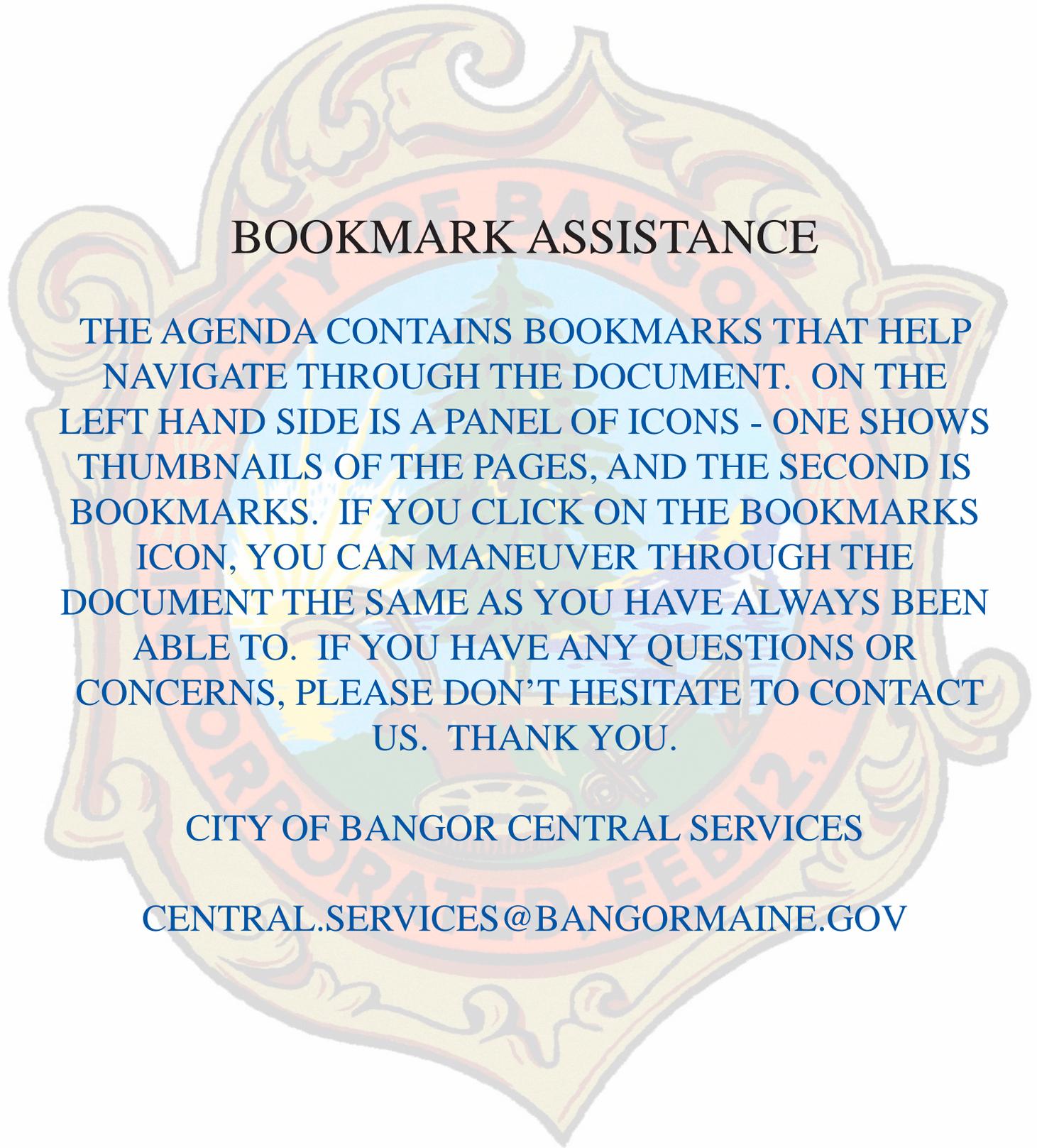


MEDIA
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CITY COUNCIL AGENDA

AUGUST 10, 2015



BOOKMARK ASSISTANCE

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

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

PLEDGE ALLEGIANCE TO THE FLAG

RECOGNITION

Recognizing The Senior League World Series

Recognizing August 14, 2015 as the 80th Anniversary of the Signing of the Social Security Act

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 27, 2015, Finance Committee Meetings of July 27, 2015 and August 3, 2015, Government Operations Committee Meetings of July 20, 2015 and August 3, 2015, and Business and Economic Development Committee Meetings of May 5, 2015, May 19, 2015 and June 2, 2015

LIQUOR LICENSE RENEWAL: Application for Liquor License Renewal, Malt, Spirituous, Vinous of Dorks R Us d/b/a Bangor Courtyard Marriott, 236 Sylvain Road **GRAHAM**

Application for Liquor License Renewal, Malt, Spirituous, Vinous of Apple New England LLC d/b/a Applebee's Neighborhood Grill & Bar, 718 Hogan Road **GRAHAM**

Application for Liquor License Renewal, Malt, Spirituous, Vinous of the Fiddlehead Restaurant LLC d/b/a The Fiddlehead Restaurant, 84 Hammond Street **GRAHAM**

15-270 ORDER Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 7 I Street, Birch Hill Estates (Map B39, Lot 2) **GRAHAM**

Executive Summary: Real estate tax liens matured on the property of Dail Ann Hersey and Dana Gray of 7 I Street, Birch Hill Estates. Ms. Hersey and Mr. Gray are in the process of selling this property. All outstanding charges due the City will be paid at the time of closing. There are no outstanding sewer charges 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.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

15-271 ORDER **Authorizing Contract for the Purchase of Single Axle Cab & Chassis from Daigle & Houghton in the amount of \$162,874 **CIVIELLO****

Executive Summary: On July 22, 2015, the City received three (3) bids for the purchase of a single axle cab and chassis. The bid prices ranged from \$159,122 to \$165,224.

Staff recommendation is to award the contract to the low responsive bidder Daigle & Houghton, in the amount of \$162,874. The lowest bid was a second option submitted by Daigle & Houghton and did not meet specifications in that the vehicle was too light. This cab and chassis will be used in conjunction with plow equipment and truck bodies which were bid separately. The completed assembly will result in two trucks that can be used as plow trucks or catch basin cleaners. This bid was reviewed and recommended for approval at the Finance Committee meeting of August 10, 2015. As the purchase is over \$100,000, it must be approved by the Council.

15-272 ORDER **Authorizing Contract for the Purchase of Plow Equipment & Truck Bodies from HP Fairfield in the amount of \$247,398 from HP Fairfield in the amount of \$103,840.00 **NEALLEY****

Executive Summary: On July 22, 2015, the City received one (1) bid for the purchase of plow equipment and truck bodies in the amount of \$247,398.

Staff recommendation is to award the bid to H.P. Fairfield in the amount of \$247,398, the low and sole bidder. This bid was designed to provide equipment for both stormwater (catch basin cleaning) and plow activities. Accordingly, it was required to be stainless steel. It is the opinion of the Fleet Maintenance Supervisor the price bid is competitive even though it was the sole bid. The total bid amount is below the budgeted amount. This bid was reviewed and recommended for approval at the Finance Committee meeting of August 10, 2015. As the purchase is over \$100,000, it must be approved by the Council.

15-273 ORDER **Authorizing Contract for the Purchase of a Sidewalk Tractor **BALDACCI****

Executive Summary: On July 22, 2015, the City received three (3) bids for the purchase of a sidewalk tractor. The bid prices ranged from \$99,525 to \$130,250.

Staff recommendation is to award the contract to the lowest responsive bidder, H.P. Fairfield, in the amount of \$103,840.00, which is below the budgeted amount. The lowest bid did not meet specifications; the cab did not meet noise level requirements (which would require operators to wear hearing protection), it did not have a fuel management system nor does it have a driver interlock seat (i.e. could remain running when driver leaves seat). The recommended equipment is a Trackless, of which the City currently has five, thereby providing consistency within the fleet from an operational and maintenance standpoint. This bid was reviewed and recommended for approval at the Finance Committee meeting of August 10, 2015. As the purchase is over \$100,000, it must be approved by the Council.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

15-274 ORDER **Accepting an \$11,758.00 Amendment to the WIC Nutrition Program Grant **CIVIELLO****

Executive Summary: The Order will accept an additional \$11,758.00 in WIC funds for FY 15, which covers the period from October 1, 2014 through September 30, 2015. The original grant amount was \$550,703 for administration of the program, \$2,415,000 for food assistance to clients, and \$2,000.00 to administer the Farmers' Market Nutrition Program. This additional \$11,758.00 is operational adjustment funds to support the current level of WIC participation at 3,300 participants per month. Staff recommends approval.

15-275 ORDER **Authorizing Execution of Test Boring Agreement with FGS/CMT, Inc. **FAIRCLOTH****

Executive Summary: The City owns two parcels of land that are potential development sites. A potential developer has expressed interest in the sites subject to results of test borings and has retained the services of FGS/CMT, Inc. This Order, if approved, will authorize the execution of an agreement with FGS/CMT, Inc. to undertake two test borings on two city parcels of land.

15-276 RESOLVE **Ratifying Execution of Electricity Supply Contract(s) with Maine Power Options **SPRAGUE****

Executive Summary: This order would ratify the actions taken by staff to execute the contract with Maine Power Options (MPO) for certain medium service electrical accounts that expire November 1, 2015. For a number of years, the City of Bangor has been a member of MPO, which is an energy purchasing consortium that serves local governments and non-profit organizations in Maine. Under the current medium service contracts the City pays a rate of .0661/kwh for supply costs.

In recent years, the energy market has been highly volatile, partially driven by significant changes in Natural Gas costs. On Monday, July 27, 2015 MPO provided pricing options available for the above described accounts. The recommendation was to contract for a two year period for a cost of .0675/kwh for supply. The alternative was to allow those accounts to revert to the standard offer. The current prices for November through December range from .06846 - .09605/kwh, which was significantly higher than we are paying. The reason to enter into a month by month bid would be to wait and see if the electrical supply costs decrease. Unfortunately, with the volatility of the market tied to the price of natural gas, there are no guarantees at this time that the rates will be lower.

Due to the time sensitive nature of utility bidding, the actual acceptance of any pricing offer must occur within 24 hours of its offering. Therefore, based on the recommendation of the Finance Committee the contract was executed. This recommendation was reviewed and approved by the Finance Committee on July 27, 2015.

15-277 RESOLVE **Ratifying Staff Action for Submitting Grant Applications to the Maine Department of Environmental Protection for Funding of Culvert Crossing, State Street/Woodlawn Brook **PLOURDE****

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

CONSENT AGENDA ITEM NO.

ASSIGNED TO COUNCILOR

Executive Summary: Staff submitted an application to the Maine Department of Environmental Protection on July 14, 2015 to obtain funding to replace an existing stream crossing culvert at Woodlawn Brook and State Street (Route 2). Both the inlet and outlet of the box culvert show signs of erosion and exposure of concrete reinforcement. The culvert headwalls supporting the highway have significant cracking and the guard rail above the headwalls is damaged and does not provide the adequate protection to divert errant motor vehicles. The total project estimate is \$152,311.80, of which, the City is requesting \$95,000.00 to assist with this project. The application deadline for filing the applications was July 15, 2015. This item was reviewed and recommended for approval by the Infrastructure Committee on July 28, 2015.

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.

ASSIGNED TO COUNCILOR

15-278 ORDINANCE Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Instituting a Pre-Application Meeting for Major Projects (First Reading and Referral to Planning Board meeting of August 18, 2015)

BALDACCI

Executive Summary: This ordinance amendment would provide for a pre-application meeting for certain large development projects. The purpose of the meeting would be to identify potential development issues prior to Planning Board review, with the goal of avoiding potential pitfalls later in the development process. Many of the larger development projects that come before the City, including major site developments and subdivisions, are complex. A large number of federal, state, and local requirements often need to be met for these projects to be approved. City departments, including Planning, Engineering, Fire Prevention, and others, can often identify potential issues to address early in the development process. This item was reviewed at the Business and Economic Development Committee meeting of August 4, 2015 and was recommended for approval.

UNFINISHED BUSINESS ITEM NO

ASSIGNED TO COUNCILOR

15-265 ORDINANCE Amending Map Entitled “Downtown Parking Management District” by Creating Two 15 Minute Parking Spaces on Columbia Street and Merchants Plaza

GRAHAM

Executive Summary: This ordinance amendment would designate two downtown parking spaces as 15 minute parking spaces, one in Merchants Plaza, across from the top of Bangor Alley, and one on Columbia Street, across the street from the Columbia Street Baptist Church. These parking spaces will allow downtown businesses and residents to load and unload more easily, and be available to all downtown businesses and residents, not just those with commercial vehicles. The parking spaces are also intended to reduce the incidence of illegal parking during loading and unloading, including parking on sidewalks. This was reviewed and recommended by the Parking Committee. This was also reviewed and recommended for approval at the Business and Economic Development Committee Meeting on August 4, 2015.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

**UNFINISHED BUSINESS
ITEM NO**

**ASSIGNED TO
COUNCILOR**

15-266 ORDINANCE Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying the Procedure for Disposition of Uninhabitable Buildings **FAIRCLOTH**

Executive Summary: This Ordinance will amend Chapter 223, Property Maintenance, of the Code of the City of Bangor, by clarifying the procedure for disposition of uninhabitable buildings. The City Code provides a procedure for rehabilitation of uninhabitable buildings, giving the building owner 120 days from the time the building is placarded to rehabilitate the structure. Some buildings, however, are not only uninhabitable, but also unsafe, and need to be demolished or otherwise dealt with under the state Dangerous Building statute.

This ordinance amendment would clarify that the City’s 120-day notice period is not necessary before proceeding under the state Dangerous Building statute (which already provides for its own notice period and 30-day appeal period). The amendment would also update the committee from which extensions are requested and define the nature of publication required for providing notice. This was reviewed and recommended for approval at the Business and Economic Development Committee Meeting on August 4, 2015.

PUBLIC HEARING:

15-267 ORDER Authorizing Issuance of \$1,739,000 of the City’s General Obligation Bonds and a Tax Levy Therefor **SPRAGUE**

Executive Summary: This Order would authorize the issuance of \$1,739,000 in general obligation bonds for the following purposes: \$359,000 for equipment replacement, \$850,000 for streets and sidewalks, \$250,000 for bus replacement; and \$280,000 for WWTP infrastructure improvements. These projects were discussed during the recently completed FY 2016 budget process. This Order will require a Public Hearing. This was reviewed and recommended for passage at the Finance Committee Meeting of August 3, 2015.

PUBLIC HEARING:

15-268 ORDER Authorizing a Loan in the Amount of \$3,870,000 from the Maine Municipal Bond Bank State Revolving Fund, and the Issuance of the City’s General Obligation Bonds and a Tax Levy Therefor **BALDACCI**

Executive Summary: The attached Order would authorize a loan in the amount of \$3,870,000 from the Maine Municipal Bond Bank State Revolving Fund (SRF) and the issuance of the City’s general obligation bonds. These funds would be used for sewer infrastructure improvements discussed during the recently completed FY 2016 budget process.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

**UNFINISHED BUSINESS
ITEM NO**

**ASSIGNED TO
COUNCILOR**

The SRF program was created in 1987 by the Clean Water Act. The Environmental Protection Agency (EPA) provided all states with the seed money to capitalize this revolving loan fund. SRF funding is typically at below market rates, but does carry additional State administrative costs and processes. In addition, all bidding must comply with federal regulations such as; Davis Bacon wage rates. Borrowing through this program is most cost effective for larger combined sewer overflow type projects. This Order will require a Public Hearing. This was reviewed and recommended for passage at the Finance Committee Meeting of August 3, 2015.

15-269 RESOLVE **Accepting and Appropriating a \$602,941 Healthy Maine Partnership Grant from the Maine Department of Health and Human Services to Respond to Public Health Issues **CIVIELLO****

Executive Summary: This resolve will accept and appropriate \$602,941 in funds for FY 2016 to continue implementation of the Healthy Maine Partnership Grant. Under the terms of this agreement, Bangor Health and Community Services will serve as the lead agency for Penquis Public Health District and will work to coordinate the district’s infrastructure as well as implement public health strategies related to physical activity, nutrition, chronic disease management, substance abuse and tobacco prevention. As lead agency, Bangor will subcontract with other Penquis District Healthy Maine Partnerships to implement public health strategies within the service areas. This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee meeting.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

LIQUOR LICENSE: Application for Liquor License Renewal, Malt, GRAHAM
(CLASS X) Spirituous, Vinous of Half Acre Inc. d/b/a Half Acre Nightclub, 190 Harlow Street #D

PUBLIC HEARING: Application for Special Amusement License Renewal of GRAHAM
Half Acre Inc. d/b/a Half Acre Nightclub, 190 Harlow Street #D

PUBLIC HEARING: Application for Casino Operator License Renewal of HC GRAHAM
Bangor LLC d/b/a Hollywood Casino Bangor, 500 Main Street

15-279 ORDER **Authorizing Execution of a Consent Decree with the PLOURDE
Department of Environmental Protection, Environmental Protection Agency, and Department of Justice**

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 10, 2015

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order authorizes the City Manager to execute a consent decree with Department of Justice (DOJ), Environmental Protection Agency (EPA), and the Maine Department of Environmental Protection (MDEP) in the matter of United States of America and State of Maine v. City of Bangor.

In Bangor, as in many other communities throughout the country, significant rain fall can occasionally cause sewage to overflow into our streams and rivers as a result of discharges from combined stormwater and sanitary sewer overflow (CSO) points. In 1991, the City entered into a consent decree with the federal and state governments, agreeing to take certain actions to reduce the number and size of CSO events. The City accomplished the requirements outlined in that consent decree, but some CSO overflows still occur each year. Currently, the City of Bangor has nine CSO points where such overflows are licensed.

In 2010, recognizing there was still work to do, the City, the U.S. Environmental Protection Agency (EPA) and the Maine Department of Environmental Protection (MDEP) began negotiations regarding a new consent decree. The goal of the new consent decree is to further reduce the number and magnitude of CSO events, through a combination of maintenance of and improvement to of our sewer system, new controls on CSO points, separation of sanitary and storm sewer pipes, and related activities and projects, so as to better fulfill the objectives of the Clean Water Act. The parties have now reached agreement as to the final form of the consent decree. This consent decree is on file in the office of the City Solicitor and will be recorded with the US District Court. This item and litigation was reviewed with legal counsel in Executive Session on several occasions including July 27, 2015, most recently.

15-280 ORDER **Authorizing Contract for Hammond/Union/Ohio Street SPRAGUE
Resurfacing & Intersection Improvements Project to
Lane Construction in the amount of \$968,193**

On July 29, 2015, the City received three (3) bids for the Hammond/Union/Ohio Street Resurfacing & Intersection Improvements. The bid prices ranged from \$968,193 to \$1,151,843. The bid price exceeds the available funding by \$85,000. This is a BACTS project where 90% of the funding is provided by the Federal/State government and 10% is provided locally. When situations like this arise with BACTS projects, the first step is to approach BACTS to reallocate excess funding that may exist. At this time, BACTS is unable to provide us with a commitment for additional funding. In order for the State to release the project, the City must commit additional local funds or the project will not be able to move forward.

At the Finance Committee meeting earlier this evening staff reviewed a plan to reallocate certain designated capital funds to allow this project to be completed. If the project were not be move forward, the City would need to make improvements to the roadways prior to winter, that would redirect resources dedicated to the City's annual paving program. Staff will continue to work with BACTS to obtain additional Federal/State funding for 90% of the additional funding required.

Based on the above, staff recommendation is to award the contract to the low bidder Lane Construction, in the amount of \$968,193.

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

BANGOR CITY COUNCIL



RECOGNIZING THE SENIOR LEAGUE WORLD SERIES

WHEREAS, Senior League Baseball is a division of Little League Baseball for players ages 14 through 16; and

WHEREAS, the City of Bangor and Mansfield Stadium have successfully hosted the Senior League World Series since 2002; and

WHEREAS, the Senior League World Series brings together the very best players and teams from around the world to compete in the pastime sport of baseball; and

WHEREAS, event organizers, volunteers and sponsors have spent countless hours and made significant contributions to ensure that all aspects of this World Series were planned and executed in world-class fashion.

NOW, THEREFORE, I, NELSON E DURGIN, MAYOR OF THE CITY OF BANGOR, on behalf of the City Council and citizens of Bangor, do hereby thank the team members from Canada, Latin America, Europe, Asia-Pacific and the United States for participating in the Senior League World Series. We are proud of each team and send our congratulations to the winning team. We hope that the activities during the World Series have provided lasting memories for participating players and coaches and their families and friends.

Given this the 10th day of August, 2015.

Nelson E. Durgin, Mayor

BANGOR CITY COUNCIL



RECOGNIZING AUGUST 14, 2015 AS THE 80TH ANNIVERSARY OF THE SIGNING OF THE SOCIAL SECURITY ACT.

WHEREAS, On August 14, 1935, President Franklin D. Roosevelt signed the Social Security Act into law; and

WHEREAS, Social Security is a social insurance program under which workers earn coverage for retirement, survivors, and disability benefits by paying Social Security taxes on their earnings; and

WHEREAS, Social Security serves as vital financial protection for working men and women, children, those with disabilities, and the elderly; and

WHEREAS, Social Security also administers the Supplemental Security Income program, which is funded by general revenues and provides cash assistance to aged, blind, and disabled persons who have very limited means; and

WHEREAS, The Social Security program is the cornerstone of economic protection on which workers can build a comfortable retirement through pensions, insurance, savings, and other income; and

WHEREAS, Social Security is committed to providing the American public choices for conducting business with the agency. The Social Security website offers online services, applications, and program information for beneficiaries, employers, and the public; and

WHEREAS, The City of Bangor, Maine recognizes the importance of Social Security benefits to the welfare of its citizens and joins the Social Security Administration in celebrating its past and in building its future.

NOW, THEREFORE, I, Nelson E. Durgin, Mayor of the City of Bangor, on behalf of the City Council and the citizens of Bangor, do hereby recognize August 14, 2015 as the 80th anniversary of the signing of the Social Security Act and we join the Social Security Administration in celebrating its past and in building its future.

Given this the 10th day of August, 2015.

Nelson E. Durgin, Mayor



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015

*Meeting Called to Order at 7:30 PM
 Chaired by Council Chair Durgin
 Councilors Absent: None
 Meeting Adjourned at 9:31 PM*

Heather McCarthy and Rick Fournier updated the City Council on the Folk Festival. In their 14th year, there are some great acts scheduled. They have about 420 volunteers and need around 800.

Proclamation: *Proclaimed August 7, 2015 Purple Heart Day in the City of Bangor
 Proclaimed August 3 To 7, 2015 As Responsible Gaming Education Week*

PUBLIC COMMENT *Charles Longo thanked Patricia Blanchette for her many years of service to the city of Bangor.
 Jim Lebreque suggested that the city use the sections of the street that have been “hashed out” as motorcycle parking.
 Skip Black asked if anyone had gone to look at the rusting screening on the Cross Insurance Center and wanted to know if anything was going to be done about it. Cathy Conlow responded that they were working with the contractor to resolve the problem.*

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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MINUTES OF: *Bangor City Council Regular Meeting of July 13, 2015*

Action: *Accepted and Approved*

LIQUOR LICENSE RENEWAL:	<i>Application for Liquor License renewal Malt, Spirituous, Vinous of Bangor Motor Inn Corporation d/b/a Bangor Inn and Suites and Conference Center, 713 Hogan Road</i>	BLANCHETTE
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Action: *Approved*

LIQUOR LICENSE RENEWAL:	<i>Application for Liquor License renewal Malt, Spirituous, Vinous of Pictor Enterprises VI d/b/a Buffalo Wild Wings, 461 Stillwater Avenue</i>	BLANCHETTE
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Action: *Approved*

LIQUOR LICENSE RENEWAL:	<i>Application for Liquor License renewal Malt, Spirituous, Vinous of Rare Hospitality Management Inc. d/b/a LongHorn Steakhouse #5343, 605 Hogan Road</i>	BLANCHETTE
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Action: *Approved*

LIQUOR LICENSE RENEWAL:	<i>Application for Liquor License renewal Malt, Spirituous, Vinous of Texas Roadhouse Holdings LLC d/b/a Texas Roadhouse, 504 Stillwater Avenue</i>	BLANCHETTE
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Action: *Approved*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015

CONSENT AGENDA ITEM NO.			ASSIGNED TO COUNCILOR
<u>15-252</u>	ORDER	<i>Authorizing Contract Award in the Amount of \$108,756 to ADS Environmental Services for the Sewer Flow Monitoring Program</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	
<u>15-253</u>	ORDER	<i>Authorizing Amendment of a Development Agreement with Banres, LLC – Bass Park Boulevard</i>	BALDACCI
	<i>Action:</i>	<i>Passed</i>	
<u>15-254</u>	ORDER	<i>Authorizing Amendment of Parking Lease with Banres, LLC – Bass Park</i>	FAIRCLOTH
	<i>Action:</i>	<i>Passed</i>	
<u>15-255</u>	ORDER	<i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – 19311.00, Webster Avenue Bridge #5796 Improvements</i>	PLOURDE
	<i>Action:</i>	<i>Passed</i>	
<u>15-256</u>	ORDER	<i>Authorizing Execution of a Utility Receivable Agreement for Maine Department of Transportation Local Project – 19311.00, Webster Avenue Bridge #5796</i>	BLANCHETTE
	<i>Action:</i>	<i>Passed</i>	
<u>15-257</u>	ORDER	<i>Authorizing Execution of Agreement with Bangor Federal Credit Union for Excavation of Gravel from City Gravel Pit for Lot 13 in Maine Business Enterprise Park- Map-Lot (R25-033)</i>	NEALLEY
	<i>Action:</i>	<i>Passed</i>	
<u>15-258</u>	ORDER	<i>Authorizing Execution of Documents for Consent to Subdivision of Maliseet Plaza (Map 049, Lot 224)</i>	GRAHAM
	<i>Action:</i>	<i>Passed</i>	
<u>15-259</u>	ORDER	<i>Acceptance of the City Engineer’s Report to Discontinue a Portion of Kittredge Road</i>	PLOURDE
	<i>Action:</i>	<i>Passed</i>	
<u>15-260</u>	ORDER	<i>Authorizing the City Manager to Execute a Memorandum of Understanding with Penobscot County Sheriff’s Office</i>	CIVIELLO
	<i>Action:</i>	<i>Passed</i>	
<u>15-261</u>	ORDER	<i>Authorizing the Fire Department to Solicit Support and Financial Commitment for the Renovation of their Training Facility located off the Odlin Road</i>	BALDACCI
	<i>Action:</i>	<i>Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>15-262</u>	<u>ORDER</u>	<i>Authorizing Bid Award in the Amount of \$209,121 to Dunbar & Brawn for Sewer Maintenance Building Renovations</i>	BLANCHETTE
	<i>Action:</i>	<i>Passed</i>	
<u>15-263</u>	<u>ORDER</u>	<i>Acceptance of the City Engineer's Report to Discontinue a Portion of Maine Avenue and Texas Avenue</i>	FAIRCLOTH
	<i>Action:</i>	<i>Passed</i>	
<u>15-264</u>	<u>ORDER</u>	<i>Authorizing the Acceptance of a \$4,200 Donation from the Cole Land Transportation Museum</i>	CIVIELLO
	<i>Action:</i>	<i>Passed</i>	
REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>15-265</u>	<u>ORDINANCE</u>	<i>Amending Map Entitled "Downtown Parking Management District" by Creating Two 15 Minute Parking Spaces on Columbia Street and Merchants Plaza</i>	GRAHAM
	<i>Action:</i>	<i>First Reading and Referral to Business and Economic Development Committee Meeting on August 4, 2015</i>	
<u>15-266</u>	<u>ORDINANCE</u>	<i>Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying the Procedure for Disposition of Uninhabitable Buildings</i>	FAIRCLOTH
	<i>Action:</i>	<i>First Reading and Referral to Business & Economic Development Committee Meeting of August 4, 2015</i>	
<u>15-267</u>	<u>ORDER</u>	<i>Authorizing Issuance of \$1,739,000 of the City's General Obligation Bonds and a Tax Levy There For</i>	SPRAGUE
	<i>Action:</i>	<i>First Reading and Referral to Finance Committee Meeting of August 3, 2015</i>	
<u>15-268</u>	<u>ORDER</u>	<i>Authorizing a Loan in the Amount of \$3,870,000 from the Maine Municipal Bond Bank State Revolving Fund, and the Issuance of the City's General Obligation Bonds and a Tax Levy Therefor</i>	BALDACCI
	<i>Action:</i>	<i>First Reading and Referral to Finance Committee Meeting of August 3, 2015</i>	
<u>15-269</u>	<u>RESOLVE</u>	<i>Accepting and Appropriating a \$602,941 Healthy Maine Partnership Grant from the Maine Department of Health and Human Services to Respond to Public Health Issues</i>	CIVIELLO
	<i>Action:</i>	<i>First Reading</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015

UNFINISHED BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
<u>15-227</u> <u>ORDINANCE</u>	<i>Amending Map Entitled “Downtown Parking Management District” by Creating Three 15 Minute Parking Spaces</i>	PLOURDE
	<i>Action: Motion made and seconded to Postpone Indefinitely Passed</i>	
<u>15-245</u> <u>ORDINANCE</u>	<i>Amending Schedule VI of Chapter 291, Article III, Sec. 38 of the Code of the City of Bangor - Removing Handicapped Parking on Union Street - Map 33, Lot 29</i>	CIVIELLO
	<i>Action: Motion made and seconded for Passage Vote: 9 – 0 Councilors Voting Yes: Baldacci, Blanchette, Civiello, Faircloth, Graham, Nealley, Plourde, Sprague, Durgin Councilors Voting No: None Passed</i>	
<u>15-246</u> <u>ORDINANCE</u>	<i>Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor</i>	BALDACCI
	<i>Action: Motion made and seconded to Refer to the Business and Economic Development Committee meeting of August 18, 2015 and to move back to the City Council meeting of November 23, 2015 Motion Doubted Vote: 6 – 3 Councilors Voting Yes: Baldacci, Blanchette, Faircloth, Graham, Sprague, Durgin Councilors Voting No: Civiello, Nealley, Plourde Motion Passed</i>	
<u>15-247</u> <u>RESOLVE</u>	<i>Accepting and Appropriating \$155,369 for the Supplemental Nutrition Education Grant Program (SNAP ED)</i>	PLOURDE
	<i>Action: Motion made and seconded for Passage Passed</i>	
<u>15-248</u> <u>RESOLVE</u>	<i>Accepting and appropriating a grant in the amount of \$879,890 from the Federal Aviation Administration and \$48,883 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 68 at Bangor International Airport (BGR)</i>	SPRAGUE
	<i>Action: Motion made and seconded for Passage Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
LIQUOR LICENSE: (CLASS X)	Application for Liquor License renewal Malt, Spirituous, Vinous of The Main Tavern d/b/a The Main Tavern, 122 Main Street	BLANCHETTE
	Action: Motion made and seconded for Approval Approved	
PUBLIC HEARING:	Application for a Special Amusement License renewal of Bangor Motor Inn Corporation d/b/a Bangor Motor Inn and Suites and Conference Center, 713 Hogan Road	BLANCHETTE
	Action: Motion made and seconded to Open Public Hearing Public Hearing Opened Motion made and seconded to Close Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved	

ATTEST: 
Lisa J. Goodwin, MMC, City Clerk

FINANCE COMMITTEE MINUTES

July 27, 2015 @ 5:15 PM

Councilors in Attendance: Sprague, Baldacci, Civiello, Graham, Nealley, Durgin

Staff in Attendance: Cyr, Moore, Theriault

1. Bids/Purchasing

- a. Sewer Maintenance Bldg Renovation – WWTP – Dunbar & Brawn - \$209,121
Moved and seconded to recommend award of the contract to the full Council. Motion passed unanimously

- b. Flow Meter Monitoring – WWTP – ADS - \$108,756
Moved and seconded to recommend execution of contract to the full Council. Motion passed unanimously.

2. Execution of Utility Receivable Agreement with the Maine DOT for furnishing and installing a gravity flow sanitary sewer line in the amount of \$55,781 to be paid out of the sewer fund and constructed in conjunction with the removal of Webster Avenue Bridge.

Motion made and seconded to reimburse the State for this work being done as part of the larger construction project. Motion passed unanimously.

3. Electricity Supply – Maine Power Options

Motion made and seconded to execute a two year contract for certain medium service accounts at a fixed rate of .0675/kwh. Motion passed unanimously.

FINANCE COMMITTEE MINUTES

August 3, 2015 @ 5:15 pm

Councilors in Attendance: Sprague, Nealley, Civiello, Faircloth, Graham, During, Plourde

Staff in Attendance: Cyr, Conlow, Dawes, Willette

1. Consent Agenda

- a. Report of Bids Awarded by Staff – July 2015
Motion made and seconded to accept report. Motion passed unanimously.
- b. Used Vehicle Purchases
Motion made and seconded to accept report. Motion passed unanimously.

2. Bids/Purchasing

- a. Sidewalk Tractor (Plow) – Public Works – H.P. Fairfield - \$103,840
Motion made and seconded to recommend award of contract to full Council. Motion passed unanimously.
- b. Plow Equipment/Truck Bodies – WWTP/Public Works – H.P. Fairfield - \$247,398
Motion made and seconded to recommend award of contract to full Council. Motion passed unanimously.
- c. Cab & Chassis (Plow) – Public Works – Daigle & Houghton - \$162,874
Motion made and seconded to recommend award of contract to full Council. Motion passed unanimously.
- d. Request to Waive Bid Process - Band Shell Risers – Parks & Recreation – Wenger Corporation - \$13,954
Motion made and seconded to award contract as recommended. Motion passed unanimously.

3. Council Order 15-267, General Obligation Bond Issue \$1,739,000

Members reviewed the list of approved FY 16 projects to be funded with the proceeds of the bond issue including streets, WWTP infrastructure improvements, plow truck, electrical bucket truck and bus replacement. Motion made and seconded to recommend passage to the full Council. Motion passed unanimously.

4. Council Order 15-268, State Revolving Loan Fund General Obligation Bond Issue \$3,870,000

Members reviewed the list of approved FY 16 projects to be funded with the proceeds of the bond issue. It was noted that WWTP projects in excess of \$400k - \$500k are recommended for inclusion in this issue, as specific additional requirements must be complied with in order to utilize the State Revolving Loan Fund (i.e. application, DEP approval, Davis Bacon Wage and Buy America provisions, etc). Motion made and seconded to recommend passage to the full Council. Motion passed unanimously.

Meeting Adjourned at 5:33 pm

Government Operations Committee

Monday, July 20, 2015

Minutes

Councilors Present: Civiello, Blanchette, Baldacci, Graham, Plourde, Nealley
Staff Present: Conlow, Farrar, Willette, Comstock, Higgins, Riitano, Wardwell
Others Present: media, Steven Hicks

Committee Chair Civiello called the meeting to Order at 5:15

Consent Agenda

1. Election Ballot for Maine Municipal Association Vice President and Executive Committee members for year beginning January 1, 2016.
2. Resolve, Accepting and Appropriating a \$602,941 Healthy Maine Partnership grant from the Maine Department of Health and Human Services to Respond to Public Health Issues.
3. Execution of Memorandum of Understanding with the Penobscot County Sheriff's Office regarding the Transfer of Office of Substance Abuse/Public Health and Community Services grant funds in the amount of \$4,000 to combat Underage Drinking.

All three consent agenda items were moved for passage by Councilor Baldacci, seconded by Councilor Blanchette and unanimously recommended for approval.

Regular Agenda

4. Acceptance of \$4,000 Donation from the Cole Land Transportation Museum to assist with the purchase of Risers for the Bangor Band Performance Shell.

Director Willette detailed the recent donation of \$4,200 from the Cole Land Transportation Museum to assist with the purchase of risers for use in conjunction with the Bangor Band and the portable performance shell. It was moved by Councilor Baldacci, seconded by Councilor Plourde to recommend acceptance of the donation to the full Council. Unanimous vote.

5. Referral: Council Ordinance 15-245, Amending Schedule VI of Chapter 291, Article III, Sec. 38 of the Code of the City of Bangor- Removing Handicapped Parking on Union Street – Map 33, Lot 29.

Public Works Director Wardwell explained that these two handicapped parking spaces were no longer needed as the business that had requested them was no longer in operation. The former owner was in agreement with their removal. It was moved by Councilor Baldacci,

seconded by Councilor Plourde and voted unanimously to recommend approval of Ordinance 15-245 to the Council.

6. Fire Department Training Facility Status Report and Recommendations.

Chief Higgins presented an overview of the condition of the Fire Department Training facility located off the Odlin Road near BIA. The Chief recommended a series of actions to begin the process to rehabilitate the facility, with an estimated cost of \$82,500. Included are soliciting commitments and financial support from a variety of sources and fire service partners in order to share in the cost of renovating the facility and providing for on-going maintenance and upkeep. The facility has been deemed unsafe for live fire training. It was moved by Councilor Plourde and seconded by Councilor Baldacci to recommend to the full Council the action steps outlined by the Chief and approval to move forward with the project. A Council Order will be prepared outlining the details and the various action steps, including permission to solicit funds, goods and services by the Chief and his designees.

7. Consideration of alternate recommendation in lieu of proposed Neighborhood Advisory Committee.

Councilor Civiello explained her original concept of establishing a Neighborhood Advisory Committee. After meeting with staff, she has revised her initial approach and is willing to support the concept of a series of Neighborhood listening meetings. City Manager Conlow and Councilor Civiello explained the concept. There will be four meetings in different sections of the city, probably in school facilities. While originally suggested for September through December, after discussion, it was decided that two meetings in each of September and October would be better. The City Manager will check with the School Department on available dates, and report back to the Committee at the next meeting.

8. Proposed Minimum Wage Ordinance Discussion- Council Ordinance 15-246

Committee members present had considerable discussion about the proposed Ordinance. The Committee discussed a variety of possible amendments including tipped employees, the effective date, whether the ordinance should apply to all employers, or just those with 4 or more employees, and whether it should apply to all employees, or just those 18 years old and older. The Committee also discussed the impact of the wage increase on employers, including the city, the impact/cost of enforcement, whether this should be handled locally or on a state wide basis, whether Councilors had sufficient information to make a decision, and the possibility/impact of an upcoming statewide referendum, among other topics. Following the discussion, Councilor Civiello made motion, and Councilor Nealley seconded to table the item for two weeks. The vote failed 2 in favor (Civiello, Nealley), and 3 opposed (Baldacci, Blanchette, Plourde). Accordingly, the item will be returning to the full Council on July 27th for consideration.

With no further business to come before the Committee, the meeting was adjourned at 7:20.

Government Operations Committee

Minutes

August 3, 2015

Councilors Attending: Civiello, Plourde, Sprague, Durgin, Nealley, Graham, Faircloth

Staff Attending: Conlow, Farrar, Heitmann, Hamilton, Goodwin

Committee Chair Civiello called the meeting to order at 5:35

1. Consideration of elimination of the Urban Renewal Authority as a standing city Commission

City Solicitor Heitmann explained the function and history of the Authority, and reported that it had not been active nor met for many years. The first step in the process to dissolve the Authority will be to meet with them, and then take necessary actions for the Council to accept a conveyance from the Authority of whatever rights the Authority has in any property it ever conveyed, and then to abolish the Authority. It was moved by Councilor Plourde, seconded by Councilor Sprague, and voted to accept staff recommendation on the process outlined to abolish the Urban Renewal Authority.

2. Review of dates, times and locations for upcoming Neighborhood Listening Sessions.

City Manager Conlow outlined tentative dates (Thursday evenings -- Sept. 10 and 24, and Oct. 8 and 22), and locations (Doughty School, Cohen School, Downeast School, and Mary Snow School). She also outlined the format of the meetings and the meeting time, which will be 7:00pm to 9:00pm. She noted that she will plan to facilitate the meetings, they will be publicized in advance, and a number of key staff personnel will be attending. It was moved by Councilor Plourde, seconded by Councilor Sprague and voted to accept the City Manager's outline for the meetings as presented.

3. Request for Bangor Public Health and Community Services to be the provider for children attending Head Start without a provider.

Director Hamilton explained the request for Health and Community Services to provide blood lead and anemia screenings to children in Head Start or early head start who have levels above certain thresholds, and who do not have a medical provider. It is anticipated that this would be a fairly small number and would take a minimal amount of time. Director Hamilton indicated that the attached Memorandum of Understanding was required to establish the working procedures between her department and Penquis Child Development. It was moved by Councilor Sprague, seconded by Councilor Plourde and voted to approve the Memorandum of Understanding between the parties.

4. Political Signs

City Solicitor Heitmann provided background information and a detailed explanation concerning what the law permits and does not permit with respect to the regulation of political signs. Signs located on

public rights of way can be regulated with respect to size, height, location, and safety with objective criteria. The discussion did not involve the placing or regulation of signs on private property. Signs cannot be completely banned on public rights of way as this would violate free speech protections. All Councilors spoke regarding their thoughts pertaining to political signs and several relayed concerns that had heard from the public. Heitmann indicated that more objective criteria would be easier to enforce and would be less likely to generate an appeal, while more subjective criteria would be more difficult to enforce and more likely to result in an appeal of any adopted ordinance. Councilors spent considerable time discussing and debating sign height and size, as well as various locations where signs created safety concerns including medians and traffic islands around the city. Councilors also discussed the use of esplanades for signs and whether sign should be permitted around the perimeters of parks, within the public rights of way. (Under the City's current Ordinance, signs are not allowed in City Parks). After further review and discussion, it was moved by Councilor Plourde and seconded by Councilor Nealley to table the item until a Councilor prepares a draft plan with specific regulating criteria and returns to the Committee. The vote was 3 in favor (Civiello, Plourde, Nealley) and 2 opposed (Durgin, Graham).

With no further business to come before the Committee, the meeting was adjourned at 7:10.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, May 5, 2015 5:15 PM
City Council Chambers

Minutes

Committee Members Present: Chair Baldacci, Councilor Civiello, Councilor Blanchette, Councilor Faircloth, Councilor Nealley, Councilor Durgin, Councilor Graham, Councilor Sprague and Councilor Plourde

City Staff Present: Steve Bolduc, Cathy Conlow, Norm Heitmann, Jeremy Martin, Paul Nicklas, Caitlin Brooke, Jeff Wallace

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

1. PUBLIC HEARING – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2015 through June 30, 2016 and the Eligible Uses of Community Development Funds

It was moved, seconded and unanimously approved to open the Public Hearing. Steve Bolduc, Economic Development Officer, discussed the eligible uses of Community Development Funds and the amount of funds the City expects to receive through June 30, 2016. Mr. Bolduc indicated that Staff recommended that the Committee recommend approval to the full City Council.

The public hearing was opened up for comments from the audience. One person asked what the definitions of low and moderate income and blight were. City Manager Cathy Conlow explained that those definitions are established by the Federal Community Development Block Grant program. The City uses the same definitions.

No one else from the audience spoke. It was moved, seconded and unanimously approved to close the public hearing.

Councilor Graham moved Staff recommendation to send this to the full Council at its next meeting. The motion was seconded by Councilor Nealley. The motion passed as it was not doubted.

2. Metered Parking in Adler Lot

City Manager Cathy Conlow explained that the Adler Lot, which is located across from the Federal Building on Harlow Street, allows for two hours of free parking

Monday thru Friday from 8 a.m. to 5 p.m. Staff is recommending a pay by space metered system in the Alter Lot to facilitate proper use of the lot as a short term parking lot for the patrons of the Margaret Chase Smith Federal Building. Because the lot is often full with the same cars all day, patrons of the Social Security Administration (who are often disabled or elderly) are being forced to park farther away from the building. Implementing a pay by space system would provide more available parking for them.

Councilor Graham moved Staff recommendation. Councilor Plourde seconded the motion. The motion passed as it was not doubted.

3. Metered Parking Downtown

Caitlin Brooke explained that the Downtown Parking Advisory Committee did a comprehensive review of the available options to address car shuffling in downtown. The Committee is recommending metered parking using kiosk-like machines on a pay by space system on Main Street, Central Street, Hammond/State Streets and Exchange Street. Staff requested that the Committee indicate whether or not it supports this concept and whether or not Staff should pursue cost estimates for the proposed kiosk type machine.

Councilor Plourde indicated that because of the demand for parking and if the City continues to grow there will be a future need for an additional parking garage. Revenue from these meters could be reserved towards the cost of a new parking garage.

Councilor Graham gave an overview of the discussions of the Downtown Parking Advisory Committee. He said that there is a current problem with car shuffling.

Councilor Sprague indicated that he did not feel that there was a parking issue at the present time and that car shuffling could be addressed by other measures other than meters.

Councilor Blanchette indicated that forty years ago when there was metered parking in the downtown Bangor was flourishing. Prior to the Bangor Mall opening Freese's, Grants, Sears, and Cortel Segals, etc. were open. Councilor Durgin added that while there weren't as many restaurants and nightlife then, there were more retail stores.

Councilor Civiello felt that the Committee should be looking at all of the parking cost estimates including license plate readers and not just for the kiosks for metered parking.

Councilor Faircloth indicated that he was in favor of license plate readers.

Chair Baldacci opened the discussion up to the audience. Several People spoke in opposition. Amy Baker (from the Hammond Street Senior Center) indicated that she is against the proposed \$1.00 per hour parking. She said that for those people who use the exercise facility at the Senior Center it would discourage them from using their facility. They do provide on-site parking but it is not enough. They also shuttle people who intend to stay longer either the morning or the afternoon from Hollywood Slots.

Peter Ramsay who is a resident of downtown, and Mr. Freeman, a business owner, also spoke in opposition.

Councilor Graham moved for Staff to pursue cost estimates for the kiosks for metered parking. Councilor Plourde seconded the motion. The Board voted two in favor and three opposed: Councilors Graham and Plourde voted in favor of the motion and Councilors Baldacci, Nealley and Civiello (voting in the absence of Councilor Faircloth) voting against.

4. Creation of a Task Force Regarding Broadband Communications Services in Bangor.

Chair Baldacci explained that Staff is recommending the creation of a Task Force for Broadband Communications Services in Bangor. City Manager Conlow noted that at the last meeting, the Committee approved a list of participants to serve on the Committee. Councilor Baldacci will Chair the committee and Councilor Sprague will be a committee member. Staff recommendation would be to proceed with an Order to be placed on the next City Council Agenda to establish the Committee and spell out its responsibilities.

Councilor Nealley said that he didn't want this to be government subsidized. Councilor Graham agreed. Chair Baldacci explained that the purpose of the Task Force is to promote a better business climate.

Councilor Plourde moved Staff recommendation. Councilor Civiello seconded the motion. The motion passed as it was not doubted.

5. Rural Residential & Agricultural (RR&A) District Discussion

City Manager Conlow noted that at its last meeting the City Council voted to bring this back to the BED Committee as there was some confusion about existing standards versus what was being proposed in the amendment. Assistant City Solicitor Nicklas prepared a Memo outlining existing and proposed standards.

Committee Members discussed standards. Also discussed were those landscaping businesses that have more than one business such as snowplowing, and a pending lawsuit filed by an abutting property owner against a landscaping business.

Councilor Blanchette felt that there was no need to rush this and the Committee could bring this back for discussion in a couple of weeks.

Councilor Nealley moved Staff recommendation to send this back to the City Council. The motion was seconded and the Committee voted 4 to 1 in favor of the motion. Councilor Graham voted in opposition.

**6. Executive Session – Economic Development – Lease Negotiations
1 M.R.S.A. § 405(6)(C)**

Councilor Plourde moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C). Councilor Nealley seconded the motion.

7. Committee Action on Above Item

The Committee moved Staff recommendation.

The meeting was adjourned at 7:05 p.m.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, May 19, 2015 5:15 PM
City Council Chambers

MINUTES

Committee Members Present: Chair Baldacci, Councilor Plourde, Councilor Durgin, Councilor Faircloth, Councilor Graham, and Councilor Nealley

City Staff Present: Tanya Emery, Paul Nicklas, Cathy Conlow, Steve Bolduc, Caitlin Brooke.

Councilor Plourde opened the meeting at 5:17 p.m. Chair Baldacci arrived at 5:18 and presided over the meeting.

1. REFERRAL CO 15-162 – Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Extending the Deadline for Quarries to Operate in the Rural Residence and Agricultural District.

Assistant City Solicitor Paul Nicklas explained that last year the City Council passed an Ordinance that would prohibit quarries in the Rural Residence and Agricultural District. The City worked with the one remaining quarry operator to abandon his quarry located on Union Street in the Rural Residence and Agricultural District and open up another quarry located on Outer Hammond Street in an Industrial District where they are allowed. In an agreement to move his quarry operation, the quarry operator, Randy Gardner, had requested that his present operation on Union Street remain open until June 30, 2015 in order for him to process the remaining materials in his present operation and create the new quarry on outer Hammond Street.

Mr. Gardner requested that the deadline for operation be extended until November 30, 2015 because the harsh winter prevented him from opening up the new quarry and getting it running, and also prevented him from processing rock at the old quarry.

Staff recommended the requested extension.

Martin Lloyd, 124 Yankee Avenue, asked if there would still be a quarry at the Union Street site after Mr. Gardner leaves, if there would be heavy equipment

allowed on the site, and if it would affect his property values. Mr. Lloyd noted that prior to the original blasting, photographs were taken of his house and he questioned why no follow ups have been conducted. His foundation has cracks and the perimeter drain has collapsed.

City Manager Cathy Conlow suggested that City Engineer John Theriault and Mr. Gardner follow-up on this.

Charlotte Randall, 1556 Union Street, asked if there would be any more requests for extensions and requested that prior to blasting, that notices be sent out. Mr. Gardiner indicated that there would be no more extensions.

Councilor Nealley moved Staff recommendation. Councilor Plourde seconded the motion which passed as it was not doubted.

2. Re-authorization of Bangor Center Development District Funding

Caitlin Brooke discussed with the Committee the Downtown Bangor Partnership FY 15 Budget and the Proposed FY 16 Budgets. She indicated that there are three Council Orders and two public hearings necessary to continue funding of the Bangor Center Development District through the Downtown Bangor Partnership.

The Council Orders under consideration included: 1) an Order Adopting the Municipal Development Program and Financial Plan for the Bangor Center Development District; 2) an Order – Bangor Center Development - District Establishment of Implementation Assessments; and 3) an Order Authorizing Execution of Contract with Bangor Center Management Corporation/Downtown Bangor Partnership.

Chair Baldacci recognized Downtown Bangor Partnership's beautification program and the volunteers that did adopt a garden. He suggested that there be a proclamation done recognizing their efforts.

Councilor Nealley opened the Public Hearing on the Municipal Development Program and Budget for the Bangor Center Development District. Councilor Plourde seconded the motion. Committee Members and Staff discussed the proposed budget. No one from the audience spoke. Councilor Plourde moved to close the Public Hearing. That motion was seconded by Councilor Faircloth, and it passed as it was not doubted.

Councilor Plourde moved to open the Public Hearing on the Establishment of Implementation Assessments for the Bangor Center Development District. Councilor Faircloth seconded the motion. No one from the audience spoke in opposition. Councilor Plourde moved to close the Public Hearing. Councilor Faircloth seconded the motion. It was a vote as it was not doubted.

Councilor Plourde moved to accept Staff recommendation on the Order adopting the Municipal Development Program and Financial Plan for the Bangor Center Development District. The motion was seconded, and it passed as it was not doubted.

Councilor Plourde moved Staff recommendation on the Order – Bangor Center Development District – Establishment of Implementation Assessments. The motion was seconded and passed as it was not doubted.

Councilor Plourde moved staff recommendation on the Order authorizing execution of a Contract with Bangor Center Management Corporation/Downtown Bangor Partnership. The motion was seconded and it also passed as it was not doubted.

Committee Members discussed taking a look at the existing district boundary, possibly expanding it, and what the process is for doing so.

3. TIGER VII Grant Application - Request for Support.

David Cole explained that he is assisting the Central Maine and Quebec Railway in partnership with other railways that serve eastern and northern Maine in pursuing a USDOT grant under the upcoming TIGER VII round. This grant application will be submitted under the umbrella of the Maine Department of Transportation (MDOT). The project will entail upgrading key segments of the region's rail infrastructure in partnership with the four private railroads that serve this area.

Mr. Cole discussed other TIGER grants that have been received and the economic benefit that this project would be to the region. The requested grant is estimated to be \$36.6 million (\$22 million in Federal TIGER funds, 14.3 million in a match from the four participating railroads and \$300,000 from MDOT for administration).

Mr. Cole indicated that the railways are formally soliciting support letters from local governments and have asked the City of Bangor to consider such a letter.

Councilor Durgin indicated that he was very supportive and felt that it was an economic development opportunity.

Committee Members expressed their support. City Manager Cathy Conlow indicated that a Resolve would be prepared for the City Council's next meeting on May 27th directing the City Manager to submit a letter in support.

4. Pine Tree Inn Tentative Developer Extension

Economic Development Officer Steve Bolduc explained that John Karnes, with R & K Construction, has requested an extension of his Tentative Developer agreement for the redevelopment of the Pine Tree Inn. While much progress has been made, there are a few issues that remain unsettled. Staff recommended a 60-day extension to July 29, 2015 to address these.

Councilor Graham moved Staff recommendation. Councilor Plourde seconded the motion which carried as it was not doubted.

The meeting adjourned at 6:59 p.m.

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, June 2, 2015 5:15 PM
City Council Chambers

MINUTES

Committee Members Present: Chair Baldacci, Councilor Civiello, Councilor Durgin, Councilor Nealley, Councilor Faircloth, and Councilor Plourde

City Staff Present: Tanya Emery, Steve Bolduc, Jeremy Martin, Tyler Collins, Paul Nicklas, Cathy Conlow

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

1. Pine Tree Inn Redevelopment

Steve Bolduc, Economic Development Officer, discussed the highlights of the Developer's Agreement between the City and John Karnes for redevelopment of the Pine Tree Inn. Mr. Bolduc indicated that the agreement included a \$10,000 purchase price, \$900,000 in reinvestment, and for review of the site plan and building improvements by the Business and Economic Development Committee. The City will agree to fund improvements to Cleveland Street, and repaving portions of Cleveland Street and Venture Way by using CDBG Funds (which is an eligible activity). Staff recommended approval.

Councilor Nealley moved Staff recommendation and that it be forwarded to the full Council for consideration. Councilor Graham seconded the motion. No one doubted the motion and, therefore, it passed.

2. Dangerous Building – 44 Patten

Paul Nicklas, Assistant City Solicitor, explained that 44 Patten Street burned in a fire in July of 2013. Because it is a dangerous building, Staff wishes to use the State's process in order to demolish it. Mr. Nicklas discussed the State's dangerous building process for demolishing dangerous buildings. Staff recommended that the Committee recommend to the full Council an Order declaring the structure at 44 Patten Street to be a dangerous building and authorizing its demolition.

Committee Members had questions as to whether or not there were matured liens on the property, if the property owner(s) had been given notice, and if the owner(s) owned other properties in the City. Code Enforcement Officer Jeremy Martin indicated that they did not own other property. Mr. Nicklas indicated that the building was condemned and placarded and in September 2014 the owner(s)

and all others with an interest in the property (including several lenders) were given 120 days to rehabilitate or demolish it. No attempts were made to do so.

Councilor Graham moved Staff recommendation. Councilor Plourde seconded the motion. The motion was not doubted and passed unanimously.

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

At 5:30 p.m. Councilor Plourde moved to enter Executive Session under 1 M.R.S.A. § 405(6)(C). Councilor Graham seconded the motion, which passed unanimously.

Councilor Faircloth moved to exit Execution Session.

4. Committee Action on Above Item

Councilor Graham moved Staff recommendation. Councilor Faircloth seconded the motion which passed as it was not doubted.

The meeting was adjourned at 5:42 p.m.

COUNCIL ACTION

Item No. 15-270

Date: August 10, 2015

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 7 I Street, Birch Hill Estates (Map B39, Lot 2).

Responsible Department: Legal

Commentary:

Real estate tax liens matured on the property of Dail Ann Hersey and Dana Gray of 7 I Street, Birch Hill Estates. Ms. Hersey and Mr. Gray are in the process of selling this property. All outstanding charges due the City will be paid at the time of closing. There are no outstanding sewer charges 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

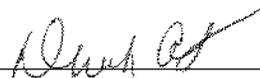
Manager's Comments:



City Manager
AS7

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 7 I Street, Birch Hill Estates (Map B39, Lot 2).

By the City Council of the City of Bangor:

ORDERED, that 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 real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 12852, Page 178, Book 13223, Page 216, Book 13562, Page 205 and Book 13908, Page 83. Said deed shall be directed to Dail Ann Hersey and Dana M. Gray in final form approved by the City Solicitor or Assistant City Solicitor.

Date: August 10, 2015

Item/Subject: **ORDER, Authorizing Contract for the Purchase of Single Axle Cab & Chassis from Daigle & Houghton in the amount of \$162,874**

Responsible Department: **Fleet Maintenance**

Commentary:

On July 22, 2015, the City received three (3) bids for the purchase of a single axle cab and chassis. The bid prices ranged from \$159,122 to \$165,224 (see attached bid tabulation).

Staff recommendation is to award the contract to the low responsive bidder Daigle & Houghton, in the amount of \$162,874. The lowest bid did not meet specifications in that the vehicle was too light, that bid was an option submitted by Daigle & Houghton. This cab and chassis will be used in conjunction with plow equipment and truck bodies which were bid separately. The completed assembly will result in two trucks that can be used as plow trucks or catch basin cleaner.

This bid was reviewed and recommended for approval at the Finance Committee meeting of August 10, 2015.

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

Department Head

Manager's Comments:


Asst
City Manager

City Manager

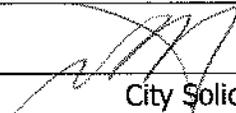
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage - Consent
- First Reading
- Referral

Assigned to Councilor Civiello



CITY OF BANGOR

**(TITLE.) Order, Authorizing Contract for the Purchase of Single Axle Cab & Chassis
from Daigle & Houghton in the amount of \$162,874**

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Daigle & Houghton in the amount of \$162,874 for the purchase of single axle cab & chassis.

City of Bangor Bid Tabulation
 Bid No.: B16-002: Single Axle Cab & Chassis
 Bid Opening: 07/22/15

Item	Description	Qty.	Frieightliner of Maine, Inc. Bangor, ME		Daigle and Houghton, Inc. Hermon, ME		Daigle and Houghton, Inc. Hermon, ME	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Cab & Chassis	2	\$82,612.00	\$165,224.00	\$79,560.95	\$159,121.90	\$81,437.09	\$162,874.18
	Total Base Price:			\$165,224.00		\$159,121.90		\$162,874.18
	Year/Make/Model		2016 Freightliner 108SD		2016 International 7300 SBA		2016 International 7400 SBA	
	Year/Make/Model		2016 Freightliner 108SD		2016 International 7300 SBA		2016 International 7400 SBA	
	Extended Warranty		5-7 year \$3,130		Optional/Varies		Optional/Varies	
	Earliest Delivery:		16 weeks (chassis only)		13 weeks		13 weeks	

COUNCIL ACTION

Item No. 15-272

Date: August 10, 2015

Item/Subject: ORDER, Authorizing Contract for the Purchase of Plow Equipment & Truck Bodies from HP Fairfield in the amount of \$247,398

Responsible Department: Fleet Maintenance

Commentary:

On July 22, 2015, the City received one (1) bid for the purchase of plow equipment and truck bodies in the amount of \$247,398 (see attached bid tabulation).

Staff recommendation is to award the bid to H.P. Fairfield in the amount of \$247,398, the low and sole bidder. This bid was designed to provide equipment for both stormwater (catch basin cleaning) and plow activities. Accordingly, it was required to be stainless steel. It is the opinion of the Fleet Maintenance Supervisor the price bid is competitive even though it was the sole bid. The total bid amount is below the budgeted amount.

This bid was reviewed and recommended for approval at the Finance Committee meeting of August 10, 2015.

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

Department Head

Manager's Comments:

Asst

City Manager

Associated Information:

Budget Approval:

Finance Director

Finance Director

Legal Approval:

City Solicitor

City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Authorizing Contract for the Purchase of Plow Equipment & Truck Bodies From HP Fairfield in the Amount of \$247,398

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with H.P. Fairfield in the amount of \$247,398 for the purchase of plow equipment and truck bodies.

City of Bangor Bid Tabulation
 Bid No. B16-001: Plow Equipment & Truck Bodies
 Bid Opening: 7/22/15

				HP Fairfield Skowhegan, ME	
Item	Description	Quantity	Unit	Unit Price	Total Price
1	Plow Equipment & Truck Bodies	2	Each	\$123,699	\$247,398
				Plow: American 3911 P1SA RR 85	
				Body: Stainless Steel	
				Hydraulics: Hot Shift PTO	
				Catch Basin Cleaner: Stetco 950T/13	
				Onboard Grease System: Interlube	
Total Bid Amount:					\$247,398

COUNCIL ACTION

Item No. 15-273

Date: August 10, 2015

Item/Subject: ORDER, Authorizing Contract for the Purchase of a Sidewalk Tractor from HP Fairfield in the amount of \$103,840.00

Responsible Department: Fleet Maintenance

Commentary:

On July 22, 2015, the City received three (3) bids for the purchase of a sidewalk tractor. The bid prices ranged from \$99,525 to \$130,250 (see attached bid tabulation).

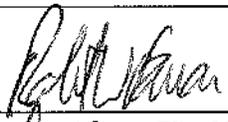
Staff recommendation is to award the contract to H.P. Fairfield, the lowest responsive bidder in the amount of \$103,840.00 which is below budget. The lowest bid did not meet specifications; the cab did not meet noise level requirements (which require operators to wear hearing protection), it did not have a fuel management system nor does it have a driver interlock seat (i.e. could remain running when driver leaves seat). The recommended equipment is a Trackless, which the City currently has five of thereby providing consistency within the fleet from an operational and maintenance standpoint.

This bid was reviewed and recommended for approval at the Finance Committee meeting of August 10, 2015.

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

Department Head

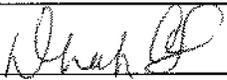
Manager's Comments:



Ass't City Manager

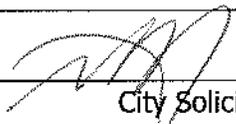
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Order, Authorizing Contract for the Purchase of a Sidewalk Tractor from HP Fairfield in the amount of \$103,840.00

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with H.P. Fairfield in the amount of \$103,840 for the purchase of a sidewalk tractor (plow).

City of Bangor
Bid Tabulation
Bid No.: B16-003: Sidewalk Tractor
Bid Opening: 07/22/15

Item	Description	Team Eagle Tilton, NH Total Price	HP Fairfield Skowhegan, ME Total Price	Beauregard Equipment, Inc. Hermon, ME Total Price
1	Sidewalk Tractor	\$145,250.00	\$111,840.00	\$110,025.00
2	Less:trade-in for 2000 Trackless	\$15,000.00	\$8,000.00	\$10,500.00
	Total Bid Amount	\$130,250.00	\$103,840.00	\$99,525.00
	Optional Extended Warranty	2 YR \$2,500	\$8,000	5YR \$2,350
	Year/Make/Model	2015 Multi Hog	2015 Trackless	2015 MacLean
	Estimated Delivery Time After Receipt of Order	110 Days	November	45-60 Days

COUNCIL ACTION

Item No. 15-274

Date: August 10, 2015

Item/Subject: Order, Accepting an \$11,758.00 Amendment to the WIC Nutrition Program Grant

Responsible Department: Public Health & Community Services

Commentary:

The Order will accept an additional \$11,758.00 in WIC funds for FY 15, which covers the period from October 1, 2014 through September 30, 2015. The original grant amount was \$550,703 for administration of the program, \$2,415,000 for food assistance to clients, and \$2,000.00 to administer the Farmers' Market Nutrition Program. This additional \$11,758.00 is operational adjustment funds to support the current level of WIC participation at 3,300 participants per month. Staff recommends approval.

Department Head

Manager's Comments:



Ass't City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage (Consent)**
- First Reading**
- Referral**

Page __ of __

Assigned to Councilor Civiello



CITY OF BANGOR

(TITLE.) Order, Accepting an \$11,758.00 Amendment to the WIC Nutrition Program Grant

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

The City Manager is hereby authorized to accept the administrative grant funds from the WIC Nutrition Program to support the current level of WIC participation in the amount of \$11,758.00.

COUNCIL ACTION

Item No. 15-275

Date: August 10, 2015

Item/Subject: ORDER, Authorizing Execution of Test Boring Agreement FGS/CMT, Inc.

Responsible Department: Legal

Commentary:

The City owns two parcels of land that are potential development sites. A potential developer has expressed interest in the sites subject to results of test borings and has retained the services of FGS/CMT, Inc.

This Order, if approved, will authorize the execution of an agreement with FGS/CMT, Inc. to two test borings on two city parcels of land.

Department Head

Manager's Comments:

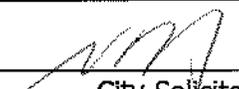

City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __

Assigned to Councilor Faircloth



CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Test Boring Agreement FGS/CMT, Inc.

WHEREAS, the City owns two parcels of land that are potential development sites; and

WHEREAS, a potential developer has expressed interest in the sites subject to results of test borings; and

WHEREAS, FGS/CMT, Inc. has been retained by a potential to do the test borings.

By the City Council of the City of Bangor:

ORDERED,

THAT Robert W. Farrar, Assistant City Manager, is hereby authorized, on behalf of the City of Bangor to execute an agreement with FGS/CMT, Inc. to do test borings on two City parcels. Said agreement shall be in final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 15-276

Date: 8-10-2015

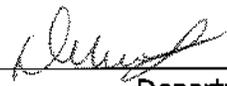
**Item/Subject: Resolve, Ratifying Execution of Electricity Supply Contract(s) with
Maine Power Options**

Responsible Department: Finance

Commentary: This order would ratify the actions taken by staff to execute the contract with Maine Power Options (MPO) for certain medium service electrical accounts that expire November 1, 2015. For a number of years, the City of Bangor has been a member of MPO, which is an energy purchasing consortium that serves local governments and non-profit organizations in Maine. Under the current medium service contracts the City pays a rate of .0661/kwh for supply costs.

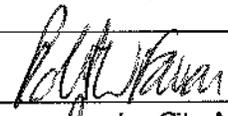
In recent years, the energy market has been highly volatile, partially driven by significant changes in Natural Gas costs. On Monday, July 27, 2015 MPO provided pricing options available for the above described accounts. The recommendation was to contract for a two year period for a cost of .0675/kwh for supply. The alternative was to allow those accounts to revert to the standard offer. The current prices for November through December range from .06846 - .09605/kwh, which was significantly higher than we are paying. The reason to enter into a month by month bid would be to wait and see if the electrical supply costs decrease. Unfortunately, with the volatility of the market tied to the price of natural gas, there are no guarantees at this time that the rates will be lower.

Due to the time sensitive nature of utility bidding, the actual acceptance of any pricing offer must occur within 24 hours of its offering. Therefore, based on the recommendation of the Finance Committee the contract was executed. This recommendation was reviewed and approved by the Finance Committee on July 27, 2015.



Department Head

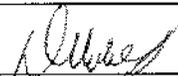
Manager's Comments:



Asst City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) Resolve, Ratifying Execution of Electricity Supply Contract(s) with Maine Power Options

By the City Council of the City of Bangor:

ORDERED, THAT the execution of electricity supply contracts with Maine Power Options to fix electricity supply costs for the period beginning 11/1/2015 is hereby ratified.

COUNCIL ACTION

Item No. 15-277

Date: 8-10-2015

Item/Subject: **Resolve** Ratifying Staff Action for Submitting Grant Applications to the Maine Department of Environmental Protection for Funding of Culvert Crossing, State Street/Woodlawn Brook

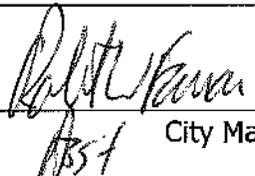
Responsible Department: Engineering

Commentary:

Staff submitted an application to the Maine Department of Environmental Protection on July 14, 2015 to obtain funding to replace an existing stream crossing culvert at Woodlawn Brook and State Street (Route 2). Both the inlet and outlet of the box culvert show signs of erosion and exposure of concrete reinforcement. The culvert headwalls supporting the highway have significant cracking and the guard rail above the headwalls is damaged and does not provide the adequate protection to divert errant motor vehicles. The total project estimate is for 152,311.80, of which, the City is requesting 95,000.00 to assist with this project. The application deadline for filing the applications was July 15, 2015. This item was reviewed and recommended for approval by the Infrastructure Committee on July 28, 2015.

John Theriault, PE
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

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

Page **of**

15-277
AUGUST 10, 2015

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) Resolve, Ratification of Staff Actions for Submitting Grant Application to the Maine Department of Environmental Protection for Funding of Culvert Crossing, State Street/Woodlawn Brook

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

That the actions of John Theriault, City Engineer, for the submission of a Grant Application to the Maine Department of Environmental Protection for Culvert Crossing at State Street/Woodlawn Brook are hereby ratified and affirmed.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 15-278

Date: August 10, 2015

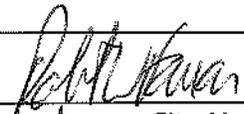
Item/Subject: **ORDINANCE**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Instituting a Pre-Application Meeting for Major Projects

Responsible Department: Community and Economic Development

Commentary: This ordinance amendment would provide for a pre-application meeting for certain large development projects. The purpose of the meeting would be to identify potential development issues prior to Planning Board, with the goal of avoiding potential pitfalls later in the development process. Many of the larger development projects that come before the City, including major site developments and subdivisions, are complex. A large number of federal, state, and local requirements often need to be met for these projects to be approved. City departments, including Planning, Engineering, Fire Prevention, and others, can often identify potential issues to address early in the development process. This item was reviewed at the BED meeting of August 4, 2015.

Department Head

Manager's Comments:



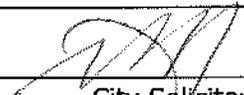
Asst. City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the Planning Board on August 18, 2015

Assigned to Councilor Baldacci



CITY OF BANGOR

ORDINANCE, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor,
By Instituting a Pre-Application Meeting for Major Projects

WHEREAS, many of the larger development projects that come before the City are complex, and need to meet various federal, state, and local requirements and regulations;

WHEREAS, such projects can often be expedited if potential issues are identified and addressed early in the development process;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Section 165-112 of the Code of the City of Bangor be amended as follows:

§ 165-112. Submittal requirements.

...

C. Pre-application Meeting

- (1) All applicants for Major Subdivisions, Mobile Home Parks or Major Site Developments are required to attend a pre-application meeting.
- (2) A pre-application meeting is for review of basic submission requirements for a project, applicable permits and permitting standards. Prior to the meeting, the applicant must submit to the Planning Department a conceptual plan for evaluation of the critical issues involved, such as, where applicable, traffic, parking, stormwater, utilities, building location, and setbacks and buffer yards. Completed designs are not required at that time. A pre-application meeting is not a public hearing. A pre-application meeting does not vest rights to applicable permits in the applicant.
- (3) The applicant or his or her agent shall attend to provide background on the project and answer any questions of City staff.
- (4) Scheduling of a pre-application meeting.
 - (a) The timing and schedule of pre-application meetings shall be based on a regular schedule in advance of applicable Planning Board Meetings as determined by the Director of Community and Economic Development. Applicants and/or their representatives shall be notified of the date and time of the meeting.

(b) Nothing in this section shall prohibit any applicant or their representative from meeting with City staff independently of the pre-application meeting.

(5) Documentation of meeting and conclusions

(a) A member of the City staff shall document at the pre-application meeting key elements of the project, permits to be required and issues to be addressed. A meeting record shall be distributed to all parties present for comment and/or adjustment. Any office which does not attend a pre-application meeting may provide comments to the meeting record.

(b) If any significant changes in the project details are made after the pre-application meeting, the applicant must notify the Planning Director and any other City departments or divisions who attended the pre-application meeting.

(6) Notwithstanding other provisions of this Chapter, the Planning Director or his or her designee may refrain from placing an application on the agenda of the Planning Board upon the failure of an applicant or their representative to attend a pre-application meeting, or if the applicant makes significant changes to the project after the pre-application meeting.

(7) The Director of Community and Economic Development or his or her designee may, at his or her sole discretion, waive the requirement for a pre-application meeting where the elements of the project are simple, straightforward and do not warrant such advance planning.

Additions are underlined, deletions ~~struck through~~.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 15-265

Date: July 27, 2015

Item/Subject: **ORDINANCE**, Amending Map Entitled "Downtown Parking Management District" by Creating Two 15 Minute Parking Spaces on Columbia Street and Merchants Plaza

Responsible Department: Community and Economic Development

Commentary:

This ordinance amendment would designate two downtown parking spaces as 15 minute parking spaces, one in Merchants Plaza, across from the top of Bangor Alley, and one on Columbia Street, across the street from the Columbia Street Baptist Church. These parking spaces will allow downtown businesses and residents to load and unload more easily, and be available to all downtown businesses and residents, not just those with commercial vehicles. The parking spaces are also intended to reduce the incidence of illegal parking during loading and unloading, including parking on sidewalks. This was reviewed and recommended by the Parking Committee.

Department Head

Manager's Comments:



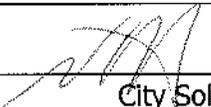
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the Business and Economic Development Committee on August 4, 2015

15-265
JULY 27, 2015



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) **ORDINANCE**, Amending Map Entitled "Downtown Parking Management District" by Creating Two 15 Minute Parking Spaces on Columbia Street and Merchants Plaza

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR, AS FOLLOWS:

THAT the map entitled "Downtown Parking Management District", referred to in City of Bangor Code Section 291-37 B, is hereby amended by designating parking spaces 308 and 2312 as "Parking limited to 15 minutes."

COUNCIL ACTION

Item No. 15-286

Date: July 27, 2015

Item/Subject: **ORDINANCE**, Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying the Procedure for Disposition of Uninhabitable Buildings

Responsible Department: Legal

Commentary: This Ordinance will amend Chapter 223, Property Maintenance, of the Code of the City of Bangor, by clarifying the procedure for disposition of uninhabitable buildings. The City Code provides a procedure for rehabilitation of uninhabitable buildings, giving the building owner 120 days from the time the building is placarded to rehabilitate the structure. Some buildings, however, are not only uninhabitable, but also unsafe, and need to be demolished or otherwise dealt with under the state Dangerous Building statute.

This ordinance amendment would clarify that the City's 120-day notice period is not necessary before proceeding under the state Dangerous Building statute (which already provides for its own notice period and 30-day appeal period). The amendment would also update the committee from which extensions are requested and define the nature of publication required for providing notice.

Department Head

Manager's Comments:



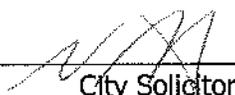
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the Business and Economic Development Committee on August 4, 2015

Assigned to Councilor Faircloth



CITY OF BANGOR

ORDINANCE, Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying the Procedure for Disposition of Uninhabitable Buildings

WHEREAS, the City Code provides a procedure for rehabilitation of uninhabitable buildings;

WHEREAS, this procedure was designed to provide a path forward for placarded buildings; and

WHEREAS, this procedure was never intended to delay the removal of dangerous buildings;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 223, Section 223-3 of the Code of the City of Bangor be amended as follows:

§ 223-3. Uninhabitable buildings.

- A. Building to be secured. After any building or structure, or any portion thereof, has been vacated and placarded by order of the Code Enforcement Officer as unfit for human habitation pursuant to the Code of the City of Bangor, or is vacant and in such condition that no residential, commercial or other authorized use could be made of the said building or structure, the Code Enforcement Officer shall require that such building or structure, or any portion thereof, be boarded up, any and all windows without glass or with broken glass be boarded up, and all doors or other openings securely fastened to prevent unauthorized entrance into said building or structure.
- B. Rehabilitation. The owner, agent, or other responsible person shall, within 120 days after a written notice given pursuant to Subsection C is served or published, rehabilitate the building or structure and make it fit for human habitation or for other authorized uses, e.g., commercial uses in commercial zoning districts, or, in the alternative, demolish said building or structure. Said one-hundred-twenty-day period may be extended by the ~~Transportation and Infrastructure Committee~~ Business and Economic Development Committee of the Bangor City Council for good cause shown, provided public health, safety, and welfare is not endangered thereby. Written application for consideration of an extension by said Committee shall be submitted to the Code Enforcement Officer.
- C. Notice. A written notice shall be served upon the owner or his or her agent, all other encumbrance holders of record, persons in possession, and persons having a recorded leasehold interest. Notice shall state the date of the placarding order and the dates by which repair must be commenced and completed. Service shall be accomplished by certified mail or first-class mail with delivery confirmation, personal service, or publication in a newspaper of general circulation in Penobscot County. If notice is served by publication, notice shall also be posted on the premises.

- D. Notice of starting work. Every person to whom a building or certificate of occupancy permit is issued shall notify the Code Enforcement Officer when actual work or repairing or demolishing said building or structure is to be commenced.
- E. Violations and penalties. The requirements of 30-A M.R.S.A. § 4452 shall apply to the determination of penalties for violations of this section. Each day a violation continues shall constitute a new violation. The minimum penalty for a specific violation of this section shall be \$100 and the maximum penalty shall be \$2,500; provided, however, that the maximum penalty may exceed \$2,500 but not exceed \$25,000 when it can be shown that there has been a previous conviction of the same party within the past two years for a violation of this section.
- F. A building need not be placarded nor the procedures of this section 223-3 be followed for the City to make use of the procedures laid out in 17 M.R.S. § 2851 et seq. for dangerous buildings.

Additions are underlined, deletions ~~struck through~~.

COUNCIL ACTION

Item No. 15-267

Date: July 27, 2015

Item/Subject: Order, Authorizing Issuance of \$1,739,000 of the City's General Obligation Bonds and a Tax Levy Therefor

Responsible Department: Finance

Commentary:

The attached Order would authorize the issuance of \$1,739,000 in general obligation bonds for the following purposes: \$359,000 for equipment replacement, \$850,000 for streets and sidewalks, \$250,000 for bus replacement; and \$280,000 for WWTP infrastructure improvements. These projects were discussed during the recently completed FY 2016 budget process.

This Order will require a Public Hearing at the August 10th City Council Meeting



Department Head

Manager's Comments:

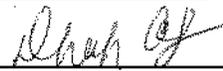


City Manager

Associated Information:

Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral – Finance Committee of 8/3/15

Page __ of __

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) Order, Authorizing Issuance of \$1,739,000 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 One Million Seven Hundred Thirty-Nine Thousand Dollars (\$1,739,000). 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	\$850,000	15 years
WWTP Infrastructure Improvements	\$280,000	15 years
Equipment (includes plow trucks and electrical bucket truck)	\$359,000	15 years
Bus Replacement	\$250,000	12 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 delivery 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.

15-267
JULY 27, 2015

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.

COUNCIL ACTION

Item No. 15-268

Date: July 27, 2015

Item/Subject: Order, Authorizing a Loan in the Amount of \$3,870,000 from the Maine Municipal Bond Bank State Revolving Fund, and the Issuance of the City's General Obligation Bonds and a Tax Levy Therefor

Responsible Department: Finance

Commentary:

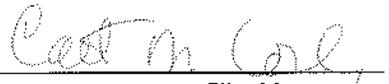
The attached Order would authorize a loan in the amount of \$3,870,000 from the Maine Municipal Bond Bank State Revolving Fund (SRF) and the issuance of the City's general obligation bonds. These funds would be used sewer infrastructure improvements discussed during the recently complete FY 2016 budget process.

The SRF program was created in 1987 by the Clean Water Act. The Environmental Protection Agency (EPA) provided all states with the seed money to capitalize this revolving loan fund. SRF funding is typically at below market rates, but does carry additional State administrative costs and processes. In addition, all bidding must comply with federal regulations such as; Davis Bacon wage rates. Borrowing through this program is most cost effective for larger combined sewer overflow type projects.

This Order will require a Public Hearing at the August 10th 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 8/3/15

Page of

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Order, Authorizing a Loan in the Amount of \$3,870,000 from the Maine Municipal Bond Bank State Revolving Fund, and the Issuance of the City's General Obligation Bonds and a Tax Levy Therefor.

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

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to borrow an amount not to exceed \$3,870,000 at any one time outstanding from the Maine Municipal Bond Bank (the "Bond Bank") pursuant to its Revolving Loan Fund program, the proceeds of which loan are hereby appropriated to pay a portion of the costs (as herein defined) of the following Projects:

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Sewer Infrastructure Improvements	\$3,870,000	25 years

THAT in furtherance of said loan, the Finance Director be and hereby is authorized and empowered, in the name and on behalf of the City, to execute and deliver, under the seal of the City attested by its Clerk and countersigned by the Chairman of the City Council, a Loan Agreement between the City and the Bond Bank, said Loan Agreement to contain such usual and customary terms and provisions, not contrary to the general tenor hereof, as the Bond Bank may require in connection with the State Revolving Loan Fund, and as the Finance Director may approve, her approval to be conclusively evidenced by the execution thereof.

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 Three Million Eight Hundred Seventy Thousand Dollars (\$3,870,000). 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.

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 Projects.

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.

THAT the following resolutions required by Section C(4)(e) of the State of Maine Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the "SRF Regulations"), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- (1) That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established.
- (2) That the Project Account shall be maintained in accordance with standards set forth by the Maine Municipal Bond Bank and in accordance with generally accepted government account standards.
- (3) That a final accounting shall be made to the Bank of the total cost of the Projects upon completion of the Projects performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bank reserves the right at its sole discretion to be provided with a cost certification of the Projects as built.
- (4) That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bank for the term of the loan.
- (5) That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bank's interest for the term of the loan with the Bank named as loss payee.
- (6) That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged.
- (7) That the City certify to the Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment.
- (8) That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bank is sufficient.

(9) That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Projects.

(10) That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine.

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.

COUNCIL ACTION

Item No. 15-269

Date: 7-27-15

Item/Subject: **Resolve**, Accepting and Appropriating a \$602,941 Healthy Maine Partnership Grant from the Maine Department of Health and Human Services to Respond to Public Health Issues

Responsible Department: Health and Community Services

Commentary: This resolve will accept and appropriate \$602,941 in funds for FY 2016 to continue implementation of the Healthy Maine Partnership Grant. Under the terms of this agreement, Bangor Health and Community Services will serve as the lead agency for Penquis Public Health District and will work to coordinate the district's infrastructure as well as implement public health strategies related to physical activity, nutrition, chronic disease management substance abuse and tobacco prevention. As lead agency, Bangor will subcontract with other Penquis District Healthy Maine Partnerships to implement public health strategies within the service areas. The attached resolve will accept and appropriate the Healthy Maine Partnership grant. This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee meeting.

Department Head

Manager's Comments:



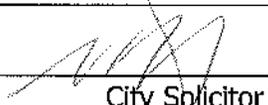
City Manager

Associated Information: Resolve

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating a \$602,941 Grant from the Maine Department of Health and Human Services, Healthy Maine Partnership Grant to Respond to Public Health Issues, including tobacco, substance use, nutrition, physical activity, and chronic disease among others.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED THAT, a \$602,941 Healthy Maine Partnership Grant from the Maine Department of Health and Human Services is hereby accepted and appropriated for FY 2016 to respond to public health issues, including tobacco, substance use, nutrition, physical activity and chronic disease among others.



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 15-279

Date: August 10, 2015

Item/Subject: Order, Authorizing Execution of a Consent Decree with the Department of Environmental Protection, Environmental Protection Agency, and Department of Justice

Responsible Department: Legal

Commentary: This Order authorizes the City Manager to execute a consent decree with Department of Justice (DOJ), Environmental Protection Agency (EPA), and the Maine Department of Environmental Protection (MDEP) in the matter of United States of America and State of Maine v. City of Bangor.

In Bangor, as in many other communities in the U.S., heavy and persistent rain can occasionally cause sewage to overflow into our streams and rivers as a result of discharges from combined stormwater and sanitary sewer overflow (CSO) points. Bangor has nine CSO points where such overflows are licensed. In 1991, the City entered into a consent decree with the federal and state governments, agreeing to take certain actions to reduce the number and size of CSO events. The City accomplished the requirements of that consent decree, but some CSO overflows still occur each year.

In 2010, recognizing there was still work to do, the City, the U.S. Environmental Protection Agency (EPA) and the Maine Department of Environmental Protection (MDEP) began negotiations regarding a new consent decree. The goal of the new consent decree is to further reduce the number and magnitude of CSO events, through a combination of maintenance and improvement of our sewer system, new controls on CSO points, separation of sanitary and storm sewer pipes, and related activities and projects, so as to better fulfill the objectives of the Clean Water Act. The parties have now reached agreement as to the final form of the consent decree. This consent decree is on file in the office of the City Solicitor and will be recorded with the US District Court.

Department Head

Manager's Comments:

Robert Stovall
City Manager

Associated Information:

Budget Approval:

William J. Sullivan
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of a Consent Decree between the City, and the United States and the State of Maine

WHEREAS, in 1991, the City entered into a consent decree with the federal and state governments, agreeing to take certain actions to reduce the number and size of combined sewer overflow (CSO) events consistent with the objectives of the Clean Water Act;

WHEREAS, the City accomplished the requirements of that consent decree, but some CSO overflows still occur each year;

WHEREAS, Bangor presently has nine licensed combined sewer overflow (CSO) points;

WHEREAS, the United States Environmental Protection Agency (EPA) is an agency of the United States of America;

WHEREAS, the Maine Department of Environmental Protection (MDEP) is an agency of the State of Maine;

WHEREAS, EPA and MDEP each have authority ensure that the objectives of the Clean Water Act are fulfilled in the State of Maine;

WHEREAS, in 2011, recognizing there was still work to do with regard to the City's CSO points, the City, EPA, and MDEP began negotiations regarding a new consent decree with the goal of better fulfilling the objectives of the Clean Water Act;

WHEREAS; the parties have now reached agreement as to the final form of the consent decree, a copy of which is on file in the office of the City Solicitor; and

WHEREAS, the goal of the new consent decree is to further reduce the number and magnitude of CSO events, through a combination of maintenance and improvement of our sewer system, new controls on CSO points, separation of sanitary and storm sewer pipes, and related activities and projects.

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

the City Manager or, at her direction, counsel representing the City in this litigation, is hereby authorized to execute a Consent Decree with the United States of America, on behalf of EPA

15-279

AUGUST 10, 2015

and the State of Maine, on behalf of MDEP, in the matter of United States of America and State of Maine v. City of Bangor in the form currently on file in the Office of the City Solicitor.

Date: August 10, 2015

Item/Subject: ORDER, Authorizing Contract Hammond/Union/Ohio Street Resurfacing & Intersection Improvements Project to Lane Construction in the amount of \$968,193

Responsible Department: Engineering

Commentary:

On July 29, 2015, the City received three (3) bids for the Hammond/Union/Ohio Street Resurfacing & Intersection Improvements. The bid prices ranged from \$968,193 to \$1,151,843 (see attached bid tabulation). The bid price exceeds the available funding by \$85,000. This is a BACTS project where 90% of the funding is provided by the Federal/State government and 10% is provided locally. When situations like this arise with BACTS projects, the first step is to approach BACTS to reallocate excess funding that may exist. At this time, BACTS is unable to provide us with a commitment for additional funding. In order for the State to release the project, the City must commit additional local funds or the project will not be able to move forward.

At the Finance Committee meeting earlier this evening staff reviewed a plan to reallocate certain designated capital funds to allow this project to be completed. If the project were not be move forward, the City would need to make improvements to the roadways prior to winter, that would redirect resources dedicated to the City's annual paving program. Staff will continue to work with BACTS to obtain additional Federal/State funding for 90% of the additional funding required.

Based on the above staff recommendation is to award the contract to the low bidder Lane Construction, in the amount of \$968,193.

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

Department Head

Manager's Comments:

Robert Kwan
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) **Order, Authorizing Contract for Hammond/Union/Ohio Street
Resurfacing & Intersection Improvements Project to Lane
Construction in the amount of \$968,193**

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Lane Construction in the amount of \$968,193 for the resurfacing of Hammond and Union Streets and intersection improvements at Hammond and Ohio Streets.