

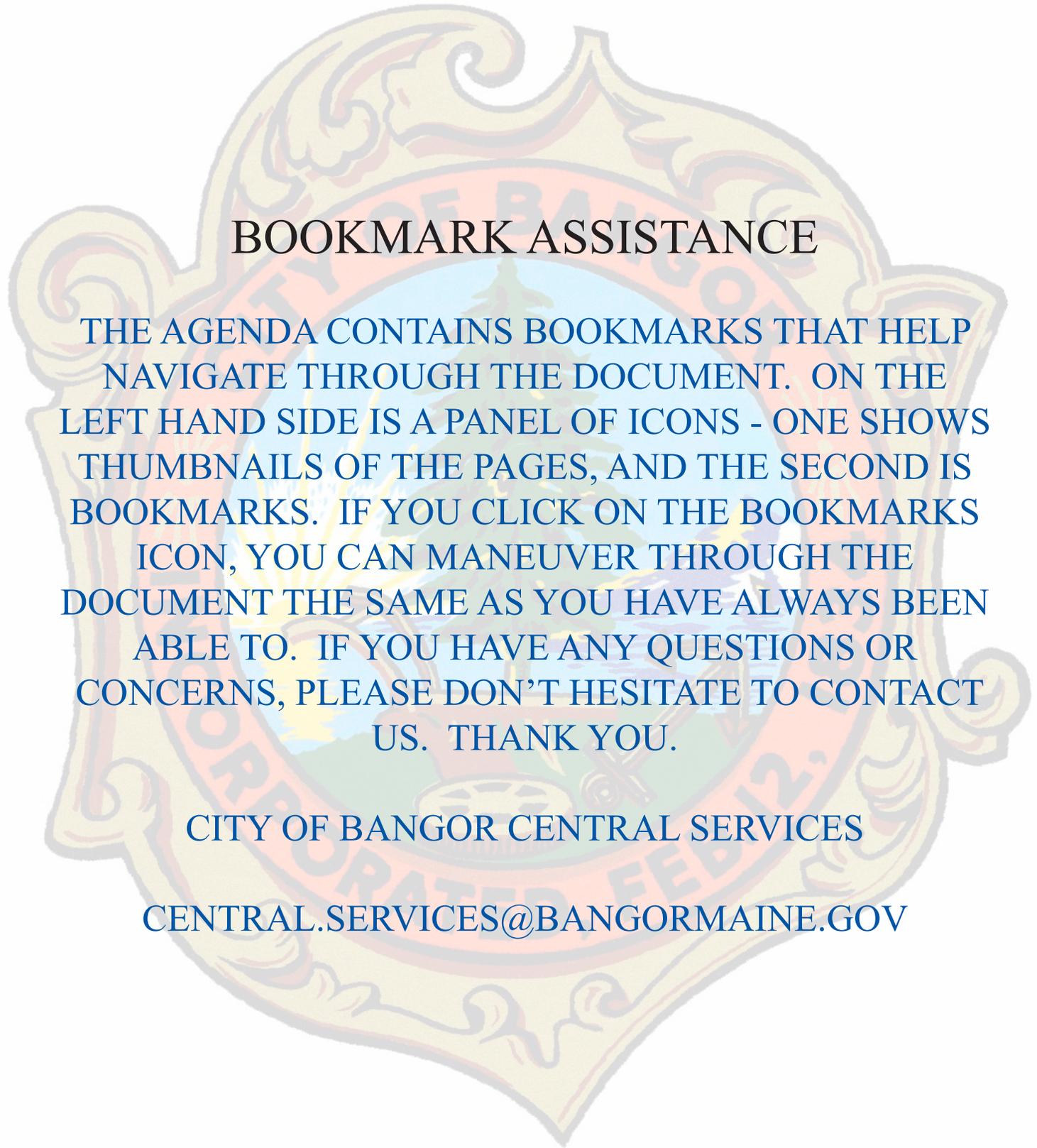
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CITY COUNCIL AGENDA

FEBRUARY 10, 2014





BOOKMARK ASSISTANCE

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CITY OF BANGOR CENTRAL SERVICES

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REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

PLEDGE ALLEGIANCE TO THE FLAG

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 January 27, 2014, Bangor City Council Special Meeting of January 30, 2014, Business and Economic Development Committee Meetings of December 17, 2013 and January 21, 2014, Finance Committee Special Meeting of October 15, 2013, Finance Committee Meeting of November 4, 2013, and Infrastructure Committee Meeting of January 14, 2014

**14-071 RESOLVE Ratification of Execution of Municipal Quitclaim Deed – GALLANT
Real Estate Located at 6 Hudson Street**

Executive Summary: Real estate tax liens matured on the property of Michael Madden. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property. This Resolve will ratify the staff action.

**14-072 RESOLVE Ratification of Execution of Municipal Quitclaim Deed – BLANCHETTE
Real Estate Located at 64 Ohio Street**

Executive Summary: Real estate tax liens matured on the property of Michael Madden. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property. This Resolve will ratify the staff action.

**14-073 ORDER Authorizing the City Manager to Accept \$842.00 in U.S. GRAHAM
Currency, or a Portion Thereof, as a result of a State
Criminal Forfeiture**

Executive Summary: This order will authorize the City Manager to accept \$842.00 in State Criminal Forfeiture Funds. Members of the Bangor Police Department were instrumental in an arrest leading to the seizure of cash that was subsequently forfeited. As a result, the City is entitled to a portion of the seized funds. Staff recommends approval.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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<u>14-074</u> <u>ORDER</u>	Authorizing the City to Accept Canine Pele from the Transportation Security Administration and to Transfer Pele to Christopher Desmond	PLOURDE
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Executive Summary: This order will authorize the City to accept Pele, a bomb sniffing canine, from the Transportation and Security Administration (TSA) and transfer ownership of him to his handler of the past five years, Chris Desmond. Pele, a five year veteran of the canine unit, is retiring from active duty. This was reviewed and recommended for approval at the February 3, 2014 Government Operations Committee.

<u>14-075</u> <u>ORDER</u>	Authorizing the City Manager to Apply for and Accept a \$1,500 Grant from the United Way for Emergency Heating Assistance	GRAHAM
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Executive Summary: This order will authorize the City Manager to apply for and accept a \$1,500 grant from the United Way for emergency heating assistance. The grant does require a local match of \$1,500, which will be provided from the City of Bangor Winter Emergency Fund. These funds are to be used for emergency heating assistance for Bangor residents coming to General Assistance who have a demonstrated emergency need but do not qualify for other forms of assistance. This item was reviewed and recommended for approval at the February 3, 2014 Government Operations Committee.

<u>14-076</u> <u>ORDER</u>	Authorizing Discussions with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue	DURGIN
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Executive Summary: This Order will authorize the City Manager to discuss the terms and conditions of an agreement with the Bangor School Committee for use of property located at 208 Maine Avenue. The School Committee proposes using the building for the purpose of providing a therapeutic day program for children with emotional or behavioral disabilities. This program is primarily for students that have difficulty in a traditional school setting and is currently provided as part of a joint effort with other school units at a facility in Old Town. Because of concerns raised about changes in the governing structure of that joint effort, the Bangor School Committee has determined it may be in the best interest of the City of Bangor to consider alternatives to its current arrangement.

The City of Bangor owns a building and land located at 208 Maine Avenue, Bangor, Maine, which the School Department has determined would be suitable for this program and students. Any agreement arising out of these discussions shall be subject to final approval by the City Council. This item was reviewed at a pre-council executive session on January 27, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**14-062 ORDINANCE Amending the Code of the City of Bangor, Chapter 215,
Police Regulations** **CIVIELLO**

Executive Summary: This Ordinance will amend the City’s ordinance to include the additional limits on sex offender residency approved by the recent amendment to State law. In 2013, the City of Bangor enacted an ordinance to restrict sex offenders from residing close to schools and municipal property where children are the primary users. The ordinance was consistent with 30-A M.R.S.A. §3014, a law permitting the enactment of such an ordinance by municipalities. During the last legislature the law was amended to allow municipalities to, by ordinance, restrict the residency of sex offenders in the vicinity of municipal and state property leased to a nonprofit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. This item was reviewed and recommended for approval by the Government Operations Committee at its February 3, 2014 meeting.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**14-080 ORDER Authorizing Execution of First Amendment to Second
Amended and Restated Indenture of Final Lease – GLP
Capital, L.P.** **NEALLEY**

Executive Summary: This Order will authorize the City Manager to execute a First Amendment to Second Amended and Restated Indenture of Final Lease between the City of Bangor and GLP Capital, L.P. On October 28, 2013 the City Council approved the execution of a Second Amended and Restated Indenture of Final Lease between the City and GLP Capital, LP, assignee of Bangor Historic Track, LLC, formerly Bangor Historic Track, Inc. The exhibits of the leased areas do not include a metes and bounds description. GLP Capital, LP has requested that the lease be amended to replace the exhibits with ones that include a metes and bounds description as well as new sketches that more clearly show the leased areas. It is in the City’s interest to do so. This item will be discussed at a pre-council meeting on February 10, 2014.

**14-081 ORDER Authorizing the Establishment and Administration of
the Food Service Establishment Grease Intercepting
Equipment Grant Program** **GALLANT**

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order will authorize staff to administer a grant program to provide financial assistance to food service establishments for the purpose of installing grease intercepting equipment. The Code of the City of Bangor requires that all food service establishments comply with grease trap regulations to prevent grease from entering the sewer system. When too much grease enters the sewer lines it can create blockages, maintenance issues, and overflows, which often result in significant regulatory issues with Maine DEP and Federal EPA. Many older restaurants including ones in the downtown were established prior to the implementation of these requirements.

Under the proposed program, the City will make available 50 percent matching grants in an amount not to exceed \$5,000 per property for the purpose of helping small food service establishments comply with grease trap regulations. The proposed program will provide grant funding based on need according to gross sales of the business, with grant funds paid directly to the contractor upon receipt of the work done. Funding to support this grant program will come from revenue generated from sewer connection fees. Applications will be accepted on an ongoing basis and limited funding is available so the City reserves the right to reject applications due to lack of grant funds. This program was reviewed and approved by the Infrastructure Committee in 2013.

14-082 ORDER **Authorizing the City Manager to Execute Amendments BLANCHETTE
for up to one-year Extensions for the Lease and
Concession Agreements with Avis, Hertz, Budget, Alamo
and National Car Rental Companies at Bangor
International Airport**

Executive Summary: This Order will rescind Order 13-354, which authorized the City Manager to execute amendments for one-year extensions for the lease and concession agreements with the Car Rental Companies at Bangor International Airport. The Order included a provision to waive the minimum annual guarantee (MAG) that was in the original agreements. After further financial review it has been determined that it is in the best interest of the City that the MAG provisions remain in the agreements.

If approved, this order will authorize the execution of amendments to the lease and concession agreements under the same terms and conditions as the original agreements for up to one year. The lease and concession agreements are with Avis, Hertz, Budget, Alamo and National Car Rental Companies.

Given the Domestic Terminal renovation project, it is in the interest of the City that the agreements be for up to a one-year term during the construction period. This will allow sufficient time to issue a Request for Proposals based upon the new terminal design.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
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14-083 ORDER

**Approving a Community Development Business
Development Loan to JSI Store Fixtures, Inc.**

DURGIN

Executive Summary: This Order will revise the approval of a Business Development Loan with JSI Store Fixtures, Inc. increasing the loan amount from \$100,000 to \$200,000. JSI Store Fixtures, Inc. designs and manufactures display fixtures for the grocery store industry. JSI has recently established a new operating unit of the company in Bangor and already has ten employees. The City Council approved a \$100,000 forgivable loan to JSI from the Community Development Business Development Loan Program on November 25, 2013. JSI would like to increase the loan amount to \$200,000 in order to convert the building's heating system from oil to natural gas and to make improvements in the building's office space. The proposed loan will be forgivable provided that JSI will create 20 full time positions by the end of 2016 and maintains them for the life of the loan. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its meeting on February 4, 2014.



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 27, 2014

*Meeting called to Order at 7:30 PM
 Chaired by Councilor Sprague
 Councilors Absent: None
 Meeting Adjourned at 8:27 PM*

PUBLIC COMMENT *Joshua Gass shared photos and highlights of the 2013 Kabang Festival*

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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MINUTES OF: *Bangor City Council Regular Meeting of January 13, 2014, Airport Committee Meeting of December 10, 2013, Finance Committee Meeting of October 7, 2013, Government Operations Committee Meetings of October 22, 2013, November 19, 2013 and December 2, 2013, Bangor Water District Regular Meeting of December 17, 2013 and Bangor Water District Special Meeting of December 19, 2013*

Action: *Accepted and Approved*

Liquor License Renewal:	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Chase's Family Restaurant Inc. d/b/a Chase's Family Restaurant, 1575 Hammond Street</i>	GRAHAM
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Action: *Approved*

<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of China Harbor Restaurant Inc., d/b/a China Harbor Restaurant, 547 Main Street</i>	GRAHAM
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Action: *Approved*

<i>Application for Liquor License Renewal, Malt, of Capital Pizza Huts, Inc. d/b/a Pizza Hut #624, 611 Broadway</i>	GRAHAM
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Action: *Approved*

<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Siam House Inc. d/b/a Thai Slam (China Express)</i>	GRAHAM
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Action: *Approved*

<u>14-064</u> <u>ORDER</u>	<i>Accepting a donation of up to \$2,000 from an Anonymous Maine Troop Greeter for the Purchase and Installation of a Water Bottle Filling Station at Bangor International Airport</i>	DURGIN
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Action: *Passed*

<u>14-065</u> <u>ORDER</u>	<i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – WIN 018486.00, Bangor Mall Boulevard/Hogan Road Intersection Improvements</i>	BALDACCI
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Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 27, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**14-066 ORDER *Authorizing Execution of Agreement for Maine Department of
Transportation Local Project – WIN 018486.10, Hogan
Road/Stillwater Avenue Intersection Improvements* **BLANCHETTE****

Action: Passed

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

**ASSIGNED TO
COUNCILOR**

NONE

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**14-060 ORDINANCE *Amending Land Development Code – Zone Change – 1732 Ohio Street
from a Contract Government and Institutional Service District to a
Rural Residence and Agricultural* **DURGIN****

*Action: Motion made and seconded for Passage
Vote: 9 – 0
Councilors Voting Yes: Baldacci, Blanchette, Civiello, Durgin, Gallant,
Graham, Nealley, Plourde, Sprague
Councilors Voting No: None
Passed*

**14-061 ORDINANCE *Amending Chapter 291, Vehicles and Traffic, of the Code of the City
of Bangor, By Allowing Parking for Small Commercial Vehicles* **GALLANT****

*Action: Motion made and seconded for Passage
Vote: 9 – 0
Councilors Voting Yes: Baldacci, Blanchette, Civiello, Durgin,
Gallant, Graham, Nealley, Plourde, Sprague
Councilors Voting No: None
Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 27, 2014

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
LIQUOR LICENSE (CLASS X)	Application for Liquor License Renewal, Malt, Spirituous, Vinous of Arayos LLC d/b/a Diamonds, 190B Harlow Street	GRAHAM
	Action: Motion made and seconded for Approval Passed	
PUBLIC HEARING:	Application for Special Amusement License of Arayos LLC d/b/a Diamonds, 190B Harlow Street	GRAHAM
	Action: Motion made and seconded to Open the Public Hearing Public Hearing Opened Ed Bearor indicated that he represented the applicant and was available for any questions Motion made and seconded to Close the Public Hearing Public Hearing Closed Motion made and seconded for Approval Passed	
<u>14-067</u> <u>ORDER</u>	Approving a Community Development Business Development Loan to Maine Paper and Janitorial Supply, Inc.	PLOURDE
	Action: Motion made and seconded for Passage Passed	
<u>14-068</u> <u>ORDER</u>	Authorizing Execution of a Lease with the Maine Basketball Hall of Fame - Cross Insurance Center	NEALLEY
	Action: Motion made and seconded for Passage Passed	
	Action: Motion made and seconded to suspend the rules to consider Order 14-069 Authorizing the City Manager to take Necessary and Appropriate Action for the City of Bangor to Join Maine Municipal Association and Pay Required Dues Passed Motion made and seconded for Passage of Order 14-069 Motion Doubted Vote: 6 – 3 Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Plourde, Sprague Councilors Voting No: Blanchette, Civiello, Gallant Passed	


 Lisa U. Goodwin, MMC, City Clerk

MINUTES OF SPECIAL MEETING BANGOR CITY COUNCIL – JANUARY 30, 2014

*Meeting called to Order at 5:00 PM
Chaired by Councilor Sprague
Councilors Absent: Blanchette, Durgin, and Nealley
Meeting adjourned at 5:02 PM*

PUBLIC COMMENT *None*

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
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<u>14-070</u>	<u>ORDER</u>	<i>Authorizing the Sale of 110 Pearl Street to Wendy Murch</i>	PLOURDE
	Action:	<i>Motion made and seconded for Passage Passed</i>	



Lisa J. Goodwin, MMC, City Clerk

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, December 17, 2013 5:00 PM
City Council Chambers

MINUTES

Attendees: Committee Chair Councilor Durgin, Councilor Civiello, Councilor Plourde, Councilor Graham, and Councilor Nealley

Staff Present: Tanya Emery, Cathy Conlow, and Norman Heitmann

CONSENT AGENDA

1. Request for Easement – C.M.I., Inc.

City Solicitor Norm Heitmann explained that the applicant wants to make improvements to the building on their Crossroads site where the restaurant is located to create a drive-thru. In order to meet the City's setback requirements it will be necessary to obtain an easement from the City. Mr. Heitmann noted that this has been done in other situations (at the Starbucks site on Bangor Mall Boulevard). Any traffic issues or other issues will be reviewed by the Planning Board.

Councilor Civiello moved to approve the Consent Agenda. Councilor Nealley seconded the motion, which carried unanimously.

REGULAR AGENDA

2. Request by Tantrum to Amend Ordinance for Hours of Operation – Update

City Solicitor Heitmann explained that the Tantrum restaurant on Broad Street had requested that an amendment be made to the Ordinances for hours of operation to allow them to stay open longer than 1:30 a.m. In reviewing this, Staff found that because Tantrum has a Class 11 liquor license (which is for an establishment that is primarily a restaurant with liquor sales) they can extend their hours of operation without an amendment to the Ordinance. However, Staff feels that it is timely to review this issue further especially in light of the increased interest in outdoor tables and service. Mr. Heitmann indicated that Staff would come back to the Committee next month for further discussion.

3. **Executive Session** – Economic Development – Property Acquisition – 1 M.R.S.A. § 405(6)(C).

Councilor Nealley moved to go into Executive Session under 1 M.R.S.A. § 405(6)(C). The motion was seconded and it passed unanimously.

It was moved, seconded and unanimously approved to exit the Executive Session.

4. **Executive Session** – Economic Development – Business Development Loan – 1 M.R.S.A. § 405(6)(C)

Councilor Nealley moved to go into Executive Session under 1 M.R.S.A. § 405(6)(C). The motion was seconded and it passed unanimously.

It was moved, seconded and unanimously approved to exit the Executive Session.

It was moved, seconded and unanimously approved to support staff recommendation on this item.

Meeting adjourned at 5:30 p.m.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, January 21, 2014 5:15 PM

City Council Chambers

Minutes

Attendees: Committee Chair Councilor Durgin, Councilor Civiello, Councilor Plourde, Councilor Gallant, and Councilor Nealley

Staff Present: Tanya Emery, Director of Community and Economic Development

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

1. Overview of 2013 presentation and look at trends for 2014

Tanya Emery, Director of Community & Economic Development, gave an overview of the development that has taken place in Bangor the past year and looked at the 2014 trends nationally, regionally and locally.

Director Emery discussed the Downtown Development activity with many new shops and restaurants; the Main Street "Entertainment Corridor" with the construction of the Cross Insurance Center and the waterfront concerts at the Waterfront Pavilion; and, the Neighborhood Revitalization Stabilization Area which encompasses the area from Third Street to Main Street from Union Street to Buck Street.

Director Emery indicated that several national retail chains had constructed new buildings in the Bangor Mall area (Hobby Lobby, Buffalo Wild Wings, Town Fair Tire, etc.). Other areas of expansion in 2013 included the hospitality, medical and industrial industries. A Town Place Suites in the Bangor Mall area was approved in 2013 and a Residence Inn on Bass Park Boulevard is expected to be completed in 2015. Eastern Maine Medical Center received approval of their tower project as did St. Joseph Hospital for a medical office expansion. Other medical facilities that received approvals in 2013 were an expansion by Penobscot Community Healthcare and some smaller medical offices.

The Industrial sector saw expansion by C & L Aerospace and Global Montello. In 2014 plans are in the works for a company to occupy the vacant building at 120 Rice Street.

2. Executive Session – Economic Development – Business Development Loan– 1 M.R.S.A. § 405(6)(C)

Councilor Gallant moved to enter into Executive Session. The motion was seconded and it passed unanimously.

A motion was made, seconded and unanimously approved to exit the Executive Session.

3. Committee Action on Above Item.

A motion was made, seconded and the Committee moved Staff recommendation.

Meeting Adjourned at 6:00 p.m.

SPECIAL FINANCE COMMITTEE
October 15, 2013 @ 5:18 pm

MINUTES

Council Members: Civiello, Blanchette, Sprague, Durgin, Nealley, Longo, Baldacci
Staff: Conlow, Cyr

1. Bids/Purchasing

- a. City Hall Roof – Bids open on October 11, 2013. Bid results and recommendation was distributed at meeting.

Finance Director Cyr explained the problems we've been having with the City Hall roof. It was put out to bid and staff recommendation is to award the contract to Roof Systems of Maine, low bidder, in the amount of \$157,680.

Councilor Durgin moved staff recommendation, Councilor Baldacci seconded, recommended to City Council.

Councilor Sprague asked how long the roof is expected to last. Cyr stated it is a 30 year roof.

- b. Allowing Quotes for Specific CDBG Projects

Finance Director Cyr reviewed the work being done on the neighborhood revitalization strategies. By March 31st, Community Development will make a determination of the amount of funding the City has drawn down for projects, as part of the determination of the upcoming year allocation. The City held off on a number of projects so we can devote more funding to the neighborhood revitalization project. Because of the time needed to pull bids together, we are afraid when March hits, we'll look like we have excess funds. We would like to be able to go out to bidders to get written/verbal quotes on certain projects to cut down on the time needed to get a project completed ahead of March. These projects being things like demolition and sidewalk work. Basically we are trying to take out a little formality from CDBG Projects to use some of that excess money before March.

Councilor Blanchette asked that the committee get a list of what these projects are so if they get asked by citizens, they know what project they are speaking of.

Councilor Baldacci moved, Councilor Nealley seconded, approved.

Adjourned at 5:29pm.

FINANCE COMMITTEE
November 4, 2013 @ 5:00 PM

MINUTES

Council Members: Gallant, Baldacci, Durgin, Sprague, Civiello, Blanchette, Nealley
Staff: Cyr, Seymour, Canders, Comstock, Ryan, Little

- 1. Executive Session – 1MRSA Section 405 (6)(E) – Workers Compensation Settlement**
- 2. Open Session – Recommended for approval to City Council**
- 3. Consent Agenda**
 - a. Bids Awarded by Staff – October 2013
 - b. Resolve 13-352, Accepting & Appropriating \$19,480 in Planning Grant Funding from the Maine Health Access Foundation

Councilor Baldacci moved to approve the Consent Agenda, Councilor Sprague seconded, approved.

4. Bids/Purchasing

- a. Mail Folder/Inserter Machine – Central Services – Formax - \$16,000

Finance Director Deb Cyr stated that the City received 3 responses for this request for bids. All machines had different options and were all tested on real City projects. The one that staff recommends is from Formax and will help staff be more efficient.

Councilor Baldacci moved, Councilor Gallant seconded, approved.

- b. Request to Waive the Bid Process – Airport - FBO Manager Software – FBO One

Finance Director Cyr explained the need to upgrade from the old software to newer software that will integrate all the inner workings such as billing. There is an initial one time set up fee of approximately \$13,500 which includes training, etc. Then it moves to a monthly subscription payment which at minimum is \$3,000. The City does not plan to go over the \$3,000 anytime soon. We will be

saving costs moving to this new software and it will allow a more seamless working system.

Councilor Sprague moved, Councilor Baldacci seconded, approved.

c. Sole Source – Sliding Room Divider Wall System – Airport – Panel Systems MFG Inc. - \$10,840

Finance Director Cyr stated that we are in the last stages of this upgrade and staff recommendation is to award this divider wall system to Panel Systems MFG.

Councilor Gallant moved, Councilor Sprague seconded, approved.

5. Taxpayer Request 50 Grove Street

Treasurer Dave Little explained that this property was on our list of possible properties to take over due to unpaid taxes of 5 years or more. Taxpayers own both 50 & 52 Grove Street and thought that the taxes were on 1 bill. They would get 1 tax bill at their out of state residence and the other was delivered to the property, hence it didn't get paid. Now that they are aware, they would like to pay the back taxes and redeem the property but requested that the City work with them in regards to the interest, lien fees, etc. that have built up. It was suggested there be a 50/50 split between the City and the owners which would mean that a payment from the owners of approximately \$841.00 would bring the account to current. Little recommends to go ahead with this deal between the City and the owners. He has no concerns going further of the taxes not being paid.

Councilor Gallant moved, Councilor Sprague seconded, approved.

Adjourned at 5:24pm.

**Infrastructure Committee
Minutes
January 14, 2014**

ATTENDEES

Councilors:

Benjamin Sprague
Joseph Baldacci, Chair
Josh Plourde

Pauline Civiello
Nelson Durgin
Patricia Blanchette

James Gallant
Gibran Graham
David Nealley

Staff:

Dana Wardwell

Art Morgan

Others:

None

Agenda

1. Agreement with Maine DOT, WIN# 018486.00, Bangor Mall Boulevard/Hogan Road Intersection Improvement

The Maine Department of Transportation agreement is in the amount of \$230,000 for design and construction of an additional right-turn lane at the intersection of Hogan Road and Bangor Mall Boulevard. The Local Project Agreement specifies a Federal share of the project to be at 80% of the total project cost, or \$184,000 and the City share to be \$46,000 or 20% of the total project cost. Art explained the traffic study indicated significant right turn movement onto Hogan Road, the project would improve movement.

2. Agreement with Maine DOT, WIN# 018486.10, Hogan Road/Stillwater Avenue Intersection Improvement

This is a Local Project Agreement in the amount of \$103,500 with the Maine Department of Transportation for design, construction work for a dedicated right-turn lane on Hogan Road and Stillwater Avenue. If approved the agreement stipulates a Federal share of 82,800 or 80% of the total project costs and a City share of \$20,700 or 20% of the total project cost. Art explained this was similar with a right turn onto Stillwater Avenue.

Art stated both were expected to begin in the upcoming construction season May/June 2014. Councilor Blanchette was concerned with the width and the merging of traffic onto Hogan Road, as often they don't yield. Would there be a plan to widen or have direction arrows. Art responded the scope of work was only for Bangor Mall Boulevard, but they would look at signage on Hogan Road. Councilor Graham expressed concern regarding pedestrian safety and crosswalks in both project areas and asked if the roadway at the overpass was the responsibility of the City or the State. He was also concerned about signage issues. Art responded the roadway was the City's to maintain and the State maintained the bridge overpass. Art responded they would make effort for pedestrian safety in this

area. There would be construction of a crosswalk easterly to westerly from Bangor Mall Boulevard to Hogan Road. Dana also commented the northbound off and the southbound on ramps would have traffic signals. He also noted there was a grant the City applied for to install a crosswalk from Bangor Mall Boulevard and Hogan to Stillwater, cross over Stillwater to Frost Drive when the state funds become available. Councilor Durgin stated that Hogan and Stillwater Avenue was a much busier intersection and asked if another lane would be added and the installation signage for right turn on red. Art stated another lane was proposed and stated that better signage would be needed to announce such and would consult the Manual on Uniform Traffic Control Devices (MUTCD). Councilor Gallant asked if there would also be sidewalks installed. Dana responded there were plans from Bangor Mall Boulevard to Stillwater on the McDonald's side of Hogan Road. Councilor Blanchette expressed concern for pedestrian safety crossings and suggested solar powered signs to control and asked about the control of the timing of the signs. Dana stated these were signalized intersections and there were standards in the MUTCD for the timing of pedestrian crossings. He suggested the City provide public education on use of crosswalk signals. Councilor Graham suggested the countdown lights, noting it may be more money. Councilor Durgin concurred and provided Eastern Maine Medical Center on State Street as an example of the countdown pedestrian crossing signals. Councilor Blanchette inquired about TIF or Bangor Mall funding and if they could tap into it for these types of signalized crossing signs. Art stated there was a traffic TIF and impact fee for traffic movement in the Mall area. Councilor Baldacci suggested they hold further discussions during the budget process for those added expenditure.

Councilor Blanchette moved and it was seconded with no further discussion to enter into the two agreements on Agenda Item #1 & #2.

Vote: Unanimous

3. Update on Maine DOT, WIN # 16681.00, Union Street Overpass Project

Art explained the project would be to do a complete reconstruction of the Union Street bridge over Interstate 95. The project would be in two phases and work was projected to begin mid to late May. Those phases would consist of the demolition half of the bridge and allow for two way traffic on the other two remaining lanes.

Councilor Baldacci asked if this was totally funded by the State, to which Art stated it was. Councilor Gallant projected a nightmare zone with potential traffic problems with this area already being very busy and congested, the adverse impact on Fifteenth and Sixteenth Streets. Art stated Beecher Park, Sunset Avenue, Eddyway Street, Seventeenth and the Bangor Housing area would also be affected. Art also explained access would be totally closed on the Union Street side. The northbound on and off ramps and the southbound ramp would be right turn only. With Sunset Drive and the Bangor Housing area there would be no access out of their roadways, the State proposed to build a temporary road, which would essentially be an extension of Sunset Drive connecting to Texas Avenue. The roadway would be in place before the start of the project. When the project was complete, the roadway would be terminated. Councilor Gallant was concerned whether Maine Developers had been briefed on the upcoming project with increased traffic going through their areas. Art said they had been briefed and the detour route would be on a temporary basis. Councilor Durgin asked about inbound traffic's ability to take a left turn off Union Street onto the northbound ramp of the interstate. Art stated there would be no left turn onto the interstate for the duration of the project. Councilor Durgin then suggested the need for signage. Art pointed to the alternate access for the interstate being at Hammond Street from

Maine Avenue and the ramp at Broadway. Dana explained they had requested the State place signage in the Griffin Road area and beyond to give advanced notice to motorists.

Councilor Baldacci announced Councilor Nealley's arrival.

Councilor Blanchette and Councilor Graham asked for clarification of Union Street being closed and expressed their concern for traffic being detoured down side streets that already had excessive truck and bus use, and Councilor Gallant expressed concern for the width of the roads to be potentially used for detouring. Councilor Durgin pointed out the safety of traveling past Fairmount and Fourteenth Street schools. Art was in hopes the signage on the interstate to use of Hammond Street and Broadway access would avoid usage of local roads. Councilor Gallant also noted the excessive northbound traffic who would typically take the exit ramp to get to the City for concerts. Councilor Blanchette would like to see lights controlling traffic at Westland and Ohio and the ability for motorists to turn left. Dana stated there were discussion of traffic lights in that location and would be watching closely. He also stated that Eighteenth Street and Westland were both posted "No Thru Trucks". He mentioned that the City had stressed the need for advanced warning to keep traffic away from Fourteenth Street. Councilor Graham expressed another concern for the southbound accident ramp from Ohio to I95 and could see increased issues. He requested a map showing what signs, lights, etc. would be utilized and where they would be placed, to help with citizen inquiries. Councilor Gallant asked why the ramps couldn't just be shut down. Art responded he expected the State would provide a detour plan around March or April. He also thought the State would be reluctant to shut down the ramps entirely because of residents in the area. Councilor Nealley concurred with signage for the concerts and suggested signage for the concert events and for Hammond Street due to it only being a stop sign with no signal. Dana stated in speaking with the State they were very sensitive to making changes at the request of the City. Councilor Baldacci requested the project be placed on the City's website and the government channel.

Dana informed the Committee of another project in conjunction with this, the reconstruction of the northbound ramp, which is a high accident area. The alternation would include flattening and pulling back so the ramp would be longer and to illuminate the ramp to Ohio Street.

Councilor Baldacci announced the arrival of Councilor Sprague.

Councilor Baldacci asked if this should come back to the Committee level in April. Art anticipated having a traffic control plan and would bring back to the Committee.

It was also noted the State held a number of meetings regarding this project. Councilor Baldacci suggested public education and bring back to Infrastructure.

Councilor Plourde thanked Staff for their patience and stated there was nothing more inconvenient than a closed bridge, than one that imploded on itself.

There was no further discussion.

Vote: Not necessary, informational only.

Meeting adjourned at approximately 6:00 p.m.

COUNCIL ACTION

Item No. 14-071

Date: February 10, 2014

Item/Subject: Resolve, Ratification of Execution of Municipal Quitclaim Deed – Real Estate Located at 6 Hudson Street.

Responsible Department: Legal

Commentary: Real estate tax liens matured on the property of Michael Madden. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property.

This Resolve will ratify the staff action.

Department Head

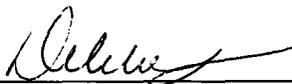
Manager's Comments:



Asst 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, Ratification of Execution of Municipal Quitclaim Deed – Real Estate Located at 6 Hudson 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 Michael Madden for property at 6 Hudson Street in Bangor, Maine are hereby ratified and affirmed.

COUNCIL ACTION

Item No. 14-072

Date: February 10, 2014

Item/Subject: Resolve, Ratification of Execution of Municipal Quitclaim Deed – Real Estate Located at 64 Ohio Street.

Responsible Department: Legal

Commentary:

Real estate tax liens matured on the property of Michael Madden. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, 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:



Ass't City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Blanchette

CITY OF BANGOR

(TITLE.) Resolve, Ratification of Execution of Municipal Quitclaim Deed – Real Estate Located at 64 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 Michael Madden for property at 64 Ohio Street in Bangor, Maine are hereby ratified and affirmed.

COUNCIL ACTION

Item No. 14-073

Date: February 10, 2014

Item/Subject: Order, Authorizing the City Manager to Accept \$842.00 in U.S. Currency, or a Portion Thereof, as a result of a State Criminal Forfeiture.

Responsible Department: Legal

Commentary: This order will authorize the City Manager to accept \$842.00 in State Criminal Forfeiture Funds. Members of the Bangor Police Department were instrumental in an arrest leading to the seizure of cash that was subsequently forfeited. As a result, the City is entitled to a portion of the seized funds. 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 Graham



CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Accept \$842.00 in U.S. Currency, or any Portion Thereof, as a Result of a State Criminal Forfeiture.

By the City Council of the City of Bangor:

ORDERED, THAT the City Manager is authorized to accept \$842.00 in U.S. currency, or any portion thereof, as a result of a State criminal forfeiture and deposit it in the State Forfeiture Account (60020309050).

ORDERED, THAT the City Clerk is authorized to execute the attached Approval of Transfer.

STATE OF MAINE
Penobscot, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-2011-4258

STATE OF MAINE }
 }
 v. }
 }
 ORBRIA TURNER, }
 Defendant }
 }
 }
 \$842.00 U.S. Currency, }
 Defendant In Rem }

Municipality of Bangor
Approval of Transfer
15 M.R.S.A. §5824(3) &
§5822(4)(A)

NOW COMES the city of Bangor, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant in Rem, namely Eight Hundred Forty-Two Dollars (\$842.00), or any portion thereof, on the grounds that the Bangor Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the city of Bangor, Maine does hereby approve of the transfer of the Defendant in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Bangor municipal legislative body on or about

Dated: _____

Municipal Officer
Bangor, Maine
(Impress municipal legislative body seal here)

COUNCIL ACTION

Item No. 14-074

Date: February 10, 2014

Item/Subject ORDER, Authorizing the City to Accept Canine Pele from the Transportation Security Administration and to Transfer Pele to Christopher Desmond

Responsible Department: Police

Commentary: This order will authorize the City to Accept Pele, a bomb sniffing canine, from the Transportation and Security Administration (TSA) and transfer ownership of him to his handler of the past five years, Chris Desmond. Pele, a five year veteran of the canine unit, is retiring from active duty. Should the Council concur; the City will assume temporary responsibility and liability of Pele from the TSA and transfer the responsibility and liability of Pele to his current handler, Police Officer Chris Desmond. Chris Desmond has agreed to accept full liability and responsibility for Pele. This was reviewed and recommended for approval at the Feb 3, 2014 Government Operations Committee.



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 Plourde

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City to accept Canine Pele from the Transportation Security Administration to Transfer Canine Pele to Christopher Desmond

By the City Council of the City of Bangor:

ORDERED, THAT, the City be authorized to accept the responsibility and liability of Explosive Canine Pele from the Transportation Security Administration, and transfer responsibility and liability to Officer Christopher Desmond.

COUNCIL ACTION

Item No. **14-075**

Date: **February 10, 2014**

Item/Subject ORDER, Authorizing the City Manager to Apply for and Accept a \$1,500 Grant from the United Way for Emergency Heating Assistance

Responsible Department: Health & Community Services

Commentary: This order will authorize the City Manager to apply for and accept a \$1,500 grant from the United Way for emergency heating assistance. The grant does require a local match of \$1,500, which will be provided from the City of Bangor Winter Emergency Fund. These funds are to be used for emergency heating assistance for Bangor residents coming to General Assistance who have a demonstrated emergency need but do not qualify for other forms of assistance. This item was reviewed and recommended for approval at the February 3, 2014 Government Operations Committee.

Department Head

Manager's Comments:



Asst City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Apply for and Accept a \$1,500 Grant from the United Way for Emergency Heating Assistance.

By the City Council of the City of Bangor:

ORDERED, THAT the City Manager is hereby authorized to apply for and accept a grant from the United Way for \$1,500 for emergency heating assistance needs to Bangor residents coming to General Assistance who have a demonstrated emergency need but do not qualify for other forms of assistance.

COUNCIL ACTION

Item No. 14-076

Date: February 10, 2014

Item/Subject: ORDER , Authorizing Discussions with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue

Responsible Department: Legal

Commentary: This Order will authorize the City Manager to discuss the terms and conditions of an agreement with the Bangor School Committee for use of property located at 208 Maine Avenue. The School Committee proposes using the building for the purpose of providing a therapeutic day program for children with emotional or behavioral disabilities. This program is primarily for students that have difficulty in a traditional school setting and is currently provided as part of a joint effort with other school units at a facility in Old Town. Because of concerns raised about changes in the governing structure of that joint effort, the Bangor School Committee has determined it may be in the best interest of the City of Bangor to consider alternatives to its current arrangement.

The City of Bangor owns a building and land located at 208 Maine Avenue, Bangor, Maine, which the School Department has determined would be suitable for this program and students. Any agreement arising out of these discussions shall be subject to final approval by the City Council. This item was reviewed at a pre-council executive session on January 27, 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 Durgin

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Discussions with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue

WHEREAS, the City of Bangor School Department provides a therapeutic day program for children who have emotional or behavioral disabilities which impact their ability to be educated in a traditional school environment; and

WHEREAS, currently said services for Bangor students are provided as part of a joint effort with other school units at a facility in Old Town; and

WHEREAS, it is in the best interest of the City of Bangor and the School Department to consider alternatives to its current arrangement for the education of children who are in need of a therapeutic day program; and

WHEREAS, the City of Bangor is the owner of the building and land located at 208 Maine Avenue, Bangor, Maine; and

WHEREAS, the building and land at 208 Maine Avenue is suitable for the School Department's program for children who are in need of a therapeutic day program.

By the City Council of the City of Bangor:

ORDERED,

THAT Catherine M. Conlow, City Manager, and City staff designated by her, are hereby authorized on behalf of the City of Bangor, to discuss the terms and conditions for an agreement with the City of Bangor School Committee, or its designee, for use of the building and land located at 208 Maine Avenue. Any agreement shall be subject to approval by the City Council.

COUNCIL ACTION

Item No. 14-077

Date: February 10, 2014

Item/Subject ORDER, Appointing Local Health Officers in Accordance with Maine Center for Disease Control and Prevention Requirements

Responsible Department: Executive

Commentary: This order will appoint Bangor's Local Health Officers in accordance with Maine Center for Disease Control and Prevention (Maine CDC) requirements. Historically, this role has been shared between the positions of Code Enforcement Officer and Director of Public Health Nursing. Both Jeremy Martin, Code Enforcement Officer and Patricia Hamilton, Director of Public Health Nursing are willing to be appointed, and this Order will formalize the appointments. This was reviewed and recommended for approval at the February 3, 2014 Government Operations Committee Meeting.

Department Head

Manager's Comments:



Asst City Manager

Associated Information: Order

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) ORDER, Appointing Local Health Officers in Accordance with Maine Center for Disease Control and Prevention Requirements.

Be it ordered by the Bangor City Council that:

Patricia Hamilton, Director of Public Health Nursing and Jeremy Martin, Code Enforcement Officer are hereby appointed to serve as the City of Bangor's Local Health Officers (LHO) in accordance with the requirements set forth in the State of Maine Center for Disease Control and Prevention (Maine CDC).

COUNCIL ACTION

Item No. 14-078

Date: February 10, 2014

Item/Subject: **Order, Authorizing City Engineer to Begin the Process of Discontinuance of a Portion of Kittredge Road.**

Responsible Department: Engineering

Commentary: This Order will begin the process to discontinue a portion of Kittredge Road northeasterly of Stillwater Avenue. This portion of the road is a public way that has not been used since the construction of the Hogan Road Extension. Now that the Kittredge Road has been realigned it is appropriate to discontinue this portion of Kittredge Road. Pursuant to 23 M.R.S.A. § 3032, this Order be the first step to discontinue a portion of Kittredge Road for a distance of approximately 442.69 +/- feet. Once discontinued the property goes to the to the abutters at the centerline.

Arthur B. Morgan
Department Head

Manager's Comments:


Ass't City Manager

Associated Information: Order, Location Map

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

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



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Engineer to Begin the Process of Discontinuance of the Portion of Kittredge Road.

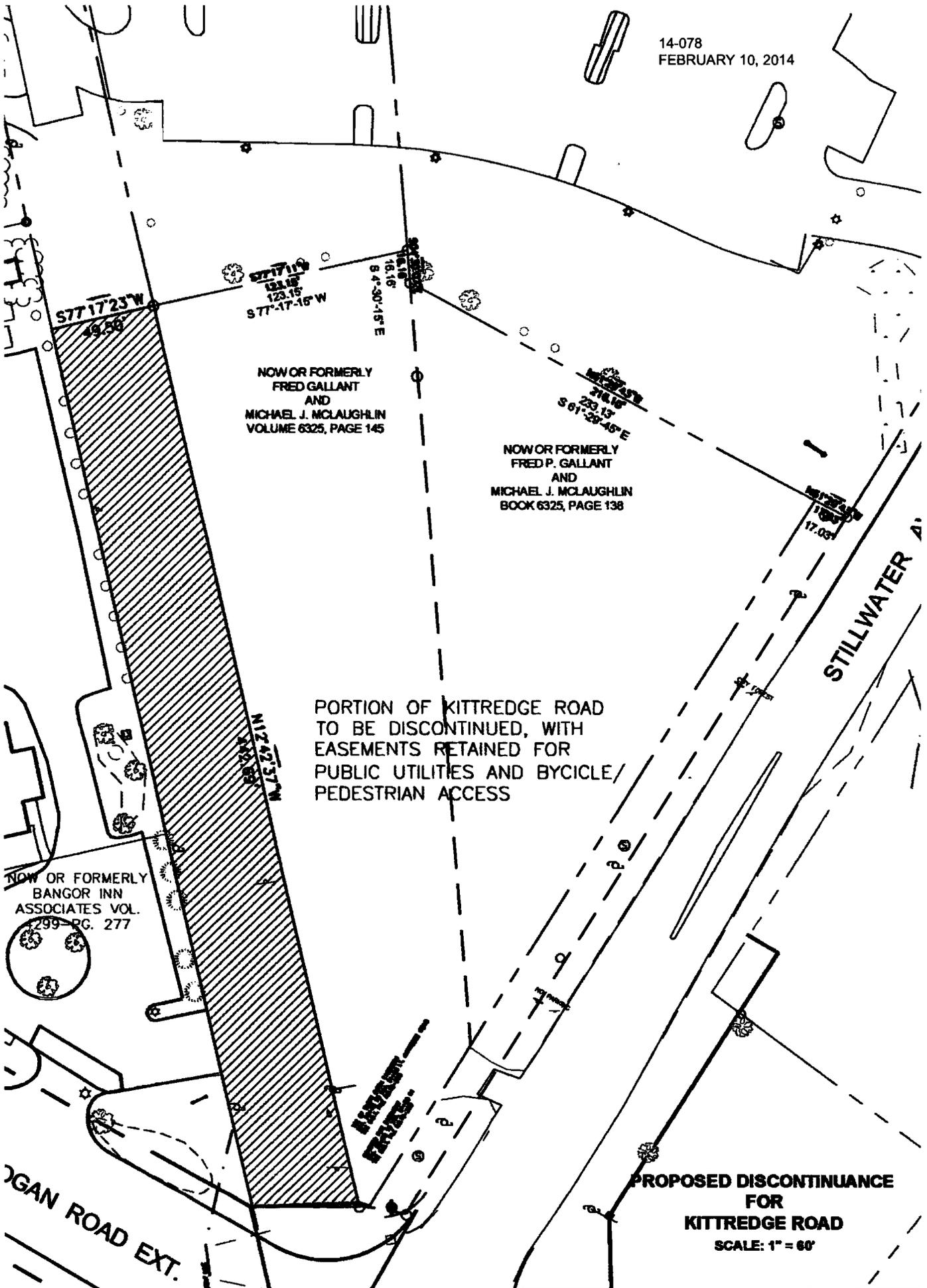
WHEREAS, the 442.69 foot long section of Kittredge Road located to the north of Hogan Road Extension and West of Stillwater Avenue was accepted by the City September 29, 1851; and

WHEREAS, the City discontinue the 442.69 foot portion of right-of-way; and

WHEREAS, said portion of Kittredge Road is no longer necessary to serve the public as a right-of-way;

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

the City Engineer is hereby authorized and directed to begin the process of discontinuing the approximately 442.69 foot long portion of Kittredge Road located southwesterly of Stillwater Avenue in accordance with the provisions of 23 M.R.S.A. § 3026 and to submit a written report to the City Council for further action.



NOW OR FORMERLY
FRED GALLANT
AND
MICHAEL J. MCLAUGHLIN
VOLUME 6325, PAGE 145

NOW OR FORMERLY
FRED P. GALLANT
AND
MICHAEL J. MCLAUGHLIN
BOOK 6325, PAGE 138

PORTION OF KITTREDGE ROAD
TO BE DISCONTINUED, WITH
EASEMENTS RETAINED FOR
PUBLIC UTILITIES AND BYCICLE/
PEDESTRIAN ACCESS

NOW OR FORMERLY
BANGOR INN
ASSOCIATES VOL.
299 PG. 277

STILLWATER A1

**PROPOSED DISCONTINUANCE
FOR
KITTREDGE ROAD**

SCALE: 1" = 60'

DUGAN ROAD EXT.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 14-079

Date: February 10, 2014

Item/Subject: Order, Reallocating Excess Proceeds from the City's Prior General Obligation Bonds

Responsible Department: Finance

Commentary:

The attached Order would reallocate unexpended bond proceeds issued in 2013 to projects authorized for bonding at the conclusion of the FY 2014 budget process.

The 2013 bond issue was based on estimated equipment costs. A number of purchases were below estimates such as: chiller repairs, plow tucks, tach buggy and snow blower. In addition, the 2013 bond issue anticipated the replacement of the curbside recycling pickup vehicle. With the City transitioning to a single-stream recycling contract, these funds will not be expended.

This reallocation of unexpended bond funds will reduce the amount of bonds that will be issued to fund the FY 2014 projects authorized in August of 2013.

This Order will require a Public Hearing at the February 24th City Council Meeting



Department Head

Manager's Comments:



City Manager

Associated Information:

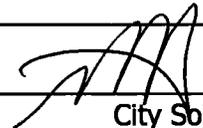
Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral – Finance Committee of February 19, 2014

Page __ of __

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Reallocating Excess Proceeds from the City's Prior General Obligation Bonds

WHEREAS, on June 5, 2013, the City of Bangor issued its 2013 General Obligation Bonds – Series A in the aggregate principal amount of \$9,030,000 (the "2013 Bonds") pursuant to City Council Order #12-248 (adopted August 13, 2012) (the "Prior Order"), a portion of the proceeds of which was authorized to be used to finance the acquisition of municipal equipment and vehicles, including plow trucks, recycling truck, tach buggy, snow blower, sidewalk plow, and Parks & Recreation Equipment, including a Zamboni and chiller (referred to as the "Prior Equipment Projects"); and

WHEREAS, on June 5, 2013, the City of Bangor issued additional general obligation bonds in the aggregate principal amount of \$4,740,000 pursuant to City Council Order #13-250 (adopted August 12, 2013) (the "2013 CIP Order") to finance, among other things, municipal equipment and vehicles, including plow trucks, low bed trailer and sidewalk plows (referred to as the "New Equipment Projects"); and

WHEREAS, there remain excess proceeds of the 2013 Bonds, which excess proceeds the City Council desires to reappropriate to be used for New Equipment Projects, thereby reducing the amount of the City's general obligation bonds required to be issued under the 2013 CIP Order;

NOW, THEREFORE, by the City Council of the City of Bangor, be it hereby ORDERED:

THAT the excess proceeds of the 2013 Bonds, in the amount of \$303,562 be and hereby are appropriated to finance a portion of the costs of the New Equipment Projects, as more specifically specified in the 2013 CIP Order

THAT the Finance Director be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 14-062

Date: January 13, 2014

Item/Subject: Ordinance, Amending the Code of the City of Bangor, Chapter 215, Police Regulations

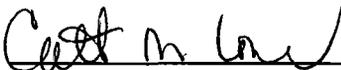
Responsible Department: Legal

Commentary:

This Ordinance will amend the City's ordinance to include the additional limits on sex offender residency approved by the recent amendment to State law. In 2013, the City of Bangor enacted an ordinance to restrict sex offenders from residing close to schools and municipal property where children are the primary users. The ordinance was consistent with 30-A M.R.S.A. §3014, a law permitting the enactment of such an ordinance by municipalities. During the last legislature the law was amended to allow municipalities to, by ordinance, restrict the residency of sex offenders in the vicinity of municipal and state property leased to a nonprofit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. This item was reviewed and recommended for approval by the Government Operations Committee at its January 6, 2014 meeting.

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 Civiello

CITY OF BANGOR

(TITLE.) Ordinance, Amending the Code of the City of Bangor, Chapter 215, Police Regulations

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT,

The Code of the City of Bangor section 215-13 is amended as follows:

§ 215-13. Sex Offender Residency Restrictions

A. Findings and purpose. Unchanged.

B. Authority. Unchanged.

C. Application. Unchanged.

D. Restricted areas.

(1) No sex offender shall reside within 750 feet of the property line of any public or private elementary, middle or secondary school.

(2) No sex offender shall reside within 750 feet of any publicly owned property where children are the primary users. Without limiting the application of this subsection, any public park containing playground equipment or a municipal pool shall be deemed to be municipally owned property where children are the primary users. For the purpose of this section, if the area used by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

(3) No sex offender shall reside within 750 feet surrounding the real property of a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. For the purpose of this section, if the area used by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

(34) For a first offense only of this restriction, a sex offender shall have 25 days following the date of mailing or service as required by Subsection E below to move from the residence to a residence not within the areas restricted by the provisions of this section and by so moving avoid the fines and penalties imposed by Subsection E below.

E. Exemption. Unchanged.

F. Violations and penalties. Unchanged.

G. Effective date. Unchanged.

Note: Additions are underlined and deletions are ~~struck through~~.



**NEW
BUSINESS**

Date: **FEBRUARY 10, 2014**

Item/Subject: ORDER: Authorizing the Establishment and Administration of the Food Service Establishment Grease Intercepting Equipment Grant Program

Responsible Department: Wastewater

Commentary: This Order will authorize staff to administer a grant program to provide financial assistance to food service establishments for the purpose of installing grease intercepting equipment. The Code of the City of Bangor requires that all food service establishments comply with grease trap regulations to prevent grease from entering the sewer system. When too much grease enters the sewer lines it can create blockages, maintenance issues, and overflows, which lead often result in significant regulatory issues with Maine DEP and Federal EPA. Many older restaurants including ones in the downtown were established prior to the implementation of these requirements.

Under the proposed program, the City will make available 50 percent matching grants in an amount not to exceed \$5,000 per property for the purpose of helping small food service establishments comply with grease trap regulations. The proposed program will provide grant funding based on need according to gross sales of the business, with grant funds paid directly to the contractor upon receipt of the work done. Funding to support this grant program will come from revenue generated from sewer connection fees. Applications will be accepted on an ongoing basis and limited funding is available so the City reserves the right to reject applications due to lack of grant funds.

This program was reviewed and approved by the Infrastructure Committee in 2013.

Department Head

Manager's Comments:



City Manager

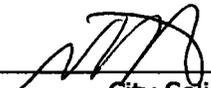
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Gallant

CITY OF BANGOR

(TITLE.) Order, Establishment of the Food Service Establishment Grease Intercepting Equipment Grant Program

Whereas, the City is responsible to operate and maintain its sewer collection system in a manner that will prevent sewer overflows; and

Whereas, City Code prevents the discharge of anything that would cause blockages in the sewer system; and

Whereas, grease entering the sewer system increases maintenance and can cause blockages resulting on sewer overflows; and

Whereas, some food service establishments have no or inadequate grease intercepting equipment;

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

A Food Service Establishment Grease Intercepting Equipment Grant Program be established to assist food service businesses, based on need, in installing adequate grease intercepting equipment.

City of Bangor
Wastewater Treatment Plant

Food Service Establishment
Grease Intercepting Equipment
Grant Program

Introduction

The Wastewater Treatment Plant Sewer Capacity Management Operation and Maintenance (CMOM) program, in part, defines best management practices the City can employ to increase the reliable operation of the sewer collection system. One practice is to reduce and eliminate the discharge of fats, oils and grease (FOG) into the sewer system. Recognizing the installation of FOG interceptors is expensive, the City has established a fund from which grants can be made to property owners that meet eligibility criteria.

Purpose

Provide a source of funds to offset the purchase and installation of FOG equipment in eligible food service establishments where no or inadequate FOG interceptors are present.

Definitions

Food Service Establishment - Restaurants, hospital kitchens, cafeterias and other public kitchens are regulated and are required to install grease traps that must be cleaned periodically.

Fats, oils and grease (FOG) - Items used when cooking, or are the by-products of cooking, such as cooking oil, butter or leftover grease from cooking bacon or other meats.

Administration

The purpose of this grant program is to provide funds to assist in the purchase and installation grease intercepting equipment. The total grant of City funds cannot exceed 50% of the purchase and installation cost of the equipment or \$5000, whichever is lower. Applications are accepted on an ongoing basis and limited funding is available so the City reserves the right to reject applications due to lack of grant funds.

Disbursement of the funds will be made directly to the installation contractor after sufficient documentation demonstrating complete installation and the cost of installation has been provided and approved.

The City of Bangor prohibits discrimination. No person shall on the ground of race, color, national origin, sex, age, religion, familial status, physical or mental disability be excluded from participation in, be denied the benefits of or subjected to discrimination under this program.

Grant Approval:

Approval of the grant will be contingent upon:

- a. grant application properly filled out;
- b. the Infrastructure Committee's affirmative vote;
- c. proof of ability to provide necessary funds to complete the installation of the FOG equipment; and
- d. verification that all property taxes, water/sewer fees and all other city assessments are current.
- e. grant funds are available.

Eligibility:

In order to qualify for a grant, both the applicant and the property to be assisted must meet the minimum eligibility criteria as set forth in these guidelines.

To qualify for a grant an applicant must:

1. provide proof of ownership, a signed purchase and sale agreement or a lease agreement;
2. meet income eligibility guidelines;
3. meet seating guideline;
4. have paid in full all City property taxes, water/sewer fees, and /or any other assessed fees;
5. demonstrate the capability to fund the complete the installation and maintenance plans for the FOG equipment;
6. submit plumbing plans as requested by Code Enforcement to ensure compliance with the Maine Uniform Plumbing Code and the Bangor Sewer Use Ordinance;

7. provide personal and business tax returns and personal financial information to determine financial capacity as deemed necessary by Community and Economic Development;
8. demonstrate a record of compliance with the city of Bangor's codes, ordinance and policies and any other local, state or federal rules and regulation that apply. Isolated violations will not be considered as a failure if addressed in a cooperative manner:
and,
9. must provide a narrative demonstrating the need for this funding.

To qualify for a grant the property must:

1. be located in the City of Bangor; and
2. priority may be given to the Bangor Center Development District and LMI census tracts.

Grant Amount Calculation

The amount of the grant will be determined by the matrix below, but in no case exceed \$5000 per installation. Gross sales will be equal to the average of the last three years sales records.

Grant Limitations

No more than one grant will be processed at one time on behalf of an applicant. For the purpose of this section, grant processing will be considered complete when an application is disapproved or when a grant is dispersed to a contractor upon completion of the FOG equipment installation.

Grants are available for food service establishments with less than or equal to 100 seats.

Funding Matrix

Gross Sales	Grant Funding Maximum
0 to \$250,000	\$ 5,000.00
\$250,001 to \$500,000	\$ 4,000.00
\$500,001 to \$750,000	\$ 3,000.00
\$750,001 to \$1,000,000	\$ 2,000.00
\$1,000,001 to \$1,250,000	\$ 1,000.00

(Gross sales includes food and alcohol)

COUNCIL ACTION

Item No. 14-082

Date: February 10, 2014

Item/Subject: **ORDER**, Authorizing the City Manager to Execute Amendments for up to one-year Extensions for the Lease and Concession Agreements with Avis, Hertz, Budget, Alamo and National Car Rental Companies at Bangor International Airport

Responsible Department: Airport

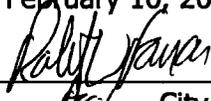
Commentary: This Order will rescind Order 13-354, which authorized the City Manager to execute amendments for one-year extensions for the lease and concession agreements with the Car Rental Companies at Bangor International Airport. The order included a provision to waive the minimum annual guarantee (MAG) that was in the original agreements. After further financial review it has been determined that it is in the best interest of the City that the MAG provisions remain in the agreements.

If approved, this order will authorize the execution of amendments to the lease and concession agreements under the same terms and conditions as the original agreements for up to one year. The lease and concession agreements are with Avis, Hertz, Budget, Alamo and National Car Rental Companies.

Given the Domestic Terminal renovation project, it is in the interest of the City that the agreements be for up to a one-year term during the construction period. This will allow sufficient time to issue a Request for Proposals based upon the new terminal design.

Tony Caruso
Department Head

Manager's Comments: This item will be reviewed in an executive session on February 10, 2014



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 the City Manager to Execute Amendments for up to one-year Extensions for the Lease and Concession Agreements with Avis, Hertz, Budget, Alamo and National Car Rental Companies at Bangor International Airport.

WHEREAS, The Bangor City Council awarded Car Rental lease and concession contracts at Bangor International Airport to car rental companies; and

WHEREAS, By Council Order Order 13-354, which previously authorized the City Manager to execute amendments for one-year extensions for the lease and concession agreements with the car rental companies at Bangor International Airport, and included a provision to waive the minimum annual guarantee (MAG); and

WHEREAS, After further financial review it has been determined that it is in the City's best interest that the MAG provision should remain in the agreements during the extension period; and

WHEREAS, Given the domestic terminal renovation project, it is in the City's interest that the agreements be amended for a term of up to one-year during a time of construction at the airport, which will allow sufficient time to issue a Request for Proposals based upon the new terminal design; and

WHEREAS, Car rental concessions at Bangor International Airport are an important and necessary part of operation of domestic air service.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR, That

Catherine Conlow, City Manager, is authorized on behalf of the City of Bangor to execute amendments for up to one-year extensions for the lease and concession agreements with Avis, Hertz, Budget, Alamo and National Car Rental Companies at Bangor International Airport. Said amendments shall be in a final form acceptable to the City Solicitor or the Assistant City Solicitor.

BE IT FURTHER ORDERED,

That Council Order 13-354 is hereby rescinded.

COUNCIL ACTION

Item No. 14-083

Date: February 10, 2014

Item/Subject: ORDER, Approving a Community Development Business Development Loan to JSI Store Fixtures, Inc.

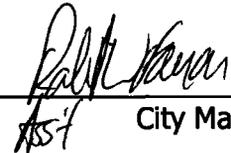
Responsible Department: Community and Economic Development

Commentary: This Order will revise the approval of a Business Development Loan with JSI Store Fixtures, Inc. increasing the loan amount from \$100,000 to \$200,000. JSI Store Fixtures, Inc. designs and manufactures display fixtures for grocery store industry. JSI has recently established a new operating unit of the company in Bangor and already has ten employees. The City Council approved a \$100,000 forgivable loan to JSI from the Community Development Business Development Loan Program on November 25, 2013. JSI would like to increase the loan amount to \$200,000 in order to convert the building's heating system from oil to natural gas and to make improvements in the building's office space. The proposed loan will be forgivable provided that JSI will create 20 full time positions by the end of 2016 and maintains them for the life of the loan.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at it meeting on February 4, 2014.

Department Head

Manager's Comments:



Asst City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) ORDER, Approving a Community Development Business Development Loan to JSI Store Fixtures, Inc.

WHEREAS, JSI Store Fixtures, Inc., desires to expand into Bangor, thereby providing new employment opportunities; and

WHEREAS, the new employment to be created by JSI Store Fixtures, Inc. makes it eligible for assistance under the City's Community Development Business Development Loan Program; and

WHEREAS, the number of new jobs and investment created by JSI Store Fixtures, Inc. will provide a substantial public benefit:

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

the City Manager is authorized to execute any and all documents necessary to make available to JSI Store Fixtures, Inc. a Community Development Business Development Loan in an amount not to exceed \$200,000. Said loan shall be forgivable under certain terms and conditions, including the creation of at least twenty (20) new employment opportunities. Said loan shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-080

Date: February 10, 2014

Item/Subject: ORDER, Authorizing Execution of First Amendment to Second Amended and Restated Indenture of Final Lease – GLP Capital, L.P.

Responsible Department: Legal

Commentary:

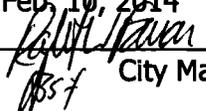
This Order will authorize the City Manager to execute a First Amendment to Second Amended and Restated Indenture of Final Lease and Memorandum of Lease between the City of Bangor and GLP Capital, L.P.

On October 28, 2013 the City Council approved the execution of a Second Amended and Restated Indenture of Final Lease between the City and GLP Capital, LP, assignee of Bangor Historic Track, LLC, formerly Bangor Historic Track, Inc. The exhibits of the leased areas do not include a metes and bounds descriptions. GLP Capital, LP has requested that the lease be amended to replace the exhibits with ones that include a metes and bounds description as well as new sketches that more clearly show the leased areas. It is in the City's interest to do so.



Department Head

Manager's Comments: This item will be discussed at a pre-council meeting on Feb. 10, 2014



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 Execution of First Amendment to Second Amended and Restated Indenture of Final Lease – GLP Capital, L.P.

WHEREAS, On October 28, 2013 the City Council approved the execution of a Second Amended and Restated Indenture of Final Lease between the City and GLP Capital, LP, assignee of Bangor Historic Track, LLC, formerly Bangor Historic Track, Inc.; and

WHEREAS, the exhibits of the leased areas do not include a metes and bounds descriptions and it is in the parties interest to clarify the plans and sketches showing the leased areas; and

WHEREAS, replacing the existing exhibits with new exhibits and a metes and bounds description will not change the leased area in any way nor will it change the lease in any other way; and

WHEREAS, it is in the City's best interest to ensure that the exhibits describing the leased areas are as detailed and clear as possible.

By the City Council of the City of Bangor:

ORDERED,

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute a First Amendment to Second Amended and Restated Indenture of Final Lease between the City of Bangor and GLP Capital, LP and Memorandum of Lease. Said First Amendment and Memorandum shall be in substantially the same forms as attached hereto and in a final form as approved by the City Solicitor or Assistant City Solicitor.

**FIRST AMENDMENT TO
SECOND AMENDED AND RESTATED INDENTURE OF FINAL LEASE**

THIS FIRST AMENDMENT TO SECOND AMENDED AND RESTATED INDENTURE OF FINAL LEASE (this "**Amendment**") shall amend that certain Second Amended and Restated Indenture of Final Lease, dated 28 October 2013 (having an Effective Date of June 23, 2006), by and between the CITY OF BANGOR, a municipal corporation organized and existing under and by virtue of the laws of the State of Maine ("**Lessor**") and GLP CAPITAL, L.P. a limited partnership organized and existing under the laws of the Commonwealth of Pennsylvania ("**Lessee**", as assigned by HC BANGOR, LLC, a limited liability company organized and existing under the laws of the State of Maine, f/k/a Bangor Historic Track, Inc.), (the "**Lease**", *capitalized terms used herein and not otherwise defined herein shall have the meaning ascribed to them in the Lease*) and is being entered into on this [10th] day of February 2014, and shall be effective as of the Effective Date, by and between Lessor and Lessee, as more fully set forth herein.

WHEREAS, on October 28, 2013, pursuant to the terms of a certain Assignment and Assumption Agreement, by and between HC Bangor, LLC and Lessee and the other various parties thereto, the Lease was ultimately assigned to Lessee in accordance with the terms therein;

WHEREAS, Lessor and Lessee acknowledge and agree that the certain Additional Parking Addendum to Amended and Restated Indenture of Final Lease, between the Lessor and Lessee, dated April 1, 2008, attached hereto as Attachment I, which had been had been integrated into the Lease, had in fact been terminated on or about and as-of June 17, 2011, as further confirmed by the Lessor in that certain letter dated January 21, 2014, attached hereto as Attachment II;

WHEREAS, Lessor and Lessee each desire to amend the Lease to amend and restate "EXHIBIT A" attached to the Lease in order to clarify the Premises being leased thereunder and the use thereof.

NOW, THEREFORE, in consideration of the provisions set forth in the Lease as amended by this Amendment, including, but not limited to, the mutual representations, warranties, covenants and agreements contained therein and herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby respectively acknowledged, and subject to the terms and conditions thereof and hereof, the parties, intending to be legally bound, hereby agree that the Lease shall be amended as follows:

**ARTICLE I
AMENDMENT AND RESTATEMENT OF EXHIBIT A TO THE LEASE**

1.1 The parties hereby agree that "EXHIBIT A" of the Lease shall be amended and restated in its entirety with Attachment III attached hereto which shall be deemed to be Exhibit A of the Lease, and all references in the Lease to Exhibit A shall refer to the premises depicted and described on Attachment III hereto.

**ARTICLE II
AUTHORITY TO ENTER INTO AMENDMENT**

2.1 Lessor hereby represents and warrants that it has taken all necessary and procedural and legal steps as required by federal, state and local laws and regulations for the purpose of authorizing the execution of this Amendment and that execution of this Amendment by the City Manager renders this Amendment a valid and binding document on the part of Lessor.

2.2 Lessee hereby represents and warrants that it has taken all necessary and procedural and legal steps as required by federal, state and local laws and regulations and all necessary corporate action to authorize the execution of this Amendment by its undersigned corporate officer and upon such execution of this Amendment is a valid and binding document on the part of Lessee.

**ARTICLE III
MISCELLANEOUS**

3.1 Costs and Expenses; Fees. Each party shall be responsible for and bear all of its own expenses incurred in connection with pursuing or consummating this Amendment and the transactions contemplated by this Amendment, including, but not limited to, fees and expenses, legal counsel, accountants, and other facilitators and advisors.

3.2 Choice of Law and Forum Selection Clause. This Amendment shall be construed and interpreted, and the rights of the parties shall be determined, in accordance with the substantive Laws of the State of Maine without regard to the conflict of law principles thereof or of any other jurisdiction

3.3 Counterparts; Facsimile Signatures. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. In proving this Amendment, it shall not be necessary to produce or account for more than one such counterpart signed by the party against whom enforcement is sought. Any counterpart may be executed by facsimile signature and such facsimile signature shall be deemed an original.

3.4 No Further Modification. Except as modified hereby, the Lease remains in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Amendment has been duly executed and delivered by each of the undersigned as of the date first above written.

LESSOR:

CITY OF BANGOR

WITNESSETH:

By: _____
Catherine M. Conlow, its City Manager

STATE OF MAINE :
COUNTY OF PENOBSCOT :

SS

On this ___ day of February 2014, personally appeared the above-named Catherine M. Conlow, as City Manager of the City of Bangor who acknowledged the foregoing instrument to be his/her free act and in his/her said capacity and the free act and deed of said City.

Notary Public/Attorney at law
Name:
Commission Expires:

LESSEE:

GLP CAPITAL, L.P.
By: Gaming and Leisure Properties, Inc., its general partner

WITNESSETH:

By: _____
William J. Clifford, Chief Financial Officer, Secretary and Treasurer

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF BERKS :

SS

On this ___ day of February 2014, personally appeared the above-named William J. Clifford, Chief Financial Officer, Secretary and Treasurer of said GAMING AND LEISURE PROPERTIES, INC., a Pennsylvania corporation, the general partner of GLP Capital, L.P., and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said partnership.

Notary Public/Attorney at law
Name:
Commission Expires:

ATTACHMENT I

Please see attached

rights and responsibilities with respect to the Additional Land shall be subject to and governed by all the terms and conditions of the Lease applicable to the Parking Area, which terms and conditions shall be in addition to the terms and conditions set forth in this Addendum. In the event of any conflict or inconsistency between the terms hereof and of the Lease the terms of this Addendum shall be given priority and considered as controlling.

5. During the term of this Addendum, as consideration for the addition of the Additional Land to the Parking Area, the Lessee shall pay to the Lessor additional rent in the amount of \$6,480.00 per annum ("Additional Rent"). The Additional Rent shall be paid together with the Rent due under the Lease and during the term hereof shall be considered as, and treated as "Rent" under the Lease.

6. The term of this Addendum ("Addendum Term") shall commence as of March 15, 2008 and shall continue until the earlier of the following events (individually referred to as a "Termination Event" and collectively referred to as "Termination Events"):

- (a) Expiration or earlier termination of the Lease in accordance with its terms; or
- (b) The expiration of one hundred and eighty (180) days following the provision of written notice by Lessor to Lessee that Lessor is, at its option, and without termination of the Lease, terminating this Addendum upon the occurrence of an "Auditorium Finding," as defined below.

Termination of this Addendum pursuant to subparagraph (b) above shall have no effect on and shall not result in any termination or limitation of Lessee's rights in and to the Parking Area as originally described under the Lease and revised pursuant to section 7 below. In the event of termination of this Addendum pursuant to subparagraph (b) above, the Lessor will exercise good faith efforts to assist the Lessee in identifying a replacement parking area proximate to the Premises.

An "Auditorium Finding" is a finding made by affirmative vote of the Bangor City Council that the following conditions have been satisfied:

(x) the City of Bangor has finalized plans to construct a new City auditorium and the Additional Land is necessary for the development of the auditorium and associated improvements, which include without limiting the generality of the foregoing access ways, roads, walkways, parking areas and other similar hardscape improvements; and

(y) Construction of the auditorium is reasonably anticipated to commence within twelve (12) months following the date of the City Council's vote on this matter.

7. The initial description of the Parking Area set forth in Exhibit A to the Lease is hereby deleted and the descriptions set forth in Exhibit A and Exhibit B to this Addendum are hereby substituted in lieu thereof. The descriptions set forth in Exhibit B to this Addendum, shall survive any termination of this Addendum pursuant to section 6(b) above and shall constitute a

ADDITIONAL PARKING ADDENDUM

to

AMENDED AND RESTATED INDENTURE OF FINAL LEASE

THIS ADDITIONAL PARKING ADDENDUM TO AMENDED AND RESTATED INDENTURE OF FINAL LEASE ("Addendum") is entered into as of this 1st day of April 2008 between the CITY OF BANGOR, a municipal corporation organized and existing under and by virtue of the laws of the State of Maine, and having its principal offices at 73 Harlow Street, Bangor, Maine (hereinafter referred to as "Lessor") and BANGOR HISTORIC TRACK, INC, a Maine corporation (hereinafter referred to as "Lessee").

RECITALS

1. Lessor and Lessee entered into an Amended and Restated Indenture of Final Lease dated June 23, 2006 ("Lease").
2. Lessor and Lessee desire to add certain additional land area to the "Parking Area" as defined in the Lease under the terms and conditions set forth herein and to clarify the description of the Parking Area as originally set forth in the Lease.

AGREEMENT

In consideration of the mutual agreements contained herein, the parties do hereby agree as follows:

1. All capitalized terms used but defined herein shall have the meaning assigned to those terms in the Lease.
2. Attached hereto as **Exhibit A** is a description of the additional parcel of land the parties desire to add to the Parking Area ("Additional Land") under the terms and conditions set forth herein.
3. Attached hereto as **Exhibit B** is a description of the area initially leased under the Lease ("Initial Land").
4. During the term of this Addendum as described in Section 6 below, the term "Parking Area," as used in the Lease, shall include for all purposes the Initial Land and the Additional Land as though the Additional Land was originally included in the initial description of the Parking Area set forth in Exhibit A to the Lease. The Additional Land and the parties'

permanent amendment to the Lease.

8. Except as specifically set forth herein, the Lease shall continue in full force and effect as originally executed by the parties. This Addendum sets forth the complete and exclusive statement of the agreement of the parties with respect to the subject matter hereof, and any prior or contemporaneous oral or written expressions of terms, conditions or agreements shall be superseded hereby. This Addendum may not be altered or amended except by writing and signed by both parties hereto.

9. This Addendum shall be governed exclusively by the laws of the State of Maine.

[Remainder of this page left intentionally blank]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year written above.

WITNESS:

CITY OF BANGOR

James D. Robbins - Terf

(By) Edward A. Barrett
Edward A. Barrett
Its City Manager

WITNESS:

BANGOR HISTORIC TRACK, INC.

C. Leslie

(By) Robert S. Appolito
Name: Robert S. Appolito
Title: Sec/Treas

STATE OF MAINE
PENOBSCOT, ss

April, 2008

Then personally appeared the above-named Edward A. Barrett, City Manager of the City of Bangor, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said body corporate.

NORMAN S. HEITMANN, III
NOTARY PUBLIC - MAINE
MY COMMISSION EXPIRES JANUARY 31, 2011

Before me, [Signature]
Notary Public/ Attorney-at-law

STATE OF Pennsylvania, ss

April 2, 2008

Then personally appeared the above-named Robert S. Appolito of Bangor Historic Track, Inc., and acknowledged the foregoing instrument to be his/her free act and deed in his said capacity, and the free act and deed of said corporation.

Before me, Debra S. Seyler
Notary Public/ Attorney-at-law

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
DEBRA S. SEYLER, Notary Public
Wyomissing Penn., Berks County
My Commission Expires November 14, 2011

Exhibit A
Description of Additional Land

A certain lot or parcel of land located in the City of Bangor, County of Penobscot, State of Maine, more particularly described as follows:

BEGINNING at a point on the southwest line of Dutton Street, said point being $N56^{\circ}21'15''W$ of and two hundred twelve and fifty-four hundredths (212.54) feet from the north corner of a parcel of land described in a deed to Irving Oil Corporation, dated September 5, 1972, and recorded in the Penobscot County Registry of Deeds, Book 2300, Page 253, as shown on a plan "Proposed Parking Lease Area Expansion, Hollywood Slots Bangor Maine", prepared by Shyka, Sheppard, and Garster, Land Surveyors, dated February 4, 2008, Project No. 04-146;

THENCE $S33^{\circ}38'45''W$ a distance of three hundred ninety-three and seventy hundredths (393.70) feet to a point, said point being on the northeast line of Lot 10 (March Street), as shown on a plan entitled "Plan of part of Dutton Farm", dated July 1898, and recorded in said Registry in Plan Book 6, page 29;

THENCE $N56^{\circ}16'00''W$ along the northeast sideline of said subdivision and the extension thereof a distance of one hundred thirty-five and fifty-three hundredths (135.53) feet;

THENCE $N33^{\circ}38'38''E$ a distance of three hundred ninety-three and forty-nine hundredths (393.49) feet to a point, said point being on the extension of the southwest line of said Dutton Street;

THENCE $S56^{\circ}21'15''E$ along said extension and the southwest sideline of said Dutton Street a distance of one hundred thirty-five and fifty-five hundredths (135.55) feet to the **POINT OF BEGINNING**.

Encompassing 53,348 sq. ft. (1.22 ac.)

MEANING AND INTENDING to describe an a portion of the property described in a deed from Erin, Inc. to the City of Bangor, dated Dec. 12, 2002 and recorded in said Registry in Book 8500, Page 93, and in a deed from John Pierce to the City of Bangor, dated February 11, 1999 and recorded in said Registry in Book 7081, Page 314.

This description was prepared by Shyka, Sheppard, and Garster, Land Surveyors, and is based on a plan entitled "Proposed Parking Lease Area Expansion, Hollywood Slots Bangor Maine", prepared by Shyka, Sheppard, and Garster, Land Surveyors, dated February 4, 2008, Project No. 04-146. Bearings reference Grid North, NAD83, Maine East Zone, as shown on said plan. Distances listed above and shown on said plan are ground distances. The Additional Land is marked as the "Proposed Additional Lease Area 53,348 sq. ft. (1.22 ac.)" on the above-

referenced plan, which is attached hereto and incorporated herein by reference.

Exhibit B
Description of Initial Parking Area

A certain lot or parcel of land located in the City of Bangor, County of Penobscot, State of Maine, more particularly described as follows:

BEGINNING at the north corner of a parcel of land described in a deed to Irving Oil Corporation, dated September 5, 1972, and recorded in the Penobscot County Registry of Deeds, Book 2300, Page 253, as shown on a plan entitled "Proposed Parking Lease Area Expansion, Hollywood Slots Bangor Maine", prepared by Shyka, Sheppard, and Garster, Land Surveyors, dated February 4, 2008, Project No. 04-146;

THENCE S20°35'27"W along the west line of said Irving Oil Corporation a distance of one hundred fifty-one and five hundredths (151.05) feet;

THENCE S32°27'41"W a distance of one hundred sixteen and ninety hundredths (116.90) feet to the northeast line of a parcel of land described in a deed to Heng Yuk Luu et al, dated June 15, 2005, and recorded in said Registry in Book 9925, Page 66;

THENCE N56°16'00"W along the northeast line of said Luu et al a distance of sixty-six and sixty-two hundredths (66.62) feet to the north corner of said Luu parcel;

THENCE S30°27'00"W along the northwest line of said Luu et al a distance of one hundred thirty and twenty-seven hundredths (130.27) feet to the northeast line of Lot 6, as shown on a plan entitled "Plan of part of Dutton Farm", dated July 1898, and recorded in said Registry in Plan Book 6, page 29;

THENCE N56°16'00"W along the northeast sideline of said subdivision a distance of one hundred eighty-nine and seventy-two hundredths (189.72) feet;

THENCE N33°38'45"E a distance of three hundred ninety-three and seventy hundredths (393.70) feet to a point, said point being on the southwest line of said Dutton Street;

THENCE S56°21'15"E along said extension and the southwest sideline of said Dutton Street a distance of two hundred twelve and fifty-four hundredths (212.54) feet to the POINT OF BEGINNING.

Encompassing 2.00 acres.

MEANING AND INTENDING to describe a portion of the property described in a deed from Erin, Inc. to the City of Bangor, dated Dec. 12, 2002 and recorded in said Registry in Book 8500, Page 93.

This description was prepared by Shyka, Sheppard, and Garster, Land Surveyors, and is based on a plan entitled "Proposed Parking Lease Area Expansion, Hollywood Slots Bangor Maine", prepared by Shyka, Sheppard, and Garster, Land Surveyors, dated February 4, 2008, Project No. 04-146. Bearings reference Grid North, NAD83, Maine East Zone, as shown on said plan. Distances listed above and shown on said plan are ground distances.

ATTACHMENT II

Please see attached



www.bangormaine.gov

14-080
207/992-4274
fax 207/945-4449
norman.heitmann@bangormaine.gov
paul.nicklas@bangormaine.gov

LEGAL DEPARTMENT
Norman S. Heitmann, III, City Solicitor
Paul S. Nicklas, Assistant City Solicitor

January 21, 2014

John R. Osborne
General Manager, Hollywood Casino Hotel & Raceway
500 Main Street
Bangor, Maine 04401

Re: Former Dutton Street Employee Parking lot

Dear John,

This letter is to review the circumstances of the Hollywood Casino employee parking lot on Dutton Street lease and its termination.

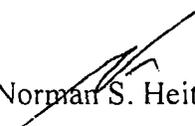
The City of Bangor and Bangor Historic Track, Inc. were parties to an Agreement dated April 1, 2008 entitled "Additional Parking Addendum to Amended and Restated Indenture of Final Lease". The purpose of the agreement was to add additional land to the "parking area" as defined in the Final Lease. This Agreement included a provision for termination of the use of that additional land in the event that City finalized plans to construct a new City auditorium.

In 2010 it was clear that the City Council intended to replace the auditorium with a new one and we had discussions that the agreement for the additional parking on Dutton Street would likely need to terminate in 2011. By email dated June 17, 2011 I advised you that the City Council had approved a contract for the construction of a new City auditorium and that we anticipated that construction, and the need for the Dutton Street parking area, would happen that summer.

I do not recall the exact date that Bangor Historic Track, Inc. ceased using the Dutton Street parking area, but it was not long after that email.

Feel free to contact me with any questions.

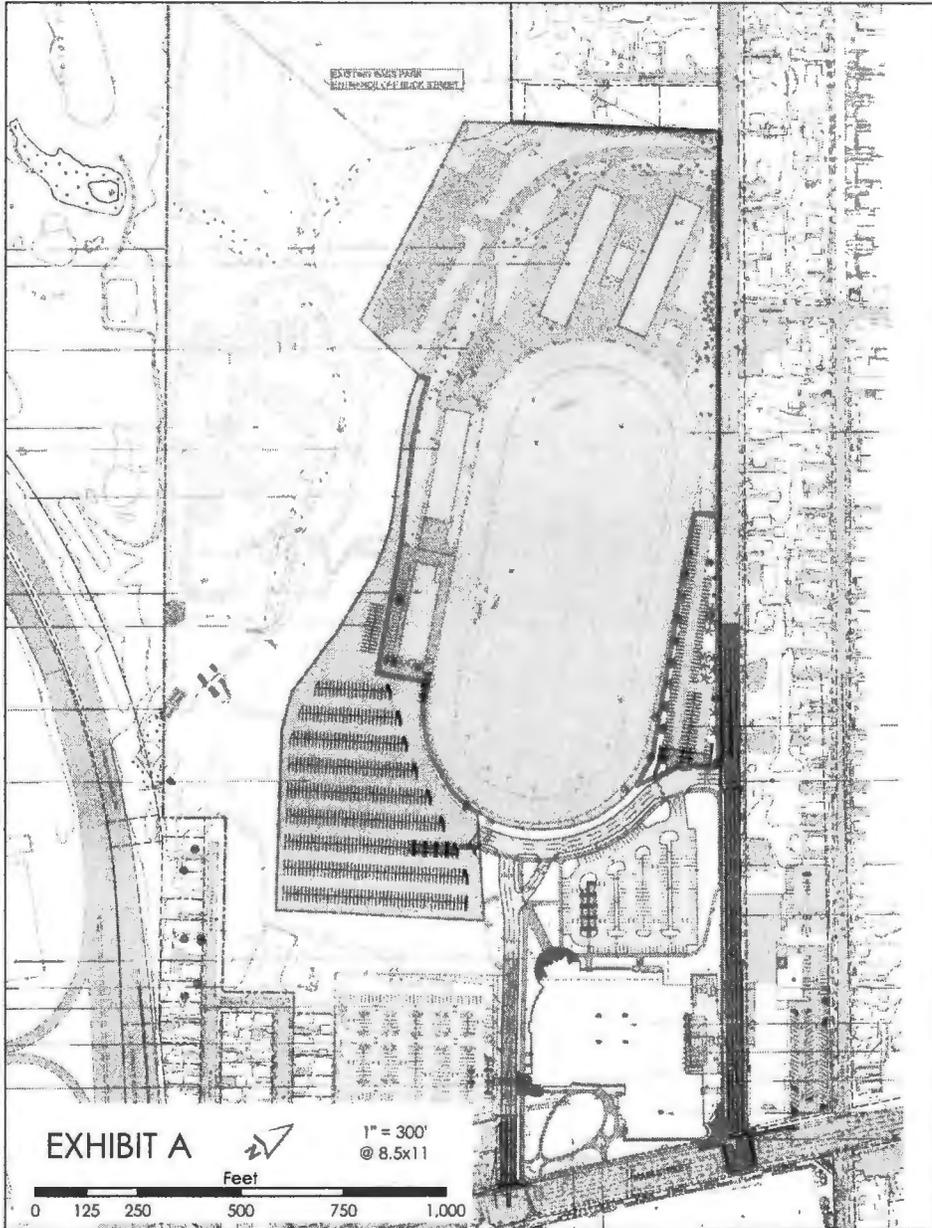
Sincerely,


Norman S. Heitmann, III

ATTACHMENT III

EXHIBIT A

*Notwithstanding the legal descriptions of each of **Limited Portion of Bass Park and Parking Area**, which are provided below, for further guidance, the **Limited Portion of Bass Park** is the area which is shaded in **BLUE AND OUTLINED IN BLUE** and the **Parking Area** is the area is shaded in **GREY AND OUTLINED IN RED** in the illustration below:*



LIMITED PORTION OF BASS PARK

Legal Description: A certain lot or parcel of land, and any and all improvements thereon, located on the southwest side of Buck Street in the City of Bangor, County of Penobscot, State of Maine, more particularly described as follows:

BEGINNING at a point on the southwest sideline of Buck Street at a point $N56^{\circ}57'22''W$ of and one thousand five hundred ten and thirty-seven hundredths (1510.37) feet from the intersection of the northwest side of Main Street and said southwest side of Buck Street as measured along said southwest side of Buck Street, as shown on a plan entitled "Plan of Main Street, Bangor Maine", prepared by Shyka, Sheppard, and Garster, Land Surveyors, revised Nov. 5, 2007, and recorded in the Penobscot County Registry of Deeds, Plan File 2007-166;

THENCE $S33^{\circ}02'38''W$ a distance of sixty-two and zero hundredths (62.00) feet;

THENCE $S46^{\circ}40'44''E$ a distance of five hundred forty-two and fifty-six hundredths (542.56) feet to a point of tangency of a tangent curve to the right, said curve having a radius of two hundred eighty-six and zero hundredths (286.00) feet;

THENCE along said curve an arc distance of eight hundred eighty-six and seventy hundredths (886.70) feet to a point that is $S42^{\circ}08'23''W$ of and five hundred seventy-one and eighty-eight hundredths (571.88) feet from said point of tangency;

THENCE $S42^{\circ}16'00''W$ a distance of one hundred five and zero hundredths (105.00) feet;

THENCE $N48^{\circ}22'13''W$ a distance of seven hundred twenty-five and zero hundredths (725.00) feet;

THENCE $S77^{\circ}12'53''W$ a distance of two hundred thirty and zero hundredths (230.00) feet;

THENCE $N28^{\circ}33'28''W$ a distance of five hundred twenty and zero hundredths (520.00) feet;

THENCE $N24^{\circ}10'17''E$ a distance of sixty and zero hundredths (60.00) feet;

THENCE $N05^{\circ}10'19''E$ a distance of eighty-two and eighty-nine hundredths (82.89) feet;

THENCE $N35^{\circ}13'42''E$ a distance of five hundred four and thirty-seven hundredths (504.37) feet to said southwest sideline of Buck Street;

THENCE $S56^{\circ}57'22''E$ along said southwest sideline of Buck Street nine hundred thirty-six and seventy-two hundredths (936.72) feet to the **POINT OF BEGINNING**.

Containing 26.886 acres.

This is the same description as found in the First American Title Insurance Title Commitment No. 629862-18 dated Dec. 3, 2013, Schedule A, Parcel II-Part of Bass Park.

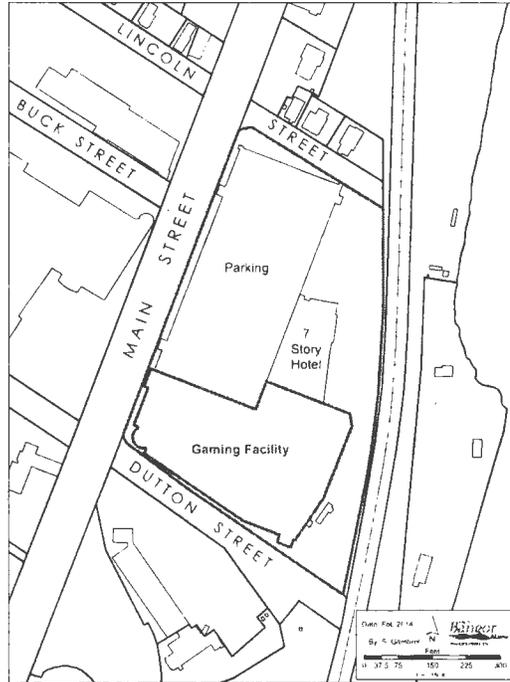
PARKING AREA

Legal Description:

{Legal description to be provided by Surveyor}

RIVERSIDE BLOCK

Notwithstanding the legal description provided below, for further guidance, the **Riverside Block** is limited to that portion of real property marked as the "Gaming Facility" in the illustration below.



Legal Description: A certain lot or parcel of land, excluding the building or improvements situated thereon, located in the City of Bangor, County of Penosbscot, State of Maine, more particularly described as follows:

BEGINNING at an exterior foundation corner of the Gaming Facility, said point being $N41^{\circ}23'14''W$ of and one hundred seventy and thirty-six hundredth (170.36) feet from the intersection of the northeast sideline of Dutton Street and the west sideline of the Main Central Railroad right-of-way, as shown on a plan entitled "Proposed Conveyance, Easement, & Lease Area Plan- Hollywood Slots, Bangor Maine", prepared by Shyka, Sheppard, and Garster, Land Surveyors, dated January 7, 2008;

THENCE along the face of said foundation by the following courses and distances:

1. $N68^{\circ}32'52''W$ ten and ninety-one hundredths (10.91) feet;
2. $S20^{\circ}36'32''W$ nine and ninety-nine hundredths (9.99) feet;
3. $N69^{\circ}23'09''W$ seventeen and eighty-two hundredths (17.82) feet;
4. $N20^{\circ}30'32''E$ ten and thirty-four hundredths (10.34) feet;
5. $N69^{\circ}42'08''W$ ninety-six and ninety-one hundredths (96.91) feet;
6. $N55^{\circ}38'54''W$ one hundred fifty-six and nine hundredths (156.09) feet;
7. $S34^{\circ}20'03''W$ sixty-eight hundredths (0.68) feet;
8. $N55^{\circ}39'57''W$ four and sixty-nine hundredths (4.69) feet;
9. $N34^{\circ}20'03''E$ sixty-eight hundredths (0.68) feet;
10. $N55^{\circ}39'34''W$ sixty-one and ninety-three hundredth (61.93) feet;
11. $S34^{\circ}21'37''W$ sixty-seven hundredths (0.67) feet;
12. $N55^{\circ}38'23''W$ four and sixty-six hundredths (4.66) feet;
13. $N34^{\circ}21'37''E$ sixty-seven hundredths (0.67) feet;
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15. $S34^{\circ}21'37''W$ sixty-seven hundredths (0.67) feet;

16. N55°38'23"W four and sixty-seven hundredths (4.67) feet;
17. N35°10'29"E seven and seventy-three hundredths (7.73) feet;
18. N17°02'23"W five and fifty hundredths (5.50) feet;
19. S74°58'51"W one and sixty hundredths (1.60) feet;
20. N87°41'55"W ten and fifty-one hundredths (10.51) feet;
21. N59°32'24"W ten and fifty-one hundredths (10.51) feet;
22. N31°48'25"W ten and forty-eight hundredths (10.48) feet;
23. N03°12'29"W ten and fifty-eight hundredths (10.58) feet;
24. N24°29'26"E ten and fifty hundredths (10.50) feet;
25. N55°18'50" eleven and ninety-nine hundredths (11.99) feet;
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34. N20°33'41"E twenty-eight and eight hundredths (28.08) feet;
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36. N20°34'20"E four and sixty-seven hundredths (4.67) feet;
37. S69°25'40"E sixty-nine hundredths (0.69) feet;
38. N20°33'34"E twenty-seven and ninety-nine hundredths (27.99) feet;
39. N69°26'26"W seventy hundredths (0.70) feet;
40. N20°27'19"E five and forty-nine hundredths (5.49) feet;
41. N69°16'35"W one and fifteen hundredths (1.15) feet;
42. N20°25'22"E twenty-two and seventy hundredths (22.70) feet;
43. S69°34'38"E one and twenty-six hundredths (1.26) feet;
44. N20°22'19"E two and forty-five hundredths (2.45) feet;
45. S69°24'06"E two hundred forty-three and forty-two hundredths (243.42) feet;
46. N20°35'43"E sixty-two and sixty-eight hundredths (62.68) feet;
47. S69°27'19"E one hundred twenty-five and sixty-one hundredths (125.61) feet;
48. N08°05'20"E thirty hundredths (0.30) feet;
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50. S08°11'22"E twenty-three and forty-seven hundredths (23.47) feet;
51. S20°36'31"W one hundred seventy-three and two hundredths (173.02) feet;

THENCE S34°25'21"W along said foundation a distance of one hundred twelve and eighty-three hundredths (112.83) feet to the **POINT OF BEGINNING**.

Containing 107,931 square feet (2.48 acres).

This description was prepared by Skyka, Sheppard, and Garster, Land Surveyors, and is based on a plan entitled "Plan Showing Proposed Conveyance of the Gaming Facility Hollywood Slots, Bangor Maine," prepared for Bangor Historic Track, Inc., by Skyka, Sheppard & Garster Land Surveyors, dated February 4, 2008, Project No. 04-146. Bearings referenced Grid North, NAD83, Maine East Zone, as shown on said plan. Distances listed above and shown on said plan are ground distances.

**MEMORANDUM OF
SECOND AMENDED AND RESTATED INDENTURE OF
FINAL LEASE**

THIS MEMORANDUM OF SECOND AMENDED AND RESTATED INDENTURE OF FINAL LEASE (“Memorandum”), is executed and effective this _____ day of _____, 2014, by and between **CITY OF BANGOR** (“Lessor”), a municipal corporation organized and existing under and by virtue of the laws of the State of Maine, and **GLP CAPITAL, L.P.**, a Pennsylvania limited partnership.

WITNESSETH:

(1) Lessor and HC Bangor, LLC f/k/a Bangor Historic Track, Inc. (“HC Bangor”)(as successor in interest to Capital Seven, LLC) entered into: (i) a Development Agreement for the development of a portion of Bass Park (as hereinafter described), dated October 31, 2003 (as heretofore amended, the “Development Agreement”), (ii) a Bangor Raceway Initial Lease Agreement, dated October 31, 2003 (as heretofore amended and/or amended and restated, the “Initial Lease”), and (iii) an Indenture of Final Lease, dated October 1, 2003 (as heretofore amended, the “Final Lease”).

(2) The Initial Lease was terminated pursuant to that certain Notice of Termination of Initial Lease and Commencement of Final Lease by and between Lessor and HC Bangor (as successor to Bangor Historic Track, Inc.), dated January 26, 2009 and recorded in the Penobscot County Registry of Deeds at Book 11651, Page 142.

(3) The Final Lease was amended and restated in its entirety by that certain Amended and Restated Indenture of Final Lease, dated June 23, 2006, which was amended by that certain Additional Parking Addendum, dated April 1, 2008, and further amended by that certain First Amendment to Amended and Restated Indenture of Final Lease, dated June 16, 2009 (as amended, the “First Restated Lease”).

(4) Lessor, as lessor, and HC Bangor, as lessee, have entered into a Second Amended and Restated Indenture of Final Lease, dated October 28, 2013 and effective June 23, 2006 (the “Second Restated Lease”), which amended and restated the First Restated Lease in its entirety.

(5) Pursuant to that certain Amended and Restated Assignment and Assumption Agreement, by and between HC Bangor, CRC Holdings, Inc., Gaming and Leisure Properties, Inc. and GLP Capital, L.P., dated _____, 2014 and effective as of October 28, 2013 (the “Assignment”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference, HC Bangor assigned and GLP Capital, L.P. ultimately assumed, all of HC Bangor’s right, title and interest in, to and under the Second Restated Lease. (As lessee under the Second Restated Lease by virtue of the Assignment, GLP Capital, L.P. is hereinafter referred to as “Lessee”.)

(6) Lessor, as lessor, and Lessee, as lessee, have entered into a First Amendment to Second Amended and Restated Final Indenture of Lease, dated on even date

herewith, (the “First Amendment”, and any and all references to the Second Restated Lease hereafter shall incorporate such First Amendment).

(7) This Memorandum supersedes and replaces in its entirety the Memorandum of Amended and Restated Indenture of Final Lease executed on December 22, 2006 and recorded in the Penobscot County Registry of Deeds at Book 10783, Page 196 on December 29, 2006.

(8) The following information pertains to the Second Restated Lease:

(a) The term commences July 1, 2008 (the “Commencement Date”).

(b) The term expires fifteen (15) years following the Commencement Date (the “Initial Term”).

(c) The name and address of the lessor is:

City of Bangor
City Hall
73 Harlow Street
Bangor, Maine 04401

(d) The name and address of the lessee is:

GLP Capital, L.P.
c/o Penn National Gaming, Inc.
825 Berkshire Blvd, Suite 400
Wyomissing, Pennsylvania 19610

(e) The following is a description of the leased premises: A limited portion of improved real property commonly known as “Bass Park” located on Dutton Street in the City of Bangor, Maine (“Limited Portion of Bass Park”); together with an additional parking area located at Bass Park (“Parking Area”); together with certain real property located East of Main Street between Lincoln and Dutton Streets in the City of Bangor, Maine (“Riverside Block”), all as more particularly described in the Second Restated Lease and on **Exhibit B** attached hereto and incorporated herein by reference.

(f) Extension rights: There are three options to extend the Second Restated Lease:

(i) The Initial Term may be extended for an additional period of ten (10) calendar years, in accordance with terms of the Second Restated Lease (the “First Extended Term”);

(ii) The First Extended Term may be extended for an additional period of ten (10) calendar years, in accordance with terms of the Second Restated Lease (the “Second Extended Term”); and

(iii) The Second Extended Term may be extended for an additional period of ten (10) calendar years, in accordance with terms of the Second Amended and Restated Indenture of Final Lease.

(g) Reconveyance rights: Contemporaneously with the expiration or early termination of the Second Restated Lease, Lessor's interest in the portion of the Riverside Block conveyed by Lessee to Lessor shall be reconveyed by Lessee to Lessor by a municipal quitclaim deed, subject only to such encumbrances and restrictions as existed at the time of the conveyance to Lessor by Lessee and any additional encumbrances and restrictions that have been created, agreed to or suffered by Lessor.

(h) Other Agreements related to the Second Restated Lease include: the Development Agreement.

(9) The parties hereto acknowledge that this Memorandum is not intended to and does not vary or amend the terms or conditions of said Second Restated Lease.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF the parties have executed this Memorandum of Second Amended and Restated Indenture of Final Lease as of this _____ day of _____, 2014.

LESSOR:

CITY OF BANGOR

By: _____

Name: _____

Title: _____

STATE OF MAINE : SS
COUNTY OF PENOBSCOT :

On this ____ day of _____, 2014, personally appeared the above-named _____, as _____ of the City of Bangor who acknowledged the foregoing instrument to be his/her free act and in his/her said capacity and the free act and deed of said City.

Notary Public/Attorney at law
Name:
Commission Expires:

(Signatures continue on the next page.)

LESSEE:

GLP CAPITAL, L.P.

By: Gaming and Leisure Properties, Inc., its
general partner

By: _____

Name: William J. Clifford

Title: Chief Financial Officer, Secretary
and Treasurer

COMMONWEALTH OF PENNSYLVANIA: SS
COUNTY OF BERKS :

On this ____ day of _____, 2014, personally appeared the above-named William J. Clifford, Chief Financial Officer, Secretary and Treasurer of said GAMING AND LEISURE PROPERTIES, INC., a Pennsylvania corporation, the general partner of GLP Capital, L.P., and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said partnership.

Notary Public/Attorney at law
Name:
Commission Expires:

EXHIBIT A

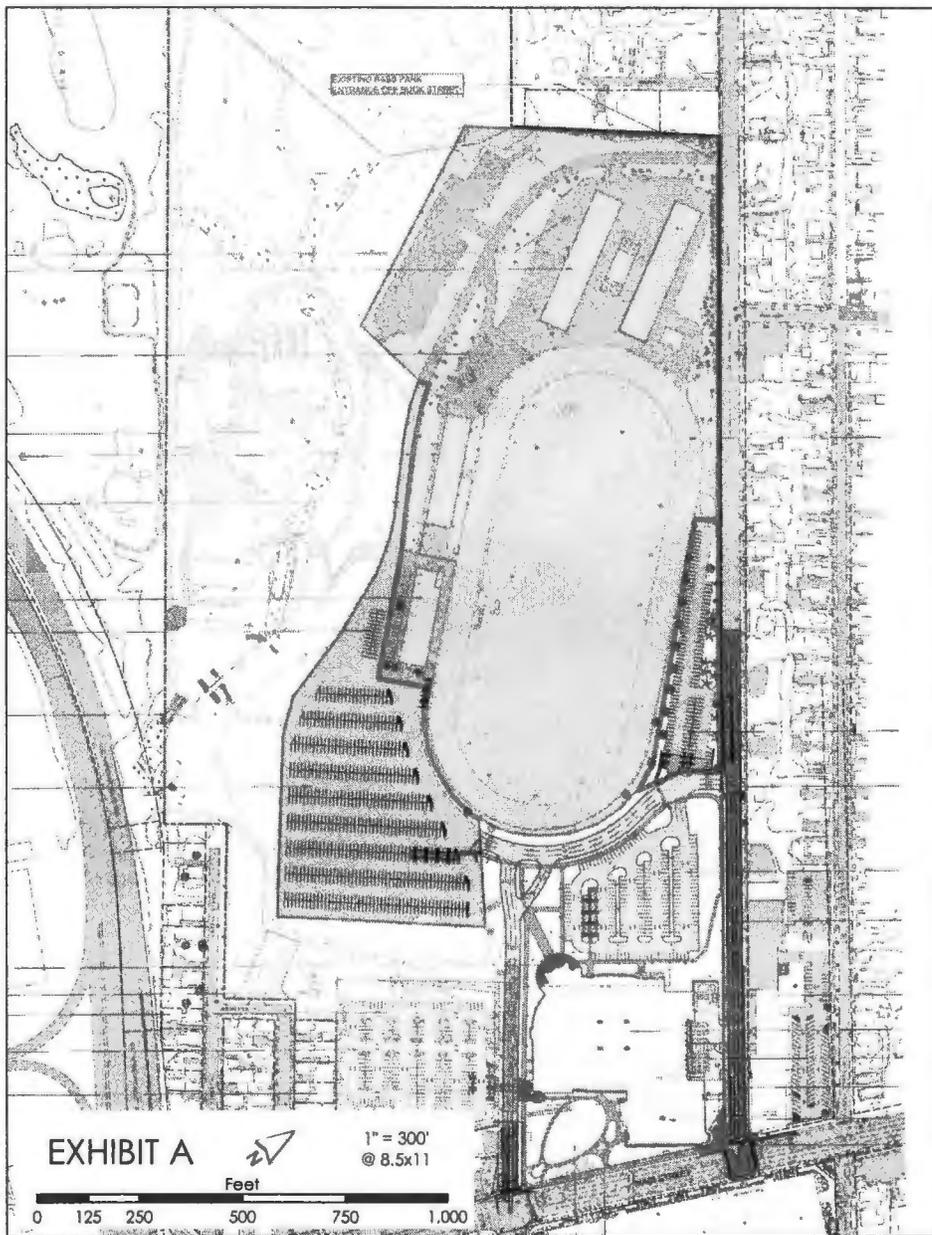
AMENDED AND RESTATED ASSIGNMENT AND ASSUMPTION AGREEMENT

(See attached)

EXHIBIT B

LEASED PREMISES DESCRIPTION [NOTE: PARKING AREA LEGAL TBD]

*Notwithstanding the legal descriptions of each of **Limited Portion of Bass Park and Parking Area**, which are provided below, for further guidance, the **Limited Portion of Bass Park** is the area which is shaded in **BLUE AND OUTLINED IN BLUE** and the **Parking Area** is the area is shaded in **GREY AND OUTLINED IN RED** in the illustration below:*



LIMITED PORTION OF BASS PARK

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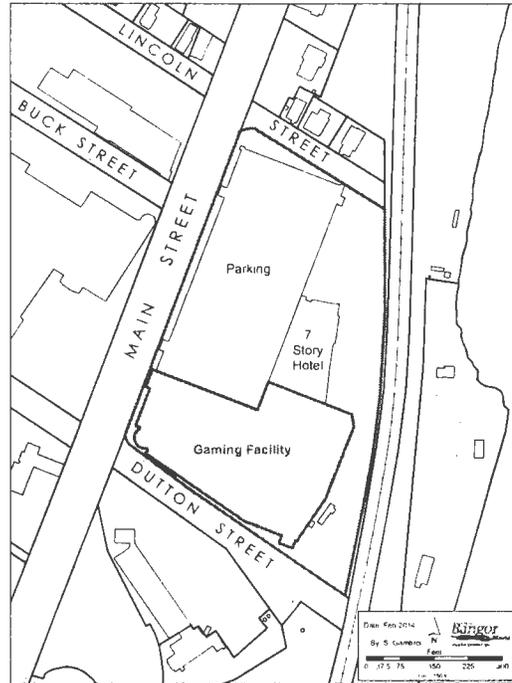
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