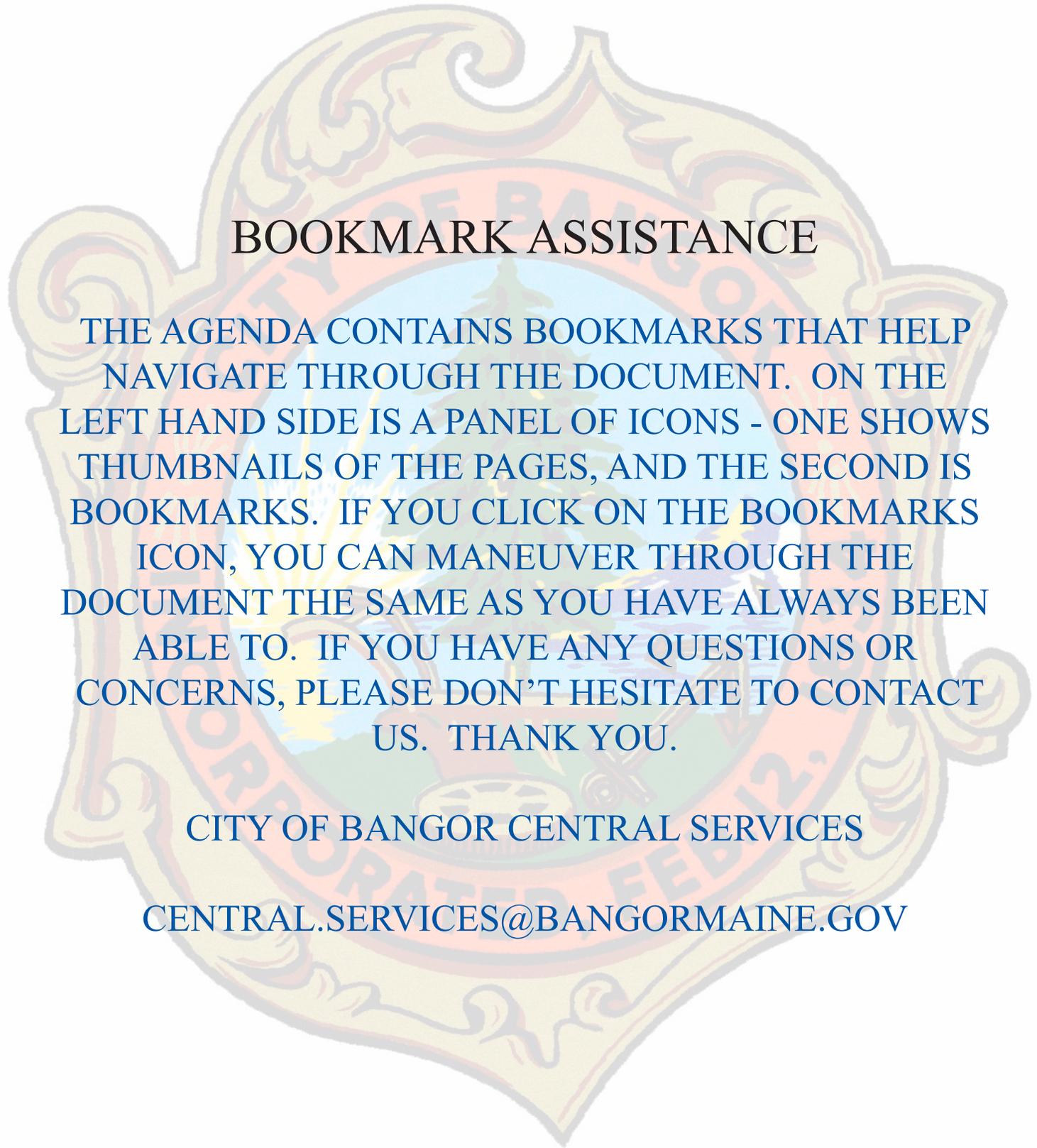


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CITY COUNCIL AGENDA

JULY 28, 2014



BOOKMARK ASSISTANCE

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CITY OF BANGOR CENTRAL SERVICES

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REGULAR MEETING BANGOR CITY COUNCIL – JULY 28, 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 July 14, 2014, Government Operations Committee Meetings of April 7, 2014 and May 5, 2014, Finance Committee Meetings of January 6, 2014 and July 7, 2014 and Airport Committee Meeting of May 13, 2014

**14-242 ORDER Authorizing Execution of Municipal Quitclaim Deed – CIVIELLO
Real Estate Located at 112 Fourth Street**

Executive Summary: Sewer liens matured on the property of Jerry Kuan of 112 Fourth Street, now owned by Federal National Mortgage Association. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

**14-243 ORDER Authorizing Execution of Municipal Quitclaim Deed – NEALLEY
Real Estate Located at 36 Milford Street**

Executive Summary: Sewer liens matured on the property of Jennifer Panarelli of 36 Milford Street, now owned by Federal National Mortgage Association. Federal National Mortgage Association is in the process of selling this property to Matei Iliina and Anne-Marie Stroian. All outstanding charges due the City will be paid at the time of closing. There are no outstanding real estate taxes or code issues. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property. The quitclaim deed will not be recorded with the Penobscot Registry of Deeds until all charges have been paid. Staff recommends approval.

**14-244 ORDER Authorizing Execution of Municipal Quitclaim Deed – PLOURDE
Real Estate Located at 1216 Stillwater Avenue**

Executive Summary: In the 1990's real estate tax liens were filed on the property of Kevin and Jane Ann Doody of 1216 Stillwater Avenue. At some point the taxes were paid but discharges of the liens were never recorded. Therefore a municipal quitclaim is required to clear title to the property. There are no outstanding real estate taxes or code issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

REGULAR MEETING BANGOR CITY COUNCIL – JULY 28, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

<u>14-245</u> <u>ORDER</u>	Authorizing Execution of Agreement for Maine Department of Transportation Local Project – WIN 022693.00, Pedestrian Safety Improvements on Hogan Road	BALDACCI
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Executive Summary: This order will authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation in the amount of \$30,000.00 for design and right-of-way work for a new sidewalk and pedestrian crossing on Hogan Road from approximately Stillwater Avenue to Springer Drive. The Local Project Agreement specifies a Federal share of the project to be at 80% of the total project cost, or \$24,000.00 and the City share to be \$6,000.00 or 20% of the total project cost. This item was reviewed and recommended for approval by the Infrastructure Committee at its July 15, 2014 meeting.

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

**ASSIGNED TO
COUNCILOR**

<u>14-246</u> <u>ORDER</u>	Authorizing Issuance of \$2,720,000 of the City’s General Obligation Bonds and a Tax Levy There For (First Reading and Referral to Finance Committee Meeting of August 4, 2014)	GALLANT
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Executive Summary: This Order would authorize the issuance of \$2,720,000 in general obligation bonds for the following purposes: \$415,000 for equipment replacement, \$2,205,000 for streets and sidewalks, \$70,000 for playground structures; and \$30,000 for fire station building improvements. These projects were discussed during the recently completed FY 2015 budget process.

This Order will require a Public Hearing at the August 11th City Council Meeting.

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

None.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

LIQUOR LICENSE (CLASS X)	Application for Liquor License Renewal, Malt, Spirituous, Vinous of Matthew Brann and Patrick Brann d/b/a Half Acre Nightclub, 190 Harlow Street	DURGIN
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PUBLIC HEARING	Application for Special Amusement Permit Renewal of Matthew Brann and Patrick Brann d/b/a Half Acre Nightclub, 190 Harlow Street	DURGIN
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REGULAR MEETING BANGOR CITY COUNCIL – JULY 28, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING

**Application for Casino Operator License Renewal of
H C Bangor LLC d/b/a Hollywood Casino Bangor,
500 Main Street**

DURGIN

14-247 ORDER

**Authorizing the City Manager to Execute a Quitclaim
Deed for a Portion of 335 Broadway to Schroeher
Properties, LLC (Tax-Map 046-048)**

BLANCHETTE

Executive Summary: This Council Order would allow the sale of a portion of 335 Broadway to its abutter, Schroeher Properties, LLC. The City owns an undeveloped parcel at 335 Broadway. The lot does not meet frontage or area requirements for its zoning district.

Staff have been exploring dividing this lot and selling it to the abutters. This would give the two abutting parcels, which are also nonconforming, enough area to become conforming lots. The 335 Broadway land would also become taxable.

This Council Order would allow for the sale of approximately 1850 square feet of the 335 Broadway parcel to Schroeher Properties, LLC or a related entity for a purchase price of \$2295. The City would retain a 5 foot easement which, combined with a similar easement retained from the sale of the other portion of 335 Broadway, would create a 10 foot wide easement for potential future use as a walkway between Broadway and Dakin Park. This item was reviewed and approved at the Finance Committee on July 21, 2014.

14-248 ORDER

**Authorizing the City Manager to Execute a Quitclaim
Deed for a Portion of 335 Broadway to Natphiann
LLC (Tax-Map 046-048)**

GRAHAM

Executive Summary: This Council Order would allow the sale of a portion of 335 Broadway to its abutter, Natphiann LLC. The City owns an undeveloped parcel at 335 Broadway. The lot does not meet frontage or area requirements for its zoning district. A portion of the lot has been used for some time as a driveway by Natphiann LLC.

Staff have been exploring dividing this lot and selling it to the abutters. This would give the two abutting parcels, which are also nonconforming, enough area to become conforming lots. The 335 Broadway land would become taxable, and Natphiann LLC would have title to the land on which the driveway is currently located.

This Council Order would allow for the sale of approximately 3800 square feet of the 335 Broadway parcel to Natphiann LLC or a related entity for a purchase price of \$6350. The City would retain a 5 foot easement which, combined with a similar easement retained from the sale of the other portion of 335 Broadway, would create a 10 foot wide easement for potential future use as a walkway between Broadway and Dakin Park. This item was reviewed and approved at the Finance Committee on July 21, 2014.



**CONSENT
AGENDA**

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 14, 2014

*Meeting called to Order at 7:30 PM
Chaired by Councilor Sprague
Councilors Absent: None
Meeting Adjourned at 9:55 PM*

PROCLAMATION *Proclaimed July 7th As “Tolerance Day” In The City of Bangor*

INTRODUCTION *City Clerk, Lisa Goodwin, introduced Jodi Leonard, the newly appointed Deputy City Clerk*

PUBLIC COMMENT *Deanna Beckwith expressed her concerns regarding the noise level of events being held at Pickering Square. Solicitor Heitmann indicated that the city would consider the noise and volume issues at the committee level when it discusses similar issues for other events in the city.*

Mr. Allen, Essex Street, inquired about the 2014-2015 paving schedule. Councilor Sprague indicated it would be on the website soon.

Skip Black asked about the process for making the last bill on the Cross Insurance Center and said there were still items that hadn't been taken care of. City Manager Conlow said it would be released when the work was done and they were aware that there were still items to be taken care of. Mr. Black was concerned with the cleanliness of the building and also that the new sign couldn't be seen because of big trees blocking it.

Justin Russell, one of the organizers of the Social Media Breakfast, stated that during their 3rd Annual Awards Breakfast Councilor Graham and Councilor Sprague were recognized and that the Director of Community and Economic Development, Tanya Emery, received the # Award and the Bangor Police Department received the 0 to 60 Award.

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

MINUTES OF: *Bangor City Council Regular Meeting of June 23, 2014, Airport Committee Meetings of March 11, 2014 and April 15, 2014 and Government Operations Committee Meeting of July 7, 2014*

Action: *Accepted and Approved*

Liquor License Renewals: *Application for Liquor License Renewal, Malt, Spirituous, Vinous of Texas Roadhouse Holdings LLC d/b/a Texas Roadhouse, 504 Stillwater Avenue*

BLANCHETTE

Action: *Approved*

Application for Liquor License Renewal, Malt, Spirituous, Vinous of RT New England Franchise, LLC d/b/a Ruby Tuesday #7273, 663 Stillwater Avenue

BLANCHETTE

Action: *Approved*

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 14, 2014

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
		<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Pictor Enterprises VI, Inc d/b/a Buffalo Wild Wings, 461 Stillwater Avenue</i>	BLANCHETTE
		<i>Action: Approved</i>	
<u>14-229</u>	<u>ORDER</u>	<i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 41 Parker Street. Map-Lot 035-119</i>	GRAHAM
		<i>Action: Passed</i>	
<u>14-230</u>	<u>ORDER</u>	<i>Authorizing Bid Award in the Amount of \$1,601,690 to Lane Construction for the Annual Paving Program</i>	BLANCHETTE
		<i>Action: Passed</i>	
<u>14-231</u>	<u>ORDER</u>	<i>Authorizing Bid Award in the Amount of \$371,957 to Donovan Equipment Company for a Jet Vac Truck</i>	GALLANT
		<i>Action: Passed</i>	
<u>14-232</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Sub Recipient Agreement with Katahdin Shared Services as the Fiscal Agent for Partnership for a Healthy Northern Penobscot</i>	CIVIELLO
		<i>Action: Passed</i>	
<u>14-233</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Sub Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for the Piscataquis Public Health Council</i>	PLOURDE
		<i>Action: Passed</i>	
<u>14-234</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Memorandum of Understanding with Sebecook Valley Health as the Fiscal Agent for Healthy Sebecook Valley</i>	GRAHAM
		<i>Action: Passed</i>	
<u>14-235</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Memorandum of Understanding with Eastern Maine Healthcare Systems for the Partnerships in Community Health Grant Application.</i>	GALLANT
		<i>Action: Passed</i>	
<u>14-236</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Memorandum of Understanding with Healthy Communities of the Capital Area for the Partnerships in Community Health Grant Application.</i>	BALDACCI
		<i>Action: Passed</i>	

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 14, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-237 ORDER *Authorizing the Application for and Acceptance of \$25,229.00 Grant in Edward Byrne Memorial Grant Program, which will be shared with the Penobscot County Sheriff's Department* **BALDACCI**

Action: Passed

14-238 ORDER *Authorizing Sale of land to Fallmo, Inc – 11 Cumberland Street (Map-Lot 040-061)* **DURGIN**

Action: Passed

14-239 ORDER *Accepting a Widening of a Portion of Venture Way as a Public Street and Adding it to the Official City Map* **NEALLEY**

Action: Passed

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

**ASSIGNED TO
COUNCILOR**

None.

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-225 ORDINANCE *Amending Land Development Code – Contract Zone Change – 127 Hammond Street (Tax Map 041-020) from a Government and Institutional Service District to a Contract Downtown Development District* **NEALLEY**

*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*

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**LIQUOR LICENSE
(CLASS XI)** *Application for Liquor License Renewal, Malt, Spirituous, Vinous of Laura Peppard and Melissa Chaiken d/b/a The Fiddlehead Restaurant, 84 Hammond Street* **BLANCHETTE**

*Action: Motion made and seconded for Approval
Approved*

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 14, 2014

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
LIQUOR LICENSE (CLASS XI)	Application for Liquor License Renewal, Malt, Spirituous, Vinous of Delano G. Merritt d/b/a Judy's Restaurant, 125 State Street	BLANCHETTE
	Action: Motion made and seconded for Approval Approved	
LIQUOR LICENSE (CLASS XI)	Application for Liquor License Renewal, Malt, Spirituous, Vinous of H C Bangor LLC d/b/a Hollywood Casino Hotel & Raceway, 500 Main Street	BLANCHETTE
	Action: Motion made and seconded for Approval Approved	
LIQUOR LICENSE (CLASS XI)	Application for Liquor License Renewal, Malt, Spirituous Vinous of Dysarts Service d/b/a Dysarts Service, 1110 Broadway	BLANCHETTE
	Action: Motion made and seconded for Approval Approved	
PUBLIC HEARING	Application for Special Amusement Permit Renewal of HC Bangor LLC d/b/a Hollywood Casino Hotel & Raceway, 500 Main Street	BLANCHETTE
	Action: Motion made and seconded to Open the Public Hearing Public Hearing Opened Motion made and seconded to Close the Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved	
PUBLIC HEARING	Application for Special Amusement Permit Renewal of Delano G. Merritt d/b/a Judy's Restaurant, 125 State Street	BLANCHETTE
	Action: Motion made and seconded to Open the Public Hearing Public Hearing Opened Motion made and seconded to Close the Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved	
PUBLIC HEARING	Application for Special Amusement Permit Renewal of Laura Peppard and Melissa Chaiken d/b/a The Fiddlehead Restaurant, 84 Hammond Street	BLANCHETTE
	Action: Motion made and seconded to Open the Public Hearing Public Hearing Opened Motion made and seconded to Close the Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved	

MINTUES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 14, 2014

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING

**Application for Special Amusement Permit Renewal of Dysarts
Service d/b/a Dysarts Service, 1110 Broadway**

BLANCHETTE

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

14-240 ORDER

**Authorizing Execution of Option Agreement for Purchase and
Development with Bangor Federal Credit Union – (Map-Lot R25-
33)**

DURGIN

**Action: Motion made and seconded for Passage
Passed**

14-241 ORDER

**Public Hearing on Proposed Amendment to Bangor City Charter,
Article III, Section 1, School Committee – Line Item Budget Veto**

CIVIELLO

**Wayne LeVasseur, Steve Sleeper, Mr. Allen, Gary Capehart, Peggy
Sheriff, Jim Lacadie, Paul LeClair, Stephen Hicks and Donna
Wright spoke in favor of the order.**

**Michael Alpert, Steve Godsoe, Bill Sullivan, Frank Farrington and
Phyllis Guerette spoke against the order.**

**Action: Motion made and seconded for Passage
Motion Doubted
Vote: 3 – 6
Councilors Voting Yes: Baldacci, Civiello, Gallant
Councilors Voting No: Blanchette, Durgin, Graham, Nealley,
Plourde, Sprague
Failed**

Lisa J. Goodwin, MMC, City Clerk

**Government Operations Committee
Monday, April 7, 2014 at 5:15PM
City Council Chambers**

MINUTES

Council Members: Civiello, Durgin, Plourde, Graham

Staff Members: Conlow, Farrar, Hamilton, Nicklas, Comstock, Linscott, Goodwin

Others: Don Cooper, BACTS, Media, Tom Crikelair

Consent Agenda

1. Approval of Four FY15 Continuation Grants – Health and Community Services Department.

• **Substance Abuse and Mental Health Services' Expanded Grant**

Jamie Comstock explained this grant covers substance abuse prevention work and diversion program for youth who are 1st time drug and alcohol offenders. Also gambling prevention work and making sure veterans have services needed. This is the 3rd year of a 3 year grant of approximately \$21,000.

• **Healthy Maine Partnership Grant**

The amount of \$600,000 and we are in year 3 of a 5 year grant. This funds the foundation of the work we do at Health & Community Services including tobacco prevention, substance abuse prevention and promotion of active living and healthy eating.

• **Lead Poisoning Prevention Grant**

This is a yearly grant that we have been receiving since 2009. Elements include a district wide focus, targeted area for housing in Bangor that is older than 1950s and have lead paint exposure.

• **Overdose Prevention Grant**

We have received this grant every year since 2008 and it is \$50,000 to implement overdose prevention strategies for people who are at risk for overdose from drug use in Penobscot, Washington and Hancock counties.

Councilor Durgin moved adoption of the consent agenda, Councilor Plourde seconded, so adopted.

Regular Agenda

2. Outreach and Media Campaign Update – Health and Community Services Department.

Patty Hamilton and Jamie Comstock gave a brief highlight of what is to come with the media campaign which will be used to promote their department and give them more visibility. This will increase our visual presence for the prevention piece that the public can have a

reliable/trusted source for information. It is a web driven campaign. Starts April 11th and will be ongoing and rolled out over time.

3. Citizen request for No Parking sign at 645 Hammond Street.

Assistant City Solicitor Paul Nicklas explained the trouble The Lyons have had with visibility issues due to cars parking around their property. They are asking the City for 1 parking spot length (18-20ft) as a no parking zone for additional visibility. A no parking sign would help alleviate these issues. This would require a change to the City's Parking Schedules which would be an ordinance change.

Councilor Durgin stated he doesn't have an objection to this but fears a large response from the public requesting this same privilege. Paul explained that it is a possibility but generally in the past, we don't normally get this kind of request. If we do, we try to go find alternative solutions that wouldn't require a change in an ordinance. This change will be limited and only deal with this spot. We can use this as a test case and if we do end up receiving a large number of these requests, clearly this wouldn't be the way to go about it.

Councilor Plourde asked to hear from the Lyon's regarding their request. These are not the occasional parkers; it is the 7am-6pm parkers at NAPA Auto Parts. This is a huge hazard for them to pull out of their driveway. They have been beeped at and almost hit a number of times.

Councilors discussed different ideas and options without having to change an ordinance. Examples include striping on either or both sides of their driveway.

Plourde moved to go to first reading on 2 conditions 1: unique solution so that it doesn't open the flood gates for a huge increase in these requests and 2: that it doesn't push the problem to the neighbor's property. Councilor Durgin stated that since this is a potential dangerous situation and if we can get the language worked out. Paul will draft some language for first reading and bring it back to the committee.

Councilor Graham seconded Councilor Plourde's motion. So approved to move forward for first reading.

4. Approval of recommendation for Election Clerk Appointments.

City Clerk Goodwin explained this is an appointment that the Council is required to make every two years. Parties are supposed to submit nominations but we are not required to take their nominations. Nominations have been received from the Democratic Party but none were received from the Republican Party. The list provided included people that already work for the City during the elections. 40 people all day long to run an election in the manner we are accustomed to. We usually work half days so we have approximately 80 different workers during any given election.

State wide research shows that Clerks' usually have to pull people in to help with elections and volunteering. We still need another 25 Republicans and have put word out on social media and other venues.

Councilor Durgin moved staff recommendation, Councilor Plourde seconded, so approved.

5. Proposed Fare Increase for Community Connector Transit Service effective July 1, 2014.

Assistant City Manager Bob Farrar stated that staff recommendation is to propose a fare increase effective July 1, 2014. There has been no increase since 2010 even though expenses have gone up. With the significant changes in the MaineCare program has negatively impacted revenue. We have gone from selling 800 monthly passes to 100 monthly passes which equals over \$200,000 a year in loss of revenue due to the decline in monthly pass purchases. For these reasons as well as others we are proposing a fare increase. It takes time to implement this increase due to printing new tickets, etc. We had a public hearing regarding the increase in which we had 22 written comments with 4 or 5 coming to the meeting where sentiments were spread from opposing, neutral and agreeing with need for increase. We have checked with our partners including the University of Maine as well as towns Hampden, Brewer, Veazie, Orono and Old Town. Our partners understand and agree with the need for an increase. An added \$40,000 in revenue is expected with this fare increase.

We are concerned about losing ridership with this fare increase but our numbers have been strong over the last few years so we are hoping that ridership doesn't decrease too much.

Councilor Plourde asked if previously purchased passes prior to the fare increase will be honored. He asked about the future possibility of having the passes not connected to a monetary value but a ride value such as the move the USPS made from the \$.40 stamp to the forever stamp. Don Cooper of BACTS stated that it wouldn't be hard to do to go from a monetary value to a ride value as long as the tickets are secure from counterfeiters.

If the committee wants to put this on the back burner until after the division budget is seen before making a motion, then no motion is needed at this time. We anticipated that this may move forward to the Council on the 14th but could push it back until the meeting on the 28th. Councilor Graham asked if we have looked into lowering or keeping fares the same if it would increase ridership and in turn increase revenue. It has been looked into and ridership would increase but revenue would decrease.

Assistant City Manager Farrar explained that we are bringing it to you this early because there is a lot that needs to be done to gear up for the effective date that is July 1st at this point.

Councilor Durgin proposed that staff come back with a presentation at the next meeting before any vote is made. Councilor Plourde seconded, so approved.

6. Community Connector Transit Hub Study – Report and Presentation, Tom Crikelair Associates, Project Consultant.

City Assistant Farrar briefly introduced Tom Crikelair and the process he has gone through to complete the Transit Hub Study.

Crikelair recommended that the best solution is to stay at Pickering Square as the main hub and to move the buses around the corner to Water Street as the new turn out. There is a trade off though. Instead of 7 buses, there is only room for 5. There will be a transfer delay with the Old Town/Bangor routes and the Hampden/Brewer routes which means a 15 minute delay in the transfer. Another trade off that a representative of Key Plaza made is that buses shouldn't be on Water Street because it could cause worse conditions for tenants in Key Plaza. This recommended option would alleviate pedestrian concern with walking between the undeveloped area at Pickering and the line of buses. Moving the buses to Water Street would allow easier mobility for pedestrians. There is not a perfect solution for everyone. He went on to explain other options and why they are not recommending those. His firm searched for another option for the hub in downtown Bangor and they were unsuccessful.

There is another option of a possible transfer hub by the Airport that could be utilized by Concord Bus Lines. But that comes with a hefty price tag.

Assistant City Manager Farrar summed up the presentation stating that this was to give an overview of the recommendations and the committee will be discussing in the future what they would like to recommend to full Council.

Adjourned at 7:10 PM.

**Government Operations Committee
Monday, May 5, 2014 at 5:15PM
City Council Chambers**

MINUTES

Council Members: Civiello, Baldacci, Sprague, Nealley, Durgin, Graham, Plourde

Staff Members: Conlow, Farrar Heitmann, Fogler, Lucas

Others: Local Media, Residents Jody McDonald & Wendy Erickson

1. Accepting and Appropriating \$336,935 in Grant Funds from the U.S. Department of Housing and Urban Development-Shelter Plus Care Renewal

Program Manager Rindy Fogler explained what Shelter Plus Care was and who it is used for. We have been using these funds since 1993.

Councilor Durgin moved staff recommendation, Councilor Sprague seconded, so approved.

2. Continued Discussion and Review on Proposed Staff Recommendations concerning the use of outdoor fire pits and fireplaces

City Solicitor Heitmann explained about the problems that have been concerning residents such as unwanted smoke inhalation, inappropriate items burned, the size of the fire and the use of accelerants. This is why a change in the current ordinance is being reviewed. There was talk about the penalties being changed for those who violate the ordinance a number of times. There was a concern about landlords and if they should be the ones responsible for the renters they have on their property. Heitmann stated that he didn't see that as unreasonable for those who have multi-unit properties.

Councilor Graham asked in reality, how we really intend to police this ordinance. Heitmann stated that we will have a list of who has permits and do our best but of course we will not be able to be everywhere at all times. A bullet list to residents as to what they can and cannot do will help with the items that are burned, how large the fire pit can be, etc. Effective penalties will be what we hope that will keep residents responsible to follow the ordinance.

Chief Lucas appreciated the Councils' input and wanted to add that the geographical areas of Bangor are very diverse and the Fire Department has concerns of the logistics or the practicality of issuing burn permits when it comes

to renters/landlords, etc. Just something he wanted to be kept in mind. He discussed with Heitmann that the landlords should be the responsible ones when it comes to multi-unit properties only.

Councilor Baldacci explained that there needs to be a definition change as well since people aren't coming in for permits unless there is a problem after they have fires. There is a problem with the statute and that needs to be looked into along with the other concerns of the actual fire pits.

Residents spoke regarding the permit issues and thanked the Council for looking into this. Questions were asked regarding how residents will know if a permit has been either granted or revoked from other residents so they don't have to keep calling and bothering the fire department.

Chief Lucas stated that it is not a part of the permitting process so that is something that we will have to keep in mind as well.

Councilor Baldacci suggested that there be a list of who have permits on our website since it is public information.

Heitmann stated that we will get this started with the first reading and follow the appropriate steps from there.

Councilor Blanchette disagrees with tenants being able to burn in fire pits because she feels it's not necessary. Tenants can't put wood stoves or pellet stoves in so why should they have fire pits?

Motion to adjourn at 6:00PM.

FINANCE COMMITTEE
January 6, 2014 @ 5:15 pm
MINUTES

Council Members: Durgin, Gallant, Civiello, Graham, Baldacci, Nealley

Staff Members: Cyr, Bird, Willette, Caruso, Dawes, Nelson

1. Consent Agenda

- a. Report of Bids Awarded by Staff – December 2013

Finance Director Cyr stated the 35 Ton Self Lifting Detachable Trailer for Public Works was awarded to Beauregard Equipment for the amount of \$48,175.

- b. Airport Lease Renewal – Transportation Security Administration

Director Cyr explained that the City currently has a lease with TSA for approximately 32,000 sq. ft. of space. We are in the process of negotiating a new lease. This would go to full Council for approval. They pay \$169,000 a year and they are looking for a 5 year renewal with the option of 5, 1 year renewals.

Councilor Baldacci moved, Councilor Durgin seconded, recommended to full Council.

2. Bids/Purchasing

- a. Portable Air Compressor – Sewer Maintenance – JIMAR Construction Products - \$16,193

Director Cyr stated that 6 bids were received. Staff recommendation was to award the bid to JIMAR who was the second lowest bidder. There was such a small dollar amount difference (\$293.00) between the low bidder and JIMAR but the low bidder operates out of New York State and JIMAR is able to provide immediate access to repair and replacement issues.

Councilor Gallant stated that the budgeted amount for this was \$14,000 and Director Cyr stated that we will scale down the purchase of flow through plugs so the budget is not exceeded.

Councilor Durgin moved, Councilor Baldacci seconded, approved.

- b. Small Front End Loader – Public Works – Central Equipment Company - \$64,400

Councilor Durgin moved, Councilor Baldacci seconded, approved.

c. Escalator Refurbishment – Airport – Otis - \$331,860

Staff recommendation is to award the contract to Otis who was the one and only bidder. The funds are coming from PFC funds that are collected from each passenger.

Councilor Nealley asked if we looked into a brand new unit since the cost of the refurbishment seems to be so expensive. Director Caruso stated that even though he doesn't have specific costs, we are looking at doubling the low bidder's amount for a brand new escalator.

Councilor Baldacci moved, Councilor Nealley seconded, recommended to full Council.

d. West Market Square Revitalization Project – Engineering

Tabled to be returned to at a later date.

e. Ice Resurfacers – Parks & Recreation – Frank J Zamboni Company - \$111,970

Finance Director Cyr explained that we received 2 bids and staff recommendation is to award to Frank J Zamboni Company who was low bidder in the amount of \$111,970.

We budgeted a little over \$110,000 so the additional funding is available due to savings realized from the cost of the chiller repairs from Sawyer Arena.

Councilor Baldacci moved, Councilor Durgin seconded, recommended to full Council.

3. Order, Authorizing a \$400,000 EPA Grant Application – Brownfield's Assessment Program

Jason Bird explained that we are looking for authorization of a grant application that would be used to voluntarily test sites in Bangor for known or potentially known contaminated sites due to past industrial use or building material. This is seen as an economic development tool from our perspective for potential buyers who won't touch a site to redevelop it due to possible contamination and the potential unknown costs for clean up, etc. This funding would be used to assess City owned property as well as privately owned property and we would work with private developers.

Councilor Baldacci moved, Councilor Durgin seconded, Committee discussion...

Jason Bird explained that there have been a number of sites that were tested and results showed contamination. Some of these sites were tested 10+ years ago with no steps taken to decontaminate the properties nor has the EPA fined the City of Bangor nor were there plans for redevelopment at that time. But there is always potential that the EPA would just show up and fine the City for violations.

Finance Director Cyr explained that this order is to seek the Committee's recommendation to send to the full Council authorizing the grant application.

We would have up to 3 years to spend these funds and it is better for us to expend them sooner than later for future grant possibilities. We would issue a Request for Proposals (RFP) to hire a consultant to do the testing, etc. Some funding would go to pay for staff time, not a new hire.

Councilor Gallant had issues with this for a few reasons. One is having an agency of the EPA's stature involved in our City is unnerving. Just because the EPA hasn't done anything about contaminated sites in the past, doesn't mean they won't pop up and decide to fine the City at any point in time.

Jason Bird explained that it could stave off potential fines in the future.

Councilor Baldacci doesn't think it's smart to decide to do testing here and there just in case the EPA possibly decides to fine the City for any property that tests positive for contamination. He felt that the testing should be done strategically and for community and economic development reasons.

The motion had been moved, seconded and after committee discussion it was recommended to move forward to the full Council to authorize the grant application.

Jason Bird will be getting more information together for Councilors to look over.

Adjourned at 5:50 PM.

FINANCE COMMITTEE AGENDA
July 7, 2014 @ 5:15 pm
MINUTES

Council Members: Sprague, Gallant, Durgin, Blanchette, Graham, Nealley, Baldacci, Civiello

Staff Members: Cyr, Gould, Dawes, Currier, Moore, Wardwell, Conlow,

1. Consent Agenda

- a. Quitclaim Deed – Dupray – 41 Parker Street
- b. Report of Bids Awarded by Staff – June 2014

Consent agenda was moved, seconded and approved.

2. Bids/Purchasing

- a. Jet/Vac Truck – Sewer Maintenance – Donovan Equipment - \$374,457

The recommendation is to award the bid to the low responsive bidder, Donovan Equipment Company. Item was moved, seconded and recommended to the full Council for approval.

- b. Paving – Public Services – Lane Construction - \$1,601,690

The recommendation is to award to the low bidder, Lane Construction. Item was moved, seconded and recommended to the full Council for approval.

3. Review of Proposed Historic Preservation Fees

The fees proposed are based on the square footage of space to be added or renovated that would require review by a person with the expertise and training in historic preservation guidelines and standards. The proposed new fee structure is a way to include the time associated with the review of larger projects with the fee that is paid by the applicant. Item was moved, seconded and recommended to the full Council for approval.

4. Review of Proposed Fats, Oils & Grease Program Fees

Currently staff collects information through the victualer's licensing program. When applying for a victualer's license, food service establishments (FSEs) are required to

Meeting Agenda
City of Bangor Airport Committee Meeting
City Council Chambers 3rd Floor
May 13, 2014

The following City Councilors were in attendance: Airport Committee Chair-, Nelson Durgin, Gibran Graham, Pauline Civiello, David Nealley, Joseph Baldacci, Ben Sprague, and Pat Blanchette. The following City Staff were also in attendance, Airport Director, Tony Caruso, Assistant Airport Director, James Canders, and Marketing Manager Risteen Bahr. Also in attendance was the Executive Manager for the Troop Greeters, Chuck Knowlen.

Agenda:

1. Maine Troop Greeters presentation and update.

Maine Troop Greeter Executive Manager, Chuck Knowlen gave a presentation to the Airport Committee. He indicated that BGR has had over 7,000 military flights with over 1.6 million troops coming into Bangor. He indicated that the Troop Greeters have regular Board meetings. He indicated to the Committee that the Troop Greeters, with assistance and guidance from the Airport will be building a museum that will be built into the walls in the corridor between the DAB and IAB. He discussed that they are in the beginning stages of the design and that they will seek out funding for this. Councilor Sprague told Chuck that he was very pleased with the work the Troop Greeters have done and thanked him. Councilor Graham ask what the cost of this project will be. Chuck indicated that it would be approximately \$300,000 for the cost and maintenance. He also indicated that they are looking at to start this project in 2016. Councilor Civiello about the funding for the project and ways to come up with the funds. Councilor Civiello and Councilor Nealley approved and supported this project.

2. Airport Statistics, April 2014

Our Total Monthly Passengers was down by 5.7% and year to date was down by 5.7%. Compared to the average over past three years we are up by 10%. Allegiant passengers enplaned and deplaned was up by 2.2%, Delta was down by 21% that was due to the reduced Detroit flights and US Airways was up by 23%. Total Operations was down by 3%, total Landings was up by 21%. Allegiant load factor was strong at 90%, Delta was 66% and US Airways was 77%. Market Share was just about even with, US Airways at 42%, Allegiant at 33% and Delta at 25%. Councilor Chair Durgin asked about the possibility about getting the Boston Service back. Marketing Manager Bahr indicated that she will be attending the Air Service

conference and she will ask about it. We will continue to pursue Airlines and try to get this service to return.

3. Allegiant: 2014 Airport Conference briefing

During the period of April 28 through May 1, James Canders, Assistant Airport Director, attended the annual Allegiant Airport's conference. This annual event provides airports the opportunity to meet directly with key personnel from Allegiant to discuss performance of routes, advertising and marketing initiatives, as well as pricing for services. Also at this conference, Allegiant provides updates from key management personnel on the company's performance, any changes to its operations and future strategies. Assistant Director Canders indicated that are 85 stations. Over all the conference went very well. Our Sanford flights are performing above average. There is a possibility of the Myrtle Beach destination from BGR. The Fort Lauderdale flight may come back, as Allegiant was more successful in selling packages, not seats.

4. BGR's Emergency Exercise-discussion and update.

The Bangor International Airport (BGR) will hold its tri-annual full-scale emergency exercise on Saturday, May 31, 2014. This emergency exercise test the response capabilities of the Airport, its stakeholders and surrounding mutual aid responders' ability to respond to an emergency incident at the Airport. The objectives of the exercise are to meet FAA certificates standards, and to test each local (airport) and state emergency responses, operational, coordination and procedures. The full scale exercise will test and evaluate emergency response command, control and communication. This critical training session allows for the Airport and team of mutual-aid agencies who would respond to any emergency incident to simulate an emergency scenario in a controlled environment. This Federal Aviation Administration (FAA) required exercise is done every three years and is designed to test the effectiveness of the responses plans and procedures of the Airport and participating agencies. Local and State organizations, airport rescue and firefighting (ARFF), Bangor and other local fire departments, Bangor Police and other law enforcement agencies, and medical personnel and organizations are among the participants in the exercise.

COUNCIL ACTION

Item No. 14-242

Date: July 28, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 112 Fourth Street.

Responsible Department: Legal

Commentary:

Sewer liens matured on the property of Jerry Kuan of 112 Fourth Street, now owned by Federal National Mortgage Association. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.



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 Councilor Civiello

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 112 Fourth Street.

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 11480, Page 27, Book 11654, Page 288, Book 11890, Page 203, Book 12060, Page 325 and Book 12675, Page 165. Said deed shall be directed to Federal National Mortgage Association in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-243

Date: July 28, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 36 Milford Street.

Responsible Department: Legal

Commentary:

Sewer liens matured on the property of Jennifer Panarelli of 36 Milford Street, now owned by Federal National Mortgage Association. Federal National Mortgage Association is in the process of selling this property to Matei Iliana and Anne-Marie Stroian. All outstanding charges due the City will be paid at the time of closing. There are no outstanding real estate taxes or code issues. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property. The quitclaim deed will not be recorded with the Penobscot Registry of Deeds until all charges have been paid.

Staff recommends approval.



Department Head

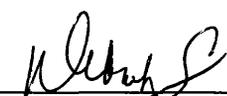
Manager's Comments:



Asst City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 36 Milford Street.

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 11262, Page 256, Book 11480, Page 69, Book 11654, Page 324, Book 11890, Page 241, Book 12060, Page 249, Book 12211, Page 134, Book 12397, Page 211 and Book 12675, Page 96. Said deed shall be directed to Matei Ilina and Anne-Marie Stroian in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-244

Date: July 28, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 1216 Stillwater Avenue.

Responsible Department: Legal

Commentary:

In the 1990's real estate tax liens were filed on the property of Kevin and Jane Ann Doody of 1216 Stillwater Avenue. At some point the taxes were paid but discharges of the liens were never recorded. Therefore a municipal quitclaim is required to clear title to the property. There are no outstanding real estate taxes or code issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.



Department Head

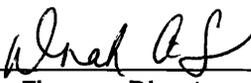
Manager's Comments:



Ass't City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 1216 Stillwater Avenue.

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 6719, Page 105 and Book 7095, Page 56. Said deed shall be directed to Kevin W. Doody and Jane Ann Doody in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-245

Date: July 28, 2014

Item/Subject: Order, Authorizing Execution of Agreement for Maine Department of Transportation Local Project – WIN 022693.00, Pedestrian Safety Improvements on Hogan Road

Responsible Department: Engineering

Commentary:

This order will authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation in the amount of \$30,000.00 for design and right-of-way work for a new sidewalk and pedestrian crossing on Hogan Road from approximately Stillwater Avenue to Springer Drive. The Local Project Agreement specifies a Federal share of the project to be at 80% of the total project cost, or \$24,000.00 and the City share to be \$6,000.00 or 20% of the total project cost. This item was reviewed and recommended for approval by the Infrastructure Committee at its July 15, 2014 meeting.

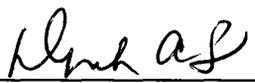
Dana Wardwell, Public Works
Department Head

Manager's Comments:


Ass't City Manager

Associated Information Council Order/Agreement

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral

14-245
JULY 28, 2014



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Agreement for Maine Department of Transportation
Local Project – WIN 022693.00, Pedestrian Safety Improvements on Hogan
Road

ORDERED,

THAT: the City Manager is hereby authorized and directed to execute an agreement with the
Maine Department of Transportation for the following:

An Agreement with the Maine Department of Transportation – Pedestrian Safety Improvements
on Hogan Road – 022693.00



<i>MaineDOT use only</i>	
TEDOCS #:	_____
CT #:	_____
CSN:	_____
PROGRAM:	<i>Multimodal</i>

MAINE DEPARTMENT OF TRANSPORTATION
Locally Administered Project Agreement
 With the
Municipality of Bangor
 Regarding
Pedestrian Safety Improvements on Hogan Road

<i>(MaineDOT Use Only)</i>	
Total Amount: \$30,000.00	WIN: 022693.00
Federal Share: \$24,000.00	Federal Project #: _____
Municipal Share: \$6,000.00	Vendor Customer #: VC1000007010
Agreement Begin Date: _____	Municipality's DUNS® Number: 07-173-9692
Agreement End Date: _____	CFDA #20.205: Highway Planning & Construction

This Agreement for local administration of a federal-aid project is between the Maine Department of Transportation, a State of Maine agency headquartered at 24 Child Street in Augusta, Maine ("MaineDOT,") and the Municipality of Bangor, a municipal corporation and body politic with its principal offices at 73 Harlow Street in Bangor, Maine ("the Municipality.")

- The following attachment is incorporated into this Agreement:
 - Appendix A: Federal Funding Accountability and Transparency Act Form

WHEREAS, the Project described herein was selected for federal-aid transportation funding from the Quality Community Program and for inclusion in MaineDOT's 2014-2016 Work Plan; and

WHEREAS, this Agreement sets out requirements for the Project and terms and conditions of MaineDOT's funding to the Municipality.

NOW, in consideration of the foregoing, MaineDOT and the Municipality agree as follows:

ARTICLE 1. PROJECT OVERVIEW

- A. SCOPE OF WORK. Design and right-of-way work for a new sidewalk and pedestrian crossings on Hogan Road approximately from Stillwater Avenue to Springer Drive, to be performed by or for the Municipality and accepted by MaineDOT ("the Project.") Any change to this scope of work shall require MaineDOT's approval to be eligible for funding from MaineDOT.
- B. FUNDING. The estimated cost of the Project is thirty thousand dollars (\$30,000) to be shared at the rates described in Article 3. Project costs eligible for funding from MaineDOT shall not exceed this amount without approval from MaineDOT.
- C. ROLE OF MUNICIPALITY. The Municipality shall take the lead in developing the Project and assign a person with required certification from MaineDOT to be responsible for the Project. This Local Project Administrator shall monitor all work done under this Agreement and shall follow the procedures in the latest version of MaineDOT's *Local Project Administration Manual*.

- D. **ROLE OF MAINEDOT.** A Project Manager will be assigned to advise, review and approve for **MaineDOT**. This person or designee will have the authority to approve or deny reimbursement requests; review and require revision of plans and specifications; inspect, reject and stop work; and take all other action needed to ensure proper performance of this Agreement.

ARTICLE 2. PROJECT DEVELOPMENT

- A. **AUTHORIZATION.** The **Municipality** shall receive Authorization to Proceed from **MaineDOT** before starting work or contracting for services under this Agreement. All municipal costs incurred before such authorization is given or a contract is executed shall be ineligible for reimbursement.
- B. **PROJECT KICKOFF.** Before starting work, the **Municipality** shall review with MaineDOT's Project Manager the scope of work, budget, schedule, and Project requirements. If necessary, the **Municipality** shall provide an updated schedule and budget within a reasonable timeframe after the Project Kickoff.
- C. **PROGRESS REPORTS.** The **Municipality** shall provide MaineDOT's Project Manager with monthly progress reports for the duration of the Project listing tasks completed, any changes in project staffing, and any issues that could affect the schedule.
- D. **CONSULTANT SERVICES.** The **Municipality** may contract for engineering services as necessary to develop and oversee the Project. In doing so, the **Municipality** shall:
1. Use qualifications-based selection and develop an independent estimate of the price of the services, pursuant to federal regulation 23 CFR, Part 172.
 2. Ensure that *Consultant General Conditions for Local Public Agencies* govern all work under this Agreement, including requirements for Form FHWA-1273 and Civil Rights Assurances to be incorporated into every contract for services.
 3. Obtain the MaineDOT Project Manager's approval before awarding any contract.
 4. Ensure that contracts are fully executed and a written "Notice to Proceed" issued before incurring any consultant costs eligible for reimbursement from MaineDOT.
 5. Obtain the MaineDOT Project Manager's approval before modifying any contract.
MaineDOT reserves the right not to participate in a modification executed without approval.
- E. **DESIGN.** The **Municipality** or its consultant shall prepare all design plans, specifications, estimates and contract documents in accordance with MaineDOT's standards and procedures. MaineDOT will review the work product at the following milestones: Preliminary Design Report, Plan Impacts Complete, and final Plans, Specifications and Estimate (PS&E) as applicable. The **Municipality** shall obtain MaineDOT's approval of the final PS&E package before requesting authorization to advertise for construction bids.
- F. **PUBLIC PARTICIPATION.** The **Municipality** shall provide for public participation in the development of the project and shall use a notification process approved by the MaineDOT project manager. Documentation and a Public Process Certification (Letter 16) shall be provided with the final PS&E package before the Municipality may request authorization to advertise for construction bids.

- G. ENVIRONMENTAL PROCESS. The **Municipality** or its consultant shall prepare and submit to **MaineDOT** all required environmental documents, including but not limited to Letter 11 and the National Environmental Policy Act (NEPA) checklist. **MaineDOT** will prepare and submit to the Federal Highway Administration all documentation required under NEPA.
- H. PERMITS. The **Municipality** or its consultant shall obtain all approvals, permits and licenses needed for the Project. Copies shall be provided to **MaineDOT** with an Environmental Certification (Letter 12) with the final PS&E package before the **Municipality** may request authorization to advertise for construction bids.
- I. UTILITIES. The **Municipality** or its consultant shall coordinate all matters regarding utilities, prepare all related documentation, and submit such documentation to **MaineDOT** with a Utility Certification (Letter 13) before requesting authorization to advertise for construction bids. Such work shall be done in accordance with MaineDOT's *Utility Accommodation Policy*.
- J. RIGHT OF WAY. **MaineDOT** will acquire all property rights necessary to construct and maintain the Project. If such acquisition is necessary, it will be determined at Project Kickoff whether MaineDOT or the Municipality will be responsible for preparing right-of-way plans, in accordance with MaineDOT's standards and procedures. **MaineDOT** will be exclusively responsible for title examinations, appraisals, appraisal reviews, negotiations, acquisition, and right-of-way certification.

ARTICLE 3. FINANCIAL PROVISIONS

- A. MAINEDOT SHARE. **MaineDOT**, using federal Transportation Alternatives funding, will reimburse the Municipality for eighty percent (**80%**) of Project costs deemed eligible for such federal participation, not to exceed twenty-four thousand dollars (**\$24,000.**)
- B. LOCAL SHARE. The **Municipality**, using resources other than from the U.S. Department of Transportation, shall be responsible for twenty percent (**20%**) of Project costs deemed eligible for federal participation, including its share of such costs incurred by **MaineDOT**, said local share estimated to be six thousand dollars (**\$6,000.**) Furthermore:
1. The **Municipality** shall be exclusively responsible for any costs deemed ineligible for federal participation and all costs exceeding the maximum reimbursement under Article 3.A above, unless otherwise approved in writing by **MaineDOT**.
- C. MAINEDOT COSTS. All costs incurred by **MaineDOT** staff in the development and oversight of the Project shall be paid for with Project funds, including but not limited to design reviews, environmental support, right-of-way support, and construction engineering. These costs will be reconciled upon Project completion and deducted from the **Municipality's** final billing.
- D. REIMBURSEMENT. **MaineDOT** will reimburse the Municipality for the federal portion of eligible Project costs incurred, as described in Article 3.A. The **Municipality** shall bill MaineDOT no more frequently than monthly for such costs, incurred whenever work is performed, goods and services are received, or a cash payment is made. Bills are subject to these conditions:
1. Claims shall be submitted on the **Municipality's** billhead and reference WIN 022693.00.
 2. Each request for reimbursement shall include a progress report as described in Article 2.C.

3. Each invoice shall contain an itemized account of expenditures consistent with the approved Project budget, as well as backup documentation and proof of payment made.
 4. Each invoice must have an accumulative total and a breakdown of **MaineDOT's** and the **Municipality's** shares of total costs.
 5. Each claim shall include a certification from the **Municipality** that all amounts claimed are correct, due and not claimed previously, and that all work was performed in accordance with this Agreement.
 6. Any claim for less than one thousand dollars (\$1,000) shall be deferred until the next regular billing period in which at least one thousand dollars (\$1,000) is incurred or until a final invoice is submitted for reimbursement.
- F. **SET OFF.** **MaineDOT** shall have all of its rights of set-off in order to recover any payment to the Municipality for any activity that is subsequently deemed ineligible for federal funding, including but not limited to withholding money owed to the Municipality under this Agreement and any other agreement with **MaineDOT** or any other agency of the State of Maine.
- G. **NON-APPROPRIATION.** Although the execution of this Agreement manifests **MaineDOT's** intent to fulfill the financial obligations contained herein, such obligations are subject to budgetary appropriations. Therefore, the **Municipality** acknowledges that **MaineDOT** shall be released from its obligation to make payment toward the Project – and will terminate this Agreement with a thirty (30) day notice to the Municipality – if any of the following occurs:
1. **MaineDOT** does not receive adequate funds to support this Project; or
 2. Funds otherwise programmed for this Project are de-appropriated; or
 3. **MaineDOT** does not receive the authority to expend funds programmed for this Project.

ARTICLE 4. RECORDS, ACCESS & AUDIT

- A. Retention. Records are plans, reports, notes, papers or other tangible work arising from this Agreement. All such printed and electronic records prepared by or for the **Municipality** shall be retained for **five (5) years** from the date of **MaineDOT's** acceptance of the **Municipality's** final claim for reimbursement, except as otherwise provided below:
1. If any litigation, claim, negotiation, audit or other action involving such records has begun before the expiration of four (4) year period, then all records shall be retained at least until all action and resolution of all issues arising from it are complete.
- B. Access. The **Municipality** and any consultant or contractor working on its behalf shall allow authorized representatives of the State of Maine and the Federal Government to inspect and audit Project documents. Copies of requested documents shall be furnished at no cost.
- C. Audit. Audits shall meet the "Generally Accepted Government Auditing Standards." The **Municipality** shall assure that all applicable audit requirements are met in accordance with federal Office of Management and Budget (OMB) Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations."

ARTICLE 5. GENERAL PROVISIONS

- A. **Governing Law.** This Agreement is made and shall be construed under the laws of the State of Maine. All activities conducted pursuant to this Agreement shall comply with applicable laws and regulations, including without limitation the following: Title 23 in the United States Code (USC) for statutory law and Title 23 in the Code of Federal Regulations (CFR) for administrative law. General administrative requirements relative to federally funded activities also are found under 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."
- B. **Confidentiality.** Information pertaining to right-of-way negotiations, property appraisals and engineering estimates of construction costs shall be kept confidential in accordance with the provisions of Maine law (23 MRSA, Section 63.)
- C. **Indemnification.** To the extent permitted by law, the **Municipality** shall indemnify, defend and hold harmless **MaineDOT**, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the **Municipality**, its officials, employees, agents, consultants and contractors. Nothing herein shall waive any defense, immunity or limitation of liability available under the Maine Tort Claims Act (14 M.R.S. Section 8101 et. seq.) or any other privileges or immunities provided by law. *This provision shall survive any termination or expiration of this Agreement.*
- D. **Independent Capacity.** The **Municipality**, its employees, agents, representatives, consultants and contractors *shall not* act as officers, employees or agents of **MaineDOT**.
- E. **Flow Down.** All contracts between the **Municipality** and any consultant, contractor or other third party shall contain or incorporate by reference all applicable provisions of this Agreement.
- F. **Equal Employment Opportunity.** The **Municipality** shall meet applicable equal employment opportunity requirements as follows:
1. The **Municipality** shall not discriminate against any employee or applicant for employment *relating specifically to work under this Agreement* because of race, color, religious creed, sex, national origin, ancestry, age or physical handicap unless related to a bona fide occupational qualification. The **Municipality** shall take affirmative action to ensure that all such applicants are employed and that all such employees are treated regardless of their race, color, religious creed, sex, national origin, ancestry, age or physical handicap during any period of employment under this Agreement. Such action shall include, but not be limited to: employment, upgrading, demotions, transfers, recruitment, layoffs or terminations, rates of pay or other forms of compensation and selection for all forms of training and apprenticeships. The **Municipality** shall post prominently in places readily available to all employees and applicants for such employment under this Agreement notices setting forth the provisions of this paragraph.
 2. In all solicitations or advertising for employees relating to work done under this Agreement, the **Municipality** shall state that all qualified applicants shall receive consideration for employment regardless of race, color, religious creed, sex, national origin, ancestry, age or physical handicap.

3. The **Municipality** shall send to each representative of any of its employees covered by a collective-bargaining agreement – or any other contract or understanding under which labor or services are to be furnished under this Agreement – a notice advising of the Municipality’s commitment under this Article and shall post copies prominently in places readily available to all such employees and applicants for employment.
 4. The **Municipality** shall include all of the foregoing equal employment opportunity provisions under this Article in any contract for services or work for the Project so that such provisions are binding upon each consultant and contractor – with the exception of any contract for the purchase of standard commercial supplies or raw materials. To the maximum extent feasible, the **Municipality** or any of its consultants and contractors shall list all suitable employment openings with the Maine Job Service. *This provision shall not apply to employment openings that the Municipality or any of its consultants and contractors propose to fill from within their own organization.*
- G. **No Assignment Without Approval.** The **Municipality** shall not assign this Agreement to a third party or otherwise dispose of this Agreement without specific written consent from **MaineDOT**. In no case shall any such action release the **Municipality** from liability under this Agreement.
- H. **Binding Effect.** The **Municipality** and **MaineDOT** shall be bound by the terms of this Agreement. This provision shall apply to the executors of this Agreement, their successors, administrators and legal representatives.

ARTICLE 6. TERMINATION

- A. **FOR CAUSE.** **MaineDOT** may terminate this Agreement for cause in the event of default by the **Municipality**, as defined in Article 6.B. Upon receiving a Notice of Default, the **Municipality** will have a “Cure Period” of fourteen (14) calendar days to take corrective action. If the Municipality fails to make a good-faith effort to correct all defaults within the Cure Period, **MaineDOT** may terminate this Agreement upon written Notice of Termination for Cause. In such an event:
1. The **Municipality** and all consultants and contractors working on the Project shall cease work immediately – except for any work required to protect public health and safety – and turn over to **MaineDOT** all Project records within thirty (30) days of the termination date.
 2. The **Municipality**’s reimbursement will be limited to payment for acceptable work or service accomplished under this Agreement until the effective date of such termination. All costs incurred by **MaineDOT** shall be deducted from amounts otherwise due to the Municipality.
 3. **MaineDOT** reserves the right to require the **Municipality** to return reimbursements made for work that is subsequently deemed ineligible for federal participation.
 4. The **Municipality** shall forfeit all funds from **MaineDOT** remaining in the Project.
- B. **GROUNDS FOR DEFAULT.** The **Municipality** shall be in default if the Municipality:
1. Cancels or otherwise fails to complete the Project without written approval from **MaineDOT**;
 2. Fails to raise and appropriate the required local match, as described in Article 3.B;
 3. Uses Project funds for a purpose other than what is authorized by this Agreement;
 4. Misrepresents or falsifies of any claim submitted for reimbursement;

5. Fails to monitor adequately the quality of materials used and work performed by any consultant or contractor, resulting in significant errors, omissions or negligence;
 6. Breaches any material provision of this Agreement.
- C. FOR CONVENIENCE. This Agreement may be terminated for convenience by mutual consent of the Parties. Terminations for convenience are those undertaken for reasons not defined as “default” in Article 6.B. **MaineDOT** shall notify the **Municipality** through a written Notice of Termination for Convenience. In such an event:
1. The **Municipality’s** reimbursement will be limited to payment for acceptable work or service accomplished under this Agreement until the effective date of such termination. All costs incurred by **MaineDOT** shall be deducted from amounts otherwise due to the Municipality.
 2. All Project records shall be turned over to MaineDOT within thirty (30) days of the date of the Notice of Termination for Convenience.

ARTICLE 7. EXPIRATION

- A. All provisions of this Agreement – except for Article 2.O (maintenance), Article 4.A (records), Article 5.B (confidentiality) and 5.C (indemnification) – shall expire upon satisfactory completion of the terms of this Agreement or **four (4) years** from the final day of the month in which the undersigned **MaineDOT** representative executed this Agreement, whichever occurs first, unless otherwise modified in writing by the parties to this Agreement.
- B. The provisions of Article 5.B and Article 5.C shall remain in full effect until terminated in writing by the Parties to this Agreement or negated by law.

ARTICLE 8. DEBARMENT

- A. By signing this Agreement, the **Municipality** certifies to the best of its knowledge and belief that it and its officers, employees, agents or representatives associated with the Project:
1. Are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal or state agency;
 2. Have not within the previous three (3) years been criminally convicted or had a civil judgment rendered against them – and are not now criminally charged or subject to a civil claim – in connection with any of the following:
 - a. Committing fraud or other criminal offense with regard to obtaining, attempting to obtain, or performing a federal or state government transaction or contract; or
 - b. Violating federal or state antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 3. Have not within a 3-year period preceding this agreement had one or more federal or state transactions terminated for cause or default.
- B. If the **Municipality** is unable to certify to any of the statements in this Article 8.A above, the **Municipality** shall attach an explanation to this Agreement.

C. The **Municipality** further agrees that it shall not hire a consultant or contractor who is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal or state agency.

ARTICLE 9. AGREEMENT PPROVAL

Municipal Authorization: The undersigned municipal representative assures that the **City Council of Bangor, Maine** has approved the Project and the Municipality's entry into this Agreement, has appropriated or authorized the use of any necessary funds, and has authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, **MaineDOT** and the **Municipality** have executed this Agreement in duplicate originals effective on the date last signed.

Municipality of Bangor

Maine Department of Transportation

By: _____
Catherine M. Conlow, City Manager

By: _____
William A. Pulver, P.E., Director,
Bureau of Project Development

Date: _____

Date: _____

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under my sole control.

AN ADDITIONAL MUNICIPAL SIGNATURE IS REQUIRED ON APPENDIX A →

**APPENDIX A TO A LOCALLY ADMINISTERED PROJECT AGREEMENT:
FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**

The **Municipality of Bangor, Maine** and its contractors may be subject to the provisions of the Federal Funding Accountability and Transparency Act (“FFATA”) of 2006 as amended and any regulations, policies, procedures and guidance documents adopted pursuant thereto or in connection therewith.

If the Federal portion of the Project exceeds \$25,000, an authorized representative from the **Municipality** shall sign this document under (B) below and return it with the Project Agreement. Additionally, the **Municipality** shall provide the following information, *if applicable*:

- A) The total compensation and names of the top five executives if:
- More than 80% of the City’s annual gross revenues are from the Federal Government; and
 - Those revenues are greater than \$25 million annually; and
 - Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission (SEC).
- B) Legal Name and DUNS® Number on file with the Central Contractor Registration (CCR):

Municipality of Bangor, Maine
Sign and Print Legal CCR Name

07-173.9692
DUNS® Number

Authorized Representative: _____
Catherine M. Conlow, City Manager



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 14-246

Date: July 28, 2014

Item/Subject: Order, Authorizing Issuance of \$2,720,000 of the City's General Obligation Bonds and a Tax Levy There For

Responsible Department: Finance

Commentary:

The attached Order would authorize the issuance of \$2,720,000 in general obligation bonds for the following purposes: \$415,000 for equipment replacement, \$2,205,000 for streets and sidewalks, \$70,000 for playground structures; and \$30,000 for fires station building improvements. These projects were discussed during the recently completed FY 2015 budget process.

This Order will require a Public Hearing at the August 11th 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 8/4/14

Page __ of __

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Authorizing Issuance of \$2,720,000 of the City's General Obligation Bonds and a Tax Levy There For.

By the City Council of the City of Bangor, be it hereby ORDERED:

THAT pursuant to 30-A M.R.S.A. §5772, Section 13 of Article VI of the City Charter (Private and Special Laws of 1931, Chapter 54 and all amendments thereof and acts additional thereto), and all other authority thereto enabling, and to evidence such loan, there is hereby authorized the issue and sale at one time and from time to time the City's general obligation bonds in like amount to the above authorized loan, not to exceed the aggregate principal amount of Two Million Seven Hundred Twenty Thousand Dollars (\$2,720,000). The proceeds derived from the sale of said bonds, including premium, if any, and any investment earnings thereon shall be used and are hereby appropriated to pay a portion of the costs (as herein defined) of the Projects.

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Streets & Sidewalks	\$2,205,000	15 years
Parks & Recreation Infrastructure/Equipment	\$70,000	15 years
Equipment (includes plow trucks, trucks, sidewalk plow and paver)	\$415,000	15 years
Fire Station Improvements	\$30,000	15 years

THAT the estimated weighted period of utility for the property constituting the Projects to be financed with the proceeds of said loan and bonds is hereby determined to be the period of time indicated above for said Projects.

THAT the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the Finance Director with the approval of the Finance Committee.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30 A M.R.S.A. §5772(6), as amended, as shall be determined by the Finance Director with the approval of the Finance Committee.

THAT said bonds shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall

be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing, with the approval of the Finance Committee

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT pursuant to 30 A M.R.S.A. §5772, Section 15 of Article VI of the City Charter and any other authority thereto enabling, the Finance Director, with approval of the Finance Committee is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, said notes to be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and otherwise to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the deliver of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the Finance Director, with the approval of the Finance Committee.

THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the officers executing such bonds or notes be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the Finance Director.

THAT the officers executing the bonds or notes be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to: (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation, and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and, following completion of construction,

for a period not to exceed 3 years from the issue date thereof, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds or notes (including premium), if any, be and hereby are appropriated for the following purposes:

1. To any costs of the Projects in excess of the principal amount of the bonds or notes authorized hereunder;
2. If the bonds or notes are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds.

THAT if the actual cost of any Project differs from the estimated cost set forth herein, the Finance Director is authorized, in her discretion to reallocate proceeds of the Bonds to any other listed Project.

THAT the Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Projects, the issuance, execution, sale, and delivery by the City of the bonds and notes and the execution and delivery of the documents, including the entering into of a Loan Agreement with the Bond Bank, as may be necessary or desirable.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

14-246
JULY 28, 2014

THAT during the term any of the bonds are outstanding, the Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds including the form and manner of their sale and award. The Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.



**UNFINISHED
BUSINESS**



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 14-247

Date: July 28, 2014

Item/Subject: **ORDER**, Authorizing the City Manager to Execute a Quitclaim Deed for a Portion of 335 Broadway to Schroeher Properties, LLC, (Map-Lot 046-048)

Responsible Department: Legal

Commentary:

This Council Order would allow the sale of a portion of 335 Broadway to its abutter, Schroeher Properties, LLC.

The City owns an undeveloped parcel at 335 Broadway. The lot does not meet frontage or area requirements for its zoning district.

Staff have been exploring dividing this lot and selling it to the abutters. This would give the two abutting parcels, which are also nonconforming, enough area to become conforming lots. The 335 Broadway land would also become taxable.

This Council Order would allow for the sale of approximately 1850 square feet of the 335 Broadway parcel to Schroeher Properties, LLC or a related entity for a purchase price of \$2295. The City would retain a 5 foot easement which, combined with a similar easement retained from the sale of the other portion of 335 Broadway, would create a 10 foot wide easement for potential future use as a walkway between Broadway and Dakin Park.

This item was reviewed and approved at the Finance Committee on July 21, 2014.

Department Head

Manager's Comments:



Ass't City Manager

Associated Information: Council Order, Sketch

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 a Quitclaim Deed for a Portion of 335 Broadway to Schroeh Properties, LLC, (Map-Lot 046-048)

By the City Council of the City of Bangor:

ORDERED,

THAT the City Manager is hereby authorized to execute a quitclaim deed for a portion of the property at 335 Broadway to Schroeh Properties, LLC or a related entity, reserving an easement for the City for the purpose of a path between Broadway and Dakin Park, all in a form acceptable to the City Solicitor or Assistant City Solicitor.



54.5' +/-

72.5' +/-

86.5' +/-

New Northerly Parcel
~ 11,475 s.f.
(~3,800 s.f. conveyed from City Parcel)

New Southerly Parcel
~ 11,200 s.f.
(~1,850 s.f. conveyed from City Parcel)

13.5' +/-

5'

5'

8'

~ 170 s.f.

~ 155 s.f.

Current Parcel Line
149' +/-

New Parcel Line
146' +/-

New Parcel Line

Current Parcel Line

144' +/-

32' +/-

41' +/-

42.5' +/-

28.5' +/-

5'

5'

8'

65' +/-

131.5' +/-

BROADWAY

COUNCIL ACTION

Item No. 14-248

Date: July 28, 2014

Item/Subject: ORDER, Authorizing the City Manager to Execute a Quitclaim Deed for a Portion of 335 Broadway to Natphiann LLC , (Map-Lot 046-048)

Responsible Department: Legal

Commentary:

This Council Order would allow the sale of a portion of 335 Broadway to its abutter, Natphiann LLC.

The City owns an undeveloped parcel at 335 Broadway. The lot does not meet frontage or area requirements for its zoning district. A portion of the lot has been used for some time as a driveway by Natphiann LLC.

Staff have been exploring dividing this lot and selling it to the abutters. This would give the two abutting parcels, which are also nonconforming, enough area to become conforming lots. The 335 Broadway land would become taxable, and Natphiann LLC would have title to the land on which the driveway is currently located.

This Council Order would allow for the sale of approximately 3800 square feet of the 335 Broadway parcel to Natphiann LLC or a related entity for a purchase price of \$6350. The City would retain a 5 foot easement which, combined with a similar easement retained from the sale of the other portion of 335 Broadway, would create a 10 foot wide easement for potential future use as a walkway between Broadway and Dakin Park.

This item was reviewed and approved at the Finance Committee on July 21, 2014.

Department Head

Manager's Comments:

Asif Khan
Asif Khan
City Manager

Associated Information: Council Order, Sketch

Budget Approval:

Alfred A. J.
Alfred A. J.
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Graham



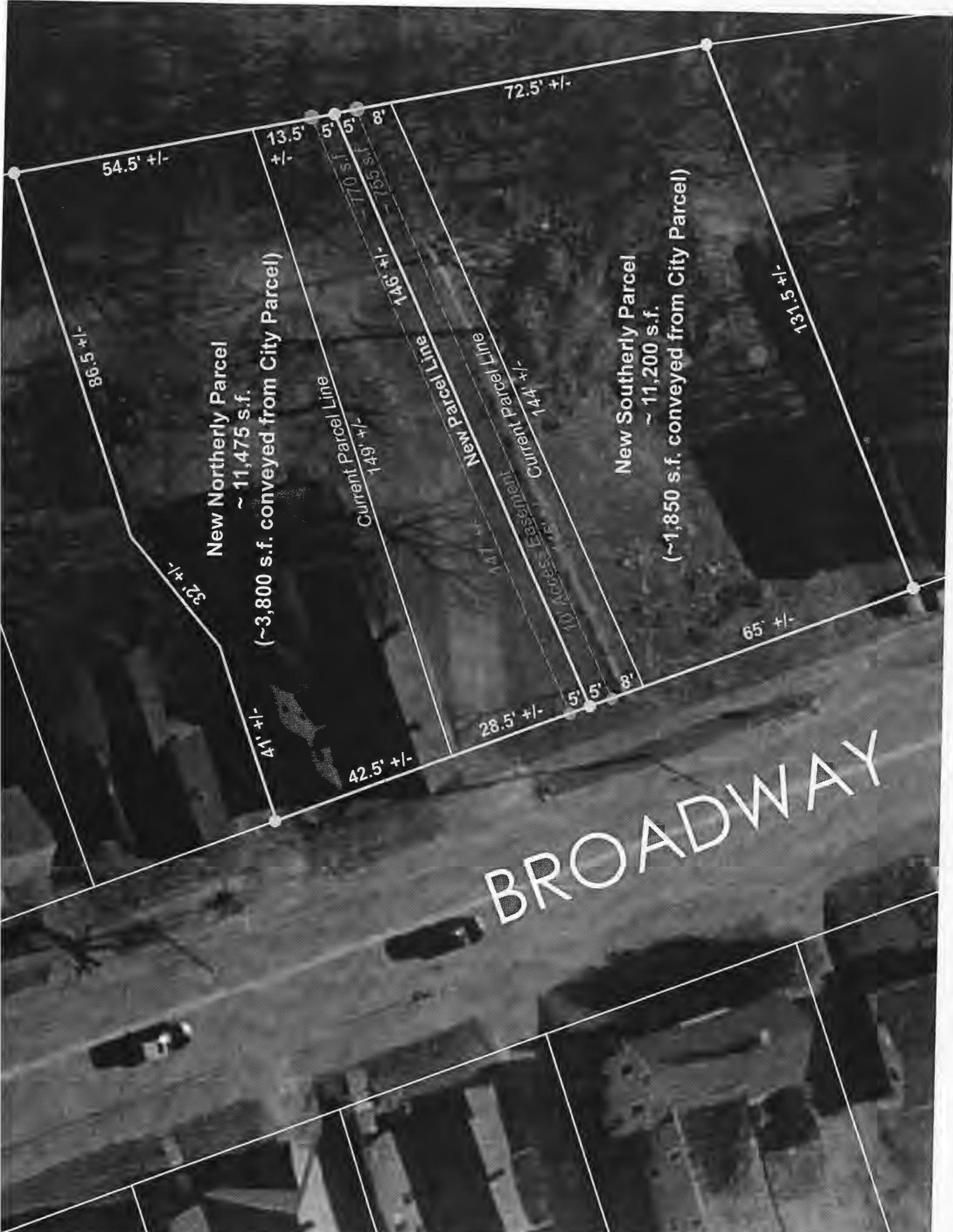
CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Execute a Quitclaim Deed for a Portion of 335 Broadway to Natphiann LLC, (Map-Lot 046-048)

By the City Council of the City of Bangor:

ORDERED,

THAT the City Manager is hereby authorized to execute a quitclaim deed for a portion of the property at 335 Broadway to Natphiann LLC or a related entity, reserving an easement for the City for the purpose of a path between Broadway and Dakin Park, all in a form acceptable to the City Solicitor or Assistant City Solicitor.



54.5' +/-

72.5' +/-

86.5 +/-

New Northerly Parcel
~ 11,475 s.f.
(~3,800 s.f. conveyed from City Parcel)

New Southerly Parcel
~ 11,200 s.f.
(~1,850 s.f. conveyed from City Parcel)

32' +/-

41' +/-

42.5' +/-

13.5' +/-

5' 5"

5' 5"

8'

Current Parcel Line

149' +/-

170 s.f.

146' +/-

New Parcel Line

New Parcel Line

Current Parcel Line

144' +/-

28.5' +/-

5' 5"

8'

65' +/-

131.5 +/-

BROADWAY