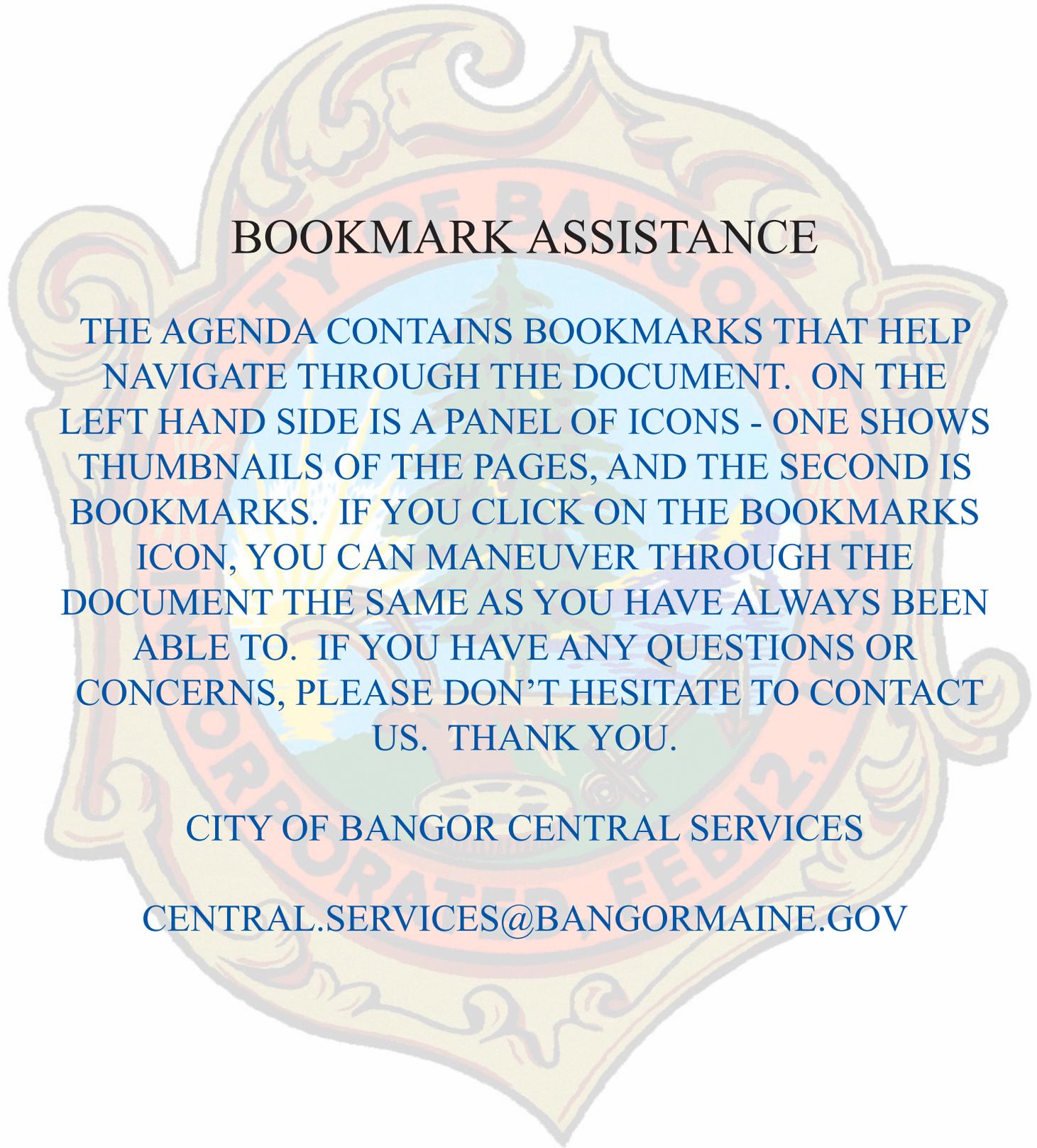


MEDIA  
COPY



# CITY COUNCIL AGENDA

JULY 27, 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](mailto:CENTRAL.SERVICES@BANGORMAINE.GOV)

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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**PLEDGE ALLEGIANCE TO THE FLAG**

**Update on Folk Festival**

**Proclamation: Proclaiming August 7, 2015 Purple Heart Day in the City of Bangor**

**Proclaiming August 3 To 7, 2015 As Responsible Gaming Education Week**

**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 13, 2015**

**LIQUOR LICENSE RENEWAL: 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** **BLANCHETTE**

**Application for Liquor License renewal Malt, Spirituous, Vinous of Pictor Enterprises VI d/b/a Buffalo Wild Wings, 461 Stillwater Avenue** **BLANCHETTE**

**Application for Liquor License renewal Malt, Spirituous, Vinous of Rare Hospitality Management Inc. d/b/a LongHorn Steakhouse #5343, 605 Hogan Road** **BLANCHETTE**

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

**15-252 ORDER Authorizing Contract Award in the Amount of \$108,756 to ADS Environmental Services for the Sewer Flow Monitoring Program** **SPRAGUE**

**Executive Summary:** This order will authorize a contract award to ADS Environmental Services in the amount of \$108,756 to provide equipment and technical assistance with the sewer flow monitoring program. Since 2010, the City has contracted with ADS Environmental, Inc., (ADS) for monitoring and analyzing flow data from our combined sewer overflow structures and various other points in the sewer collection system. This contract includes monitoring, analyzing the data and providing a monthly report for ten locations. The monthly report is forwarded to USEPA after staff review. This contract also includes a comprehensive service schedule to ensure

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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**CONSENT AGENDA  
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the meters are working properly. We have a very good working relationship with ADS and recommend the City continue this contract for another year. This item is scheduled to be reviewed by the Finance Committee earlier this evening.

**15-253    ORDER                      Authorizing Amendment of a Development Agreement                      BALDACCI  
with Banres, LLC – Bass Park Boulevard**

**Executive Summary:** This Order will authorize the City Manager to execute an amendment to the Development Agreement to extend the deadline for completion to September 30, 2015. The City and Ocean Properties, Ltd entered into a Development Agreement for the construction of a hotel on Bass Park Boulevard. Ocean Properties, Ltd assigned the Agreement to Banres, LLC with the consent of the City. The Agreement provided that the construction would be completed by August 31, 2015. Despite due diligence of Banres, construction has not been as quick as anticipated and though Banres intends to complete construction by August 31, 2015 as provided for in the agreement, it is in the parties' best interest to amend the agreement to provide for a completion date of September 30, 2015 in the event of any unforeseen circumstances that may result in delay. This item was reviewed and recommended for approval at the July 21, 2015 meeting of the Business and Economic Development Committee.

**15-254    ORDER                      Authorizing Amendment of Parking Lease with Banres,                      FAIRCLOTH  
LLC – Bass Park**

**Executive Summary:** This Order will authorize execution of amendment to the parking lease with Banres, LLC. The City of Bangor and Banres, LLC are parties to a lease for 50 parking spaces available on the adjacent Bass Park surface parking lot for employees, invitees and guests. Banres is constructing the parking lot. The agreement provides that construction of the parking lot shall be completed by July 1, 2015. Despite its due diligence Banres was unable to complete the parking lot and is requesting an extension to October 30, 2015. This item was reviewed and recommended for approval at the July 21, 2015 meeting of the Business and Economic Development Committee.

**15-255    ORDER                      Authorizing Execution of Agreement for Maine                      PLOURDE  
Department of Transportation Local Project – 19311.00,  
Webster Avenue Bridge #5796 Improvements**

**Executive Summary:** This order would authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation for the removal of Webster Avenue Bridge #5796 which carries I-395 over Webster Avenue and replacing it with a buried pedestrian/bicycle tunnel with lighting and tunnel approaches. The Maine Department of Transportation has approved federal and state funds in an amount not to exceed \$2,615,000.00 which includes a Federal share of \$2,353,500.00 or 90% of construction costs and a State share of \$261,500.00 or 10% of construction costs. As part of that project, the City would need to enter into a local project agreement with the Maine Department of Transportation which has been reviewed and recommended for approval by the Infrastructure Committee at its July 14, 2015 meeting.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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**CONSENT AGENDA  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

**15-256   ORDER                      Authorizing Execution of a Utility Receivable Agreement   **BLANCHETTE**  
for Maine Department of Transportation Local Project –  
19311.00, Webster Avenue Bridge #5796**

**Executive Summary:** This order would authorize the City Manager to execute a Utility Receivable Agreement with the Maine Department of Transportation for furnishing and installing a gravity flow sanitary sewer line in conjunction with the removal of Webster Avenue Bridge #5796.

The Maine Department of Transportation has identified the locations of existing utility facilities owned and maintained by the Utility and lawfully installed within the limits of the public highway right-of-way and the impact limits of the Project that must be relocated to accommodate the Project. The City share is \$55,781.00 to be paid out of the sewer fund.

As part of that project, the City would need to enter into a Utility Receivable Agreement with the Maine Department of Transportation. This item is scheduled for review by the Finance Committee earlier this evening.

**15-257   ORDER                      Authorizing Execution of Agreement with Bangor                      **NEALLEY**  
Federal Credit Union for Excavation of Gravel from City  
Gravel Pit for Lot 13 in Maine Business Enterprise Park-  
Map-Lot (R25-033)**

**Executive Summary:** This Order will authorize the execution of an agreement for the excavation of the gravel from the City’s gravel pit in Winterport to provide material for unforeseen excavation costs for the Bangor Federal Credit Union, Lot 13 in Maine Business Enterprise Park.

The City and Bangor Federal Credit Union are parties to a Development Agreement for the Credit Union’s construction of a building on Lot 13 in the Maine Business Enterprise Park. When the Credit Union did its due diligence and took test borings they discovered debris under the ground at the site, which appears to be remnants of a build that was once there. Despite this unexpected problem, the Credit Union wants to proceed with the project. This will require removal of the debris and bringing in new material. They have requested that the City make some of its gravel from the City’s gravel pit in Winterport available at no cost. It will amount to approximately 6,250 cubic yards of bank run gravel and will be hauled by the contractors for the Bangor Federal Credit Union. This item was reviewed and recommended for approval at the July 21, 2015 meeting of the Business and Economic Development Committee.

**15-258   ORDER                      Authorizing Execution of Documents for Consent to                      **GRAHAM**  
Subdivision of Maliseet Plaza (Map 049, Lot 224)**

**Executive Summary:** This Order would authorize execution of any documents necessary to give the City’s express permission to allow the subdivision of Maliseet Plaza. In 1987 the City conveyed property to the Houlton Band of Maliseet Indians for the development of the Maliseet Gardens complex. For reasons unknown at this time, the deed contained a restriction that the property may not be subdivided without the express permission of the City. The development, which has been for sale for some time, has a section of residential

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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**CONSENT AGENDA  
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COUNCILOR**

units on the corners of Oak and York Streets and commercial space along the corners of York, and Exchange Streets. A buyer has come forward who wishes to renovate the residential units and sell those units, as the proposed buyer is not a residential developer. In order to release this deed restriction, Council approval is required. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its meeting on July 21, 2015.

**15-259   ORDER                      **Acceptance of the City Engineer’s Report to Discontinue a Portion of Kittredge Road**                      **PLOURDE****

**Executive Summary:** This order will accept the City Engineer’s report to discontinue a portion of Kittredge Road. In accordance with 23 M.R.S.A. § 3026, the City provided notice of proposed discontinuance to abutters. Further, a public hearing was held by the City Engineer on February 27, 2014 at 10:00 p.m., Engineering Conference Room, second floor, City Hall, 73 Harlow Street, Bangor. At that time no one appeared to speak on the proposed discontinuance and no responses or communications have been received related to this matter. This order would accept the City Engineering’s Report for the discontinuance of a portion of Kittredge Road with retention of a public easement for the purpose of public utilities. The portion of the road in question is not used as a right-of-way nor is it needed for public purposes.

**15-260   ORDER                      **Authorizing the City Manager to Execute a Memorandum of Understanding with Penobscot County Sheriff’s Office**                      **CIVIELLO****

**Executive Summary:** This Order will authorize the City Manager to execute a memorandum of understanding on behalf of the City with Penobscot County Sheriff’s Office. The Penobscot County Sheriff’s Office will receive \$4,000 from Bangor Public Health and Community Services to enhance enforcement of underage drinking by conducting enforcement details in the towns of Glenburn and Hermon, two of the thirteen towns served by the Healthy Maine Partnership within Bangor Public Health and Community Services. The grant provider, the State of Maine Office of Substance Abuse (OSA) has approved the expenditure of funds for this purpose. This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee meeting.

**15-261   ORDER                      **Authorizing the Fire Department to Solicit Support and Financial Commitment for the Renovation of their Training Facility located off the Odlin Road**                      **BALDACCI****

**Executive Summary:** This Order would allow the Fire Department to begin the process to renovate and rehabilitate their training facility located off the Odlin Road in Bangor. The Fire Department’s training facility near Bangor International Airport was constructed in 1987-88 and has been used extensively over the past 25+ years. The facility has had no significant renovation nor upgrade during this timeframe, and is in need of capital repair. An independent engineering analysis has confirmed that the condition of the facility is poor and must be upgraded before it can be safely used again. The preliminary estimate to rehabilitate the facility is in the range of \$82,500.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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COUNCILOR**

The Fire Department has proposed to solicit interest, support and financial commitment from area fire departments; educational institutions offering fire science programs; state and federal agencies, including grant opportunities; and local businesses as a method to fund the proposed work. Depending upon the response received, some city funding from capital reserve accounts might be needed, but this would be determined by separate Council action at a later date. This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee meeting.

**15-262   ORDER                      Authorizing Bid Award in the Amount of \$209,121 to                      **BLANCHETTE**  
**Dunbar & Brawn for Sewer Maintenance Building**  
**Renovations****

**Executive Summary:** On May 13, 2015, the City received three (3) bids for the Sewer Maintenance Building Renovations. The bid prices ranged from \$219,303 to \$753,000. The initial bid prices were more than anticipated. Accordingly, staff met with the low bidder to value engineer the project costs closer to the budget amount. By allowing certain changes and eliminating some work that can be completed later, the cost was reduced from \$219,303 to \$209,121. This amount is still larger than the budgeted amount however, it is critical that we have this renovated space for the crew and the equipment. The operation has outgrown its current space in the Public Works building and requires heated inside space for the equipment which will allow us to use the equipment even during cold weather months. This in turn will allow us to more easily meet the requirements of the proposed consent decree. The additional funding to complete this project would be redirected from the Sewer small projects and spot repairs account. This item is schedule to be reviewed by the Finance Committee earlier this evening.

**15-263   ORDER                      Acceptance of the City Engineer’s Report to Discontinue                      **FAIRCLOTH**  
**a Portion of Maine Avenue and Texas Avenue****

**Executive Summary:** This order will accept the City Engineer’s report to discontinue a portion of Maine Avenue and Texas Avenue. Under 23 M.R.S.A. § 3026, before discontinuing a road, the City Council must provide notice to abutting property owners. Notice was provided and the City Engineer provided a public hearing on July 21, 2015 at 10:00 p.m., Third Floor Conference Room, third floor, City Hall, 73 Harlow Street, Bangor. At the time and place set for the hearing. This order would accept the City Engineering’s Report for the discontinuance of a portion of Maine Avenue and Texas Avenue. The portion of the roads in question are not used as a right-of-way nor needed for public purposes. This item will be reviewed at a pre-council meeting on July 27, 2015.

**15-264   ORDER                      Authorizing the Acceptance of a \$4,200 Donation from                      **CIVIELLO**  
**the Cole Land Transportation Museum****

**Executive Summary:** The Bangor Band would like to purchase performance risers to use under the inflatable band shell. This would provide them a solid, flat surface to set up on. This was something the Band had hoped to purchase earlier, but they decided to wait until the shell had been purchased and we were able to go through a complete season. Currently, they set up on the bare ground whenever the shell is inflated. The band has

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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**CONSENT AGENDA  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

received a quote of \$13,954.00 for the necessary equipment. The Band has received a donation of \$4,200.00 from the Cole Land Transportation Museum, and together with the remaining balance of the previous King Foundation donation, will provide enough funds for the purchase. This order authorizes the acceptance of the donation from the Cole Land Transportation Museum. The purchase of the risers will be handled in separate action by the Finance Committee.

This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee meeting.

**REFERRALS TO COMMITTEE AND FIRST READING  
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 (First Reading and Referral to Business and Economic Development Committee Meeting on August 4, 2015)**

**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.

**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 (First Reading and Referral to Business & Economic Development Committee Meeting of August 4, 2015)**

**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.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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

**ASSIGNED TO  
COUNCILOR**

**15-267    ORDER                    Authorizing Issuance of \$1,739,000 of the City’s General  
Obligation Bonds and a Tax Levy There For (First  
Reading and Referral to Finance Committee Meeting of  
August 3, 2015)**                    **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, \$359,000 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 10<sup>th</sup> City Council Meeting.

**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 (First Reading and Referral to  
Finance Committee Meeting of August 3, 2015)**                    **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.

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 10<sup>th</sup> City Council Meeting.

**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 (First Reading)**                    **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. 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.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

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**UNFINISHED BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

**15-227   ORDINANCE   Amending Map Entitled “Downtown Parking Management District” by Creating Three 15 Minute Parking Spaces**

**PLOURDE**

**Executive Summary:** This ordinance amendment would designate three downtown parking spaces as 15 minute parking spaces, one on Broad Street, across from the top of Bangor Alley; one on Central Street, near Epic Sports; 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 for approval at the Business & Economic Development Committee meeting on July 7, 2015. **This item should be postponed indefinitely.**

**15-245   ORDINANCE   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**

**CIVIELLO**

**Executive Summary:** This ordinance amendment would eliminate the two handicapped parking spaces on Union Street near Hudson Street. A doctor’s office on the corner of Union and Hudson Streets has ceased operating. There are two handicapped parking spaces designated on Union Street that had been used by patients visiting the doctor’s office. With the closure of the office, these handicapped parking spaces are no longer necessary. This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee.

**15-246   ORDINANCE   Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor**

**BALDACCI**

**Executive Summary:** This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour.

If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.



**REGULAR MEETING BANGOR CITY COUNCIL – JULY 27, 2015**

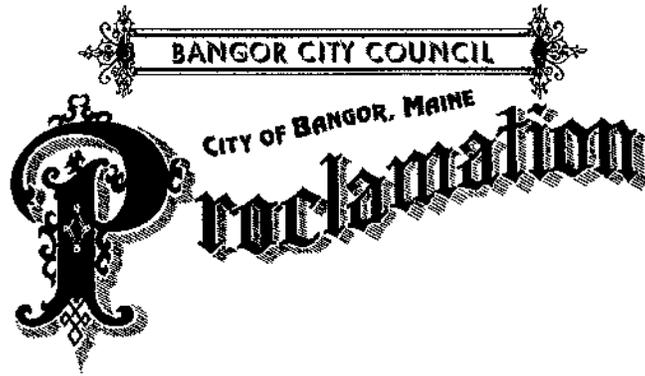
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**NEW BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

|                                      |  |                   |
|--------------------------------------|--|-------------------|
| <b>LIQUOR LICENSE:<br/>(CLASS X)</b> | <b>Application for Liquor License renewal Malt, Spirituous,<br/>Vinous of The Main Tavern d/b/a The Main Tavern, 122<br/>Main Street</b>                                   | <b>BLANCHETTE</b> |
| <b>PUBLIC HEARING:</b>               | <b>Application for a Special Amusement License renewal of<br/>Bangor Motor Inn Corporation d/b/a Bangor Motor Inn<br/>and Suites and Conference Center, 713 Hogan Road</b> | <b>BLANCHETTE</b> |



**PROCLAIMING AUGUST 7, 2015 AS PURPLE HEART DAY  
IN THE CITY OF BANGOR**

**WHEREAS**, the people of the state of Maine have great admiration and the utmost gratitude for all the men and women who selflessly served their country and this state in the Armed Forces; and

**WHEREAS**, Maine veterans have paid the high price for freedom by leaving their families and communities and place themselves in harm's way for the good of all; and

**WHEREAS**, the contributions and sacrifices of the men and women from the state of Maine who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

**WHEREAS**, many Maine men and women have given their lives while serving in the Armed Forces; and

**WHEREAS**, many citizens of our state have earned the Purple Heart Medal, as a result of being wounded while engaged in combat with an enemy force; and

**WHEREAS**, August 7 has been designed as the day on which to remember and recognize veterans who are recipients of the Purple Heart Medal.

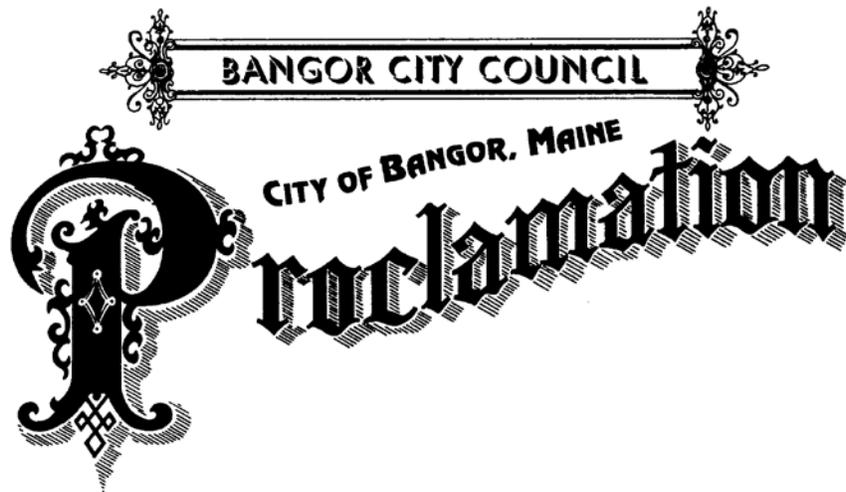
**NOW, THEREFORE, I, Nelson E. Durgin, Mayor of the City of Bangor**, on behalf of the City Council and the citizens of Bangor, do hereby proclaim August 7, 2015 as Purple Heart Day in the City of Bangor and urge all citizens to recognize this observance and to honor the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americas.

Given this the 7<sup>th</sup> day of August, 2015.

A handwritten signature in black ink, appearing to read "Nelson E. Durgin".

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Nelson E. Durgin, Mayor



**RECOGNIZING AUGUST 3 to 7, 2015 AS RESPONSIBLE GAMING EDUCATION WEEK**

**WHEREAS,** Responsible Gaming Education Week was created by the American Gaming Association in 1998 to increase awareness of problem gambling among gaming industry employees and customers; and

**WHEREAS,** the mission of Responsible Gaming Education Week is to find creative, interactive approaches to educate employees and gaming customers about problem gambling; and

**WHEREAS,** Hollywood Casino is an important part of the City of Bangor, having contributed greatly to the economy and quality of life of our citizens by creating jobs, contributing to needed public services through the payment of taxes, investing in capital improvements in the community, and donating generously to local charities; and

**WHEREAS,** Hollywood Casino Bangor makes available Responsible Gaming information, self-exclusion opportunities, phone numbers and website information for help with problem gambling, training for employees to recognize problem gambling, and other resources to protect customers who might have problem gambling tendencies; and

**WHEREAS,** Hollywood Casino Bangor has planned a week full of activities and events for patrons and employees to educate themselves in responsible gaming during Responsible Gaming Education Week, held during the first full week in August.

**NOW, THEREFORE, I, NELSON DURGIN, MAYOR OF THE CITY OF BANGOR,** on behalf of the City Council and the citizens of Bangor, do hereby proclaim August 3-7, 2015 as Responsible Gaming Education Week.

Given, this the 27th day of July 2015.

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Nelson Durgin, Mayor



**CONSENT  
AGENDA**

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 13, 2015**

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*Meeting Called to Order at 7:30 PM  
 Chaired by Council Chair Durgin  
 Councilors Absent: Nealley  
 Meeting Adjourned at 8:05 PM*

**Proclamation:** *Proclaimed August 7, 2015 Purple Heart Day in the City of Bangor*

**PUBLIC COMMENT** *Senator Geoffrey Gratwick was saddened by the domination of personalities and not the issues during the current session of the Legislature and hoped to do better in the next session. He looked forward to Wednesday's discussion on the minimum wage.*

*Paul LeClair asked the City Council to consider what is going on in San Francisco with eateries closing or increasing prices as a result of the minimum wage increase. Mr. LeClair was also concerned with the remodeling of Main Street and not paving other streets.*

*Councilor Blanchette requested that Item 15-238 be pulled from the Consent Agenda and taken up separately.*

**15-238**    **ORDER**                      *Confirming the Appointment of Dana Wardwell as Public Works Director and Authorizing Execution of an Employment Agreement*                      **PLOURDE**

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

| <b>CONSENT AGENDA<br/>ITEM NO.</b> | <b>ASSIGNED TO<br/>COUNCILOR</b> |
|------------------------------------|----------------------------------|
|------------------------------------|----------------------------------|

**MINUTES OF:** *Bangor City Council Meeting of June 22, 2015, Bangor City Council Special Meeting of June 29, 2015, Airport Committee Meeting of May 12, 2015, Finance Committee Meeting of July 6, 2015, and Government Operations Committee Meeting of July 6, 2015*

**Action:** *Accepted and Approved*

**15-236**    **ORDER**                      *Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 3 Orchard Hills Parkway (Map 61, Lot 3)*                      **SPRAGUE**

**Action:** *Passed*

**15-237**    **ORDER**                      *Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 36 Allen Street (Map 13, Lot 18)*                      **NEALLEY**

**Action:** *Passed*

**15-239**    **ORDER**                      *Authorizing Execution of Contract Extension with Lane Construction for FY 15 Paving Program*                      **CIVIELLO**

**Action:** *Passed*

**15-240**    **ORDER**                      *Authorizing Bid Award in the Amount of \$999,614 to B & B Paving for FY 16 Paving Program*                      **SPRAGUE**

**Action:** *Passed*

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 13, 2015**

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| <b>CONSENT AGENDA</b> |                |   | <b>ASSIGNED TO</b> |
|-----------------------|----------------|---|--------------------|
| <b>ITEM NO.</b>       |                |   | <b>COUNCILOR</b>   |
| <u>15-241</u>         | <u>ORDER</u>   | <i>Authorizing Sale of Hayford Road Parcel to Dennis and Carolyn Millar (Map 022 Lot 012-E)</i>   | <b>BALDACCI</b>    |
|                       | <i>Action:</i> | <i>Passed</i>   |                    |
| <u>15-242</u>         | <u>ORDER</u>   | <i>Authorizing City Engineer to Begin the Process of Discontinuance of a Portion of Texas Avenue and a Portion of Maine Avenue</i>  | <b>FAIRCLOTH</b>   |
|                       | <i>Action:</i> | <i>Passed</i>   |                    |
| <u>15-243</u>         | <u>ORDER</u>   | <i>Authorizing Purchase of Sewer Line Camera Truck in the Amount of \$208,000 from C.N. Wood</i>  | <b>BLANCHETTE</b>  |
|                       | <i>Action:</i> | <i>Passed</i>   |                    |
| <u>15-244</u>         | <u>ORDER</u>   | <i>Authorizing Application for and Acceptance of \$23,865.00 in grant funds as part of the Edward Byrne Memorial Grant Program, which will be shared with the Penobscot County Sheriff's Department</i> | <b>BLANCHETTE</b>  |
|                       | <i>Action:</i> | <i>Passed</i>   |                    |

| <b>REFERRALS TO COMMITTEE AND FIRST READING</b> |                  |  | <b>ASSIGNED TO</b> |
|---|------------------|--|--------------------|
| <b>ITEM NO.</b>                                 |                  |  | <b>COUNCILOR</b>   |
| <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>   | <b>CIVIELLO</b>    |
|   | <i>Action:</i>   | <i>First Reading and Referral to the Government Operations Committee Meeting on July 20, 2015</i>  |                    |
| <u>15-246</u>                                   | <u>ORDINANCE</u> | <i>Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor</i>   | <b>BALDACCI</b>    |
|   | <i>Action:</i>   | <i>First Reading</i>   |                    |
| <u>15-247</u>                                   | <u>RESOLVE</u>   | <i>Accepting and Appropriating \$155,369 for the Supplemental Nutrition Education Grant Program (SNAP ED) (First Reading)</i>  | <b>PLOURDE</b>     |
|   | <i>Action:</i>   | <i>First Reading</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> | <b>SPRAGUE</b>     |
|   | <i>Action:</i>   | <i>First Reading and Referral to Airport Committee on July 14, 2015</i>  |                    |

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 13, 2015**

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| <b>UNFINISHED BUSINESS<br/>ITEM NO.</b> |  | <b>ASSIGNED TO<br/>COUNCILOR</b> |
|---|--|----------------------------------|
|---|--|----------------------------------|

|                      |                         |  |               |
|----------------------|-------------------------|--|---------------|
| <b><u>15-226</u></b> | <b><u>ORDINANCE</u></b> | <i>Amending Chapter 291, Vehicles and Traffic, of the Code of the City of Bangor, By Allowing for 15 Minute Parking Spaces</i> | <b>GRAHAM</b> |
|----------------------|-------------------------|--|---------------|

*Action: Motion made and Seconded for Passage  
Vote: 7 – 1  
Councilors Voting Yes: Baldacci, Civiello, Faircloth, Graham, Plourde, Sprague, Durgin  
Councilors Voting No: Blanchette  
Passed*

|                      |                       |  |                |
|----------------------|-----------------------|--|----------------|
| <b><u>15-235</u></b> | <b><u>RESOLVE</u></b> | <i>Accepting and appropriating a grant in the amount of \$2,549,297 from the Federal Aviation Administration and \$141,628 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 66 at Bangor International Airport (BGR).</i> | <b>SPRAGUE</b> |
|----------------------|-----------------------|--|----------------|

*Action: Motion made and Seconded for Passage  
Passed*

| <b>NEW BUSINESS<br/>ITEM NO.</b> |  | <b>ASSIGNED TO<br/>COUNCILOR</b> |
|----------------------------------|--|----------------------------------|
|----------------------------------|--|----------------------------------|

|                               |   |                 |
|-------------------------------|---|-----------------|
| <b><u>PUBLIC HEARING:</u></b> | <i>Application for new Liquor License, Malt, Spirituous and Vinous of Timber Kitchen LLC d/b/a Timber Kitchen &amp; Bar, 22 Bass Park Boulevard</i> | <b>BALDACCI</b> |
|-------------------------------|---|-----------------|

*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*

|                               |   |                 |
|-------------------------------|---|-----------------|
| <b><u>PUBLIC HEARING:</u></b> | <i>Application for new Special Amusement License of Timber Kitchen LLC d/b/a Timber Kitchen &amp; Bar, 22 Bass Park Boulevard</i> | <b>BALDACCI</b> |
|-------------------------------|---|-----------------|

*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*

|                      |                       |   |                |
|----------------------|-----------------------|---|----------------|
| <b><u>15-249</u></b> | <b><u>RESOLVE</u></b> | <i>Ratifying staff action for submitting grant applications to the Maine Department of Transportation to Fund Sidewalk Improvement Projects along a portion of Broadway (Route 15) and Union Street (Route 222)</i> | <b>PLOURDE</b> |
|----------------------|-----------------------|---|----------------|

*Action: Motion made and Seconded for Passage  
Passed*

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 13, 2015**

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| <b>NEW BUSINESS<br/>ITEM NO.</b> |                |   | <b>ASSIGNED TO<br/>COUNCILOR</b> |
|----------------------------------|----------------|---|----------------------------------|
| <u>15-250</u>                    | <u>ORDER</u>   | <i>Authorizing Purchase of Buses in the Amount of \$850,990 under the Delaware State Contract</i> | <b>SPRAGUE</b>                   |
|                                  | <i>Action:</i> | <i>Motion made and Seconded for Passage Passed</i>  |                                  |
| <u>15-251</u>                    | <u>ORDER</u>   | <i>Authorizing Purchase of Asphalt Recycler in the Amount of \$130,000 from Central Equipment</i> | <b>BLANCHETTE</b>                |
|                                  | <i>Action:</i> | <i>Motion made and Seconded for Passage Passed</i>  |                                  |

Attest:   
Lisa J. Goodwin, MMC, City Clerk

**COUNCIL ACTION**

**Item No. 15-252**

**Date:** July 27, 2015

**Item/Subject:** ORDER, Authorizing Contract Award in the Amount of \$108,756 to ADS Environmental Services for the Sewer Flow Monitoring Program

**Responsible Department:** Waste Water Treatment Plant

**Commentary:**

This order will authorize a contract award to ADS Environmental Services in the amount of \$108,756 to provide equipment and technical assistance with the sewer flow monitoring program. Since 2010, the City has contracted with ADS Environmental, Inc., (ADS) for monitoring and analyzing flow data from our combined sewer overflow structures and various other points in the sewer collection system. This contract includes monitoring, analyzing the data and providing a monthly report for ten locations. The monthly report is forwarded to USEPA after staff review. This contract also includes a comprehensive service schedule to ensure the meters are working properly. We have a very good working relationship with ADS and recommend the City continue this contract for another year.

This item is schedule to be reviewed by the Finance Committee earlier this evening.

If recommended for passage, this item comes forward for Council action, as the contract award is over \$100,000.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

**Associated Information:**

Agreement

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral

**Page \_\_ of \_\_**

Assigned to Councilor Sprague



## CITY OF BANGOR

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(TITLE.) Order, Authorizing Contract Award in the Amount of \$108,756 to ADS Environmental Services for the Sewer Flow Monitoring Program

*By the City Council of the City of Bangor:*

**ORDERED,**

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract and purchase order to ADS Environmental Services in the amount of \$108,756 for sewer flow monitoring.



## EXHIBIT A

June 19, 2015  
City of Bangor, ME  
Wastewater Treatment Plant  
Long Term CSO and Temporary Metering Programs

## EXHIBIT A

### Scope of Work

---

ADS will provide meter maintenance at 5 existing CSO and 5 temporary I/I metering locations in the City of Bangor, ME. Michael Armes, Sr. Project Manager, will be designated as the immediate contact for this project. The services include the following:

#### **1.0 Site Specific Equipment**

ADS has provided the FlowShark CG for the AC powered locations and the FlowShark AG for the battery powered CSO locations. These ADS meters include depth and velocity sensors to measure overflow duration and volume. FlowShark Triton meters have been installed at the I/I locations.

#### **2.0 Data Transmission**

Data is transmitted to the Bangor Wastewater Treatment Facility by radio communication at 3 locations. The ADS FlowShark CG provides two 4:20 mA output signals to Client supplied radios. Radio system maintenance will continue to be the responsibility of the Client. Two locations use the FlowShark AG with battery power and no radio communication at this time. Both the FlowShark CG and AG are equipped with wireless modems and AT&T SIM cards. FlowShark Triton meters are installed at 5 locations and all use wireless 2G GSM modem with AT&T SIM cards for data transmission.

#### **3.0 Power, Data Management and SCADA interface**

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

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

**Data Analysis Support** – ADS will review all data and monthly reports presenting data for all 10 meters will be available in IntelliServe and on the ADS FlowView Portal website where data can be downloaded and printed.

#### **4.0 Maintenance and Service**

We have included a line item for comprehensive field service during this year of operation. Comprehensive service will allow ADS to:

- verify the meters are operating correctly
- allow for service visits should there be meter communication problems
- clean sensors and make adjustments if necessary
- provide all spares parts necessary for proper meter operation

**EXHIBIT B**  
**SERVICE BY OWNER**

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

1. **Coordination with Project Manager:** Owner agrees to coordinate as required with the ADS Project Manager and to provide information in a timely manner to ensure that implementation schedules are met. Specifically, as outlined in Exhibit A, Task 2.0, the following are required:
  - a. **GIS Data.** Owner agrees to provide GIS data to the level of detail required for GIS displays in IntelliServe.
  - b. **Third Party Data.** Owner agrees to provide all Third Party Monitor data (Rain Gauge) in a format acceptable to ADS.
2. **Interface:** Owner agrees to make no changes in the equipment or software that would preclude ADS from being able to interface via telephone with Owner's ADS flow monitoring equipment unless agreed to by ADS in writing.
3. **Assistance:** Owner shall not to make repairs or perform maintenance or attempt to do so on the equipment unless authorized by ADS.
4. **Electronic Access:** Owner agrees to allow ADS to address the system electronically for purposes of running diagnostics tests and performing other functions in the course of this maintenance phase of the project.
5. **Telephone Charges:** Monthly AT&T access fees are included in the costs proposal.
6. **Permits:** Owner agrees to provide all licenses and permits necessary for ADS to perform the work, if required.
7. **Access:** Owner agrees to provide ADS with access to the flow monitoring sites on public and private lands including sufficient area for placement of personnel and equipment, including all rights-of-way and ramp, if required. This includes, but is not limited to, exposing manholes, clearing easements and/or constructing roads or ramps suitable for truck/van, if necessary, and pump station access.
8. **Pump Stations:** Owner agrees to provide personnel to manually operate pump stations when maintenance or repair of a flow monitor requires.
9. **Electric Charges.** Owner assumes responsibility for monthly electric charges to power the ADS FlowShark meters.
10. **Line Cleaning.** Owner agrees to provide line cleaning for lines that require cleaning to improve the operation of the flow monitoring equipment.\

**EXHIBIT C**

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

| <b>ITEM</b>  | <b>NO.</b>            | <b>UNIT PRICE</b> | <b>TOTAL</b>     |
|--|-----------------------|-------------------|------------------|
| <b>1.) Field Maintenance and Data Analysis of 10 ADS Meters, July 1, 2015 – Jun 30, 2016</b> |                       |                   |                  |
| a.) Field Maintenance – Comprehensive, full ADS crew and all equipment                       | 12 months             | \$5,938           | \$71,256         |
|  |                       |                   |                  |
| b.) Data Analysis and Reporting  | 12 months             | \$2,295           | \$27,540         |
| <b>2.) IntelliServe Web Hosting – 10 meter locations, July 1, 2015 – Jun 30, 2016</b>        |                       |                   |                  |
| a.) IntelliServe monthly service   | 10 meters x 12 months | \$480             | \$5,760          |
| b.) AT&T 2G SIM – 5 FlowSharks – Jul 1, 2015- Jun 30, 2016                                   | 5 meters x 12 months  | \$35/month        | \$2,100          |
| c.) AT&T 2G SIM – 5 Tritons – Nov 1, 2015 – Jun 30, 2016                                     | 5 meters x 12 months  | \$35/month        | \$2,100          |
|  |                       | <b>TOTAL</b>      | <b>\$108,756</b> |

**\*Pricing Assumptions:**

- No prevailing wage or W/MBE required;
- Federal, State, or Local taxes or permit fees not included;
- Standard ADS safety and installation methodology
- Standard traffic control requirements (cones & simple signs)
- Bangor DPW will provide traffic support for high volume roadways like downtown area

In Witness Whereof, the Parties hereto have executed this Agreement, on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**Customer:**

**ADS:**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

**COUNCIL ACTION**

**Item No. 15-253**

**Date:** July 27, 2015

**Item/Subject:** ORDER, Authorizing Amendment of a Development Agreement with Banres, LLC – Bass Park Boulevard

**Responsible Department:** Legal

**Commentary:** This Order will authorize the City Manager to execute an amendment to the Development Agreement to extend the deadline for completion to September 30, 2015. The City and Ocean Properties, Ltd entered into a Development Agreement for the construction of a hotel on Bass Park Boulevard. Ocean Properties, Ltd assigned the Agreement to Banres, LLC with the consent of the City. The Agreement provided that the construction would be completed by August 31, 2015. Despite due diligence of Banres, construction has not been as quick as anticipated and though Banres intends to complete construction by August 31, 2015 as provided for in the agreement, it is in the parties' best interest to amend the agreement to provide for a completion date of September 30, 2015 in the event of any unforeseen circumstances that may result in delay. This item was reviewed and recommended for approval at the July 21, 2015 meeting of the Business and Economic Development Committee.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

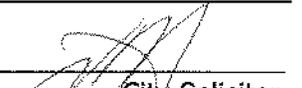
  
\_\_\_\_\_  
City Manager

**Associated Information:**

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**  
 Passage  
 First Reading  
 Referral

Page \_\_ of \_\_

Assigned to Councilor Baldacci



## CITY OF BANGOR

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**(TITLE.) ORDER,** Authorizing Amendment of a Development Agreement with Banres, LLC --  
Bass Park Boulevard

WHEREAS, the City and Ocean Properties, Ltd entered into a Development Agreement for the construction of a hotel on Bass Park Boulevard.; and

WHEREAS, Ocean Properties, Ltd assigned the Agreement to Banres, LLC with the consent of the City; and

WHEREAS, the Agreement provided that the construction would be completed by August 31, 2015; and

WHEREAS, despite due diligence of Banres, construction has not been as quick as anticipated and though Banres intend to complete construction by August 31, 2015 as provided for in the agreement, it is in the parties' best interest to amend the agreement to provide for a completion date of September 30, 2015 in the event of any unforeseen circumstances that may result in delay.

*By the City Council of the City of Bangor:*

**ORDERED,**

THAT Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute an Amendment to the Development Agreement with Banres. Said Amendment shall be in final form as approved by the City Solicitor or Assistant City Solicitor.

**COUNCIL ACTION**

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**Item No. 15-254**

**Date:** July 27, 2015

**Item/Subject:** **ORDER**, Authorizing Amendment of Parking Lease with Banres, LLC – Bass Park

**Responsible Department:** Legal

**Commentary:** This Order will authorize execution of amendment to the parking lease with Banres, LLC. The City of Bangor and Banres, LLC are parties to a lease for 50 parking spaces available on the adjacent Bass Park surface parking lot for employees, invitees and guests. Banres is constructing the parking lot. The agreement provides that construction of the parking lot shall be completed by July 1, 2015. Despite its due diligence Banres was unable to complete the parking lot and is requesting an extension to October 30, 2015. This item was reviewed and recommended for approval at the July 21, 2015 meeting of the Business and Economic Development Committee.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

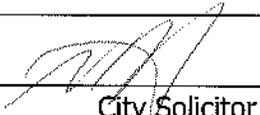
  
\_\_\_\_\_  
City Manager

**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 Amendment of Parking Lease with Banres, LLC – Bass Park

WHEREAS, the City of Bangor and Banres, LLC are parties to a Development Agreement for the construction of a hotel, restaurant and ancillary facilities on Bass Park Boulevard; and

WHEREAS, pursuant to the terms of the Development Agreement the parties entered into a lease for 50 parking spaces available on the adjacent Bass Park surface parking lot for employees, invitees and guests, including a provision that Banres shall construct the parking lot by July 1, 2015.

WHEREAS, despite due diligence Banres has been unable to complete the construction of the parking lot by July 1, 2015 and needs additional time.

*By the City Council of the City of Bangor:*

**ORDERED,**

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute an Amendment of Indenture of Lease with Banres, LLC for a parking lot in Bass Park to provide that the construction of the parking lot shall be completed by October 30, 2015. Said amendment shall be in final form as approved by the City Solicitor.





Assigned to Councilor Plourde

## CITY OF BANGOR

---

(TITLE.) ORDER, Authorizing the Execution of Agreement for Maine Department of Transportation Local Project – WIN #19311.00, Webster Avenue Bridge #5796 Improvements

ORDERED,

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

An Agreement with the Maine Department of Transportation – Webster Avenue Bridge #5796 Improvements

Copy of the agreement is attached.



15-256  
JULY 27, 2015



Assigned to Councilor Blanchette

## CITY OF BANGOR

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(TITLE.) ORDER, Authorizing the Execution of a Utility Receivable Agreement for Maine Department of Transportation Local Project – WIN #19311.00, Webster Avenue Bridge #5796

ORDERED,

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

A Utility Receivable Agreement with the Maine Department of Transportation – In Conjunction with the Webster Avenue Bridge #5796 Improvements

Copy of the agreement is attached.

|                          |       |
|--------------------------|-------|
| <i>MaineDOT Use Only</i> |       |
| TEDOCS #:                | _____ |
| CT#:                     | _____ |
| CSN#:                    | _____ |
| Program:                 | _____ |

**MAINE DEPARTMENT OF TRANSPORTATION  
UTILITY RECEIVABLE AGREEMENT**

|   |  |
|---|--|
| <i>(MaineDOT Use Only)</i>                      |  |
| Project Location: <u>Bangor</u>                 | Estimated Agreement Amount: \$ <u>55,781.00</u>    |
| State WIN #: <u>019311.00</u>                   | Vendor Customer #: _____                           |
| Federal Aid Project #: <u>AC-IM-1931 (100)E</u> | Agreement Begin Date: _____                        |
|   | Forecasted Agreement End Date: <u>June 1, 2016</u> |

**THIS AGREEMENT**, in duplicate originals entered into this \_\_\_\_ day of \_\_\_\_\_, between the **Maine Department Of Transportation** (hereafter the “Department”) and **City of Bangor**, duly authorized and existing under the Laws of the State of Maine and having an office in the City of Bangor, County of Penobscot (the “Utility”) (the Department and the Utility are collectively referred to as the “Parties”).

1. The Department is implementing a transportation project identified as “Federal Aid Project Number:AC-IM-1931(100)E;WIN: 019311.00 (the “Project”) for highway improvements in the City of Bangor, Penobscot County;
  
2. In connection with the Project, the Department has prepared plans and specification for the Project that resulted in the following determination:
 

X The Department has identified the locations of existing utility facilities owned and maintained by the Utility and lawfully installed within the limits of the public highway right-of-way and the impact limits of the Project that must be relocated to accommodate the Project (the “Affected Facilities”);
  
3. The Affected Facilities consist of Sanitary Sewer Line;
  
4. The Utility has prepared and provided to the Department the scope of work necessary for relocating or installing the Affected Utilities (the “Utility Work”) and the estimated costs associated therewith, which are outlined in **Appendix A**, attached hereto and made a part hereof. The costs associated with the Utility Work are the sole responsibility of the Utility.

5. The Parties wish to establish a process for including the Utility Work in the Department's construction contract for the Project.

**NOW, THEREFORE**, the Parties agree as follows:

**6. Plans, Specifications and Estimate:**

- a. The Utility shall, at its own expense, perform and provide all engineering, design and related services related to the Utility Work necessary to enable the Department and/or its consultant to generate construction plans, specifications and an estimate of material quantities for the Utility Work to be included in the Project contract. The Utility will be responsible for locating and recording the location of all Utility Work, including services and other appurtenances within the Project area. To the extent possible and consistent with laws, practices and policies of the Department and the industry, the Utility Work shall be performed in accordance with the plans and specifications provided by the Utility and, if applicable, the most recent version of the Department's Standard Specifications.
- b. All plans shall be on sheets of the same size used by the Department and be reproducible by black and white printing. Specifications shall be on 8 ½ x 11-inch paper, suitable for binding with the Department's specifications. The estimate of quantities shall be in the form prescribed by the Department. In the event of field changes to the Utility Work, the Utility shall prepare any additional plans and specifications and the Department shall prepare a Project change order and amend this Agreement incorporating any changes therein. All plans and specifications will be marked with the Federal Aid Project Number referenced in this Agreement.
- c. The Utility will provide the Department with the plans, specifications and an updated estimate as described in Appendix A no later than one month prior to the scheduled advertise date for the Project.
- d. The Utility shall be responsible for obtaining a Utility Location Permit from the Department in accordance with Title 35-A M.R.S.A. Chapter 25 and for recording the location of all utilities in a manner and form to be specified by the Department.
- e. **Opt-Out Approach:** The Department will prepare the Project contract documents to include the Utility Work specified in Appendix A as an opt-out bid option. The Utility Work items will not be used as a basis of contract award. Bidders will be required to bid both the Project work and the Utility Work, with the low-bid for the Project work used as a basis of contract award. Upon the Department's selection of the low-bidder for the Project (the "Selected Project Contractor"), the Utility agrees as follows:
  - i. If the Selected Project Contractor's submitted bid for the Utility Work is no more than 15% over the total estimated amount for the Utility Work included

in Appendix A, the Utility agrees to have the Utility Work included in the Project contract. The Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.

- ii. If the Selected Project Contractor's submitted bid for the Utility Work is more than 15% over the estimated amount for the Utility Work, the Department will provide the Utility with the applicable bid prices for the Utility Work from the Selected Project Contractor. Within 48 hours of such notification, the Utility agrees to notify the Department of its authorization to include the Utility Work in the Project contract or its decision to accomplish the Utility Work independently.
  1. When the Utility Work is included in the Project contract, the Utility Work will be paid for by the Utility, and any changes that increase the Utility Work estimate or amount will be paid for through a written modification of this agreement approved by both the Utility and the Department.
  2. If the Utility elects to perform the Utility Work independently, the Department will remove the Utility Work items from the Project contract, and the Utility agrees to accomplish the Utility Work in accordance with their plans and specifications in a manner that, in the opinion of the Department, does not adversely affect the Project's construction operations or cause delay in the Project's construction schedule.

## **7. Inspection:**

- a. The Utility shall be responsible for providing all engineering and inspection associated with the Utility Work including computing quantities for payment and other incidental and related work unless otherwise stated herein. By the end of each work day, whenever Utility Work is performed, the Utility will provide the Department's on-site representative with an itemized summary of all the Utility Work completed.
- b. The Department shall provide inspection of the quality and compaction of backfill installed in connection with the construction contract, excluding bedding and other special backfills and materials used in the installation of the Utility Work.
- c. If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to the following:
  - i. Should the Utility find the Project contractor's materials or workmanship to be insufficient in any way, the Utility agrees to inform the Department's on-

site representative as soon as possible, but no later than the end of the day in which the problem is identified.

- ii. As administrator to the construction contract, the Department's on-site representative shall be responsible for authorizing all payments relating to the Utility Work, issuing all directives to the Project's contractor and making the final determination in the event of any disagreements.

8. **Ownership of Completed Utilities:** Upon completion of the Utility Work the Utility shall assume complete ownership of, and responsibility for, the utility facilities installed in connection with the Utility Work.
9. **Claims:** The Utility shall be responsible for the prompt review and settlement of any claims arising from or related to the Utility Work or its impact on the Project.
10. **Indemnification:** The Utility shall indemnify, defend and hold harmless the Department and its officers, employees, agents and assigns, from and against any and all claims, liability or expenses, including but not limited to reasonable attorney's fees and litigation costs (the "Claims"), to the extent such Claims are caused, or alleged to have been caused, by acts or omissions of the Utility or any of its officers, employees, agents, representatives, supervisors, contractors, subcontractors or consultants in connection with the performance of its obligations under this Agreement. Nothing in this Agreement is intended or shall be construed to waive any defense, immunity or limitation of liability that may be available to the Department or the Utility pursuant to the Maine Tort Claims Act (14 M.R.S. § 8101 *et seq.*) or any other privileges or immunities provided by law. The terms outlined in this section shall survive any termination or expiration of this Agreement.
11. **Buy America Requirements:** This agreement is subject to the requirements of Buy America in accordance with Federal Regulation 23 CFR 635.410 Section 1518. Specific requirements are presented in MaineDOT Standard Specification Section 100, Appendix A, Section 3.A., Buy America which are incorporated and made a part hereof by reference.
12. **Subsequent Excavations and/or Installations:** Except in the case of an emergency, the Utility acknowledges and agrees to refrain from applying for a permit for the excavation of the highway within the limits of the Project for a period of at least *N/A* years following the completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any municipal government under the provisions of 23 M.R.S.A. § 3351. In all cases, whether an excavation moratorium as described above applies, or as in the case of Light Capital Paving projects where no excavation moratorium applies, the Utility further acknowledges and agrees that all subsequent excavations and/or installations within the right-of-way of the Project limits shall be regulated and controlled in the manner specified by the most recent version of the

Department's "Utility Accommodation Rules", which are incorporated and made a part hereof by reference. The terms outlined in this section shall survive any termination or expiration of this Agreement.

13. **Non-Appropriation and Termination:** Anything herein to the contrary notwithstanding, the Utility acknowledges and agrees that, although the execution of this Agreement by the Department manifests the Department's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations. In the event of unanticipated impacts on the Project, such as, changes in the Project design, or a loss in Project funding, or a delay in advertising or awarding of the contract, the Department may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Utility and in no event shall any such action be deemed a breach of contract.

14. **Payment:** If the Utility Work is included in the Project contract pursuant to Section 6.e. above, the Utility agrees to reimburse the Department for the full amount of the cost of the utility work. A detailed breakdown of the anticipated cost of the Utility Work is attached hereto and incorporated herein as Appendix A. The Department will issue a final invoice after all the Utility Work is complete, all quantities are verified and any required adjustments have been made. The Department, at its sole discretion, may issue periodic invoices for portions of the Utility Work as it is being completed. The final invoice will include any remaining costs or credits. The Utility shall submit payment to the Department within 30 days from the invoice date.

15. **Contact Information:**

For the Department:

Name: Denver Small  
Address: 16 State House Station  
August Maine 04333  
E-mail: denver.small@maine.gov  
Telephone: (207) 446-6419

For the Utility:

Name: John Theriault PE, PTOE  
Address: 73 Harlow Street  
Bangor Maine 04401  
E-mail: johntheriault@bangormaine.gov  
Telephone: (207) 992-4249

16. **No Relief of Responsibilities:** Nothing in this agreement is intended, nor shall be interpreted, to relieve the Utility of any responsibilities or duties imposed upon it by law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in duplicate on the day and year first above written by its duly authorized representatives.

**IN THE PRESENCE OF:**

**City of Bangor**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title  
Duly Authorized

**STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION**

\_\_\_\_\_  
Witness

By: Wayne Frankhauser Program Manager

Print Name: \_\_\_\_\_

Title  
Duly Authorized

**APPENDIX A**  
**PROJECT SCOPE**

**MAINE DEPARTMENT OF TRANSPORTATION**  
**UTILITY RECEIVABLE AGREEMENT**

**City of Bangor**  
(Webster Avenue BR# 5796)

FEDERAL AID PROJECT NO. AC-IM-1931(100)E  
STATE PROJECT IDENTIFICATION NUMBER (WIN) 019311.00

**Project Scope:** This work shall consist of furnishing and installing a gravity flow sanitary sewer line as shown on the plans as directed by the resident.

**ESTIMATE OF UTILITY WORK:**

| <b>Item #</b>      | <b>Pay Item</b>                | <b>Estimated Quantity /Unit</b> | <b>Unit Price</b> | <b>Utility Cost</b> |
|--------------------|--------------------------------|---------------------------------|-------------------|---------------------|
| 659.10             | Mobilization                   | LS                              |                   | \$5071.00           |
| 801.17             | 8 inch PVC Sanitary Sewer line | LF/280ft                        | \$125.00          | \$35,000.00         |
| 803.173            | Sewer Manhole 4 foot Diameter  | EA/@ 3                          | \$3,700.00        | \$11,100.00         |
|                    | Contingency                    |                                 |                   | \$4610.00           |
| <b>Total Cost:</b> |                                |                                 |                   | \$55,781.00         |

**ESTIMATED PAYMENT SCHEDULE:**

| <b>Utility</b> | <b>Payment Amount</b> | <b>Estimated Invoice Date</b> |
|----------------|-----------------------|-------------------------------|
| City of Bangor | \$55781.00            | June 1, 2016                  |
|                |                       |                               |
|                |                       |                               |

**COUNCIL ACTION**

---

**Item No. 15-257**

**Date:** July 27, 2015

**Item/Subject:** ORDER, 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)

**Responsible Department:** Legal

**Commentary:** This Order will authorize the execution of an agreement for the excavation of the gravel from the City's gravel pit in Winterport to provide material for unforeseen excavation costs for the Bangor Federal Credit Union, Lot 13 in Maine Business Enterprise Park.

The City and Bangor Federal Credit Union are parties to a Development Agreement for the Credit Union's construction of a building on Lot 13 in the Maine Business Enterprise Park. When the Credit Union did its due diligence and took test borings they discovered debris under the ground at the site, which appears to be remnants of a build that was once there. Despite this unexpected problem, the Credit Union wants to proceed with the project. This will require removal of the debris and bringing in new material. They have requested that the City make some of its gravel from the City's gravel pit in Winterport available at no cost. It will amount to approximately 6,250 cubic yards of bank run gravel and the will be hauled by the contractors for the Bangor Federal Credit Union. This item was reviewed and recommended for approval at the July 21, 2015 meeting of the Business and Economic Development Committee.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

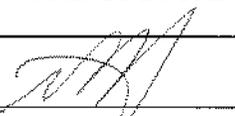
  
\_\_\_\_\_  
City Manager

**Associated Information:**

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral

Page \_\_ of \_\_

Assigned to Councilor Nealley



## CITY OF BANGOR

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**(TITLE.) ORDER,** 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)

WHEREAS, The City and Bangor Federal Credit Union are parties to a Development Agreement for the Credit Union's construction of a building on Lot 13 in the Maine Business Enterprise Park, and

WHEREAS, during the due diligence process test borings showed debris under the ground at the development site appearing to be remnants of a build that was once there; and

WHEREAS, the debris will need to be removed and replaced with fill material; and

WHEREAS, the Bangor Federal Credit Union has requested that the City make approximately 6,250 cubic yards of bank run gravel from the City's gravel pit in Winterport available for the project at no cost; and

WHEREAS, it is in the City's best interest to do so to ensure that the development project can move forward.

*By the City Council of the City of Bangor:*

**ORDERED,**

THAT Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute an agreement with the Bangor Federal Credit Union for the excavation of approximately 6,250 cubic yards of bank run gravel from the City's gravel pit in Winterport at no cost.





Assigned to Councilor Graham

## CITY OF BANGOR

---

**(TITLE.) ORDER,** Authorizing Execution of Documents for Consent to Subdivision of Maliseet Plaza (Map 049, Lot 224)

**WHEREAS,** the City of Bangor in 1987 conveyed property to the Houlton Band of Maliseet Indians for the development of the Maliseet Gardens complex; and

**WHEREAS,** the Houlton Band of Maliseet Indians wishes to sell the property; and

**WHEREAS,** there is a restriction in the deed that the property may not be subdivided without the City's express permission; and

**WHEREAS,** a buyer has come forward for the property who wishes to subdivide the residential and commercial property; and

**WHEREAS,** it is in the interest of the City of Bangor to consent to the subdivision of the property:

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

The City Manager is authorized to execute any documents necessary to give the City's express permission to allow the subdivision of Maliseet Gardens. The agreement(s) shall be in a final form as agreed to by the City Solicitor or Assistant City Solicitor.

**COUNCIL ACTION**

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**Item No. 15-259**

**Date:** July 27, 2015

**Item/Subject:** Order, Acceptance of the City Engineer's Report to Discontinue a Portion of Kittredge Road.

**Responsible Department:** Engineering

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**Commentary:** This order will accept the City Engineer's report to discontinue a portion of Kittredge Road. In accordance with 23 M.R.S.A. § 3026, the City provided notice of proposed discontinuance to abutters. Further, a public hearing was held by the City Engineer on February 27, 2014 at 10:00 p.m., Engineering Conference Room, second floor, City Hall, 73 Harlow Street, Bangor. At that time no one appeared to speak on the proposed discontinuance and no responses or communications have been received related to this matter. This order would accept the City Engineering's Report for the discontinuance of a portion of Kittredge Road with retention of a public easement for the purpose of public utilities. The portion of the road in question is not used as a right-of-way nor is it needed for public purposes.

---

John M. Theriault, P.E.  
Department Head

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**Manager's Comments:**

  
City Manager

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**Associated Information:** Council Order, Report, Location Map

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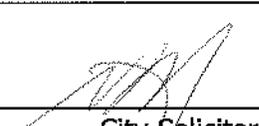
**Budget Approval:**

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Finance Director

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**Legal Approval:**

  
City Solicitor

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**Introduced for**

Passage  
 First Reading  
 Referral

Page \_\_\_ of



Assigned to Councilor Plourde

## CITY OF BANGOR

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**(TITLE.)** Order, Acceptance of the Director of Public Services, City Engineer's Report to Discontinue a Portion of Kittredge Road.

**ORDERED, THAT** the attached City Engineer's Report of the Director of Public Services relative to the discontinuance of said portion of Kittredge Road be and hereby is accepted and the City Manager to execute a release deed,

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT** said portion of Kittredge Road right-of-way be discontinued as a public way, and removed from the official City map. In accordance with 23 M.R.S.A. § 3026, a public easement shall be retained for public utilities.

## CITY ENGINEER'S REPORT

### DISCONTINUANCE OF A PORTION OF KITTREDGE ROAD

March 25, 2014

#### City of Bangor

To the City Council:

Pursuant to Council Order 14-078, passed on February 10, 2014 directing the City Engineer, Arthur B. Morgan to begin the process to discontinue a portion of Kittredge Road in its entirety and in accordance with 23 M.R.S.A. §3026, the City Engineer reports:

That of his intention to discontinue said portion of Kittredge Road, the former City Engineer gave written notice to the following:

#### NOTIFICATION LIST

Stillridge, LLC  
2402 Route 2, Suite  
Hermon, ME 04401

Epstein Rhode Island, LLC  
PO Box 2400  
Bangor, ME 04402

Fairpoint Communications  
ATTN: Bill Francini  
615 Oldin Road  
Bangor, ME 04401

Wal-Mart Real Estate Business Trust  
PO Box 8050  
Mail Stop #0555  
Bentonville, AR 72716

Time Warner Cable  
444 Perry Road  
Bangor, ME 04401

C.M.I., Inc  
11 Bangor Mall Boulevard, Suite 1  
Bangor, ME 04401

Bangor Gas  
ATTN: Jerry Livengood  
498 Maine Avenue  
Bangor, ME 04401

Austin Hotels, Inc.  
199 Pleasant Street  
Brunswick, ME 04011

Bangor Hydro Electric, Co.  
ATTN: Bruce Smith  
P.O. Box 932  
Bangor, ME 04402

NYNEX/New England Telephone, Co.  
770 Elm Street  
Manchester, NH 03101

Bangor Water District  
ATTN: Greg Reed  
P.O. Box 1129  
Bangor, ME 04402

Fredrick Gallant or Current Resident  
272 Eastern Avenue  
Brewer, ME 04412

Daigle Oil Company  
PO Box 328  
Fort Kent, ME 04743  
Minneapolis, MN 55440

Target Coportation  
C/O Property Tax Dept.  
PO Box 9456

---

Donald or Dianne French  
74 Kittredge Road  
Bangor, ME 04401

Said notice with a detailed plan was also posted on the public bulletin board at City Hall and on two utility poles in the vicinity of the proposed discontinuance.

In accordance with the notification given, the former City Engineer conducted a public hearing on February 27, 2014 relative to the intention of the Municipal Officers of the City of Bangor to discontinue a portion of Kittredge Road.

Interested attendees to the public hearing totaled zero.

The City Engineer concluded and made the following determinations:

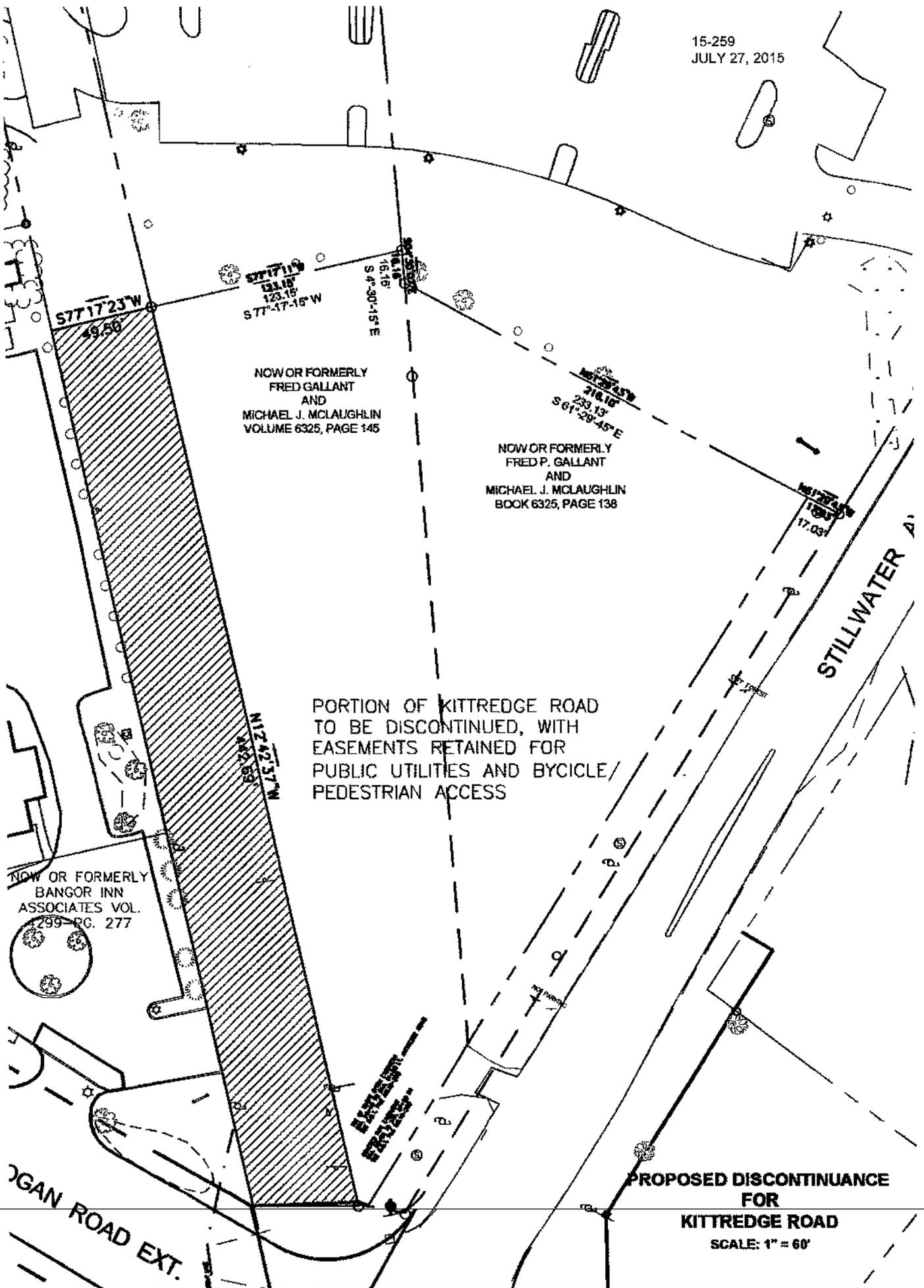
1. There is no longer any public interest or need to retain the portion of Kittredge road as a public right of way.
2. The property encompassed by the discontinuance of the portion of Kittredge Road shall revert to the adjacent property owners as provided by law.
3. In accordance with 23 M.R.S.A. § 3026, abutting property owners are entitled to \$0.00 damages.

It is recommended that the portion of Kittredge Road be discontinued and vacated in its entirety, and removed from the Official City Map, with the retention of a public easement for public utilities.

Respectfully Submitted,



John M. Theriault, PE PTOE  
City Engineer



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

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

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

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

**PROPOSED DISCONTINUANCE  
FOR  
KITTREDGE ROAD**

SCALE: 1" = 60'

**COUNCIL ACTION**

**Item No. 15-260**

**Date: 7-27-15**

**Item/Subject:** ORDER, Authorizing the City Manager to Execute a Memorandum of Understanding with Penobscot County Sheriff's Office.

**Responsible Department:** Health and Community Services

**Commentary:** This Order will authorize the City Manager to execute a memorandum of understanding on behalf of the City with Penobscot County Sheriff's Office. The Penobscot County Sheriff's Office will receive \$4,000 from Bangor Public Health and Community Services to enhance enforcement of underage drinking by conducting enforcement details in the towns of Glenburn and Hermon, two of the thirteen towns served by the Healthy Maine Partnership within Bangor Public Health and Community Services. The grant provider, the State of Maine Office of Substance Abuse (OSA) has approved the expenditure of funds for this purpose. 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:** Order, Memorandum of Understanding

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

- Passage (Consent)
- First Reading
- Referral

Page \_\_ of \_\_

15-260  
JULY 27, 2015

Assigned to Councilor Civiello



## CITY OF BANGOR

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**(TITLE.) Order, Authorizing the City Manager to Execute a Memorandum of Understanding with Penobscot County Sheriff's Office**

**BY THE CITY COUNCIL OF THE CITY OF BANGOR:**

**BE IT ORDERED**, that the City Manager is hereby authorized to enter into a memorandum of understanding with Penobscot County Sheriff's Office, a copy of which is attached.

**Memorandum of Understanding  
Between Bangor Public Health and Community Services and Penobscot County Sheriff's Office**

**Purpose:**

The purpose of this Memorandum of Understanding (MOU) is to establish an agreement between Bangor Public Health and Community Services and Penobscot County Sheriff's Office, to support and implement project objectives outlined in the MOU targeting underage alcohol and youth substance use/abuse.

**Project Objectives and Strategies:**

Penobscot County Sheriff's Office agrees to:

- Enhance enforcement of underage drinking by conducting party patrols in the towns of Glenburn and Hermon.
- Expend funds by September 29, 2015.

Bangor Public Health agrees to:

- Provide Penobscot County Sheriff's Office with contract funds to support the implementation of the project objectives and strategies.
- Collaborate with Penobscot County Sheriff's Office to coordinate the implementation of project objectives and strategies as necessary.
- Address concerns of the Penobscot County Sheriff's Office, as needed.

**Agreement Amount:     \$4,000**

Payments will be issued upon receipt of an invoice, submitted by the Penobscot County Sheriff's Office on agency letterhead. Invoices must outline staff hours, mileage (if applicable), and a brief description of services rendered. Invoices may be submitted on a monthly basis; however the final invoice must be received *no later* than September 29, 2015. The Penobscot County Sheriff's Office must also provide citation reports to be reviewed by the Health Promotion staff.

Send invoices and supporting documentation to:     **Bangor Public Health and Community Services  
103 Texas Avenue  
Bangor, Maine 04401  
Attn: Sally Healey  
Sally.healey@bangormaine.gov**

**Approval:**

This MOU will become effective on the date of signing and will expire September 29, 2015.

\_\_\_\_\_  
Cathy Conlow  
City Manager, City of Bangor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Troy Morton  
Sheriff, Penobscot County Sheriff's Office  
Date: \_\_\_\_\_

**COUNCIL ACTION**

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Item No. **15-261**

Date: **July 27, 2015**

**Item/Subject: ORDER, Authorizing the Fire Department to Solicit Support and Financial Commitment for the Renovation of their Training Facility located off the Odlin Road.**

**Responsible Department: Fire Department**

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**Commentary:** This Order would allow the Fire Department to begin the process to renovate and rehabilitate their training facility located off the Odlin Road in Bangor. The Fire Department's training facility near Bangor International Airport was constructed in 1987-88 and has been used extensively over the past 25+ years. The facility has had no significant renovation nor upgrade during this timeframe, and is in need of capital repair. An independent engineering analysis has confirmed that the condition of the facility is poor and must be upgraded before it can be safely used again. The preliminary estimate to rehabilitate the facility is in the range of \$82,500.

The Fire Department has proposed to solicit interest, support and financial commitment from area fire departments; educational institutions offering fire science programs; state and federal agencies, including grant opportunities; and local businesses as a method to fund the proposed work. Depending upon the response received, some city funding from capital reserve accounts might be needed, but this would be determined by separate Council action at a later date.

This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee.

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Department Head

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**Manager's Comments:**

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City Manager

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**Associated Information:** Order, Memorandum from Fire Chief Higgins

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**Budget Approval:**

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Finance Director

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**Legal Approval:**

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City Solicitor

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**Introduced for**

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

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Page    of



Assigned to Councilor Baldacci

## CITY OF BANGOR

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**(TITLE.) Order,** Authorizing the Fire Department to Solicit Support and Financial Commitment for the Renovation of their Training Facility located off the Odlin Road

**WHEREAS,** the Fire Department's Training Facility located off the Odlin Road near BIA was built during 1987 and 1988; and

**WHEREAS,** the facility has been used extensively over the past 25 + years, there has been no significant renovation work performed, and in 2014 the building was deemed unsafe for live fire training; and

**WHEREAS,** an independent engineering analysis indicates that the facility and associated training props are in need of rehabilitation, with an estimated cost of \$82,500, and

**WHEREAS,** the Fire Department would like to solicit interest and financial support to provide funding for the necessary work, and

**WHEREAS,** the concept behind this approach is that the region would benefit from having one premier training facility with all interested partners contributing to its upgrade and on-going maintenance.

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

the Bangor Fire Department, through the Fire Chief and his authorized designees, is hereby authorized to undertake the following in order to begin the process of planning and developing funding sources for the rehabilitation of the Fire Department Training Facility:

1. Develop a phased plan for the improvement of the facility and related training equipment
2. Use of existing grant funds previously designated for this purpose, and to seek and apply for other available grants funds established for this purpose
3. Approach other surrounding local communities for financial support
4. Approach other related Fire Service entities for financial support

5. Approach local businesses and organizations for financial support, goods and services.
6. Re-Approach the City Council at a later date should the use of city capital reserve funding be needed for the completion of the project

**AND BE IT FURTHER ORDERED THAT**

The Fire Chief will provide periodic updates to the City Manager and Government Operations Committee regarding this project, and will coordinate any necessary accounting and safeguard procedures for the acceptance and receipt of donations with the Finance Director.



# Fire Department



**Thomas E. Higgins**  
Fire Chief  
[thomas.higgins@bangormaine.gov](mailto:thomas.higgins@bangormaine.gov)

**TO:** Government Operations Committee  
**FR:** Tom Higgins, Fire Chief  
**DT:** July 17, 2015  
**RE: Fire Department Training Facility**

The Fire Department Training Facility was originally constructed in 1987-88. Over the years it expanded from the original building to include several other training components, including live fire burns, search mazes and below grade rescue. It also has an underground water tank used for pump training and annual pump certifications. This "hands-on" facility has been integral to the preparation of countless firefighters from Bangor and across the region. In addition the site is often used for police training evolutions. Because of the multitude of training options and central location, as well as close proximity to food and lodging, the Bangor FD Training Facility has been a preferred training site for many first responders.

In recent years several aspects of the training facility have revealed signs of age. In October 2014 the burn building was deemed unsafe for live fire training. The underground tank leaks water and is undersized for modern fire truck pumps. Other training props should be upgraded or reconfigured to meet modern practices.

To restore the facility, fire department recommends the following items:

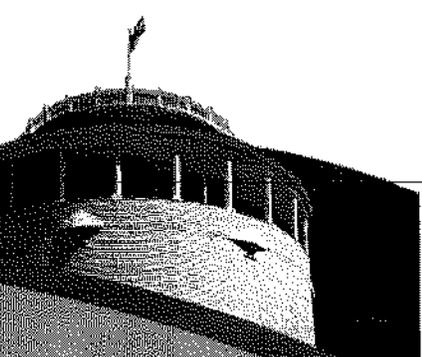
- Develop a phased plan for improvement
- Use of existing grant funds, or approval to seek and apply for grant funds
- Authorization to approach local communities for support
- Authorization to approach local business partners for support
- The possible transfer of funds from other city reserve accounts to make improvements. An amount has not been determined and would require action / approval by the Finance Committee and City Council, if needed.

Fire department staff members welcome the opportunity to discuss the needs of the facility and the opportunities available to make it sustainable into the future. We will plan to have pictures available at the meeting.

289 Main Street Bangor, Maine 04401

207.992.4700 Direct 207.992.4701 • Cell 207.852.5142

[www.bangormaine.gov](http://www.bangormaine.gov)



# *Update Plan:*

## **\*Burn Building:**

- Remove 3 story tower
- Reconstruct roof over the old tower on the second floor level
- Replace asphalt shingles
- Replace soffit & fascia
- Replace windows (4)
- Replace exterior doors (2)
- Update sprinkler system
- Repair burn room panels
- Paint exterior of building
- Construct moveable walls for variable search drills

## **LPG Props:**

- Replace underground supply piping
- Upgrade safety valves
- Re-grade the safety position
- Re-grade approach

## **Fire Extinguisher props:**

- Re-grade for better access & mowing

## **Drafting Tank:**

- Replace with 8000 gallon masonry tank
- Update configuration of the testing site

## **Classroom:**

- Repair walls and ceiling

- Repaint walls/ceiling/floor
- Replace tables
- Replace 2 windows
- Replace 2 exterior doors
- Install heat pump
- Update audio/visual equipment

**Perimeter Fencing:**

- Replace 240' of 6' high chain-link fencing
- Install 24' wide sliding access gate

**Bathroom Facility:**

- Complete interior
- Complete decontamination shower
- Complete grading
- 2-rehab tables

**Site Improvements:**

- Re-grade, as needed
- Re-pave, as needed

\*Burn Building improvements life cycle 3-5 years

Bangor Fire Department  
Training Center  
Repair Estimates  
6-15

|                           |                 |
|---------------------------|-----------------|
| Burn Building             | 25,000          |
| LPG Props                 | 1,000           |
| Fire Extinguisher Props   | 1,000           |
| Drafting Tank             | 25,000          |
| Classroom                 | 6,000           |
| Perimeter Fencing         | 9,500           |
| Bathroom / Decon Facility | 5,000           |
| Site Improvements         | 10,000          |
|                           |                 |
| <b>TOTAL</b>              | <b>\$82,500</b> |

**COUNCIL ACTION**

**Item No. 15-262**

**Date: July 27, 2015**

**Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$209,121 to Dunbar & Brawn for Sewer Maintenance Building Renovations**

**Responsible Department: WWTP**

**Commentary:**

On May 13, 2015, the City received three (3) bids for the Sewer Maintenance Building Renovations. The bid prices ranged from \$219,303 to \$753,000 (see attached bid tabulation).

The initial bid prices were more than the budgeted \$150,000. Accordingly, staff met with the low bidder to value engineer the project costs closer to the budget amount. By allowing certain changes and eliminating some work that can be completed later, the cost was reduced from \$219,303 to \$209,121. Even this amount exceeds the available funding however, it is critical that we have this renovated space for the crew and the equipment. The operation has outgrown its current space in the Public Works building and requires heated inside space for the equipment which will allow us to use the equipment even during cold weather months. This in turn will allow us to more easily meet the requirements of the proposed consent decree.

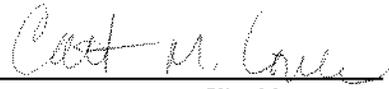
The additional funding to complete this project would be redirected from the Sewer small projects and spot repairs account.

This item is schedule to be reviewed by the Finance Committee earlier this evening.

If recommended for passage, this item comes forward for Council action, as the contract award is over \$100,000.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

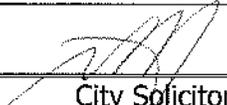
**Associated Information:**

Bid Tabulation

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

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

Assigned to Councilor Blanchette



## CITY OF BANGOR

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**(TITLE.) Order, Authorizing Bid Award in the Amount of \$209,121 to Dunbar & Brawn for Sewer Maintenance Building Renovations**

*By the City Council of the City of Bangor:*

**ORDERED,**

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Dunbar & Brawn in the amount of \$209,121 for Sewer Maintenance Building Renovations.

**COUNCIL ACTION**

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**Item No. 15-263**

**Date:** July 27, 2015

**Item/Subject:** Order, Acceptance of the City Engineer's Report to Discontinue a Portion of Maine Avenue and Texas Avenue.

**Responsible Department:** Engineering

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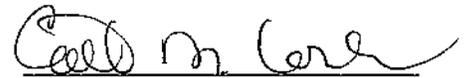
**Commentary:** This order will accept the City Engineer's report to discontinue a portion of Maine Avenue and Texas Avenue. Under 23 M.R.S.A. § 3026, before discontinuing a road, the City Council must provide notice to abutting property owners. Notice was provided and the City Engineer provided a public hearing on July 21, 2015 at 10:00 p.m., Third Floor Conference Room, third floor, City Hall, 73 Harlow Street, Bangor. At the time and place set for the hearing. This order would accept the City Engineering's Report for the discontinuance of a portion of Maine Avenue and Texas Avenue. The portion of the roads in question are not used as a right-of-way nor needed for public purposes. This item will be reviewed at a pre-council meeting on July 27, 2015.

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John M. Theriault, P.E.  
Department Head

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**Manager's Comments:**

  
City Manager

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**Associated Information:** Council Order, Report, Location Map

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**Budget Approval:**

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Finance Director

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**Legal Approval:**

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City Solicitor

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**Introduced for**

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

**Page \_\_\_ of**



Assigned to Councilor Faircloth

## CITY OF BANGOR

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**(TITLE.)** Order, Acceptance of the City Engineer's Report to Discontinue a Portion of Maine Avenue and Texas Avenue.

**ORDERED, THAT** the attached City Engineer's Report of the Director of Public Services relative to the discontinuance of said portions of Maine Avenue and Texas Avenue be and hereby is accepted,

**NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT** said portions of Maine Avenue and Texas Avenue right-of-ways be discontinued as a public ways, and removed from the official City map. In accordance with 23 M.R.S.A. § 3026, no public easements shall be retained in the portions of the public way hereby discontinued.

## CITY ENGINEER'S REPORT

### DISCONTINUANCE OF A PORTION OF MAINE AVENUE AND TEXAS AVENUE

July 23, 2015

#### City of Bangor

To the City Council:

Pursuant to Council Order 15-242, passed on July 13, 2015 directing the City Engineer to discontinue unused portions of Maine Avenue and Texas Avenue and in accordance with 23 M.R.S.A. §3026, the City Engineer reports:

That of his intention to discontinue unused portions of Maine Avenue and Texas Avenue, the City Engineer gave written notice (copy attached) together with a copy of Council Order 15-242 to the following:

|   |                 |                  |            |       |
|---|-----------------|------------------|------------|-------|
| Bangor International Airport              | (Interoffice)   | 73 Harlow Street | Bangor, ME | 04401 |
| Community & Economic Development          | (Interoffice)   | 73 Harlow Street | Bangor, ME | 04401 |
| Bangor International Airport/Banair       | (Interoffice)   | 73 Harlow Street | Bangor, ME | 04401 |
| Bangor Savings Bank                       | Attn: Acct Dept | P.O. Box 930     | Bangor, ME | 04401 |
| Challenger Learning Center of Maine (PIP) |                 | 30 Venture Way   | Bangor, ME | 04401 |

Said notice was also posted on the public bulletin board at City Hall and on two utility poles in the vicinity of the proposed discontinuance.

In accordance with the notification given, the City Engineer conducted a public hearing on July 21, 2015 relative to the intention of the Municipal Officers of the City of Bangor to discontinue an unused portion of Maine Avenue and Texas Avenue as described below and depicted in Exhibit A:

The portions of Maine Avenue and Texas Avenue were accepted as a public way in 1969. The Right of Ways width is 80 feet. The portion of Maine Avenue to be discontinued is located immediately east of the current Maine Avenue Roadway Right of Way and has portion of it located within Lots 15, 16, and 17 within the Maine Business Enterprise Park as shown on the Maine Business Enterprise Park "Amended" Subdivision Plan dated 1994.

The portion of Texas Avenue to be discontinued is located between Corporate Drive (formerly Illinois Avenue) and Maine Avenue and the portion immediately west of the Current Maine Avenue Right-of-Way.

The public meeting commenced at 3:00 PM, and in attendance were the following individuals:

John Theriault, PE, PTOE – Bangor City Engineer  
David Latulippe of CJ Developers – Representing Bangor Savings Bank  
Andy Hamilton of Eaton Peabody – Representing Bangor Savings Bank  
Paul Monyock of WBRC, Architects & Engineers – Representing Bangor Federal Credit Union

The meeting began with John Theriault providing a brief description of the portions of Maine Avenue and Texas Avenue that the City of Bangor wishes to discontinue. Andy Hamilton provided a copy of the subdivision plan for the Maine Business Enterprise Park and John Theriault pointed out the portions of Maine Avenue and Texas Avenue that are to be abandoned within the Business Park.

Both representatives for Bangor Savings Bank expressed concern that the discontinuance of the easterly portion of Texas Avenue would have a detrimental impact on the employees, customers, and deliveries to the bank. This portion of Texas Avenue provides access to one of the Banks site driveways.

John Theriault explained that although the City wishes to discontinue this section of Texas Avenue, the city does not intend to remove the existing pavement or change the bank's access to Corporate Drive (formerly Illinois Avenue). The discontinuance of the street however will eliminate the City's maintenance responsibilities for street.

John Theriault further explained that the elimination of the access from Texas Avenue to Maine Avenue is a condition of the Business Park's Traffic Movement Permit with the Maine Department of Transportation. This Permit was initially obtained in 2005 and updated in 2015.

The representatives from Bangor Savings Bank said that they were not opposed to the City of Bangor complying with the requirements of the Permit at the Maine Avenue/Texas Avenue intersection, but believed that the City had a responsibility through the existing property lease agreement to maintain the public street to their access at Texas Avenue.

A discussion was held concerning discontinuing the portion of Maine Avenue as depicted in Exhibit "A" but reducing the amount of Texas Avenue to be discontinued to the portion beginning at Maine Avenue and terminating at the easterly property line of Lot 13 within the Business Park (lot to be purchased by the Credit Union). This would maintain the access to the driveway of the bank to Texas Avenue and Corporate Drive.

Paul Monyok, representing the Bangor Federal Credit Union said that this option was acceptable to the Credit Union.

The City Engineer concluded the public hearing and made the following determinations:

- 1) There is no longer any public interest or need to retain the 80 foot wide unused portion of Maine Avenue Right-Of-Way that lies within Lots 15, 16, and 17 of the Maine Business Enterprise Park as a Public Way as

depicted within the Maine Business Enterprise Park "Amended" Subdivision Plan dated 1994.

- 2) There is no longer any public interest or need to retain the 80 foot wide unused portion of the Texas Avenue Right-Of-Way that lies on the west side of the currently used Maine Avenue Right-Of-Way as depicted within the Maine Business Enterprise Park "Amended" Subdivision Plan dated 1994.
- 3) There is no longer any public interest or need to retain the 80 foot wide unused portion of the Texas Avenue Right-Of-Way that lies on the east side of the currently used Maine Avenue Right-Of-Way and extends approximately 165 feet east along its southern border. This portion of Public Right-of-Way lies completely within Lot 13 of The Maine Business Enterprise Park as depicted within the Maine Business Enterprise Park "Amended" Subdivision Plan dated 1994.
- 4) The discontinued Right-Of-Way shall revert to the adjacent property owners as depicted in the Maine Business Enterprise Park "Amended" Subdivision Plan dated 1994.
- 5) In accordance with the provisions of 23 M.R.S.A. § 3026, abutting property owners are entitled to \$0.00 in damages.

It is recommended that said portion of Maine Avenue and Texas Avenue be discontinued and vacated, and removed from the Official City Map, with no retention of a public easement.

"Exhibit B" will supersede "Exhibit A", to depict the final discontinuance.

Respectfully Submitted,

John M. Theriault, P.E.  
City Engineer

JMT/cas

Attachments

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**COUNCIL ACTION**

**Item No. 15-264**

**Date: 7-27-2015**

**Item/Subject: Order, Authorizing the Acceptance of a \$4,200 Donation from the Cole Land Transportation Museum**

**Responsible Department: Parks and Recreation**

**Commentary:** The Bangor Band would like to purchase performance risers to use under the inflatable band shell. This would provide them a solid, flat surface to set up on. This was something the Band had hoped to purchase earlier, but they decided to wait until the shell had been purchased and we were able to go through a complete season. Currently, they set up on the bare ground whenever the shell is inflated. The band has received a quote of \$13,954.00 for the necessary equipment. The Band has received a donation of \$4,200.00 from the Cole Land Transportation Museum, and together with the remaining balance of the previous King Foundation donation, will provide enough funds for the purchase. This order authorizes the acceptance of the donation from the Cole Land Transportation Museum. The purchase of the risers will be handled in separate action by the Finance Committee.

This was reviewed and recommended for approval at the July 20, 2015 Government Operations Committee meeting.

\_\_\_\_\_  
Willette  
Department Head

**Manager's Comments:**

\_\_\_\_\_  
Carl M. Lopez  
City Manager

**Associated Information: Order, Background Memorandum**

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

\_\_\_\_\_  
City Solicitor

**Introduced for**  
 **Passage**  
 **First Reading**  
 **Referral**

**Page \_\_ of \_\_**



Assigned to Councilor Civiello

## CITY OF BANGOR

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**(TITLE.)** ORDER, Authorizing the Acceptance of a Donation of \$4,200.00 from the Cole Land Transportation Museum.

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

WHEREAS, the Parks and Recreation Department works cooperatively with the Bangor Band during their summer concert season; and

WHEREAS, the Bangor Band has a need for performance risers in order to have a flat surface to perform their concerts on; and

WHEREAS, the Cole Land Transportation Museum has made a donation of \$4,200.00 to be used with remaining funds from a donation from the Stephen and Tabitha King Foundation to purchase these risers.

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

A donation of \$4,200.00 from the Cole Land Transportation Museum to be used toward the purchase of performance risers for use by the Bangor Band is hereby accepted and the Finance Director shall establish the necessary accounts for this donation.



**REFERRALS TO COMMITTEES  
& FIRST READINGS**

**COUNCIL ACTION**

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**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

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**Commentary:**

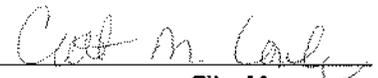
This ordinance amendment would designate two downtown parking spaces as 15 minute parking spaces, one in Merchants Plaza, across from the top of Bangor Alley, and one on Columbia Street, across the street from the Columbia Street Baptist Church. These parking spaces will allow downtown businesses and 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.

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Department Head

**Manager's Comments:**

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City Manager

**Associated Information:** Ordinance

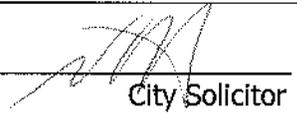
**Budget Approval:**

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Finance Director

**Legal Approval:**

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City Solicitor

**Introduced for**

**Passage**

**First Reading**

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

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Assigned to Councilor Graham

## CITY OF BANGOR

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**(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."

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**COUNCIL ACTION**

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**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

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**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.

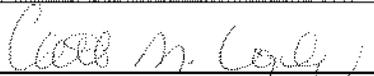
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Department Head

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**Manager's Comments:**

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City Manager

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**Associated Information:** Ordinance

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**Budget Approval:**

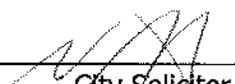
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Finance Director

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**Legal Approval:**

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City Solicitor

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**Introduced for**

**Passage**

**First Reading**

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

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Assigned to Councilor Faircloth



## CITY OF BANGOR

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**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**

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**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 There For

**Responsible Department:** Finance

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**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, \$359,000 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 10<sup>th</sup> City Council Meeting

\_\_\_\_\_  
Department Head

**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

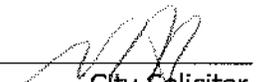
**Associated Information:**

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 deliver of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**

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**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

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**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.

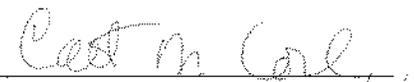
The SRF program was created in 1987 by the Clean Water Act. The Environmental Protection Agency (EPA) provided all states with the seed money to capitalize this revolving loan fund. SRF funding is typically at below market rates, but does carry additional State administrative costs and processes. In 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 10<sup>th</sup> City Council Meeting

\_\_\_\_\_  
Department Head

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**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

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**Associated Information:**

Order

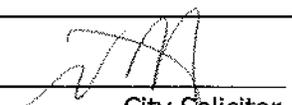
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**Budget Approval:**

\_\_\_\_\_  
Finance Director

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**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

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**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:**

\_\_\_\_\_  
*Carl M. Corey*  
City Manager

**Associated Information:** Resolve

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

\_\_\_\_\_  
*[Signature]*  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral

Page \_\_ of \_\_



Assigned to Councilor Civiello

## CITY OF BANGOR

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**(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.



**UNFINISHED  
BUSINESS**

**COUNCIL ACTION**

**Item No. 15-227**

**Date:** June 22, 2015

**Item/Subject:** **ORDINANCE**, Amending Map Entitled "Downtown Parking Management District" by Creating Three 15 Minute Parking Spaces

**Responsible Department:** Community and Economic Development

**Commentary:**

This ordinance amendment would designate three downtown parking spaces as 15 minute parking spaces, one on Broad Street, across from the top of Bangor Alley; one on Central Street, near Epic Sports; 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.

Staff recommends waiving second reading, given the urgency of the need for these parking spaces and the desire to prevent further damage to City sidewalks.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

\_\_\_\_\_  
*Cecil M. Cole*  
City Manager

**Associated Information:** Ordinance

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

\_\_\_\_\_  
*[Signature]*  
City Solicitor

**Introduced for**

- Passage\*** (upon waiver of second reading)
- First Reading**
- Referral**



Assigned to Councilor Plourde

15-227  
June 22, 2015

## CITY OF BANGOR

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**(TITLE.) ORDINANCE,** Amending Map Entitled "Downtown Parking Management District" by Creating Three 15 Minute Parking Spaces

**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 1302 and 2312 as "Parking limited to 15 minutes," by designating the area immediately south of space 305 as space 305A, and by designating the new space 305A as "Parking limited to 15 minutes" and removing its designation as a loading zone. The remainder of the area between the new space 305A and space 306 shall remain a loading zone.

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**COUNCIL ACTION**

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**Item No. 15-245**

**Date:** July 13, 2015

**Item/Subject:** **ORDINANCE**, 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

**Responsible Department:** Public Works

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**Commentary:**

This ordinance amendment would eliminate the two handicapped parking spaces on Union Street near Hudson Street.

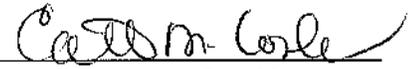
The doctor's office on the corner of Union and Hudson Streets has ceased operating. There are two handicapped parking spaces designated on Union Street that had been used by patients visiting the doctor's office. With the closure of the office, these handicapped parking spaces are no longer necessary.

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Department Head

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**Manager's Comments:**

  
City Manager

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**Associated Information:** Ordinance, Aerial Photo

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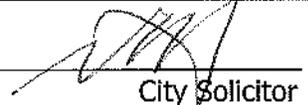
**Budget Approval:**

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Finance Director

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**Legal Approval:**

  
City Solicitor

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**Introduced for**

**Passage**

**First Reading**

**Referral** to the Government Operations Committee on July 20, 2015

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Assigned to Councilor Civiello



## CITY OF BANGOR

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**ORDINANCE**, 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

**WHEREAS**, the doctor's office at 25 Hudson Street has ceased operating; and

**WHEREAS**, there is therefore no longer a need for handicapped parking spaces on Union Street in front of the building located at 25 Hudson Street;

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

Chapter 291, Schedule VI of the Code of the City of Bangor is hereby amended as follows:

| Schedule | Street | Parking Limitations Reference          | Exact Location  |
|----------|--------|--|---|
| ...      |        |  |   |
| VI       | Union  | Limited to parking for the handicapped | Two spaces on the easterly side of Union St. commencing 50 feet from the northerly curb of Hudson St and running 40 feet in a northerly direction |
| ...      |        |  |   |

Additions are underlined, deletions struck through.

**COUNCIL ACTION**

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**Item No. 15-.246**

**Date:** July 13, 2015

**Item/Subject:** **Ordinance**, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

**Responsible Department:** Legal

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**Commentary:** This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour.

If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.

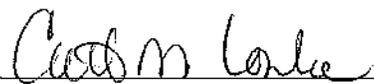
The City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens. Based on numerous reports and studies it can be demonstrated that the establishment of a higher minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor/ According to a report by the Maine Center for Economic Policy more than 100,000 workers in Maine would benefit from an increase in the minimum wage. Employment in Bangor makes up roughly 6% of Maine's workforce or about 35,000 workers. Extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage.

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Department Head

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**Manager's Comments:**

  
City Manager

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**Associated Information:**

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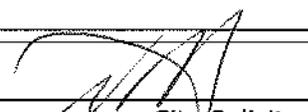
**Budget Approval:**

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Finance Director

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**Legal Approval:**

  
City Solicitor

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**Introduced for  
\_\_\_\_ Passage**

Assigned to Councilor Baldacci



## CITY OF BANGOR

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**(TITLE.)** Ordinance, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

WHEREAS, the minimum wage for state or federal has not been increased since 2009; and

WHEREAS, the current minimum wage in Maine is \$7.50 per hour; and

WHEREAS, the minimum wage in Maine in 1966 was \$1.25 per hour and adjusted for inflation over nearly 5 decades, that same wage would equal \$9.15 per hour - \$1.65 more than it is currently, and

WHEREAS, a report last year by the Maine Women's Policy Center found that 85% of Maine's workers who would be impacted by raising the minimum wage are over 20 years of age; and

WHEREAS, according to a report by the Maine Center for Economic Policy, 23% of workers in the Second District – or 60,000 people and for the whole state that number is over 100,000 Maine people would benefit from a raise in the minimum wage to \$10.10 per hour as proposed by President Obama; and

WHEREAS, 62% of Maine women who would benefit from an increase in the minimum wage have no partner supplementing their income; and

WHEREAS, Bangor is home to 6% of Maine's state wide workforce or about 35,000 workers and extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage; and

WHEREAS, the City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens ; and

WHEREAS, establishment of a minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor.

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

The Code of the City of Bangor be amended as following:

Chapter 179 Minimum Wage

179 - 1 Purpose

The purpose of the within ordinance is to establish of a minimum wage within the City of Bangor to promote the health, safety and welfare of the citizens of the City of Bangor.

179 - 2 Definitions

Unless the context otherwise indicates, the following words shall have the following meanings.

a) City: City of Bangor

b) City Limits: the physical boundaries of the City

c) Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours or working conditions of more than four Employees; "Employer" shall include but not be limited to the City of Bangor.

d) Employee: Any person 18 years of age or older who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. "Employee" shall not include any person who is excluded from the definition of Employee under 26 M.R.S. §663 of Chapter 7, Employment Practices and working for an Employer for academic credit from an accredited school, college or university for the purpose of this ordinance. Tipped Employees are not included in this definition of Employee.

e) Minimum wage: The minimum hourly rate of monetary compensation that an Employer may legally pay and Employee who work within the City.

f) Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

g) Tipped Employee: Any Employee 18 years of age or older engaged in an occupation in which he or she customarily and regularly receives tips from customers.

179 - 3 Minimum Wage.

(a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the minimum wage for each hour worked within the City Limits.

(b) Minimum wage rate.

(i) On January 1, 2016, the minimum wage for all Employees shall be established as \$8.25 per hour;

(ii) On January 1, 2017, the regular minimum wage for all Employees shall be raised to \$9.00 per hour;

- (iii) On January 1, 2018, the regular minimum wage for all Employees, shall be raised to \$9.75 per hour;
- (iv) Effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics. The sum of the most recent twelve months for which there is a calculated CPI-U reported by the Bureau of Labor Statistics will be the rate by which to define the increase in the minimum wage

#### 179 - 4 Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice to be provided by the City informing Employees of the City's current minimum wage rates, as well as a copy of this ordinance.

#### 179 5 Enforcement.

- (a) Any Employee receiving less than the minimum wage he or she is required to receive under this ordinance may file a written complaint with the city Manager's office.
- (b) The City Manager or his or her designee may take appropriate steps to enforce this chapter; and may investigate and issue a response to the complaint within fifteen (15) work day following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (c) If the City Manager finds that a violation of this chapter has occurred, he or she may order any appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of Bangor's city code.
- (d) In the alternative, any Employee may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this chapter, including, but not limited to, wages and expenses owed under this chapter.

#### 179 - 6 Relationship To Other Requirements.

This ordinance provides for payment of minimum wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the minimum wage rates established herein.

#### 179 7 Severability Clause.

**JULY 13, 2015**

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Additions underlined.

**COUNCIL ACTION**

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**Item No. 15-247**

**Date: July 13, 2015**

**Item/Subject: RESOLVE**, Accepting and Appropriating \$155,369 for the Supplemental Nutrition Education Grant Program (SNAP ED)

**Responsible Department: Health & Community Services**

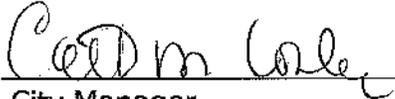
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**Commentary:** This resolve will accept and appropriate \$155,369 for the Supplemental Nutrition Education Grant Program (SNAP ED) through the River Coalition. This will be the fourth year of the grant for the purpose of providing nutrition education to people who are eligible for Supplemental Nutrition Assistance Program in the thirteen town Healthy Maine Partnership service area. The grant term is 10/1/2015 to 9/30/2016. This was reviewed and recommended for approval at the July 6, 2015 Government Operations Committee meeting.

Department Head

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**Manager's Comments:**

  
City Manager

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**Associated Information:** Resolve

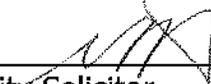
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**Budget Approval:**

  
Finance Director

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**Legal Approval:**

  
City Solicitor

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**Introduced for**

Passage  
 First Reading  
 Referral

**Page 1 of 1**



Assigned to Councilor Plourde

## CITY OF BANGOR

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**RESOLVE, Accepting and Appropriating \$155,369 for the Supplemental Nutrition Education Grant Program ( SNAP ED)**

*By the City Council of the City of Bangor:*

**RESOLVED, THAT** \$155,369 in grant funding is hereby accepted and appropriated for the Supplemental Nutrition Education Program for fiscal year 2016 (10-1-15 to 9-30-16)

**COUNCIL ACTION**

**Item No. 15 -248**

**Date:** July 13, 2015

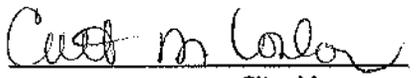
**Item/Subject:** Resolve, Accepting and appropriating a grant in the amount of \$879,890 from the Federal Aviation Administration and \$48,883 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 68 at Bangor International Airport (BGR).

**Responsible Department:** Airport

**Commentary:** This Resolve will accept and appropriate 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. If approved, this grant will be used for the domestic terminal renovation project. This grant funding will focus on the public areas of this phase of the project, which includes the terminal façade, flooring, lighting, restrooms and other areas. This project is included in BGR's FAA approved 5-year Capital Improvement Plan (CIP). This grant will fund 90% of the project with the additional 5% coming from the State and 5% coming from the airport.

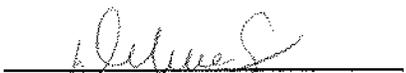
Tony Caruso  
Department Head

**Manager's Comments:**

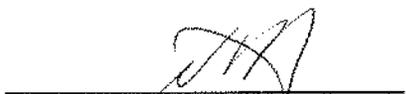
  
Curt M. Carlon  
City Manager

**Associated Information:** Resolve

**Budget Approval:**

  
Helene S.  
Finance Director

**Legal Approval:**

  
M.A.  
City Solicitor

Introduced for

- Passage  
 First Reading  
 Referral to July 14, 2015 Airport Committee meeting.

Assigned to Councilor Sprague



## CITY OF BANGOR

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**(TITLE):** Resolve, 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).

WHEREAS, The City's applications to the Federal Aviation Administration and the Maine Department of Transportation for Airport Improvement Project grant funds for this project at Bangor International Airport have been accepted, and the Federal Aviation Administration and the State of Maine have agreed to provide the funding; and

WHEREAS, This project is included in the airports FAA approved five-year Capital Improvement Plan (CIP); and

WHEREAS, Federal funds will cover 90% of the cost of the project with an additional 5.0% coming from the State of Maine and 5.0% from the Airport.

*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANGOR, THAT*

The City Manager is hereby authorized to accept the grants from the Federal Aviation Administration and the Maine Department of Transportation in the amount of \$928,773 under the Airport Improvement Plan (AIP) program, grant # 68 for the domestic terminal renovation project at Bangor International Airport (BGR); and

BE IT FURTHER RESOLVED THAT

There is hereby appropriated within the Airport Fund the amount of \$928,773 recognizing this grant fund to be used for this project. The City Finance Director is hereby authorized to place this amount within the appropriate accounts.



**NEW  
BUSINESS**