The event will be on January 10 and 11, 2015 from 9:00 a.m. to 5:00 p.m. each day. The premises will be used from January 4, 2015 through January 12, 2015 for set up, take down and the event itself. The City leases the premises to Hollywood Casino and they have participated in the discussions with EMMC Foundation and are in agreement with allowing the event.

The agreement shall include the following terms: EMMC Foundation will pay the City \$1.25 for every ticket sold to the event; the Foundation will provide insurance with the City of Bangor and Hollywood Casino named

REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 8, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

as additional insured; the Foundation will indemnify and hold harmless the City of Bangor and Hollywood Casino; the Foundation will pay the City any direct costs for fire, police and water usage; the College will provide a security deposit.

This item was reviewed and recommended by the Business and Economic Development Committee on September 2, 2014.

**14-293 ORDER Authorizing the Sale of 150 Court Street to Steven DURGIN
Willey**

Executive Summary: This Order would authorize the sale of the City-owned vacant lot at 150 Court Street to Steven Willey for \$5,000.

The City acquired the property at 150 Court Street in July of 2013. The property had been damaged in a fire, and the owner deeded the property to the City in exchange for relief of back taxes. The City used Community Development Block Grant funds to demolish the building. The Assessing Department indicates that 150 Court Street is now valued at \$7,900.

Mr. Willey has expressed interest in purchasing the lot to use as a parking lot for his property at 154 Court Street. Presently, both 150 and 154 Court Street are nonconforming lots; this sale would create one large lot, reducing or eliminating the nonconformity issues. Mr. Willey asked for a sale price of \$5,000, to reflect the work he will need to do in order to remove stumps and level the ground for his parking lot. The Business and Economic Development Committee recommended approval of the sale of 150 Court Street to Mr. Willey for \$5,000 by a vote of 4-1.

**14-294 ORDER Confirming the Appointment of John Theriault as BALDACCI
City Engineer and Authorizing the Execution of an
Employment Agreement**

Executive Summary: This Order will confirm the City Manager’s appointment of John Theriault as City Engineer for the City of Bangor, and will authorize the execution of an employment agreement. Mr. Theriault has worked as Senior Project Manager for James Sewall Company for the past five years. Prior to that, he was employed by Ames A/E Architects and Engineers for eight years as Senior Civil/Traffic Engineer. He also worked for Kimball Chase Company as Civil/Highway Engineer and the New York State Department of Transportation as Civil Engineer for nearly eight years.

Mr. Theriault has an Associates Degree in Civil Engineering Technology and a Bachelors of Science Degree in Civil Engineering from the University of Maine. He is a Registered Professional Engineer (PE) in Maine, New Hampshire and Vermont and is a Professional Traffic Operations Engineer (PTOE). Mr. Theriault is also LEED Certified (Leadership in Energy and Environmental Design).

This appointment has been reviewed with the City Council in Executive Session.

REGULAR MEETING BANGOR CITY COUNCIL – SEPTEMBER 8, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**14-295 ORDER **Confirming the Appointment of Patricia Hamilton as
Director of Health and Community Services and
Authorizing the Execution of an Employment
Agreement** **CIVIELLO****

Executive Summary: This Order will confirm the City Manager’s appointment of Patricia Hamilton as Director of Health and Community Services for the City of Bangor, and will authorize the execution of an employment agreement. Ms. Hamilton has been acting as Interim Director of the Department since August 2013. She also served as Interim Director for five months in 2003.

Prior to her current Interim role, Ms. Hamilton served as Director of Public Health Nursing since 2003 in the Health and Community Services Department. Prior to that, she served as a Public Health Nurse for six years in the Department. She has also worked for other organizations including Husson University, Hospice of Eastern Maine, Center for Family Medicine, Community Health and Counseling Services and two major hospitals.

Ms. Hamilton has a Bachelor of Science in Nursing from the University of Southern Maine as well as a Master’s of Science Degree in Nursing from Husson University. She is a Registered Nurse (RN) and a Certified Family Nurse Practitioner (FNP).

This appointment has been reviewed with the City Council in Executive Session.

**14-296 ORDER **Authorizing Execution of a Purchase and Sale
Agreement with Penobscot County Commissioners
– Court Street** **BLANCHETTE****

Executive Summary: The City is the owner of property on Court Street, site of the former police station and parking lot. For several years the Penobscot County Commissioners have leased parking spaces on this property from the City. The County would now like to purchase a portion of the property for parking. The City has demolished the former police station located on the property and created additional parking. The City is able to convey the property to the County and, with the creation of the additional parking spaces, have spaces for its own use.

This Order, if approved, will authorize the City Manager to execute a purchase and sale agreement with Penobscot County for the conveyance of a portion of property owned by the City on Court Street consistent with the attached exhibit. The terms of the purchase and sale agreement include a sale price of \$210,000, easements to the City for the purpose of accessing the land to be retained by the City, for the purpose of accessing the City trail along the Kenduskeag for maintenance and repair, and for the purpose of maintaining and repairing the retaining wall supporting Court street and structures around the portion to be retained by the City, the right of Penobscot County to make changes to the topography of the property to be conveyed subject to final review by the City Engineer and City Manager and subject to payment of all associated costs by Penobscot County.



**CONSENT
AGENDA**

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 25, 2014

*Council Meeting Called to Order at 7:30 PM
 Chaired by Councilor Sprague
 Councilors Absent: None
 Council Meeting Adjourned at 9:15pm*

PROCLAMATION: *Proclaimed September 7, 2014 Grandparents' Day in the City of Bangor*

PUBLIC COMMENT *Eilleen Ward and Jeri lyn shoro spoke on Elderly Care in Bangor and the number of Elderly in Bangor.
 Rick Fournier spoke on the success of the Folk Festival and hopes for Bangor to continue their support.
 Albert Dravidzius spoke about his concrets on Order 14-246 passing.*

CONSENT AGENDA	ASSIGNED TO
ITEM NO.	COUNCILOR

MINUTES OF: *Bangor City Council Regular Meeting of August 11, 2014, Government Operations Committee Meeting of April 22, 2014 and Business and Economic Development Committee Meeting of July 8 2014*

Action: *Accepted and Approved*

LIQUOR LICENSE RENEWALS:	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Family Fun Lanes Inc. d/b/a The Back Alley Restaurant, 15 Hildreth Street</i>	BLANCHETTE
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Action: *Approved*

<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Dream Biz LLC d/b/a The Charles Inn, 20 Broad Street</i>	BLANCHETTE
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Action: *Approved*

<u>14-268</u>	<u>ORDER</u>	<i>Authorizing Bid Award for the Purchase of an Asphalt Paver</i>	NEALLEY
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Action: *Passed*

<u>14-269</u>	<u>ORDER</u>	<i>Authorizing Bid Award for the Purchase of a Tracked Excavator</i>	GRAHAM
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Action: *Passed*

<u>14-270</u>	<u>ORDER</u>	<i>Authorizing the City Manager to execute a lease amendment between Portland Cellular Partnership, d/b/a Verizon Wireless, and the City of Bangor, Airport</i>	CIVELLO
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Action: *Passed*

<u>14-271</u>	<u>ORDER</u>	<i>Authorizing the City Manager to execute a lease extension between the City of Bangor and DMF, Inc., d/b/a Bangor Airport Food Services (BAFS) for the airport terminal food concession</i>	BLANCHETTE
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Action: *Passed*

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 25, 2014

CONSENT AGENDA **ASSIGNED TO**
ITEM NO. **COUNCILOR**

14-272 ORDER *Authorizing the City Manager to execute a lease extension between the City of Bangor and Bangor Airport Food Services, Inc. (BAFS) to lease buildings #266 and #268* **DURGIN**

Action: Passed

REFERRALS TO COMMITTEE AND FIRST READING **ASSIGNED TO**
ITEM NO. **COUNCILOR**

14-273 ORDINANCE *Amending Land Development Code – Contract Zone Change – 100, 101, 106, 107, 108 and 111 First Street (Tax Map 035-148 and Tax Map 035-171) from an Urban Residence 2 District to a Contract Multi-Family and Service District.* **DURGIN**

Action: First Reading and Referral to Planning Board Meeting of September 2, 2014

14-274 RESOLVE *Accepting and Appropriating \$173,906.91 in FY 2013 Homeland Security Grant Funds from the Maine Emergency Management Agency (MEMA)* **GRAHAM**

Action: First Reading and Referral to Government Operations Committee of September 3, 2014

14-275 RESOLVE *Authorizing the City Manager to Accept and Appropriate FY15 Grant Funds from the Maine Department of Health and Human Services – WIC Nutrition Program* **BALDACCI**

Action: First Reading and Referral to Government Operations Committee of September 3, 2014

14-276 RESOLVE *Applying For, Accepting and Appropriating Grant Funds from the U.S. Department of Housing and Urban Development - Shelter Plus Care Renewal* **PLOURDE**

Action: First Reading and Referral to Government Operations Committee Meeting of September 3, 2014

UNFINISHED BUSINESS **ASSIGNED TO**
ITEM NO. **COUNCILOR**

14-262 RESOLVE *Authorizing the City Manager to Accept and Appropriate \$79,185 in Partnership for Success Grant Funds from the State of Maine’s Substance Abuse and Mental Health Services (SAMHS)* **PLOURDE**

*Action: Motion made and seconded for Passage
Passed*

14-263 RESOLVE *Accepting and Appropriating \$156,119 for the Supplemental Nutrition Education Grant Program (SNAP)* **GRAHAM**

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 25, 2014

UNFINISHED BUSINESS **ASSIGNED TO COUNCILOR**
ITEM NO.

*Action: Motion made and seconded for Passage
 Passed*

14-264 RESOLVE *Accepting and Appropriating a Grant in the amount of \$125,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to Implement Drug Free Communities Program in Brewer, Hermon, and Hampden* **BALDACCI**

*Action: Motion made and seconded for Passage
 Passed*

NEW BUSINESS **ASSIGNED TO COUNCILOR**
ITEM NO.

LIQUOR LICENSE (CLASS X) *Application for Liquor License Renewal, Malt, Spirituous, Vinous of New Waverly Restaurant Inc. d/b/a New Waverly Restaurant Inc., 36 Merchants Plaza* **BLANCHETTE**

*Action: Motion made and seconded for Approval
 Approved*

PUBLIC HEARING *Application for Special Amusement License of Dream Biz, LLC d/b/a The Charles Inn, 20 Broad Street* **BLANCHETTE**

*Action: Motion made and seconded to Open Public Hearing
 Public Hearing Opened
 Motion made and seconded to Close Public Hearing
 Public Hearing Closed
 Motion made and seconded for Approval
 Approved*

14-277 ORDER *Authorizing Bid Award in the Amount of \$1,113,975 to Maine Earth for the Main Street Safety Improvements Project* **GALLANT**

*Action: Motion made and seconded for Passage
 Motion Doubted
 Vote: 8-1
 Councilors Voting Yes: Baldacci, Blanchette, Durgin, Gallant, Graham, Nealley, Plourde, Sprague
 Councilors Voting No: Civiello
 Passed*

14-278 ORDER *Establishing Down Payment Assistance Program* **DURGIN**

*Action: Motion made and seconded for Passage
 Motion Doubted
 Vote: 8-1
 Councilors Voting Yes: Baldacci, Blanchette, Civiello, Durgin, Graham, Nealley, Plourde, Sprague
 Councilors Voting No: Gallant
 Passed*

14-279

ORDER

Establishing Closing Cost Assistance Program

CIVIELLO

Action: Motion made and seconded for Passage

Motion Doubted

Vote: 8-1

***Councilors Voting Yes: Baldacci, Blanchette, Civiello, Durgin,
Graham, Nealley, Plourde, Sprague***

Councilors Voting No: Gallant

Passed



Jodi Leonard, Deputy City Clerk

Meeting Agenda
City of Bangor Airport Committee Meeting
City Council Chambers 3rd Floor
August 12, 2014

The following City Councilors were in attendance: Airport Committee Chair Nelson Durgin, Councilors, Pauline Civiello, David Nealley, and Gibran Graham. The following City Staff were also in attendance, Airport Director Tony Caruso, and Marketing Manager Risteen Bahr. Also in attendance was President/Owner Allon Fish for BAFS.

Agenda:

1. Portland Cellular Partnership-lease amendment.

This lease amendment outlines the terms and conditions for a lease of 1,000 square feet located adjacent to the International Arrivals Building, at Bangor International Airport (BGR). Portland Cellular desires to build a new equipment shelter for their distribution antenna system and supporting equipment. They currently lease 240 square feet of ground space for a smaller equipment shelter. The smaller shelter will be discontinued. The provisions of the original lease will remain unchanged. The new lease rate shall be \$26,000 annually and shall increase 3% each New Year of the term. Portland Cellular has been a tenant since 2006. The old rate was \$18,000 annually. It will be a 5 year term with option for extensions. They are leasing a space for their antenna system.

Motioned passed by Nealley and seconded.

2. Bangor Airport Food Services (BAFS)-lease extensions

The leases with DMF, Inc. d/b/a Bangor Airport Food Services (BAFS) for the airport terminal food concessions and BAFS for the in-flight-kitchen are nearing the end of their initial five (5) year terms. Both leases stipulate five (5) year lease extensions. BAFS is interested in extending both leases. The Airport has been pleased with the service provided by the current vendor and the current rental rates are among the highest in the industry. This vendor has been a proactive business partner in recruiting and retaining the international transit business and has also made several investments in Airport facilities, per the lease agreements. The rental rate for the in-flight kitchen is \$27,500.00 per year. The lease rental rate for the food concession is 12% of gross sales. BAFS is in the process of making improvements within the restaurant at the airport. Also, as part of this agreement, BAFS has agreed to offer a food and beverage concession beyond security screening and make substantial investments in the facilities. BAFS has operated this post security concession successfully for several years. Marketing Manager Risteen Bahr and Owner Allon Fish indicated that there are a number of improvements in the building, and they are making improvements to the restaurant and coffee shop. Some of the improvements are a express pick up area, new charging station, table service, new counter tops, a whole new look. Also, the name of the restaurant will be called The Refueler Pub & Grill.

Questions/Comments:

Councilor Graham asked if we can validate parking for guests who will just come to the Airport to eat at the Grill. Airport Director indicated that he will look into that.

Motioned passed by Councilor Civiello and seconded by Councilor Nealley.

3. Airport statistics- July 2014

The total monthly passengers was up by 4.8% and YTD Passengers was down by 1.1%. Compared to the three year average we were up by 15% for the monthly passengers and YTD was up by 13%. We have very strong load factors. Allegiant was 96%, Delta at 83%, United at 82% AND US Airways at 73%. Total Operations was up by 8%. Fuel Sales for DOD is very strong, up by 33.9%, and total fuel sales was up by .7%. Market Share is a good mix, US Airways at 35%, Allegiant at 12%, United at 12% and Delta at 41%.

Questions/Comments

Councilor Graham asked how the United flights were going. Marketing Director Bahr responded that that are going well, and most of the inbound flights are full with passengers coming into Bangor for vacation.

4. Airport Car Rental Company-issue of RFP notification

The City of Bangor will be issuing a Request for Proposals (RFP) for the car rental concessions at Bangor International Airport (BGR). By way of background, the Airport receives revenue from the rental agencies based on rentals of the counter space, leasing of maintenance facilities, parking space rental, as well as percentage of gross rental revenues. There are currently five (5) car rental agencies at BGR: Hertz, Avis, Budget, Alamo and National. The previous agreement was a term of five (5) years, however they are now operating under a one year extension. The Airport has contacted these potential proposers as part of the process of preparing the RFP, in order to gain their feedback. We will be issuing the Request for Proposals around August 11th, the deadline will be September 5th, we will complete the Evaluation Process around September 30th, then the recommendation to Finance Committee will be October 6th, City Council to approve on October 15h, and the effective date of Term Agreement will be November 1st.

Meeting adjourned

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, August 5, 2014 5:15 PM
City Council Chambers

Minutes

Councilors Present: Chair Durgin, Councilor Baldacci, Councilor Nealley and Councilor Graham

City Staff Present: Cathy Conlow, Jason Bird, Caitlin Brooke, Jeff Wallace and Steve Bolduc

Chair Durgin called the meeting to order at 5:15 p.m.

CONSENT AGENDA

1. Supplement to the Indenture of Lease between the City of Bangor and the United States of America, Federal Aviation Administration.

Chair Durgin indicated that the proposed lease would be for two years rather than one year as noted in the memo.

Steve Bolduc, Economic Development Officer, explained that this is a continuation of a lease with FAA who occupies 138 Maine Avenue. Staff has been renegotiating a lease while at the same time the FAA has been in the process of changing over to a new lease management system. FAA has suggested implementing a supplemental lease until such time as a permanent lease is in place.

Councilor Baldacci moved to approve the Item No. 1 on the Consent Agenda. Councilor Nealley seconded the motion. The motion was not doubted and, therefore, passed.

2. Community Development Residential Rehabilitation Loan – Additional Funding - 134 Kenduskeag Avenue.

Councilor Baldacci moved Staff approval of Item No. 2 on the Consent Agenda as recommended by Staff. Councilor Nealley seconded the motion, which passed unanimously.

REGULAR AGENDA

3. Homeownership Assistance Program.

Jason Bird, Community & Economic Development Officer explained that this item was previously before the Committee as a discussion item. Since that time, Staff has researched the four proposed programs. Mr. Bird discussed the proposed Down Payment Assistance Program, a 0% Interest Housing Rehab Loan; a 1st Time Homebuyer Credit and Rebate Program, a Closing Cost Assistance Program and the West Side Exterior Improvement Grant Program. Staff has been working out the details on how the four proposed programs would be carried out. Staff is now recommending that three of the four original proposals be implemented. Staff is not recommending the program that would reduce the loan rate on rehabilitation loans.

Councilors had questions regarding the programs and their associated costs and how Staff proposes to market and implement them. City Manager Conlow indicated that as discussed at the previous meeting, Staff plans to bring the Council up-to-date on the programs prior to year end next year. If recommended by Committee, this will go before the full Council at its next meeting.

Councilor Baldacci moved Staff recommendation. Councilor Graham seconded the motion, which carried unanimously.

4. License Agreement for Parcel Usage Next to 29 Mercantile Square

Caitlin Brooke, Downtown Coordinator and Business Development Officer, explained that Telford Allen III has asked to lease (for a ten year period) a 10' x 10' space in the pocket parcel adjacent to 29 Mercantile Square in downtown Bangor. The space would be enclosed with a black, vinyl-coated chain link fence and used to store trash receptacles. Staff recommended that the Committee recommend this to the full Council in a final form as approved by the City Solicitor or Assistant City Solicitor.

The Committee discussed items included in the License Agreement and the potential effects upon neighboring businesses.

Councilor Baldacci moved Staff recommendation. Councilor Nealley seconded the motion. The motion was not doubted and passed.

Meeting adjourned at 5:35 p.m.

COUNCIL ACTION

Item No. 14-280

Date: September 9, 2014

Item/Subject: **Resolve,** Ratifying Execution of Municipal Quitclaim Deed – Real Estate Located at 454 Ohio Street.

Responsible Department: Legal

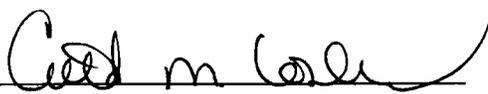
Commentary:

Real estate tax and sewer liens matured on the property of Paula Merritt located at 454 Ohio Street. This property had already been purchased by Hermon Junction Corporation when the liens were discovered. All outstanding charges due the City have been paid. There are no property issues. Because the liens matured and in order to clear the title, the quitclaim deed has been executed releasing the City's interest in the property.

This Resolve will ratify the staff action.

Department Head

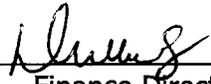
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

- Passage**
- First Reading**
- Referral**

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Resolve, Ratifying Execution of Municipal Quitclaim Deed – Real Estate Located at 454 Ohio Street.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

The actions of Deborah Cyr, Finance Director, of executing and delivering a Municipal Quitclaim Deed from the City of Bangor to Hermon Junction Corporation for property at 454 Ohio Street in Bangor, Maine are hereby ratified and affirmed.

COUNCIL ACTION

Item No. 14-281

Date: September 8, 2014

Item/Subject: **Order**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 43 Fourteenth Street.

Responsible Department: Legal

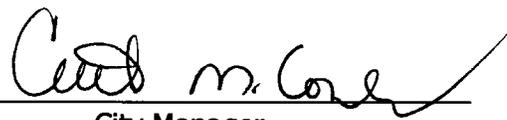
Commentary:

Sewer and real estate tax liens matured on the property of Tammy M. Hoyt. All outstanding charges due the City have been paid. There are no outstanding code issues. Because the liens matured, a quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

- Passage**
- First Reading**
- Referral**



Assigned to Councilor Blanchette

CITY OF BANGOR

**(TITLE.) Order, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 43 Fourteenth Street.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer and real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 10568, Page 131, Book 10802, Page 157, Book 11053, Page 264, Book 11263, Page 21, Book 11480, Page 17, Book 11654, Page 273, Book 11890, Page 189, Book 12061, Page 54, Book 12211, Page 282, Book 12397, Page 346, Book 12397, Page 347, Book 12675, Page 244 and Book 13561, Page 85. Said deed shall be directed to Tammy M. Hoyt in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-282

Date: September 8, 2014

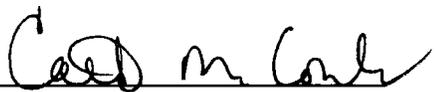
Item/Subject: Authorizing the City Manager to Accept \$5,106.54 in Donation from an "Anonymous Donor" for the Special Account: *Pay It Forward* Fund.

Responsible Department: Health and Community Services

Commentary: This order authorizes the City Manager to accept 154 shares of Weyerhaeuser Company stock valued at \$5,106.54, from a donor who wishes to remain anonymous. The *Pay It Forward* Account is a special account, funded by donations, that gives an extra hand to a person in need with the expectation that he or she, when able, will in turn donate time or money to another person in need. The Fund is administered by the Director of Health and Community Services.

Department Head

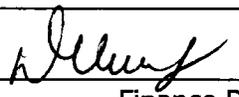
Manager's Comments:



City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage**
- First Reading**
- Referral**

Assigned to Councilor Civiello



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Accept \$5,106.54 in Donation from an Anonymous Donor for Pay It Forward Special Account.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City is hereby authorized to Accept \$5,106.54 in Donation from an Anonymous Donor for Pay It Forward Special Account.

Date: September 8, 2014

Item/Subject: ORDER, Authorizing a Five Year Contract for Airport Improvement Program (AIP) Engineering & Architectural Services with Jacobs Engineering

Responsible Department: Airport

Commentary: This order will authorize a five year contract with Jacobs Engineering to assist with design and implementation of Airport Improvement Program (AIP) funded projects through the Federal Aviation Administration (FAA). In accordance with the federal rules for AIP programs, the City is required to receive proposals or statements of qualifications from engineering firms every five years.

On August 6, 2014 the City received statements of qualifications from three qualified engineering firms. After review of the proposals staff determined that Jacobs offered the best combination of services and direct experience with BIA. The AIP program provides approximately \$1.5 to \$2.0 million dollars per year for improvements and additions to the Airport's infrastructure. Jacobs Engineering has been working with the Airport for the past several years and is familiar with AIP projects and has direct experience with the on-going AIP projects.

On September 3, 2014 the Finance Committee reviewed and approved staff recommendation to award the contract to Jacobs.

The contract award recommendation must be reviewed and approved by the City Council as it is over three years.

Department Head

Manager's Comments:

Curt M. Lane
City Manager

Associated Information:

Budget Approval:

Debra J. [Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) Order, Authorizing a Five Year Contract for Airport Improvement Program (AIP) Engineering & Architectural Services with Jacobs

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a five year contract with Jacobs to provide engineering and architectural services for Bangor International Airport.

Date: September 8, 2014

Item/Subject: ORDER, Authorizing Contract Award in the Amount of \$113,546 to ADS Environmental Services for the Sewer Flow Monitoring Program

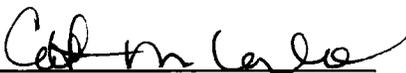
Responsible Department: Waste Water Treatment Plant

Commentary:

This order will authorize a contract award to ADS Environmental Services in the amount of \$113,546 to provide equipment and technical assistance with the sewer flow monitoring program. City staff assists with the maintenance of the equipment but does not have the expertise to review and interpret the data. This contract includes the addition of two flow meters as well as the data analysis. The increase in flow meter deployment is in response to increased efforts to characterize wastewater flows in various section of our sewer collection system. The flow monitoring results will be used with our sewer system evaluation and asset management programs to determine the areas where the most cost effective sewer rehabilitation should take place.

On September 3 2014, the Finance Committee recommended authorizing the execution of the contract with ADS Environmental Services in the amount of \$113,546.

The contract award recommendation must be reviewed approved by the City Council as it is over \$100,000.



Department Head

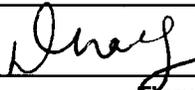
Manager's Comments:

City Manager

Associated Information:

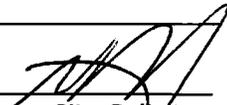
Memo

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage**
- First Reading**
- Referral**

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Order, Authorizing Contract Award in the Amount of \$113,546 to ADS Environmental Services for the Sewer Flow Monitoring Program

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract and purchase order to ADS Environmental Services in the amount of \$113,546 for sewer flow monitoring.



EXHIBIT A

June 16, 2014
City of Bangor, ME
Wastewater Treatment Plant
Long Term CSO and Temporary Metering Programs

EXHIBIT A

Scope of Work

ADS will provide meter maintenance at 5 existing CSO and 5 temporary I/I metering locations in the City of Bangor, ME. Michael Armes, Sr. Project Manager, will be designated as the immediate contact for this project. ADS will also install and maintain two additional FlowShark Triton meters to be included with the temporary locations making a total of 7 temporary I/I metering locations. One of the additional meters will be provided by City of Bangor and the other will be a new Triton meter purchased by Bangor. The services include the following:

1.0 Site Specific Equipment

ADS has provided the FlowShark CG for the AC powered locations and the FlowShark AG for the battery powered CSO locations. These ADS meters include depth and velocity sensors to measure overflow duration and volume. FlowShark Triton meters have been installed at the I/I locations. One additional City of Bangor owned FlowShark Triton meter and one additional purchased Triton meter will be installed/maintained.

2.0 Data Transmission

Data is transmitted to the Bangor Wastewater Treatment Facility by radio communication at 3 locations. The ADS FlowShark CG provides two 4-20ma output signals to Client supplied radios. Radio system maintenance will continue to be the responsibility of the Client. Two locations use the FlowShark AG with battery power and no radio communication at this time. Both the FlowShark CG and AG are equipped with wireless modems and AT&T SIM cards. FlowShark Triton meters are installed at 5 locations and all use wireless GSM modem with AT&T SIM cards for data transmission. The two additional FlowShark Triton meters will use the same wireless GSM modem for transmitting data.

3.0 Power, Data Management and SCADA interface

Power –The ADS FlowShark CG meters have AC power modules that are connected to supplied AC power. The FlowShark AG operates with internal DC 12v battery with life expectancy of approximately 6 months depending on the cellular communication

strength. The FlowShark Triton also utilizes DC 12v with battery life expectancy of 12 months.

Radio Transmission - The FlowShark CG has two 4-20ma outputs for transmission of flow and (for example) depth. The Client supplied radio system is connected for transmission to the host system. The FlowShark CG and AG meters also have wireless modems. This allows ADS to do a remote access and diagnostic as well as remote data downloads.

Data Analysis Support – ADS will review all data. Monthly reports presenting data for all 12 meters will be available in IntelliServe and on the ADS FlowView Portal website where data can be downloaded and printed.

4.0 Maintenance and Service

City of Bangor will provide one attendant to ADS' Field Supervisor to provide necessary maintenance and service of the flow meters.

EXHIBIT B SERVICE BY OWNER

Owner agrees to perform the following functions in connection with the Agreement:

1. **Coordination with Project Manager:** Owner agrees to coordinate as required with the ADS Project Manager and to provide information in a timely manner to ensure that implementation schedules are met.
 - a. **GIS Data.** Owner agrees to provide GIS data to the level of detail required for GIS displays in IntelliServe.
 - b. **Third Party Data.** Owner agrees to provide all Third Party Monitor data (Rain Gauge) in a format acceptable to ADS.
2. **Interface:** Owner agrees to make no changes in the equipment or software that would preclude ADS from being able to interface via telephone with Owner's ADS flow monitoring equipment unless agreed to by ADS in writing.
3. **Assistance:** Owner shall not to make repairs or perform maintenance or attempt to do so on the equipment unless authorized by ADS.
4. **Electronic Access:** Owner agrees to allow ADS to address the system electronically for purposes of running diagnostics tests and performing other functions in the course of this maintenance phase of the project.
5. **Telephone Charges:** Monthly AT&T access fees are included in the costs proposal.
6. **Permits:** Owner agrees to provide all licenses and permits necessary for ADS to perform the work, if required.
7. **Access:** Owner agrees to provide ADS with access to the flow monitoring sites on public and private lands including sufficient area for placement of personnel and equipment, including all rights-of-way and ramp, if required. This includes, but is not limited to, exposing manholes, clearing easements and/or constructing roads or ramps suitable for truck/van, if necessary, and pump station access.
8. **Pump Stations:** Owner agrees to provide personnel to manually operate pump stations when maintenance or repair of a flow monitor requires.

9. **Electric Charges.** Owner assumes responsibility for monthly electric charges to power the ADS FlowShark meters.
10. **Line Cleaning.** Owner agrees to provide line cleaning for lines that require cleaning to improve the operation of the flow monitoring equipment.

EXHIBIT C

ADS'S COMPENSATION –FLOWSHARK CG, AG AND TRITON METER SERVICE

Item	Quantity	Unit Price	Total
1.) Field Maintenance and Data Analysis of 10 ADS Meters, July 1, 2014 – Jun 30, 2015			
a.) Field Maintenance – one ADS Field Manager with support crew member from Bangor	12 months	\$5,159	\$61,908
b.) Data Analysis	12 months	\$2,207	\$26,484
2.) IntelliServe and SIM charges July 1, 2014 – Jun 30, 2015			
a.) IntelliServe monthly service for all sites.	12 months	\$440/month	\$5,280
b.) AT&T SIM – 5 FlowSharks – Jul 1, 2014-Jun 30, 2015	5 meters x 12 months	\$27/month	\$1,620
c.) AT&T SIM – 6 Tritons – Jul 1, 2014 – Jun 30, 2015	6 meters x 12 months	\$27/month	\$1,944
3.) New Equipment			
a.) FlowShark Triton meter with GSM modem.	1 unit	\$6,982	\$6,982
b.) Installation of additional unit	1 unit	\$976	\$976
c.) Field Maintenance – one ADS Field Manager with support crew member from Bangor	12 months	\$469	\$5,628
d.) Data Analysis	12 months	\$200	\$2,400
e.) AT&T SIM – 1 Triton – Jul 1, 2014 – Jun 30, 2015	1 meter x 12 months	\$27/month	\$324
		TOTAL	\$113,546

***Pricing Assumptions:**

- **ADS to provide 1 person field crew and provide Bangor to provide 2nd confined space certified crew person.**
- City of Bangor to provide support if meters are down and need to be investigated under ADS direction.
- No prevailing wage or W/MBE required;
- Federal, State, or Local taxes or permit fees not included;
- Standard ADS safety and installation methodology
- Standard traffic control requirements (cones & simple signs)

In Witness Whereof, the Parties hereto have executed this Agreement, on this ____ day of _____, 20__.

Customer:

ADS:

By: _____

By: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

COUNCIL ACTION

Item No. 14-285

Date: September 8, 2014

Item/Subject: **ORDER**, Authorizing an Amendment to the Indenture of Lease with L.L. Bean, Inc. (Map 102, Lot 006)

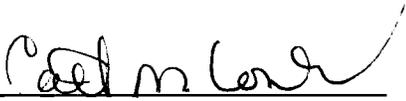
Responsible Department: Community & Economic Development

Commentary: This Order will authorize an amendment to the lease with LL Bean, Inc. to extend the lease term for the Bangor facility until 2016. L.L. Bean will continue to have an option to terminate the lease by providing a six (6) month notice of termination. LL Bean, Inc. is responsible for taxes, utilities and other operating costs.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 20, 2014 meeting.

/s/ Tanya Emery
Department Head

Manager's Comments:

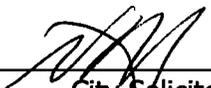

City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) ORDER, Authorizing an Amendment to the Indenture of Lease with L.L. Bean, Inc. (Map 102, Lot 006)

WHEREAS, the City of Bangor is the owner of land and a building located at 690 Maine Avenue, Bangor, Maine; and

WHEREAS, by Lease dated April 29, 2005 and amended April 30, 2010, the City of Bangor agreed to lease to L.L. Bean, Inc. the land, building and improvements located at 690 Maine Avenue; and

WHEREAS, the parties wish to amend said Lease to extend the term:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

The City Manager is hereby authorized to execute, on behalf of the City of Bangor, an Amendment to the Lease between the City of Bangor and L.L. Bean, Inc. to extend the lease term until 2016, in a form approved by the City Solicitor or the Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-286

Date: September 8, 2014

Item/Subject: ORDER, Authorizing an Amendment to the Indenture of Lease with Vicki L. Trundy at 39 Florida Avenue

Responsible Department: Community & Economic Development

Commentary: Vicki L. Trundy, LCSW wishes to extend the lease of a single office at 39 Florida Ave., Bangor. Ms. Trundy has leased the office since 2006. The lease term is one (1) year and the monthly lease rate would be \$176.75. Utilities and maintenance will be provided by the City.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its September 2, 2014 meeting.

Tanya Emery
Department Head

Manager's Comments:

Carl M. Lark
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage**
- First Reading**
- Referral**

Page __ of __



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) Order, Authorizing an Amendment to the Indenture of Lease with Vicki L. Trundy at 39 Florida Avenue

WHEREAS, the City of Bangor is the owner of Building #272, 39 Florida Avenue in the Bangor International Airport Complex; and

WHEREAS, Vicki L. Trundy has leased an office at 39 Florida Ave. since 2006; and

WHEREAS, Vicki L. Trundy has requested to extend the lease term for (1) one year until August 31, 2015:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

The City Manager is hereby authorized, on behalf of the City of Bangor, to execute an Amendment to the Indenture of Lease with Vicki L. Trundy, for an office at 39 Florida Ave. in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-287

Date: September 8, 2014

Item/Subject: Order – Authorizing the City Manager to Apply for \$69,700 in Grant Funding from Lowe’s Corporation Charitable Foundation.

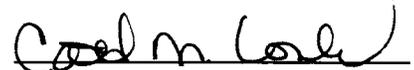
Responsible Department: Police

Commentary: The Bangor Police Department is requesting permission to submit a grant proposal to the Lowe’s Corporation Charitable Foundation for the purpose of seeking funding to purchase digital in-car camera/recording systems for police department patrol cars.

Mark Hathaway

Department Head

Manager’s Comments:

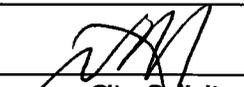

City Manager

Associated Information: Order

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage**
- First Reading**
- Referral**

Page __ of __

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Apply for \$69,700 in Grant Funds from Lowe's Corporation Charitable Foundation

By the City Council of the City of Bangor:

ORDERED,

THAT the City Manager be authorized to apply for \$69,700 in funding as part of the Lowe's Corporation Charitable Foundation Grant. This funding will be utilized to purchase digital in-car camera/recording systems for use in police department patrol cars.

14-287
SEPTEMBER 8, 2014



BANGOR POLICE DEPARTMENT

240 Main Street
Bangor, Maine 04401
207-947-7382
Fax 207-945-6824

TO: Government Operations Committee

FR: Mark Hathaway

RE: Lowe's Corporation Charitable Foundation Grant Opportunity

DT: August 26, 2014

The police department is requesting permission to apply for a grant from the Lowe's Corporation Charitable Foundation.

Lieutenant Paul Edwards has completed a grant proposal seeking funding for the purpose of replacing our aging and technology disadvantaged in-car camera and recording system. Lieutenant Edwards' proposal would allow for an upgrade from a current DVD based system to a modern digital system.

The current in-car camera/recording systems we have in use are no longer in production and require consistent repairs. The manufacture has indicated that they will discontinue stocking replacement parts for our model within the next year. The in-car camera/recording systems have become a standard in nearly every police car across the nation. These recording units have proven useful in preserving events, reducing police and public misconduct and provided video evidence in dozens upon dozens of criminal investigations. The police department currently has \$20,000 in funding to apply toward this project. Our application is seeking \$69,700 in grant funding to complete this project.

We have attempted to find creative methods within our budget to accomplish this goal. We anticipate, without use of this grant, that we will have to replace these units at a rate of two or three per year over the next five to seven years. The challenge is having two incompatible systems in use at the same time. We are hopeful that our proposal will be accepted. We are grateful to the Lowe's Corporation Charitable Foundation for their consideration.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 14-288

Date: **September 8, 2014**

Item/Subject Amending Land Development Code – Zone Change – 120 Park Street (Tax Map 041-117) from a Government and Institutional Service District to a Downtown Development District.

Responsible Department: Planning Division

Commentary: The applicant, Unitarian Universalist Society of Bangor, is requesting a zone change for a parcel of land (23,165 sq. ft.) located at 120 Park Street (Tax Map 041-117) from a Government and Institutional Service District to a Downtown Development District. The historic church is zoned Government and Institutional Service District (G&ISD) which is typical for churches. It the church's desire to add an elevator to the structure and because the present structure exceeds the allowable lot coverage for the lot, a zone change to Downtown Development District (DDD) would facilitate such an addition.

/s/ Tanya L. Emery
Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of September 16, 2014 at 7:00 p.m.

C. M. Cook
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

 Passage

 X First Reading

 X Referral to Planning Board Meeting of September 16, 2014, 7:00 p.m.

Assigned to Councilor Plourde



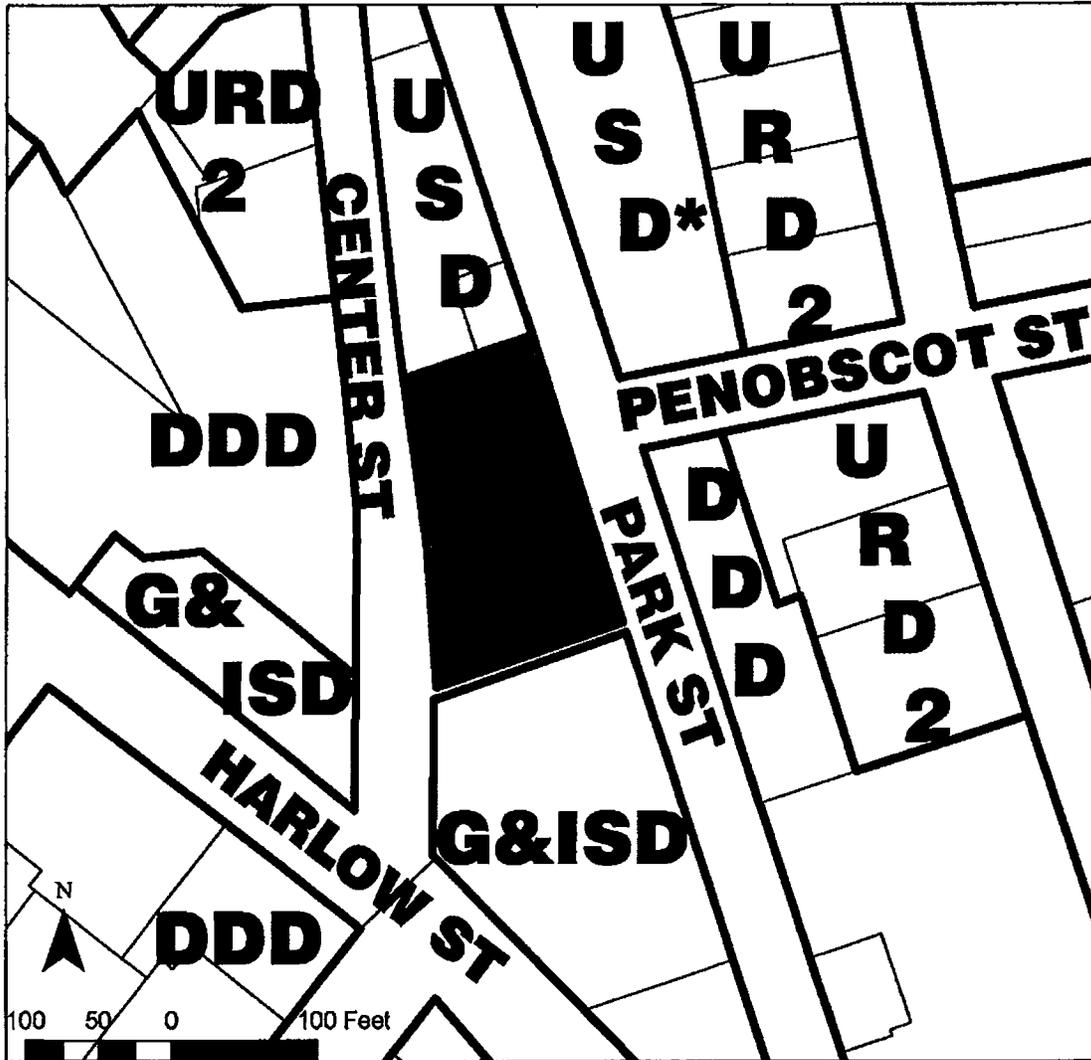
CITY OF BANGOR

(TITLE.) Ordinance , Amending Land Development Code – Zone Change – 120 Park Street (Tax Map 041-117) from a Government and Institutional Service District to a Downtown Development District.

Be it ordained by the City Council of the City of Bangor, as follows:

THAT the zoning boundary lines as established by the Zoning Map of the City of Bangor dated October 28, 1991, as amended, be hereby further amended as follows:

By changing a parcel of land located at 120 Park Street (Tax Map No. 041, Parcel No. 117) from a Government and Institutional Service District to a Downtown Development District. Said parcel of land containing approximately 23,165 sq. ft. and being more particularly indicated on the map attached hereto and made a part hereof.



**G&ISD TO
DDD**

7/1/2012

APPLICATION FOR LAND DEVELOPMENT CODE AND MAP AMENDMENT

TO: THE CITY COUNCIL AND

DATE: _____

THE PLANNING BOARD OF BANGOR, MAINE:

1. I(WE) Unitarian Universalist Society of Bangor

2. of 120 Park Street, Bangor, ME 04401
Address City or Post Office Telephone

hereby petition to amend the Land Development Code of the City of Bangor, Maine by reclassifying from G+1SD district to the Downtown Density district for the property outlined in red on the maps attached hereto, which are part of this application, and described as follows:

3. ADDRESS OF PROPERTY (if any) 120 Park Street
Total Area (acres or square feet) 23,165 sq. ft.

4. PROPERTY LOCATION (General location): Example - South side of State Street 400 yards. East of Pine Street immediately north of City Hall, between Park St. and Center St.

5. LEGAL DESCRIPTION OF PROPERTY - Assessors Map No: 11 Parcel 117

6. EXISTING USE: Church

7. PROPOSED USE: Church (adding elevator)

8. NAME AND ADDRESS OF OWNER OF RECORD: Name Unitarian Univ Society of Bangor
Address 120 Park Street

9. NAME AND ADDRESS OF CONTRACT OWNER (if such): _____

10. SIGNATURE OF OWNER OR CONTRACT OWNER: [Signature]
Chris Burkard, Pres. UU/UB Council

11. REPRESENTATIVE OF APPLICANT: Name Evan Richert
(if applicable) Address 38 Willow Way, Brewer, ME 04412
570-1971 (cell ph)

12. ATTACH ANY CONDITIONS PROPOSED FOR A CONTRACT ZONE REQUEST.

RETURN FORM & DUPLICATE TO PLANNING DIVISION, CITY HALL, BANGOR, ME.

<u>Application fee</u>	<u>Processing</u>	<u>Advertising</u>	<u>Total</u>
Zone Change (1/2 acre or less)	\$575.00	\$410.00*	\$ 985.00
Zone Change (in excess of 1/2 acre)	\$920.00	\$410.00*	\$1,330.00
Contract Zone Change - 5 conditions or less	\$1,377.00	\$509.00*	\$1,886.00
More than 5 conditions or 50 words	\$1,900.00	\$509.00**	\$To be determined

*Two Ads Required ** Advertising costs above this amount to be paid for by applicant.

PLEASE READ PROCESSING PROCEDURE ON REVERSE SIDE

RECEIVED

AUG 25 2014

COUNCIL ACTION

Item No. 14-289

Date: September 8, 2014

Item/Subject: Order – Authorizing the City Manager to Apply for, Accept and Appropriate \$25,000 in Grant Funds from the Stephen and Tabitha King Foundation.

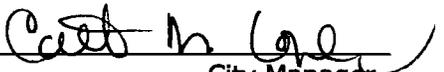
Responsible Department: Police

Commentary: This order authorizes the City Manager to accept and appropriate \$25,000 from the Stephen and Tabitha King Foundation. Funds from this grant will be used to purchase 82 versatile year round police duty jackets, 82 police duty hats and 70 blood control kits. The award of the grant was made in the memory of former Police Chief Donald Winslow.

Mark Hathaway

Department Head

Manager's Comments:


City Manager

Associated Information: Resolve

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Resolve, Authorizing the City Manager to Apply for, Accept and Appropriate \$25,000 in Grant Funds from the Stephen and Tabitha King Foundation

By the City Council of the City of Bangor:

Resolved,

THAT the City Manager be authorized to apply, accept and appropriate \$25,000 in funds as part of the Stephen and Tabitha King Foundation Grant Program. This funding will be utilized to purchase multi-purpose police duty jackets, police duty hats and field use blood control kits.

14-289
SEPTEMBER 8, 2014



BANGOR POLICE DEPARTMENT

240 Main Street
Bangor, Maine 04401
207-947-7382
Fax 207-945-6824

TO: Government Operations Committee

FR: Mark Hathaway

RE: Stephen and Tabitha King Foundation Grant Opportunity

DT: August 26, 2014

The police department is requesting permission to apply for, accept and appropriate a grant from the Stephen and Tabitha King Foundation.

Lieutenant Paul Edwards has completed and submitted a grant proposal seeking funding for the purpose of improving officer performance, safety, comfort and appearance. Lieutenant Edwards' proposal includes funding requests for multi-use jackets, police duty hats and blood control kits.

Officers are currently wearing four different style jackets that are old, dated and in many instances inadequate for cold weather use. We seek to purchase a versatile year-round multi-use jacket. The jacket of interest is a double layer police duty jacket with a weather resistant outer shell and a durable and wearable inner shell. This jacket allows for improved comfort, increased warmth, enhanced reflective qualities and a consistent appearance. The second item is a police duty hat. Officers are currently wearing dated duty hats in two different styles. We are hoping to purchase a professional duty hat that will enhance officer appearance. The third item is a blood control kit/tourniquet. All officers are trained in the proper field use of tourniquets. It is our hope that we can provide each police officer with this critical piece of life-saving equipment.

The total amount requested in the grant application is \$25,000, and we have been informed that the grant request has been reviewed and approved.

We have attempted to find creative methods within our budget to complete these projects/purchases however have not been able to do so. We are grateful to the Stephen and Tabitha King Foundation for their consideration and the award.

COUNCIL ACTION

Item No. 14-290

Date: September 8, 2014

Item/Subject: RESOLVE, Authorizing the City Manager to Accept and Appropriate \$134,500 in Grant Funds from the Maine Department of Health and Human Services, Center for Disease Control and Prevention (CDCP), for the Sodium Reduction in Communities Program.

Responsible Department: Public Health and Community Services

Commentary: The Maine Center for Disease Control and Prevention (CDCP) has invited the Bangor Public Health and Community Services Department to participate in a two-year U.S. CDC program. The initial grant term is September 30, 2014 - September 29, 2015. The grant amount for Bangor Public Health and Community Services is \$134,500.

The purpose is to improve health outcomes in Penobscot County, including the City of Bangor, by increasing the availability and accessibility of lower sodium food products in selected venues such as government or private worksites; congregate meal providers; or hospitals.

Department Head

Manager's Comments:

Chris M. Conley
City Manager

Associated Information:

Resolve

Budget Approval:

William J. [Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral



Assigned to Councilor Graham

CITY OF BANGOR

RESOLVE: Authorizing the City Manager to Accept and Appropriate \$134,500 in Grant Funds from Maine Department of Health and Human Services, Center for Disease Control and Prevention (CDCP), for the Sodium Reduction in Communities Program.

BE IT RESOLVED THAT: The City Manager is hereby authorized to Accept & Appropriate grant funds in the amount of \$134,500 from the Maine Department of Health and Human Services, Center for Disease Control and Prevention (CDCP) for the period September 30, 2014 to September 29, 2015 for the Sodium Reduction in Communities Program. The purpose of the program will be to implement a sustainable, comprehensive strategy aimed at improving the food environment in Penobscot County.

COUNCIL ACTION

Item No. 14-291

Date: September 8, 2014

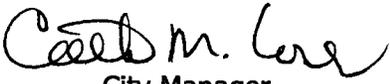
Item/Subject: Resolve, Authorizing the City Manager to Accept and Appropriate \$25,229 of Edward Byrne Memorial Grant Funds in Support of Bangor Police Department and the Penobscot County Sheriff's Department

Responsible Department: Police

Commentary: This resolve will accept and appropriate \$25,229 in Edward Byrne Memorial Grant Funds in Support of Bangor Police Department and the Penobscot County Sheriff's Department. Under the terms of the grant the Bangor Police Department will receive \$13,244 for the purchase of equipment including night optics and traffic enforcement equipment. To be eligible for the grant, the Bangor Police Department and the Penobscot County Sheriff's Department were required to file a joint application, with the agreement that one agency act as the administrator and be the pass-through for the monies under the project. The Bangor Police Department will serve as grant administrator and assess a 5% service fee to the Penobscot County Sheriff's Department. This grant does not require any local match.

Department Head

Manager's Comments:



City Manager

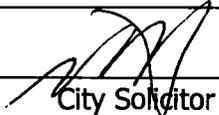
Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading *Gov & Operations Committee*
- Referral – ~~Finance Committee~~ of 9/15/2014

Page __ of __



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) Resolve, Authorizing the City Manager to Accept and Appropriate \$25,229 of Edward Byrne Memorial Grant Funds in Support of Bangor Police Department and the Penobscot County Sheriff's Department

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, that \$25,229 in Edward Byrne Memorial Grants Funds are hereby appropriated to in support of the Bangor Police Department and the Penobscot County Sheriff's Department in accordance with the allocation, anticipated purchases and administration as contained within the joint application.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 14-273

Date: August 25, 2014

Item/Subject ORDINANCE, Amending Land Development Code – Contract Zone Change – 100, 101, 106, 107, 108 and 111 First Street (Tax Map 035-148 and Tax Map 035-171) from an Urban Residence 2 District to a Contract Multi-Family and Service District.

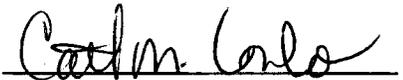
Responsible Department: Planning Division

Commentary: The applicant, Bangor Housing Development Corporation, is requesting a Contract Zone Change to rezone two parcels of land located at 100, 101, 106, 107, 108 and 111 First Street from Urban Residence 2 District to a Contract Multi-Family and Service District. These are essentially two parcels on First Street. Each property had multiple buildings with multiple units in each building. Bangor Housing Development Corporation acquired the properties and razed all the buildings. As a redevelopment proposal, the Applicant is seeking to build one building with multiple dwelling units. The density will increase significantly above Urban Residence District-2 (URD2). The contract conditions are intended to provide architectural design standards, parking and landscaping limitations such that the new proposed building will fit into the existing neighborhood on First Street and around Second Street Park.

Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of September 2, 2014 at 7:00 p.m.



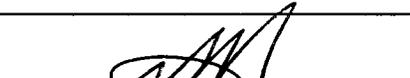
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Page 1 of

1

Referral to Planning Board Meeting of September 2, 2014, 7:00 pm.

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) Ordinance, Amending Land Development Code – Contract Zone Change – 100, 101, 106, 107, 108 and 111 First Street (Tax Map 035-148 and Tax Map 035-171) from an Urban Residence 2 District to a Contract Multi-Family and Service District.

Be it ordained by the City Council of the City of Bangor, as follows:

THAT the zoning boundary lines as established by the Zoning Map of the City of Bangor dated October 28, 1991, as amended, be hereby further amended as follows:

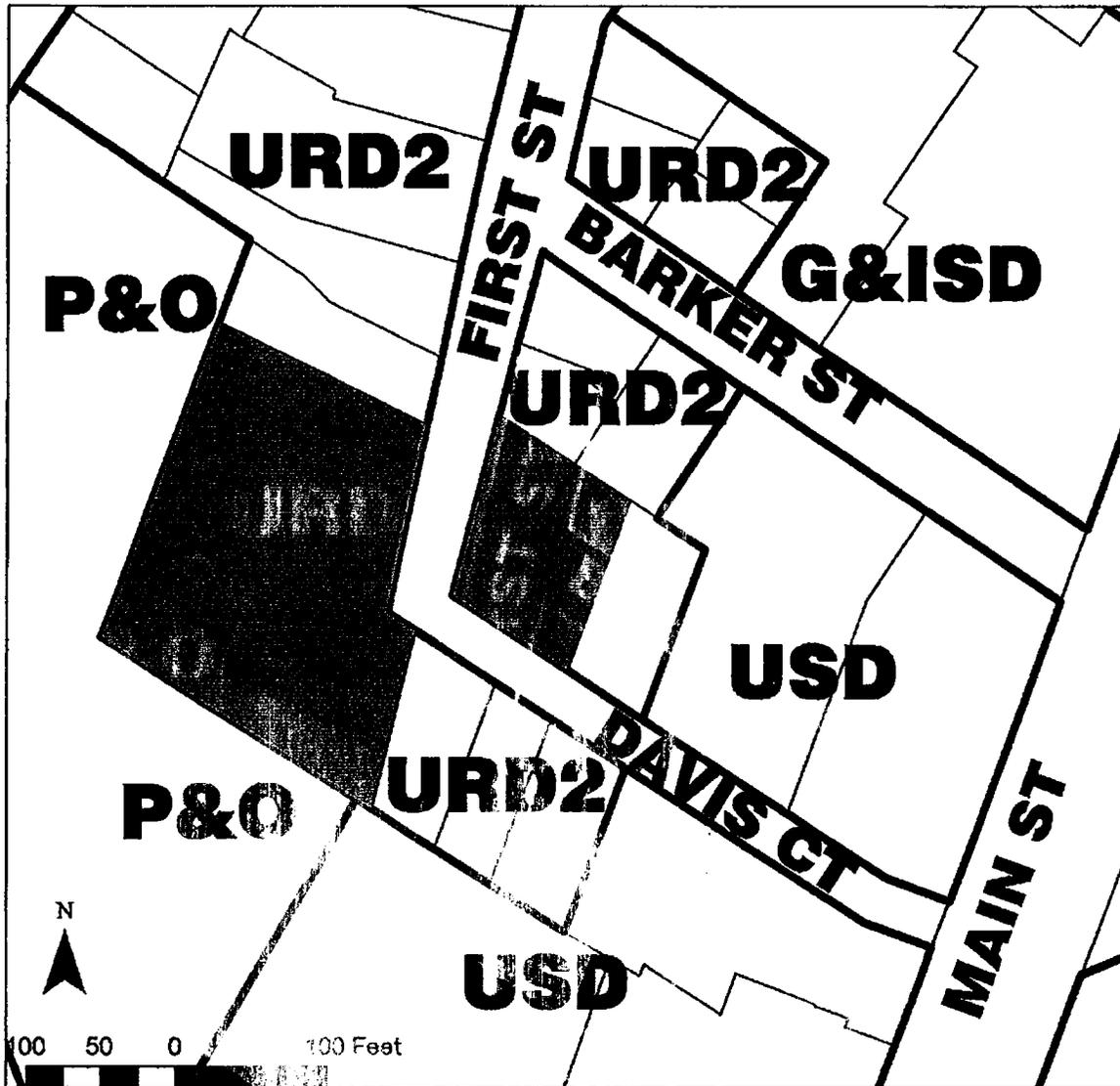
By changing two parcels of land located at 100, 101, 106, 107, 108 and 111 First Street (Tax Map No. 35, Parcel Nos. 148 and 171) from an Urban Residence 2 District to a Contract Multi-Family and Service District. Said parcels of land containing approximately 49,000 sq. ft. and being more particularly indicated on the map attached hereto and made a part hereof.

PROVIDED, HOWEVER THAT, in addition to the mandatory conditions imposed by Chapter 165-7 of the Ordinances of the City of Bangor, said change of zone is granted subject to the following conditions:

1. The use and/or operation of the subject premises shall be subject to the following limitations and/or restrictions:
 - A. The lot area of the Property shall be at least 35,000 square feet.
 - B. 40% of the Property will be dedicated to open space.
 - C. The maximum number of residential dwelling units to be placed on Tax Map 35, Lot 148 shall be limited to 25 units.
 - D. There shall be no dwelling units placed on Tax Map 35, Lot 171.
 - E. The proposed project will provide for pedestrian sidewalk connections to the public park and adjacent facilities.
 - F. The proposed building on the Property will utilize one or more of the following design techniques to address the building mass and bulk:
 - 1) Organization of the building facade to mimic the design features and scale of detached residences by:
 - a) Development of multiple building entrances;
 - b) Porches and other covered entrance elements;

- c) Arrangement of entrances and fenestration around multiple centers across the building elevation that are coordinated with the breakdown of the building massing;
 - d) Gable-end façade elements that are suggestive of the vernacular concept of "house";
- 2) Varied roof lines with generally sloping or pitched roofs to suggest a series of closely placed but separate buildings.
 - 3) Use of landscaping elements (specifically, four street trees) to support the subdivision of the building façade into smaller, residential scaled sections.

2. Execution by those parties with an interest in the affected property of an agreement providing for the implementation and enforcement of all the terms and conditions set forth above and the recording of said executed agreement in the Penobscot County Registry of Deeds by the property owner, a copy of said agreement being on file in the office of the City Clerk and incorporated herein by reference. In the event that said agreement is not so executed within ninety (90) days from the date of passage hereof, this Ordinance shall become null and void.



URD2 TO

M&SD CONTRACT

7/1/2012

APPLICATION FOR LAND DEVELOPMENT CODE AND MAP AMENDMENT

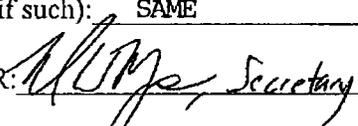
TO: THE CITY COUNCIL AND

DATE: August 12, 2014

THE PLANNING BOARD OF BANGOR, MAINE:

- 1. I(WE) Bangor Housing Development Corporation
- 2. of 161 Davis Road Bangor Maine 04401 207-942-6365
Address City or Post Office Telephone

hereby petition to amend the Land Development Code of the City of Bangor, Maine by reclassifying from URD-2 district to the M&SD-CONTRACT district for the property outlined in red on the maps attached hereto, which are part of this application, and described as follows:

- 3. ADDRESS OF PROPERTY (if any) 100, 101, 106 107, 108 and 111 First Street
Total Area (acres or square feet) 49,000 SF
- 4. PROPERTY LOCATION (General location): Example - South side of State Street 400 yards. East of Pine Street
- 5. LEGAL DESCRIPTION OF PROPERTY - Assessors Map No. 35 Parcel 148 and 171
- 6. EXISTING USE: Former Apartment Buildings
- 7. PROPOSED USE: Multi-unit workforce housing
- 8. NAME AND ADDRESS OF OWNER OF RECORD: Name Bangor Housing Development Corporation
Address 161 Davis Road, Bangor Maine 04401
- 9. NAME AND ADDRESS OF CONTRACT OWNER (if such): SAME
- 10. SIGNATURE OF OWNER OR CONTRACT OWNER:  Secretary
- 11. REPRESENTATIVE OF APPLICANT: Name P. Andrew Hamilton
(if applicable)
Address Eaton Peabody PO Box 1210 Bangor Maine 04402
- 12. ATTACH ANY CONDITIONS PROPOSED FOR A CONTRACT ZONE REQUEST.

RETURN FORM & DUPLICATE TO PLANNING DIVISION, CITY HALL, BANGOR, ME.

<u>Application fee</u>	<u>Processing</u>	<u>Advertising</u>	<u>Total</u>
Zone Change (1/2 acre or less)	\$575.00	\$410.00*	\$ 985.00
Zone Change (in excess of 1/2 acre)	\$920.00	\$410.00*	\$1,330.00
Contract Zone Change - 5 conditions or less	\$1,377.00	\$509.00*	\$1,886.00
More than 5 conditions or 50 words	\$1,900.00	\$509.00**	\$To be determined

*Two Ads Required ** Advertising costs above this amount to be paid for by applicant.

PLEASE READ PROCESSING PROCEDURE ON REVERSE SIDE

Conditions for Contract Zone Change from URD-2 to M&SD (Contract)

1. The lot area of the Property shall be at least 35,000 square feet.
2. 40% of the Property will be dedicated to open space.
3. The maximum number of residential dwelling units to be placed on Tax Map 35, Lot 148 shall be limited to 25 units.
4. There shall be no dwelling units placed on Tax Map 35, Lot 171.
5. The proposed project will provide for pedestrian sidewalk connections to the public park and adjacent facilities.
6. The proposed building on the Property will utilize one or more the following design techniques to address the building mass and bulk:
 - i. Organization of the building façade to mimic the design features and scale of detached residences by:
 1. Development of multiple building entrances;
 2. Porches and other covered entrance elements;
 3. Arrangement of entrances and fenestration around multiple centers across the building elevation that are coordinated with the breakdown of the building massing;
 4. Gable-end façade elements that are suggestive of the vernacular concept of “house”;
 - ii. Varied roof lines with generally sloping or pitched roofs to suggest a series of closely placed but separate buildings.
 - iii. Use of landscaping elements (specifically, four street trees) to support the subdivision of the building façade into smaller, residential scaled sections.

MEMORANDUM

DATE: September 3, 2014
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Zoning Ordinance
100, 101, 106, 107, 108 and 111 First Street – (Tax Map
035-148 and Tax Map 035-171) from an Urban Residence 2
District to a Contract Multi-Family and Service District.
C.O. # 14-273.

Please be advised that the Planning Board at its meeting on September 2, 2014, held a Public Hearing on the above zone change request.

The Board voted that Member Kenney be excused from voting and discussion due to a conflict of interest as the firm he works for is representing the applicant. Member Boothby, while not considered to have a conflict by the Board Members, indicated that he wished to not participate as he is a Board Member of the Bangor Housing Authority. Alternate Member McCarthy was asked to vote.

Chairman Sturgeon opened the Public Hearing and asked the applicant or their representative to provide a brief overview of their request.

Mr. Mike Myatt, Executive Director of the Bangor Housing Authority, explained that the applicant, Bangor Housing Development Corporation, is a corporation under the direction of the Bangor Housing Authority. He indicated that the applicant sought out and acquired these parcels in June of 2013 and demolished the six existing buildings on the lots in the fall of 2013. They are now proposing to construct 2 and 3 bedroom units designed for working families.

Attorney Andrew Hamilton, representing the applicant, discussed the proposed contract zone change conditions indicating that the conditions while not appropriate for every lot were designed specifically for these two lots. The applicant is proposing to construct housing on the larger of the two lots which is located on the corner of First Street and Davis Court (limited to 25 units). He noted that the applicant is proposing that the smaller lot be utilized for parking or some accessory structure. Other conditions proposed provide for design standards that would make the new construction consistent with the existing architectural style along First Street. Attorney Hamilton also discussed with the Board various excerpts from the City's 2012 Comprehensive Plan indicated that the proposed contract zone change request was consistent with the Comprehensive Plan.

Mr. Paul Brody, Landscape Architect with WBRC Architects-Engineers, discussed proposed drawing schematics of building type, landscaping and parking designs. Mr. Brody indicated that the smaller lot would be utilized for parking and possibly an accessory building. Ms. McCarthy asked how many spaces would be provided per unit. Mr. Brody indicated that they were proposing one space per unit. Ms. McCarthy didn't feel that one space per unit would be adequate especially for working families. Mr. Brody noted that additional parking could be available within 500 feet of the site for off-site parking. Mr. Brody noted that given the urban location while some units may have multiple cars some may not have any.

Mr. Mallar asked what the parking requirements were for this district. Mr. Gould indicated that parking requirements for each district are based upon the use and not the district.

Also present in support of the request were Paul Chaiken and Dan Belyea, Board Members of the Bangor Housing Authority.

Chairman Sturgeon asked if there were opponents of the rezoning proposal.

Mr. Steven Hicks, a Sanford Street resident, spoke in opposition to the requested change. He noted the lack of single family homes in this neighborhood. He said that he felt that the introduction of rental units would hurt ownership rates in the neighborhood, it did not offer enough parking, and he didn't see the value of adding rental units.

Chairman Sturgeon asked if there were any proponents. Mr. Dennis Marble, Director of the Bangor Homeless Shelter, noted that he was a Member of the Comprehensive Plan Committee. At that time, it was the consensus of the Committee that the direction was to advocate for high density housing in the urban core and to discourage sprawl. He indicated that he felt that this project would be good for this area and an improvement to the neighborhood, as well, as the community.

Planning Officer Gould indicated that this is a request for a contract zone change from Urban Residence 2 District to Contract Multi-Family and Service District. The Land Use Map calls for High Density Residential use and Zoning Policy Map calls for Urban Residence 2 District use. He noted that it was for the Board to determine if the proposed contract zone change is consistent with the Comprehensive Plan, consistent with existing uses, and the adjacent zoning.

The Board discussed the proposed contract conditions and the Land Use and Zoning Policy of the Comprehensive Plan.

Mr. Bolin moved to recommend approval to the City Council of the contract zone change request from Urban Residence Two District to Contract Multi-Family and Service District as contained in 14-273. Mr. Miller seconded the motion. Ms. McCarthy indicated that she felt that this development would be overpopulating a small area, it was not in

character with the neighborhood. She also noted that the crime rate was already too high in this neighborhood.

The Board voted five in favor and one opposed to the motion to recommend approval to the City Council.

COUNCIL ACTION

Item No. 14-274

Date: August 25, 2014

Item/Subject: **RESOLVE**, Accepting and Appropriating \$173,906.91 in FY 2013 Homeland Security Grant Funds from the Maine Emergency Management Agency (MEMA)

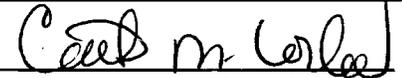
Responsible Department: Fire

Commentary: This Resolve will accept and appropriate \$173,906.91 in FY 2013 Homeland Security Grant Funds from the Maine Emergency Management Agency (MEMA) to improve Police and Fire Department preparedness and response capabilities for Homeland Security related events. If approved, the funds will be used for a variety of purposes including training for police and fire employees, education, purchase of specialty equipment and maintenance on current equipment. A plan outlining the various anticipated projects and expenditures is attached to this Resolve. The list may not represent the exact final expenditures, as priorities and needs may change over the grant period.

This Resolve was reviewed at the August 18, 2014 Government Operations Committee Meeting and was recommend for approval.

Department Head

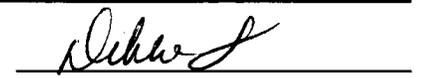
Manager's Comments:



City Manager

Associated Information: Resolve, Grant Award Letter, Proposed Project List

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating \$173,906.91 in FY2013 Homeland Security Grant Funds from the Maine Emergency Management Agency (MEMA)

By the City Council of the City of Bangor:

BE IT RESOLVED THAT Homeland Security Grant Program funding through the Maine Emergency Management Agency for FY 2013 in the amount of \$173,906.91 to improve Police and Fire Department preparedness and response capabilities for Homeland Security related events is hereby accepted and appropriated; and

BE IT FURTHER RESOLVED THAT the Finance Director is authorized to establish such financial accounts as may be necessary to accept and disburse such funds in accordance with Homeland Security and MEMA requirements.



STATE OF MAINE
DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT
MAINE EMERGENCY MANAGEMENT AGENCY
72 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0072

14-274
AUGUST 25, 2014

PAUL R. LEPAGE
GOVERNOR
BG JAMES D. CAMPBELL
COMMISSIONER

PHONE: 207-624-4400/800-452-8735
FAX: 207-287-3180

ROBERT P. McALEER
DIRECTOR

September 18, 2013

Scott Lucas, Fire Chief
City of Bangor
289 Main Street
Bangor, ME 04401

Dear Chief Lucas:

I am pleased to notify you of the City of Bangor's FY2013 Homeland Security Grant Program funding award through the Maine Emergency Management Agency. In keeping with MEMA's strategy of funding Maine's metropolitan areas, MEMA has continued to allocate 45% of available Homeland Security Grant funding to the state's six identified Metro cities. I am pleased to award **\$ 127,030.58 (SHSP)** and **\$ 46,876.33 (LETPP)** to the **City of Bangor** to improve preparedness and response capabilities for Homeland Security related events in the State of Maine.

In order to move forward with the FY2013 funding, MEMA requests that the City submit detailed budget narratives and worksheets for projects to be undertaken with these funds. Once the City's budget documentation has been submitted and reviewed by MEMA, you will receive an official Grant Award Notice, as well as Memorandum of Understanding (MOU) and Terms and Conditions documents that must be signed to formally accept the funding.

Once these documents have been signed and returned to MEMA, the City will be approved to move forward with identified grant projects. This procedure is slightly different from prior Homeland Security Grant rounds, however new federal auditing requirements necessitate the additional signatures required to accept the funds and move forward.

I congratulate you on this important funding award and look forward to continuing to work with you to improve Maine's preparedness and response capabilities. Please do not hesitate to contact me or Bruce Fitzgerald of my office if you have any questions regarding this grant award notice.

Thank you again for your application.

Sincerely,

Robert P. McAleer
Director

U. S. Department of Homeland Security
FY2012 State Homeland Security Grant Program
Grant Number: EMW-2012-SS-00081
CFDA Number: 97.067
Grant Period: 9-1-13 to 8-31-15



BANGOR POLICE DEPARTMENT

14-274
AUGUST 25, 2014

240 Main Street
Bangor, Maine 04401
207-947-7382
Fax 207-945-6824

TO: Government Operations Committee

FR: Mark Hathaway

RE: Homeland Security Grant FY13 Revision

DT: September 3, 2014

As part of a recent review of intended use of FY13 Homeland Security Grant Funding members of the finance committee, police department and fire department made some necessary adjustments based changing equipment needs.

The original memorandum included funding for a specialty vehicle retrofit and blood control kits. It however did not provide sufficient funding to cover the cost for night vision optics. The adjustment removes the cost for the vehicle retrofit and the blood control kits and slightly reduces a portion of the funding for the command truck equipment upgrade.

Please examine the updated grant request memorandum for a complete review of these adjustments.

**City of Bangor FY 2013
MEMA and Homeland Security Grant Program**

Technical Rescue Training: Thirty thousand dollars (\$30,000.00) has been budgeted to provide initial training and continuing education for the fire departments technical rescue teams. Including, but not limited to high and low angle rope, confined space, collapse rescue, swift water and Marine I rescue training.

Forcible Entry Simulator and Trailer: Nine thousand five hundred dollars (\$9,500.00) has been budgeted to purchase and provide training on a forcible entry simulator/trainer and trailer. The trainer will afford the users an efficient and effective means of training and the trailer will provide a convenient way for the trainer to stored and shared regionally.

Heavy Rescue Extrication Equipment: Twenty five thousand dollars (\$25,000) has been budgeted to begin replacing extrication equipment on the Heavy Rescue. The priority for replacement will be equipment that has either exceeded or is nearing the manufactures recommendation for replacement.

Explosive Ordnance: Seventeen thousand five hundred dollars (\$17,500) has been budgeted to accommodate recent promotions that required two active members leave the squad. The requested funding will be used for training purposes. We have received approval from the FBI to send one officer to the Hazardous Devices Training school at Redstone Arsenal in Huntsville, Alabama. The excepted cost, based on previous expenses for the school, is \$7000. The remaining balance will be used to cover training and continuing education expenses (Logan Airport in Boston and Ft. Devens in Massachusetts) and for minor equipment upgrades and repairs. *(LETPP)*

Special Response Team (PD): Fifteen thousand dollars (\$15,000) has been budgeted for the police department SRT. The majority of the funding will again be used to for training and to cover expenses associated with training related backfill. A majority of the current training needs center around three new members who must attend a variety of specialized schools both in and out of state. Current members require additional and continuing training for certification requirements. At least one current member will be attending a leadership training program with use of this funding. *(LETPP)*

Special Response Team (FD): Ten thousand dollars (\$10,000) has been allocated to provide initial training to new team members, continuing education training to all team members and to upgrade or replace tactical equipment as necessary.

Active Shooter Training: Twenty thousand dollars (\$20,000) has been budgeted for all members of the department are required to participate in a yearly active shooter training course...typically held at one of the City schools during April vacation. The costs cover continuing education for the instructors (so we are trained in up to date and time relevant tactics) and payroll related costs associated with attendance and shift backfill as necessary. *(SHSP)*

Electronic Finger Print/Automated Evidence Tracking System: Twenty thousand dollars (\$20,000) has been budgeted to improve our fingerprinting system(s) from the current ink to electronic is due to the increased demands on higher grades fingerprints and the need to electronically share our prints with other law enforcement agencies. We currently have a fingerprint comparison unit (computerized system) that will work in combination with EFS. The need to improve our evidence tracking and retention system is the result of continued increase in complex criminal investigations requiring the demands of modernized evidence identification and collection requiring advanced tracking and retention programs. *(SHSP)*

Night Vision Capabilities: Nineteen thousand three hundred forty five dollars (\$19,345) has been budgeted. The Special Response Team is currently in need of night vision optics. This is a very expensive project requiring we do it in stages. This request is for six (6) units. *(LETPP)*

Mobile Command Truck Training, Equipment and Maintenance: Seven thousand five hundred sixty one dollars and ninety-one cents (\$7,561.91) has been budgeted for new operator training, continuing education, equipment upgrades and maintenance as necessary.

*Subject to modification...the contingency plan for any additional or unused portions of the allocation will be to provide additional funding to the above identified items and/or NIMS compliant training, with the approval of MEMA.

COUNCIL ACTION

Item No. 14-275

Date: August 25, 2014

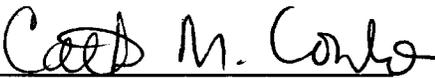
Item/Subject: RESOLVE, Authorizing the City Manager to Accept and Appropriate FY15 Grant Funds from the Maine Department of Health and Human Services – WIC Nutrition Program

Responsible Department: Public Health and Community Services

Commentary: This resolve will accept and appropriate \$2,965,703.00 in grant funds for the Women, Infants, and Children Supplemental Nutrition Program (WIC). The Public Health and Community Service WIC Nutrition Program currently services a monthly average of 3,300 participants at their Bangor, Dexter, Dover, Corinth, Lincoln, Millinocket, Milo, Newport, and Greenville sites. The proposed agreement provides \$550,703.00 for administration and \$2,415,000 for food vouchers. The grant covers the period from October 1, 2014 through September 30, 2015.

Department Head

Manager's Comments:



City Manager

Associated Information: **Resolve**

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral- Government Operations, Sept. 3, 2014

Page __ of __



Assigned to Councilor Baldacci

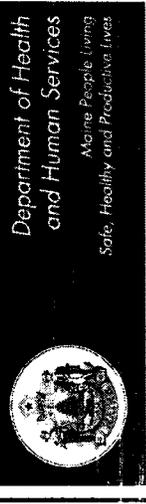
CITY OF BANGOR

(TITLE.) Resolve, Authorizing the City Manager to Accept and Appropriate FY 15 Grant Funds from the Maine Department of Health and Human Services – WIC Nutrition Program.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, that the City Manager is hereby authorized to accept and appropriate \$2,965,703.00 from the Maine Department of Health and Human Services to administer the WIC Nutrition Program in Penobscot and Piscataquis counties during the period 10/01/14 – 9/30/15.



		City of Bangor - Public Health and Community Services					
AGENCY NAME:		WIC Nutrition Program		CDC-15-168			
PROGRAM NAME:		10/1/2014		9/30/2015			
AGREEMENT START DATE:		9/30/2015		CDC-15-168			
AGREEMENT END DATE:							
DHHS AGREEMENT#:							
		REVENUE SUMMARY					
LINE	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
	REVENUE SOURCES	TOTAL PROGRAMS (this agreement)	SERVICE: PROGRAM:	SERVICE: PROGRAM:	SERVICE: PROGRAM:	SERVICE: PROGRAM:	SERVICE: PROGRAM:
1							
2							
3	TO BE COST SHARED List by Donor or Source (Add rows as needed)*						
4	AGREEMENT FEDERAL REVENUE						
5	FEDERAL DHHS AGREEMENT FUNDS	550,703	550,703				
6	FEDERAL BLOCK GRANT AGREEMENT FUNDS						
7							
8	AGREEMENT STATE REVENUE						
9	STATE DHHS AGREEMENT FUNDS-GF						
10	STATE DHHS AGREEMENT FUNDS-FHM						
11	STATE DHHS AGREEMENT FUNDS-OTHER						
12	RESTRICTED UNITED WAY						
13	RESTRICTED MUNICIPAL/COUNTY						
14	OTHER RESTRICTED INCOME (PROGRAM)						
15							
16	PRIVATE CLIENT FEES						
17							
18	AGENCY COMMITMENT TO PROGRAM						
19							
20	TOTAL COST SHARED REVENUE	550,703	550,703				
21	NON COST SHARED (Add rows as needed)*						
22	MAINECARE						
23	OTHER RESTRICTED FEDERAL/STATE	2,415,000	2,415,000				
24	THIRD PARTY IN-KIND						
25	PROGRAM CLIENT FEES						
26	PROGRAM INCOME						
27							
28							
29	RESTRICTED REVENUE (PURPOSE)						
30							
31							
32							
33							
34	TOTAL NON COST SHARED REVENUE	2,415,000	2,415,000				
35	TOTAL REVENUE (Lines 19, 33)	2,965,703	2,965,703				
36	TOTAL AGENCY-WIDE REVENUE	3,223,990					

* If adding rows, please make sure cells containing formulas are copied into rows added

COUNCIL ACTION

Item No. 14-276

Date: August 25, 2014

Item/Subject: Resolve, Applying For, Accepting and Appropriating Grant Funds from the U.S. Department of Housing and Urban Development - Shelter Plus Care Renewal.

Responsible Department: Health & Community Services

Commentary:

The City applies annually for renewal funding to continue several homeless programs under the U.S. Department of Housing and Urban Development's Homeless Continuum of Care. The City's Shelter Plus Care program won initial funding from the federal government in 1993. The program is used to provide subsidized rents for qualified homeless individuals with a primary diagnosis of mental illness, chronic substance abuse or HIV related illness who are receiving support services. The grant award period is September 1, 2014 through August 31, 2015

The amount of the grant is \$395,170 which will support 51 housing units.

Department Head

Manager's Comments:



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to Government Operations Committee on September 3, 2014

Page __ of __



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) Resolve, Applying For, Accepting and Appropriating Grant Funds from the U.S. Department of Housing and Urban Development – Shelter Plus Care Renewal

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, that Shelter Plus Care program grant funds in the amount of \$395,170 from the U.S. Department of Housing and Urban Development are hereby applied for, accepted and appropriated for the purpose of supporting 51 housing units for the period September 1, 2014 through August 31, 2015



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 14-292

Date: September 8, 2014

Item/Subject **ORDER**, Authorizing the Execution of an Agreement with Eastern Maine Community College Foundation – Bass Park Infield, Track, and Grandstand

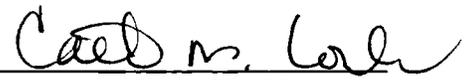
Responsible Department: Community & Economic Development

Commentary:

Eastern Maine Community College Foundation (EMMC Foundation) wishes to use the infield, a portion of the track and the grandstand at Bass Park for a funding raising event, Snocross. The event will be on January 10 and 11, 2015 from 9:00 a.m. to 5:00 p.m. each day. The premises will be used from January 4, 2015 through January 12, 2015 for set up, take down and the event itself. The City leases the premises to Hollywood Casino and they have participated in the discussions with EMMC Foundation and are in agreement with allowing the event. The agreement shall include the following terms: EMMC Foundation will pay the City \$1.25 for every ticket sold to the event; the Foundation will provide insurance with the City of Bangor and Hollywood Casino named as additional insured; the Foundation will indemnify and hold harmless the City of Bangor and Hollywood Casino; the Foundation will pay the City any direct costs for fire, police and water usage; the College will provide a security deposit. This item was reviewed and recommended by the Business and Economic Development Committee on September 2, 2014.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) ORDER, Authorizing the Execution of an Agreement with Eastern Maine Community College Foundation – Bass Park Infield, Track, and Grandstand

WHEREAS, the Eastern Maine Community College Foundation wishes to use the infield, a portion of the track, and the grandstand at Bass Park for a Snocross event in January 2015; and

WHEREAS, the City has a lease with GLP Capital, L.P. (Hollywood Casino) for their use of the track, infield and grandstand; and

WHEREAS, the lease provides that the City may use the grandstand and infield so long as it does not interfere with GLP Capital, L.P. use of the premises; and

WHEREAS, GLP Capital, L.P. is in agreement with Eastern Maine Community College's request to use the property for a Snocross event.

By the City Council of the City of Bangor:

ORDERED,

That Catherine M. Conlow, City Manager, is hereby authorized to execute an agreement with Eastern Maine Community College Foundation for the use of the infield, a portion of the track, and the grandstand at Bass Park for a Snocross event. The agreement shall include the following terms: the Snocross event shall be on January 10 and 11, 2015 from 9:00 a.m. to 5:00 p.m. each day; those putting on the event shall have access to the infield, track and grandstand from January 4 – January 12, 2015 in order to set up for and clean up after the event; Eastern Maine Community College Foundation will pay the City \$1.25 for every ticket sold to the event; Eastern Maine Community College Foundation will provide insurance with the City of Bangor and GLP Capital, L.P. named as additional insured; Eastern Maine Community College Foundation will indemnify and hold harmless the City of Bangor and GLP Capital, L.P.; Eastern Maine Community College Foundation will pay the City any direct costs for fire, police and water usage; Eastern Maine Community College will provide a security deposit; and such other terms as appropriate. Said agreement shall be in a final form as approved by the City Solicitor.

COUNCIL ACTION

Item No. 14-293

Date: September 8, 2014

Item/Subject: ORDER, Authorizing the Sale of 150 Court Street to Steven Willey

Responsible Department: Legal

Commentary:

This Order would authorize the sale of the City-owned vacant lot at 150 Court Street to Steven Willey for \$5,000.

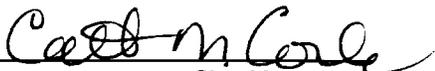
The City acquired the property at 150 Court Street in July of 2013. The property had been damaged in a fire, and the owner deeded the property to the City in exchange for relief of back taxes. The City used Community Development Block Grant funds to demolish the building. The Assessing Department indicates that 150 Court Street is now valued at \$7,900.

Mr. Willey has expressed interest in purchasing the lot to use as a parking lot for his property at 154 Court Street. Both 150 and 154 Court Street are presently nonconforming lots; this sale would create one large lot, reducing or eliminating the nonconformity issues. Mr. Willey asked for a the sale price of \$5,000, to reflect the work he will need to do in order to remove stumps and level the ground for his parking lot.

The Business and Economic Development Committee recommended approval of the sale of 150 Court Street to Mr. Willey for \$5,000 by a vote of 4-1.

Department Head

Manager's Comments:



City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral



Assigned to Councilor Durgin

CITY OF BANGOR

ORDER, Authorizing the Sale of 150 Court Street to Steven Willey

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR, THAT

The City Manager is hereby authorized to execute all documents necessary for the sale of the property at 150 Court Street to Steven Willey or a related entity for the price of \$5,000. Said documents shall be in final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-294

Date: September 8, 2014

Item/Subject **ORDER**, Confirming the Appointment of John Theriault as City Engineer and Authorizing the Execution of an Employment Agreement.

Responsible Department: **City Manager's Office**

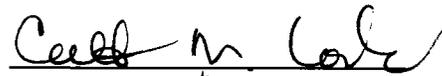
Commentary: This Order will confirm the City Manager's appointment of John Theriault as City Engineer for the City of Bangor, and will authorize the execution of an employment agreement. Mr. Theriault has worked as Senior Project Manager for James Sewall Company for the past five years. Prior to that, he was employed by Ames A/E Architects and Engineers for eight years as Senior Civil/Traffic Engineer. He also worked for Kimball Chase Company as Civil/Highway Engineer and the New York State Department of Transportation as Civil Engineer for nearly eight years.

Mr. Theriault has an Associates Degree in Civil Engineering Technology and a Bachelors of Science Degree in Civil Engineering from the University of Maine. He is a Registered Professional Engineer (PE) in Maine, New Hampshire and Vermont and is a Professional Traffic Operations Engineer (PTOE). Mr. Theriault is also LEED Certified (Leadership in Energy and Environmental Design).

This appointment has been reviewed with the City Council in Executive Session.

Department Head

Manager's Comments: I recommend your confirmation of this appointment and authorization to execute the employment agreement.



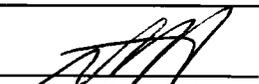
City Manager

Associated Information: Order, Employment Agreement

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage**
- First Reading**
- Referral**



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Confirming the Appointment of John Theriault as City Engineer and Authorizing Execution of an Employment Agreement.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

the appointment of John Theriault as City Engineer is hereby confirmed and the City Manager is authorized to enter into an employment agreement, a copy of which is attached hereto.

EMPLOYMENT CONTRACT

THIS Agreement, made and entered into this _____ day of September, 2014, by and between the CITY OF BANGOR (Penobscot County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "Employer", and John Theriault, of Bangor, State of Maine, hereinafter sometimes referred to as "Employee."

WITNESSETH:

WHEREAS, the City of Bangor desires to employ the services of said John Theriault as City Engineer of the City of Bangor; and

WHEREAS, the parties have reached agreement as to the benefits, conditions of employment, and working conditions of said Employee;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties

Employer hereby agrees to employ said John Theriault to perform the functions and duties of City Engineer of the City of Bangor as specified under the Charter and the Ordinances of the City of Bangor and the laws of the State of Maine, and to perform such other duties and functions as the City Manager shall from time to time assign. Subject to the provisions contained herein, Employee shall serve at the pleasure of the City Manager.

Section 2. Term

- A. Employee agrees to remain in the exclusive employ of the Employer until September 9, 2016, and neither to accept other employment nor to become employed by any other employer so long as this Agreement shall be in effect.
- B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, upon thirty (30) days notice to Employer, subject only to the provisions set forth in Section 3 of this Agreement.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Manager to terminate the services of Employee at any time, upon thirty (30) days notice to Employee, subject only to the provisions set forth in Section 3 of this Agreement.
- D. In the event written notice is not given by either party to this Agreement to the other thirty (30) days prior to September 9, 2016, this Agreement shall be extended on the same terms and conditions providing for an additional term of one (1) year. Said Agreement shall continue thereafter for one (1) year period unless either party hereto gives thirty (30) days written notice

to the other party that the party does not wish to extend this Agreement for an additional one (1) year term.

Section 3. Termination and Severance Pay

In the event Employee is terminated by the City during or at the expiration of the aforesaid term of employment, or during any extension thereof, and during such time that Employee is willing and able to perform his duties under this Agreement, then in that event Employer agrees to pay Employee a lump sum cash payment equal to one (1) months' aggregate salary. Employee shall vacate his position with Employer immediately upon notice of termination, provided that the Employee and Employer may negotiate an alternate date that Employee vacates his position with Employer. In the event Employee is terminated because of willful misconduct or intentional wrongdoing related to his employment with Employer, or because of his conviction of any illegal act involving personal gain to him, then Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph or to continue Employer provided benefits, except to the extent that such benefits are required by law of the Personnel Rules and Regulations of the City of Bangor.

Section 4. Salary

A. Employer agrees to pay Employee for his services rendered pursuant to the Executive pay schedule of the City of Bangor with an initial annual base salary of eighty-two thousand five hundred eighty-two and 50/100 (\$82,582.50) dollars (Executive Pay Grade 3, Step 4), payable in installments at the same time as other employees of the Employer are paid.

B. Employer agrees to pay Employee's State of Maine Professional Engineering Registration License Fees.

C. Employer agrees to handle future salary increases beyond that outlined in A above in the same fashion as salary increases are handled for other Executive Level Employees.

Section 5. Performance Evaluation

A. On an annual basis, the City Manager and Employee shall define such goals and performance objectives which they deem necessary for the proper operation of the Engineering Department and shall reduce said goals and objectives to writing. They shall generally be attainable within the time limitations specified in the annual operating and capital budgets and appropriations provided.

B. The City Manager shall review and evaluate the performance of the Employee annually on or about the Employee's date of hire as City Engineer with the City. More frequent reviews may be held at the discretion of the City Manager. Said review and evaluation shall be in accordance with the goals and performance objectives jointly developed by the City Manager and Employee and the normal standards used to evaluate the performance of other City

employees which are applicable to Employee's position. A work plan for the first year will be developed outlining the above referenced goals and objectives.

C. In effecting the provisions of this Section, the City Manager and Employee mutually agree to abide by the provisions of applicable law.

D. Employee agrees and understands that the term of his employment as City Engineer shall be subject to the City's Personnel Rules and Regulations as they currently exist and as they may be modified from time to time except where provisions of this Agreement modify or supersede the Personnel Rules and Regulations.

Section 6. Outside Activities

Employee shall not participate in any non-Employer connected business or employment without prior notification to and the approval of the City Manager.

Section 7. Fringe Benefits

Employer agrees to provide Employee with all categories of fringe benefits in the same amounts and coverages as are provided from time to time by employer to other employees of the City of Bangor at the Executive level. On Employee's effective date of hire he shall be credited with one (1) week of vacation and with one (1) week of sick time. Sick time shall accrue at the schedule as established in the City's Personnel Rules and Regulations. Employee shall accrue three (3) weeks of vacation time annually until the completion of six (6) years of employment and shall thereafter accrue as established in the City's Personnel Rules and Regulations.

Section 8. Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the performance of Employee's duties as City Engineer. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 9. Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 10. Other Terms and Conditions of Employment

The City Manager, in consultation with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter or any other law.

Section 11. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) Employer: City of Bangor
73 Harlow Street Bangor, Maine 04401
Attn: City Manager

- (2) Employee:
John Theriault
64 Harthorn Street
Bangor, Maine 04401

Alternately, notices required pursuant to this Agreement may be personally served in the same manner as is prescribed for personal service of process under the Name Rules of Civil Procedure. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 12. General Provisions

- A. The text herein shall constitute the entire Agreement between the parties.

- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

- C. This Agreement shall become effective commencing September 9, 2014 or when Employee assumes the position as City Engineer, whichever shall occur first.

- D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, The City of Bangor has caused this Agreement to be signed and executed in its behalf by its City Manager, and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

CITY OF BANGOR

Catherine M. Conlow
City Manager

14-294
SEPTEMBER 8, 2014

John Theriault

ATTEST:

City Clerk (Seal)

APPROVED AS TO FORM:

City Solicitor

COUNCIL ACTION

Item No. **14-295**

Date: **September 8, 2014**

Item/Subject **ORDER**, Confirming the Appointment of Patricia Hamilton as Director of Health and Community Services and Authorizing the Execution of an Employment Agreement.

Responsible Department: **City Manager's Office**

Commentary: This Order will confirm the City Manager's appointment of Patricia Hamilton as Director of Health and Community Services for the City of Bangor, and will authorize the execution of an employment agreement. Ms. Hamilton has been acting as Interim Director of the Department since August 2013. She also served as Interim Director for five months in 2003.

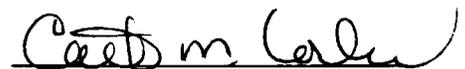
Prior to her current Interim role, Ms. Hamilton served as Director of Public Health Nursing since 2003 in the Health and Community Services Department. Prior to that, she served as a Public Health Nurse for six years in the Department. She has also worked for other organizations including Husson University, Hospice of Eastern Maine, Center for Family Medicine, Community Health and Counseling Services and two major hospitals.

Ms. Hamilton has a Bachelor of Science in Nursing from the University of Southern Maine as well as a Master's of Science Degree in Nursing from Husson University. She is a Registered Nurse (RN) and a Certified Family Nurse Practitioner (FNP).

This appointment has been reviewed with the City Council in Executive Session.

Department Head

Manager's Comments: I recommend your confirmation of this appointment and authorization to execute the employment agreement.

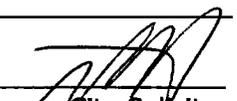

City Manager

Associated Information: Order, Employment Agreement

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) ORDER, Confirming the Appointment of Patricia Hamilton as Director of Health and Community Services and Authorizing Execution of an Employment Agreement.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

the appointment of Patricia Hamilton as Director of Health and Community Services is hereby confirmed and the City Manager is authorized to enter into an employment agreement, a copy of which is attached hereto.

EMPLOYMENT CONTRACT

THIS Agreement, made and entered into this _____ day of September, 2014, by and between the CITY OF BANGOR (Penobscot County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "Employer", and Patricia Hamilton of Bangor, State of Maine, hereinafter sometimes referred to as "Employee".

WITNESSETH:

WHEREAS, the City of Bangor desires to employ the services of said Patricia Hamilton as Director of Health and Community Services for the City of Bangor; and

WHEREAS, the parties have reached Agreement as to the benefits, conditions of employment, and working conditions of said Employee;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1 Duties

Employer hereby agrees to employ said Patricia Hamilton to perform the functions and duties of Director of Health and Community Services of the City of Bangor as specified under the Charter and the Ordinances of the City of Bangor and the laws of the State of Maine, and to perform such others duties and functions as the City Manager shall from time to time assign. Subject to the provisions contained herein, Employee shall serve at the pleasure of the City of Bangor.

Section 2. Term

A. Employee agrees to remain in the exclusive employ of Employer until September 8, 2016, and neither to accept other employment nor to become employed by any other employer so long as this Agreement shall be in effect.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, upon thirty (30) days notice to Employer, subject only to the provisions set forth in Section 3 of this Agreement.

C. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to terminate the services of Employee at any time upon thirty (30) days notice to Employee subject only to the provisions set forth in Section 3 of this Agreement. Employee may also be terminated upon thirty (30) days prior written notice should the position of Director of Health and Community Services be eliminated by action of the Employer's governing body.

D. In the event written notice is not given by either party to this Agreement to the other thirty (30) days prior to September 8, 2016, this Agreement shall be extended on the same terms and conditions providing for an additional term of one (1) year. Said Agreement shall continue thereafter for one (1) year periods unless either party hereto gives thirty (30) days written notice to the other party that the party does not wish to extend this Agreement for an additional one (1) year term.

Section 3. Termination and Severance Pay

In the event Employee is terminated by the City Manager during or at the expiration of the aforesaid term of employment, or during any extension thereof, and during such time that Employee is willing and able to perform his duties under this Agreement, then in that event Employer agrees to pay Employee a lump sum cash payment equal to one (1) months' aggregate salary. In the event Employee is terminated because of willful misconduct or intentional wrongdoing related to her employment with Employer, or because of her conviction of any illegal act involving personal gain to her, then Employer shall have no obligation to pay the aggregate severance sum designated in the paragraph or to continue Employer provided benefits, except to the extent that such benefits are required by law or the Personnel Rules and Regulations of the City of Bangor.

Section 4. Salary

A. Employer agrees to pay Employee for his services rendered pursuant hereto an annual base salary of ninety-one thousand, one hundred and sixty-two dollars and fifty cents (\$ 91,162.50) (Executive Pay Scale 3, step 8), payable in installments at the same time as other employees of the Employer are paid.

B. Employer agrees to handle future salary increases in the same fashion as salary increases are handled for other Executive Level Employees.

C.

Section 5. Performance Evaluation

A. On an annual basis, the City Manager and Employee shall define such goals and performance objectives as they deem necessary for the proper operation of the Health and Community Services Department and shall reduce said goals and objectives to writing. They shall generally be attainable within the time limitations specified and the annual operating and capital budgets and appropriations provided.

B. The City Manager shall review and evaluate the performance of the employee annually on or about the Employee's anniversary date when the Director's position was assumed. More frequent reviews may be held at the discretion of the City Manager. Said review and evaluation shall be in accordance with the goals and performance objectives jointly developed by the City Manager and Employee and the normal standards used to evaluate the performance of other City employees which are applicable to Employee's position.

C. In effecting the provisions of this Section, the City Manager and Employee mutually agree to abide by the provisions of applicable law.

D. Employee agrees and understands that the terms of his employment as Director of Health and Community Services shall be subject to the City's Personnel Rules and regulations as they currently exist and as they may be modified from time to time except where provisions of this Agreement modify or supersede the Personnel Rules and Regulations.

Section 6. Outside Activities

Employee shall not participate in any non-Employer connected business or employment without the prior approval of the City Manager. Such approval shall not be unreasonably withheld as long as the employment in question does not conflict with Employee's duties and responsibilities as Director of Health and Community Services. The parties agree that Employee shall be permitted to perform such work as may be required in order that Employee maintain her Family Nurse Practitioner (FNP) License. Maintenance of this License enables the City to continue to operate certain Divisions within the Health and Community Services Department.

Section 7. Vacation and Sick Leave

Upon commencement of employment, Employee shall retain the current vacation time and sick time accrued as a result of Employee's continuing employment with the City of Bangor and said time shall be credited to her personal account. Said times shall be available for immediate use in accordance with established policies.

Thereafter, Employee shall have sick leave credited to her personal account at the same rate as other employees of Employer. Employee shall immediately begin to accrue vacation at the rate of four (4) weeks per year, until the completion of her twentieth year of employment and shall thereafter accrue vacation time in accordance with the City's Personnel Rules and Regulations. Vacation leave may be taken by the Employee at any time so long as his absence does not unreasonably interfere with the operations of the City and such leave is approved in advance by the City Manager.

Section 8. Fringe Benefits

Employer agrees to provide Employee with all categories of fringe benefits in the same amounts and coverages as are provided from time to time by Employer to other employees of the City of Bangor except as noted elsewhere in this Agreement.

Section 9. Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Director of Health and Community Services. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 10. Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 11. Residency

Employee currently resides in Bangor, Maine and agrees to maintain residence within the corporate limits of the City during the term of her employment as Director of Health and Community Services.

Section 12. Professional Development and Training

Employer agrees to pay Health and Community Services related professional development, education, and training expenses, including memberships in appropriate Health and Community Services organizations, to the extent that such costs are budgeted and approved by Employer's governing body.

Section 13. Other Terms and Conditions of Employment

The City Manager, in consultation with the Employee, shall fix any such other terms and conditions of employment, as may be determined from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter or any other law.

Section 14. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- | | |
|---------------|--|
| (1) Employer: | City of Bangor
73 Harlow Street
Bangor, ME 04401
Attn: City Manager |
| (2) Employee: | Patricia Hamilton
27 Plaisted Street
Bangor, ME. 04401 |

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is prescribed for personal services of process under the Maine Rules of Civil Procedure. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 15. General Provisions

- A. The text herein shall constitute the entire Agreement between the parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.
- C. This Agreement shall become effective commencing September 9, 2014.

D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Bangor has caused this Agreement to be signed and executed in its behalf by its City Manager, and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

CITY OF BANGOR

BY: _____
Catherine M. Conlow
City Manager

ATTEST:

City Clerk (Seal)

APPROVED AS TO FORM:

City Solicitor

Patricia Hamilton

COUNCIL ACTION

Item No. 14-296

Date: September 8, 2014

Item/Subject: Order, Authorizing Execution of a Purchase and Sale Agreement with Penobscot County Commissioners – Court Street

Responsible Department: Legal

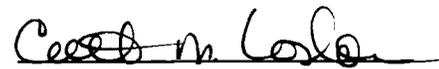
Commentary:

The City is the owner of property on Court Street, site of the former police station and parking lot. For several years the Penobscot County Commissioners have leased parking spaces on this property from the City. The County would now like to purchase a portion of the property for parking. The City has demolished the former police station located on the property and created additional parking. The City is able to convey the property to the County and, with the creation of the additional parking spaces, have spaces for its own use.

This Order, if approved, will authorize the City Manager to execute a purchase and sale agreement with the Penobscot County for the conveyance of a portion of property owned by the City on Court Street consistent with the attached exhibit. The terms of the purchase and sale agreement include a sale price of \$210,000, easements to the City for the purpose of accessing the land to be retained by the City, for the purpose of accessing the City trail along the Kenduskeag for maintenance and repair, and for the purpose of maintaining and repairing the retaining wall supporting Court street and structures around the portion to be retained by the City, the right of Penobscot County to make changes to the topography of the property to be conveyed subject to final review by the City Engineer and City Manager and subject to payment of all associated costs by Penobscot County.

Department Head

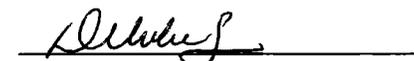
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of a Purchase and Sale Agreement with Penobscot County Commissioners – Court Street

WHEREAS, the City is the owner of property on Court Street; and

WHEREAS, the Penobscot County Commissioners have leased parking spaces on this property from the City; and

WHEREAS, the Penobscot County Commissioners would like to purchase a portion of the property; and

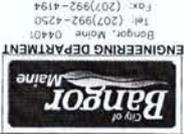
WHEREAS, the City has demolished the former police station located on the property and created additional parking.

By the City Council of the City of Bangor:

ORDERED,

That Catherine M. Conlow, City Manager, is authorized on behalf of the City of Bangor to execute a purchase and sale agreement with the Penobscot County Commissioners for the conveyance of a portion of property owned by the City on Court Street consistent with the attached exhibit. The terms of the purchase and sale agreement include a sale price of \$210,000 easements to the City for the purpose of accessing the land to be retained by the City, for the purpose of accessing the City trail along the Kenduskeag for maintenance and repair, and for the purpose of maintaining and repairing the retaining wall supporting Court street and structures around the portion to be retained by the City, the right of Penobscot County to make changes to the topography of the property to be conveyed subject to final review by the City Engineer and City Manager and subject to payment of all associated costs by Penobscot County. Said agreement shall be in a final form as approved by the City Solicitor.

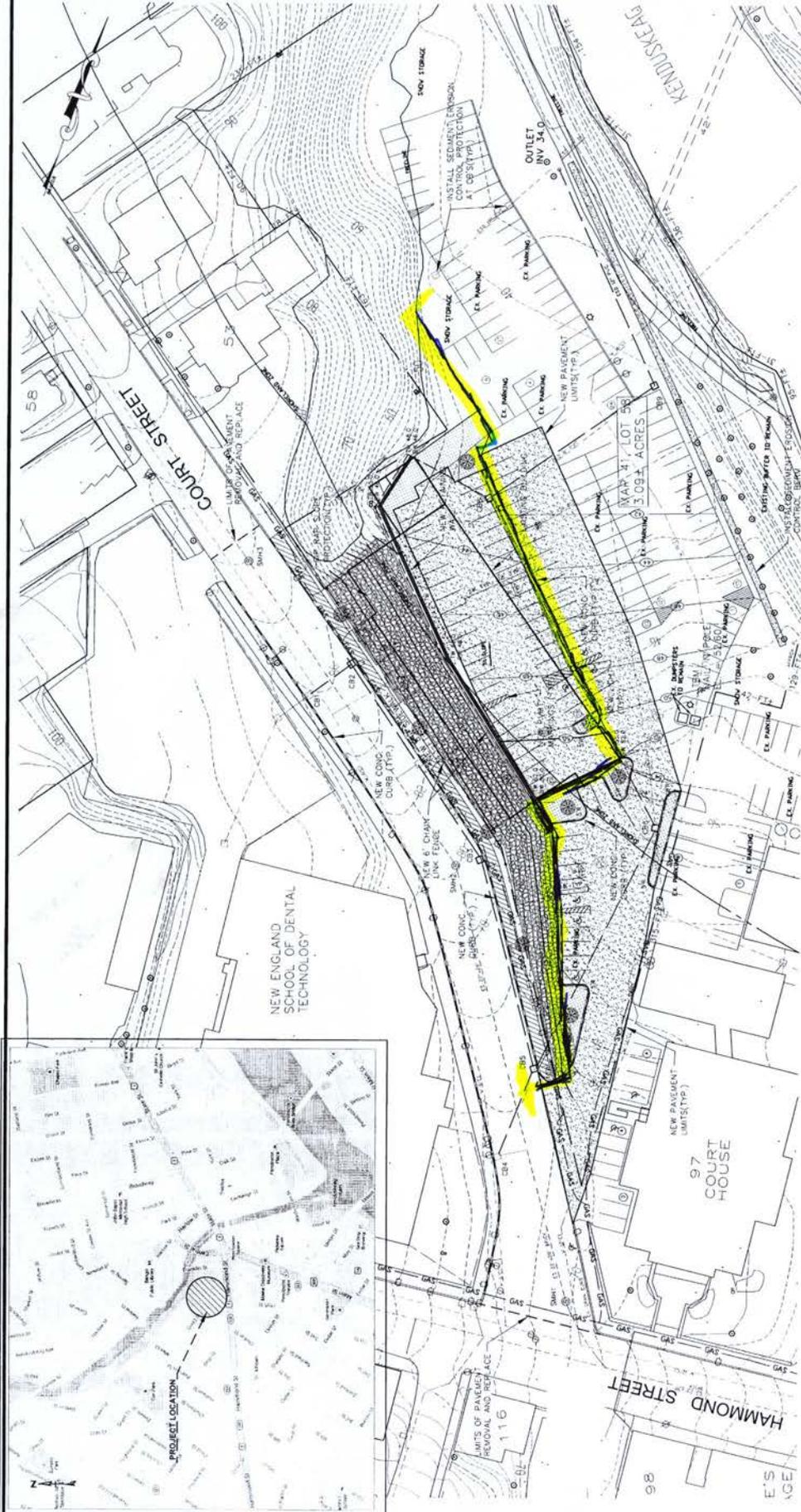
14-296
 SEPTEMBER 8, 2014



RECORDED BY: JLA	DATE: 5/8/2014
CHECKED BY: JLA	SCALE: 1" = 50'
APPROVED BY: [Signature]	
REVISION	

SITE PLAN
35 COURT STREET
POLICE STATION DEMOLITION

Sheet No. **C1**
 Job No. [Blank]



GRAPHIC SCALE
 0 5 10 15 20 FEET

PLANNING BOARD APPROVED
 DATE: MAY 20, 2014
 [Signature]

NOTES:
 1. All existing utilities shown are approximate only and shall be verified in the field before construction begins.
 2. All pavement markings to conform to the current Manual on Uniform Traffic Control Devices, MDOT specifications and or City of Bangor Standards. All stop bars to be 24" wide all parking lot lines to be 4" wide.

DEVELOPMENT SCHEDULE

EXISTING	PROPOSED
130 SPACES	169 SPACES
1 SPACE	7 SPACES
N/A	2,216 SF (6.1%)
	5% REQUIRED

- LEGEND:**
- ① EXISTING SEWER MANHOLE
 - ② EXISTING DRAIN MANHOLE
 - ③ EXISTING CATCH BASIN
 - ④ EXISTING UTILITY POLE
 - ⑤ EXISTING GAS LINE
 - ⑥ EXISTING ELECTRIC MH
 - ⑦ EXISTING WATER GATE
 - ⑧ EXISTING HYDRANT
 - ⑨ EXISTING TELEPHONE MH
 - ⑩ EXISTING SIGN
 - ⑪ EXISTING LIGHT
 - ⑫ NEW MAPLE (2")
- GAS —
- NEW PAVING
 GREEN SPACE
 RIPRAP

