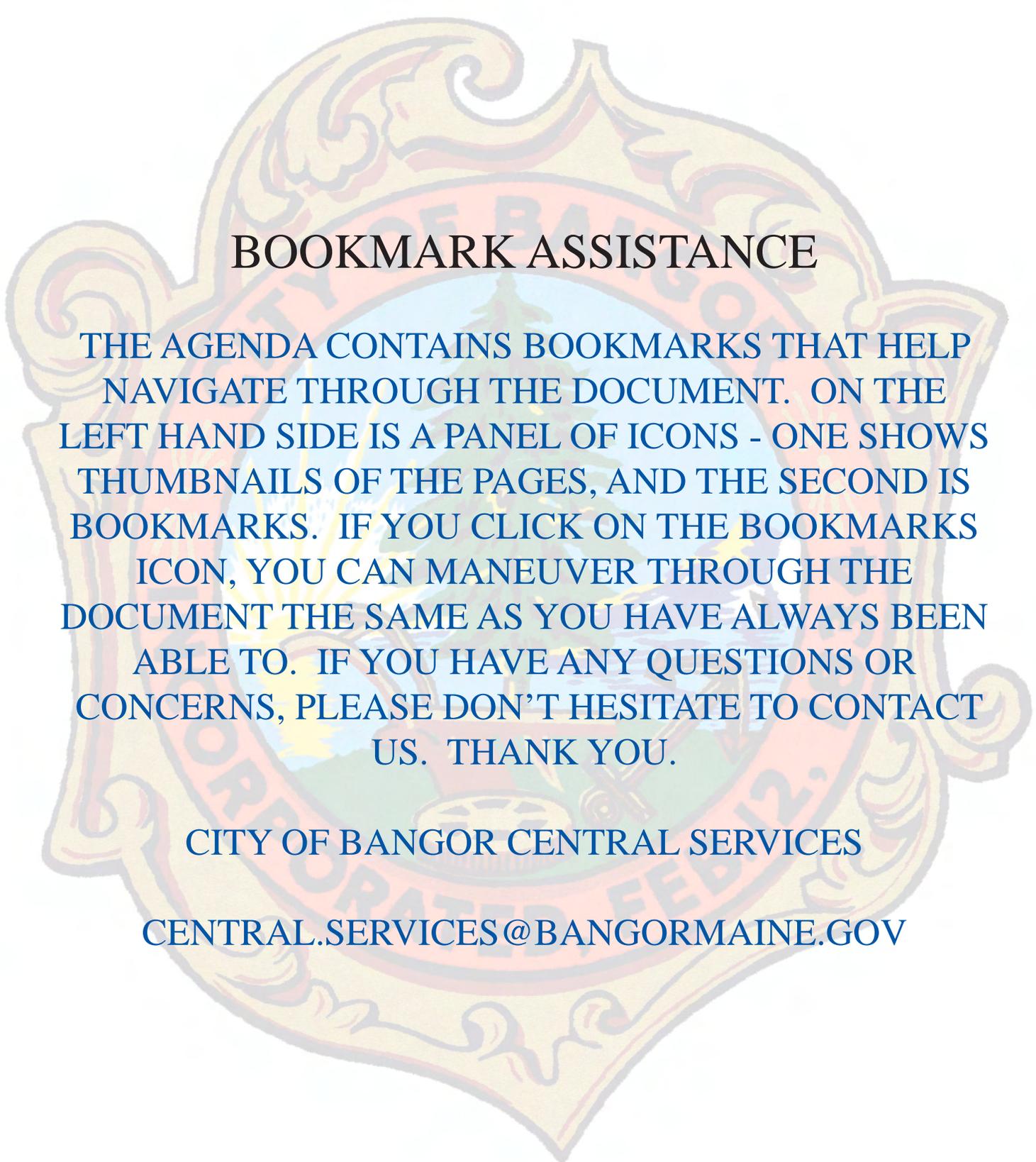




CITY COUNCIL AGENDA

May 23, 2016





BOOKMARK ASSISTANCE

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

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

PLEDGE ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

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

Proclamation: Proclaiming June 2016 as Hispanic Heritage Month

**MINUTES OF: Bangor City Council Regular Meeting of May 9, 2016,
Regular School Committee Meeting of April 27, 2016,
Business and Economic Development Committee
Meeting of May 3, 2016, Finance Committee Meetings of
May 2, 2016 and May 16, 2016 and Government
Operations Committee Meeting of May 16, 2016**

**Liquor License Application for Liquor License Renewal, Malt,
Renewal: Spirituous, Vinous of Hospitality Services of Bangor LP
d/b/a Ramada Inn, 357 Odlin Road** **NICHOLS**

16-203 ORDER Authorizing Execution of Municipal Quitclaim Deed – **DURGIN
Real Estate Located at 31 Hannibal Street - Map-Lot
011-006**

Executive Summary: Real estate tax and sewer liens matured on the property owned by Richard Mitchell at 31 Hannibal Street. All outstanding charges due the City have been paid. There are no property issues. Because the liens have matured, a municipal quitclaim is required to release the City’s interest in the property. Staff recommends approval.

16-204 ORDER Authorizing Execution of Municipal Quitclaim Deed – **PERRY
Real Estate Located at 38 Jowett Street - Map-Lot R42-
173**

Executive Summary: Real estate tax liens matured on the property of Robert and Susan Staples of 38 Jowett Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens have matured, a municipal quitclaim is required to release the City’s interest in the property. Staff recommends approval.

16-205 ORDER Authorizing Execution of Municipal Quitclaim Deed – **NEALLEY
Real Estate Located at 208 Garland Street - Map-Lot
053-078**

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: Real estate tax and sewer liens matured on the property of Carlton Wiggin Jr. and Darla Norrish located at 208 Garland Street. All outstanding charges due the City have been paid. There are no property issues. Because the liens have matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

**16-206 ORDER Authorizing Execution of Municipal Quitclaim Deed – BALDACCI
Real Estate Located at 663 Stillwater Avenue - Map-Lot
R61-009-G**

Executive Summary: Sewer liens matured on the property of Bangor Mall, LLC of 663 Stillwater Avenue. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens have matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

**16-207 ORDER Directing the City Clerk to Prepare Notice of Election PLOURDE
and Ballots –School Budget Validation Election – June
14, 2016**

Executive Summary: This order will set the school budget election date for June 14, 2016, and the form of the validation question, which is set by state statute. As a result of the State School Consolidation Law, the City must hold a school budget validation election following the approval of the School Budget by the School Committee and the City Council. In accordance with State law, this election must be held within 30 days of the final Council approval and prior to the beginning of the next fiscal year on July 1st. For consistency purposes the City schedules this election to coincide with the June primary and state election date.

**16-208 ORDER Authorizing Bid Award in the Amount of \$1,608,421 to GRAHAM
Sheridan Corporation for Gate 3 Boarding Bridge and
Holding Area Project (AIP 70)**

Executive Summary: On May 3, 2016, the City received three (3) bids for the Gate 3 Boarding Bridge and Holding Area project (AIP 70). The bid prices ranged from \$1,608,421 to \$1,798,010.

This is an Airport Improvement Plan (AIP) funded project. The project cost is funded 90% with Federal funds, 5% State funds and 5% Airport funds. In order to obtain the AIP grant funds, the City must bid the work and award the contract. This information is then submitted to the FAA for execution of the grant document.

This item was reviewed and recommended for approval by the Finance Committee on May 16, 2016.

**16-209 ORDER Authorizing Bid Award in the Amount of \$1,125,774 to SPRAGUE
Lane Construction for the Union Street Resurfacing
Project**

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: On May 4, 2016, the City received two (2) bids for the Union Street Resurfacing Project. The bid prices ranged from \$1,125,774 to \$1,148,682.

This project will resurface the portion of Union Street from Sixteenth Street to Griffin Road. The recommendation is to award the contract to the low bidder, Lane Construction in the amount of \$1,125,774. This project is 80% Federal, 10% State and 10% local funding.

This bid was reviewed and recommended for approval at the Finance Committee meeting of May 16, 2016.

16-210 ORDER **Accepting \$10,000.00 from the Maine Department of Health and Human Services to extend the term of a grant from the Lead Poisoning Prevention Fund **NICHOLS****

Executive Summary: This order authorizes the City Manager to accept \$10,000.00 for the continuation of lead poisoning prevention activities in Bangor. The current grant expires 6-30-16. The amended term of the grant will provide a six month extension through December 31, 2016. The total amount of the grant will increase from the current \$27,500.00 to \$37,500.00.

This was reviewed and recommended for approval at the May 16, 2016 Government Operations Committee meeting.

16-211 ORDER **Adopting the New Unattended Crosswalk & Flashing Pedestrian Beacon Policy **SPRAGUE****

Executive Summary: This Order will adopt an “Unattended Crosswalk & Flashing Beacon Policy” which will establish standards and procedures for criteria, location, placement, and funding for new unattended crosswalks (mid block crosswalks) and pedestrian actuated flashing beacons within the City of Bangor.

This Policy was reviewed and approved at the April 26, 2016 Infrastructure Committee meeting.

16-212 RESOLVE **Ratifying Actions Taken by the Assessor in Defense of Abatement Requests **NEALLEY****

Executive Summary: This resolve will ratify the actions of the City Assessor in defense of two large abatement requests on commercial and industrial properties in 2016. Given the complexity and uniqueness of these facilities, it was necessary to hire specialized legal assistance as well as consultants to help establish fair market assessed valuation, negotiate for resolution, and defend, if necessary, before the State Board of Property Tax Review. Both abatement requests were settled. The total cost of the defending both these appeals could cost up to \$60,000. Although we do not have final numbers, the majority of the work was spent on Hollywood Casino; therefore, funding to cover those legal expenses will be taken from the Downtown TIF. This was discussed on several occasions in Executive Session.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-213 ORDER **Accepting a \$5,760.00 Amendment to the WIC Nutrition Program Grant for Staff Training and Professional Development **NICHOLS****

Executive Summary: This Order will accept an additional \$5,760.00 in WIC funds for FY 16, which covers the period from October 1, 2015 through September 30, 2016. The original grant amount was \$550,703 for administration of the program and \$2,493,000 for food assistance to clients. This additional \$5,760.00 is for staff training and professional development. \$2,000 is to have one staff member attend the 2016 National WIC Association Biennial Nutrition Education and Breastfeeding Conference in Denver, CO from September 8th to 10th 2016. It is vital that the City of Bangor, Public Health and Community Services has a presence at this meeting to stay current with the latest WIC Policies and Procedures and to share perspectives with other Federal and State staff. \$2,550.00 is for two staff to attend the Certified Lactation Counselor Training in Portland, ME from June 6 to 10, 2016. WIC promotes breastfeeding as the optimal infant feeding choice and supports moms along the way. This National Certification equips staff with up-to-date, evidence based breastfeeding knowledge and skills. The remaining \$1,210.00 is for 4 staff to attend the Best Connection Conference in Portland, ME from September 15 to 16, 2016. This is a routine amendment and staff recommends approval.

16-214 ORDER **Accepting a \$2,000 Amendment to the WIC Nutrition Program Grant for the Farmer’s Market Nutrition Program **PLOURDE****

Executive Summary: This Order will accept an additional \$2,000 in WIC funds for FY 16, which covers the period from October 1, 2015 through September 30, 2016. The original grant amount was \$550,703 for administration of the program and \$2,493,000 for food assistance to clients. This additional \$2,000 is to administer the Farmers’ Market Nutrition Program. During the growing season, local Maine farmers are authorized as WIC vendors to provide locally grown fruits and vegetables to be purchased with specialized vouchers. This is a routine amendment and staff recommends approval.

16-215 ORDER **Accepting the City Engineer’s Report to Discontinue a Portion of Texas Avenue and Corporate Drive **DURGIN****

Executive Summary: 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 May 18, 2016. This order would accept the City Engineering’s Report for the discontinuance of a portion of Texas Avenue and Corporate Drive. The portion of the roads in question are not used as a right-of-way nor needed for public purposes.

16-216 RESOLVE **Ratifying the Parks and Recreation Director’s Action to Enter into a 3-year Agreement with Direct Fairways LLC to Create and Produce Yardage Books for the Golf Course **PERRY****

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

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

**ASSIGNED TO
COUNCILOR**

16-219 RESOLVE **Accepting and appropriating a grant in the amount of \$1,650,000 from the Federal Aviation Administration and \$91,667 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 69 at Bangor International Airport (BGR) (First Reading and Referral to Finance Committee Meeting on June 6, 2016)**

BALDACCI

Executive Summary: This Resolve will authorize the acceptance and appropriation of a grant in the amount of \$1,650,000 from the Federal Aviation Administration and \$91,667 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 69. If approved, this grant will be used for the second half of the costs associated with the domestic terminal renovation project. This grant funding will focus on the public areas of this phase of the project, which includes the ceilings, floors, lighting and other electrical components. This project is included in BGR's FAA approved 5-year Capital Improvement Plan (CIP). This grant will help continue to fund 90% of the project with the additional 5% coming from the State and 5% coming from the airport.

16-220 RESOLVE **Authorizing the City Manager to Accept and Appropriate \$414,669 in Federal Transportation Authority Funds, \$168,033 in Department of Transportation State Bond Funds and Net Sales Proceeds to Fund Acquisition of Two Buses (First Reading and Referral to Finance Committee on June 6, 2016)**

NICHOLS

Executive Summary: This Resolve will accept and appropriate \$414,669 in Federal Transportation Authority Funds (\$235,769 in 5339 Grant Funds and \$178,900 in 5307 Grant Funds) and \$164,033 in Department of Transportation State Bond Funds as well as \$4,000 in net proceeds from the sale of five used buses.

As part of the FY 2016 budget process, the Council authorized the issuance of \$250,000 in general obligation bonds as a local share to purchase two new 30' buses for Bangor routes. This resolve will appropriate the federal and state grant funds to complete the purchase. This item will be reviewed by the Finance Committee on June 6, 2016.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-184 ORDINANCE Amending Chapter 278, Taxicabs and Livery Vehicles, of the Code of the City of Bangor, By Increasing the Waiting Time Rate to \$21 per Hour **PERRY**

Executive Summary: This ordinance amendment would change the maximum amount a taxicab charges while waiting from \$20 per hour to \$21 per hour.

Under the City’s taxicab ordinance, a cab may, in addition to charging mileage, charge up to \$20 per hour (approximately \$0.33 per minute) for time spent waiting for a passenger if the passenger is not ready to leave at the agreed-upon time. This amount was not changed during the recent amendments to the taxicab code.

In the process of coming into compliance with the new code, a taxicab company owner contacted the City to note that taxicabs have traditionally charged \$0.35 per minute for wait time, which comes out to \$21 per hour. Many of the taximeters are sealed by the factory or state and have already been inspected for this year, making it difficult to change the meters to reflect the proper rate without a great deal of time and effort.

This amendment was reviewed and recommended for approval at the Government Operations Committee meeting on 5/2/16.

16-185 ORDINANCE Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Amending Restrictions on Temporary Sales of Food or Merchandise **PLOURDE**

Executive Summary: This ordinance amendment would allow for up to five seasonal concessions on the Waterfront. It would also make certain changes to bring our commercial vendor ordinance into line with current practice, including allowing concessions on the Waterfront to remain open until midnight.

Our current policy allows for a fifteen foot by thirty foot space for each vendor. The current location along Front Street could accommodate two additional spaces with these dimensions. If approved, the proposed ordinance change would therefore allow up to five seasonal concessions on the Waterfront per season.

The ordinance would also make several changes to bring the Code in line with current practice. Waterfront vendors would be allowed to remain open until midnight instead of 10 p.m., as many Waterfront events continue past 10 p.m. The ordinance would make minor amendments to location requirements for Waterfront vendors and their signs. Finally, the ordinance would clarify that the ordinance requirements do not apply to vendors permitted through the City’s event permit policy, as that policy provides a separate regulatory process.

This item was reviewed and recommended for approval at the Government Operations Committee meeting on May 2, 2016.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-186 ORDINANCE Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying Repair and Demolition Procedures for Uninhabitable Buildings

GRAHAM

Executive Summary: This proposed ordinance amendment would make several changes to City procedures dealing with uninhabitable buildings. Currently, several City ordinances and the State dangerous building statute play a role in aiding the city to deal with structures that are dangerous or otherwise unfit for human habitation. These ordinances and statutes each have advantages and disadvantages for dealing with these structures, however there are places where they can appear to contradict each other or otherwise make the process confusing.

If approved, this ordinance amendment would clarify that the Code Enforcement Officer determines when a building is so out of repair as to require placarding and/or demolition, and, where applicable, whether the state dangerous building process or local property maintenance process is a better fit for repair or demolition of the property in question.

The amendments also clarify that an owner may not make repairs to or demolish a building without first obtaining necessary permits and approvals, including historic preservation approval where applicable.

This item was reviewed and recommended for approval at the Business and Economic Development Committee meeting on May 3, 2016.

16-187 ORDINANCE Amending Map Entitled “Downtown Parking Management District” by Removing Space 1127 on Court Street

PERRY

Executive Summary: At the request of the County, this Ordinance eliminates one space on Court Street, resulting in increased visibility for those leaving the County offices and parking lots. This item was reviewed and recommended for approval at the Business and Economic Development Committee meeting of May 3, 2016.

16-188 RESOLVE Accepting and Appropriating \$159,060.00 from the Maine Department of Health and Human Services to extend the term of grants from the Fund for Healthy Maine and the Office of Substance Abuse that respond to Public Health Issues in the Penquis District

BALDACCI

Executive Summary: This resolve will accept and appropriate \$159,060.00 in funds to continue implementation of Fund for Healthy Maine and Office of Substance Abuse services for the first three months of FY 17. The term of the contract extension will be 7/1/16 to 9/30/16.

The contract amendment will allow Bangor Public Health and sub recipients Katahdin Shared Services and Mayo Regional Hospital to complete specific grant funded work with community partners in preventing problem alcohol, prescription drug and marijuana use; in preventing problem gambling; and in supporting and enhancing efforts to reduce obesity and tobacco use through work place wellness policies and programs.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-189 RESOLVE Vocational Education Region #4 Appropriation Pursuant to Title 20-A, Chapter 606, 15601-15619, Maine Revised Statutes Annotated DURGIN

Executive Summary: Resolve 16-189 required by Title 20-A MRSA for the Vocational Education Region #4 operating budget in the amount of \$209,678, the local share which is \$17,151.10.

16-190 RESOLVE Approving School Department Estimates of Revenue from State Sources and Budget-Enterprise Fund GRAHAM

Executive Summary: Resolve 16-190 approving the School Department’s Enterprise Fund Budget in the amount of \$1,567,821.

16-191 RESOLVE Approving School Department Estimates of Revenue from State Sources and Budget-Special Revenue Fund PLOURDE

Executive Summary: Resolve 16-191 approving the School Department’s Special Revenue Fund in the amount of \$3,040,390.

16-192 RESOLVE Approving School Department Estimates of Revenue and Budget – Trust and Agency Fund NEALLEY

Executive Summary: Resolve 16-192 approving the School Department’s Trust and Agency Budget in the amount \$2,420,088

16-193 RESOLVE Making an Appropriation for the School District Contribution to the Total Cost of Funding Public Education from Kindergarten to Grade 12 as Required by 20-A MRSA Section 15690 1. A-B BALDACCI

Executive Summary: Resolve 16-193 will make an appropriation for the school district contribution to the total cost of funding public education from kindergarten to grade 12 in the amount of \$20,495,743.

16-194 RESOLVE Making an Appropriation for Non-State Funded Debt Service Allocation for the Bangor School Department as Required by 20-A MRSA Section 15690 2. A. PERRY

Executive Summary: Resolve 16-194 will appropriate the non-state funded debt service allocation in the amount of \$1,546,075.

16-195 RESOLVE Making an Appropriation for the Bangor School Department in Excess of the Maximum Spending Target Established by 20-A MRSA Section 15671 A. 4. SPRAGUE

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: Resolve 16-195 will authorize the appropriation of local funds in excess of the maximum spending target limit in the amount of \$4,218,757.

16-196 RESOLVE Making an Appropriation for the Total School Budget for the Bangor School Department as Required by 20-A MRSA Section 15690 4. A. NICHOLS

Executive Summary: Resolve 16-196 will appropriate the total school budget in the amount of \$44,281,617.

16-197 RESOLVE Making an Appropriation for Adult Education for the Bangor School Department as Required by 20-A MRSA Section 8603-A (1) DURGIN

Executive Summary: Resolve 16-197 will appropriate funding for adult education in the amount of \$444,418.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-221 ORDER Authorizing the City Manager to apply for funding in the amount of \$550,703 from the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention, WIC Nutrition Program PERRY

Executive Summary: This Order will authorize the City Manager to apply for grant funding in the amount of \$550,703 from the DHHS/Maine Center for Disease Control (CDC) to administer the Women, Infants and Children (WIC) Nutrition Program in Penobscot and Piscataquis Counties.

If approved, the term of the grant is for two years beginning October 1, 2016. Funding for year one (10-1-16 to 9-30-17) is in the amount of \$550,703. Year two grant funding levels under the RFP will be determined at a later point in time. Also, if awarded, grant provides an opportunity to renew the grant for two additional renewal periods following September 30, 2018.

This was reviewed and recommended for approval at the May 16, 2016 Government Operations Committee meeting.

16-222 ORDER Amending City Policy on “Guidelines and Procedures for Evaluation And Accepting Public Art and Monuments to be Located on City Property” PLOURDE

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This order will amend the City’s policy on Public Art and Monuments. Currently the Public Arts and Monuments Policy have adopted guidelines and procedures for evaluating and accepting public art and monuments to be located on city property. The purpose is to provide guidance in considering and evaluating proposals for public art and monuments placed on public property. Additionally, the policy is to ensure that public art is of high artistic merit, that the thematic material is appropriate for the City, and that the monuments treat their subject matter with appropriate dignity.

Based on its experience reviewing public art and monument projects and identified best practices, the Commission for Cultural Development determined that the policy should be improved to include guidelines for the investigation of the City’s temporary or permanent acquisition of commissioned or donated works, a de-accession process, and preservation of existing works as well as ensured maintenance of future works. The attached Public Art and Monuments Policy is the result.

This was reviewed and recommended by the Cultural Commission and the Business and Economic Development Committee at its meeting of May 17, 2016.

16-223 ORDER **Authorizing Execution of Contract with Bangor Center Management Corporation/Downtown Bangor Partnership **BALDACCI****

Executive Summary: This Order authorizes the City Manager to execute a Contract with the Bangor Center Management Corporation/Downtown Bangor Partnership for the purpose of providing management services and administration of the Development Program for the Bangor Center Development District for the period July 1, 2016 - June 30, 2017.

The proposed budget is \$77,690. The proposed Contract would provide reimbursement to the City of up to \$30,000 in personnel costs in administering the program and reimbursement to the City of up to \$10,000 for additional law enforcement services in the District. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 17, 2016 meeting.

PUBLIC HEARING:

16-224 ORDER **Adopting Municipal Development Program and Financial Plan for the Bangor Center Development District **GRAHAM****

Executive Summary: The purpose of this Order is for the City Council to consider the Program to be implemented for the Bangor Center Development District. The Program has been prepared by the Bangor Center Management Corporation/ Downtown Bangor Partnership.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 17, 2016 meeting.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING:

16-225 ORDER

**Bangor Center Development District – Establishment
of Implementation Assessments**

DURGIN

Executive Summary: Approval of this order will implement a special assessment of \$60,690 on properties located in the Bangor Center Development District. The proposed budget for the Bangor Center Management Corporation/Downtown Bangor Partnership for the 2016-2017 Program is \$77,690 and the City has been requested to raise the amount of \$60,690 from new implementation assessments on properties located in the Bangor Center Development District. The remainder is event revenue of \$2,000 and anticipated sponsorships of \$15,000. If approved, this order will implement an assessment of \$0.51 per thousand dollars of assessed valuation for the Bangor Center Development District and \$.02 per thousand dollars of assessed valuation for the overlay.

In accordance with MRSA Title 30-A §5228, the City has fulfilled extensive statutory notice requirements, including publication of a description of the area affected and the maximum rate of assessment of \$0.53 per thousand dollars of assessed value as of April 1, 2016. This was published in the Bangor Daily News on May 13, 2016. This assessment will be levied for a one-year program commencing on July 1, 2016 and ending on June 30, 2017. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 17, 2016 meeting.

16-226 ORDER

**Authorizing Execution of Documents by and between the
City of Bangor and Bangor Savings Bank for
Amendment to Development Agreement for Lot 3 in the
Maine Business Enterprise Park, Termination of Leases,
and Purchase of Property – 19 Maine Avenue and 203
Maine Avenue**

SPRAGUE

Executive Summary: This Order will authorize the City Manager to execute any and all documents necessary to convey currently leased properties to Bangor Savings Bank. The City of Bangor currently has 4 separate leases with Bangor Savings Bank pertaining to property located at 19 Maine Avenue, 203 Maine Avenue, and a 30' portion of a vacant parcel. In 2013 the City and Bangor Savings Bank entered into an Agreement for the eventual acquisition of these leased parcels and development and acquisition of Lot 3, all contingent upon certain conditions, principally Bangor Savings Bank's increase in taxable real property. At this time, Bangor Savings Bank has not met all the conditions set forth in 2013, however they would like to move forward with the following transaction:

- First, Bangor Savings Bank would like to expand its building and operations located at 203 Maine Avenue, however they will only do so contingent on the purchase of the leased parcel from the City before construction.
- Second, to enable the expansion at 203 Maine Avenue, Bangor Savings Bank will require additional land. This is achieved by narrowing of portions of the Texas Avenue and Corporate Drive right of ways. The City Engineer has confirmed that narrowing the rights-of-way will not negatively affect the roads.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 23, 2016

NEW BUSINESS ITEM NO.

ASSIGNED TO COUNCILOR

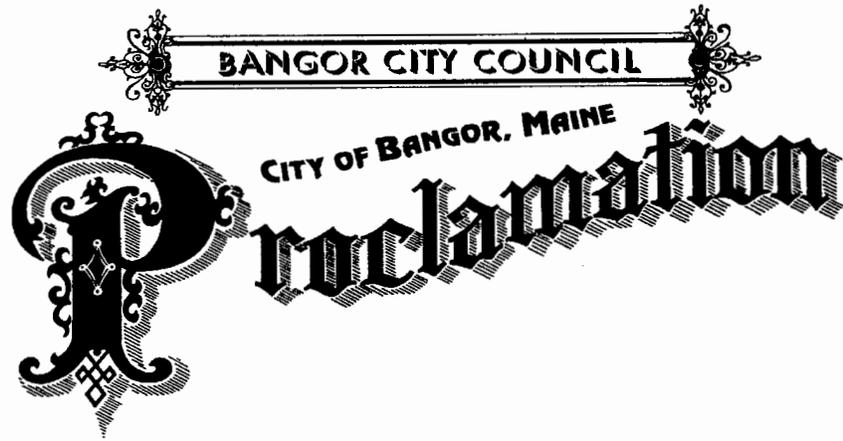
- Third, Bangor Savings Bank would like to purchase 19 Maine Ave.
- Fourth, Bangor Savings would like to acquire a 30 foot long portion of Lot 3 that abuts their existing Hammond Street Branch Office.

In addition to property taxes on the existing facilities, Bangor Savings Bank currently pays monthly leases to the City. In an effort to keep the City whole as a result of this transaction, and pursuant to City policy, Bangor Savings Bank has agreed to expand the current facility and pay taxes on property valued at a minimum of \$2.5 million in additional assessed value, which will offset the lost lease revenue. Should they not create \$2.5 million in real taxable value, Bangor Savings Bank agrees to pay the difference, until such time as they reach the real assessed value of \$2.5 million in excess of current valuations. It should be noted that Bangor Savings Bank will also pay the appraised value for each property to be acquired.

In summary, this order will authorize the City Manager to execute any and all documents necessary to convey the above described properties to Bangor Savings Bank; preserve easements for existing utilities; and amend the current Lease Agreements, Option, and Development between the parties for 19 Maine Avenue, 203 Maine Avenue, and Lot 3 in the Maine Business Enterprise Park ;and to retain the right of Bangor Savings Bank to exercise the option to purchase Lot 3; and to terminate the existing leases; and to provide for Bangor Savings Bank to pay to the City that amount that would be payable for taxable value of real property of \$2.5 million in addition to property taxes paid until such time as they increase the taxable value of real property by \$2.5 million. This item was reviewed by the BED Committee and Council in executive session.



**CONSENT
AGENDA**



PROCLAIMING JUNE 2016 AS HISPANIC HERITAGE MONTH

- WHEREAS,** generations of immigrants from every corner of the globe have built our country's economy and created the unique character of our nation; and
- WHEREAS,** immigrants continue to grow businesses, innovate, strengthen our economy, and create American jobs through the United States; and
- WHEREAS,** Maine was home to 44,687 immigrants in 2013 and Maine's Latino purchasing power was \$424 million in 2014; and
- WHEREAS,** America has been blessed by the gifts of Hispanic culture which offers a rich heritage, a deep commitment to family and community, a strong work ethic and an unwavering belief in the American Dream; and
- WHEREAS,** immigrants have been tireless leaders not only in securing their own rights and access to equal opportunity, but have also campaigned to create a fairer and more just society for all Americans; and
- WHEREAS,** despite these countless contributions, the role of immigrants in building and enriching our nation has frequently been overlooked and undervalued throughout our history and continuing to the present day.

NOW, THEREFORE, I, Sean Faircloth, Mayor of the City of Bangor, on behalf of the City Council do hereby proclaim June 2016 as Hispanic Heritage Month in the City of Bangor. I encourage fellow citizens to celebrate diversity and learn more about the contributions of Hispanic Americans to our city, state, and country.

Given this the 23th day of May, 2016.

Sean Faircloth, Mayor

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

*Meeting Called to Order at 7:30 PM
 Chaired by Council Chair Faircloth
 Councilors Absent: None
 Meeting Adjourned at 9:48 PM*

PROCLAMATION: *Proclaimed May 21, 2016 as Kids to Parks Day*

PUBLIC COMMENT *Paul Lanson, Ohio Street, indicated that Mr. Gratwick had entered a person's home without permission to leave a flyer and wanted a public apology.*

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

MINUTES OF: *Bangor City Council Regular Meeting of April 25, 2016, Bangor School Committee Meeting of March 23, 2016, Bangor School Committee Meeting of April 6, 2016, Government Operations Committee Meeting of May 2, 2016*

Action: *Accepted and Approved*

<u>LIQUOR LICENSE RENEWALS:</u>	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Waterfront Concerts LLC d/b/a Waterfront Concerts, 1 Railroad Street</i>	GRAHAM
----------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------	---------------

Action: *Approved*

<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Las Palapas Mexican Restaurant LLC d/b/a Las Palapas Mexican Restaurant, 8 Bangor Mall Boulevard</i>	GRAHAM
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------

Action: *Approved*

<u>16-174</u> <u>ORDER</u>	<i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 219 Ohio Street (Map 31 Lot 50)</i>	DURGIN
------------------------------------------	-------------------------------------------------------------------------------------------------------------------	---------------

Action: *Passed*

<u>16-175</u> <u>ORDER</u>	<i>Authorizing Settlement of Workers' Compensation Claim</i>	PERRY
------------------------------------------	--------------------------------------------------------------	--------------

Action: *Passed*

<u>16-176</u> <u>ORDER</u>	<i>Authorizing the City Manager to Accept \$2,610.50 in U.S.Currency, or a Portion Thereof, as a result of a State Criminal Forfeiture</i>	SPRAGUE
------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------	----------------

Action: *Passed*

<u>16-177</u> <u>RESOLVE</u>	<i>Ratifying execution of an agreement for the Law Enforcement Officer (LEO) Reimbursement Agreement program, Other Transactional Agreement (OTA) between the Transportation Security Administration and the City of Bangor</i>	BALDACCI
--------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------

Action: *Passed*

<u>16-178</u> <u>ORDER</u>	<i>Authorizing Contract for Sodium Chloride (Rock Salt) to New England Salt Co. in the amount of \$56.19 per ton</i>	NEALLEY
------------------------------------------	----------------------------------------------------------------------------------------------------------------------	----------------

Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>16-179</u>	<u>ORDER</u>	<i>Assuring and Certifying the City’s Compliance with Certain Requirements for Community Development Funds</i>	NICHOLS
	<i>Action:</i>	<i>Passed</i>	
<u>16-180</u>	<u>ORDER</u>	<i>Appointing the City Manager as Responsible Federal Official</i>	PLOURDE
	<i>Action:</i>	<i>Passed</i>	
<u>16-181</u>	<u>ORDER</u>	<i>Authorization to Execute and File with the Department of Housing and Urban Development a Final Consolidated Housing and Community Development Plan for Community Development Entitlement Funds under Title I of the Housing and Community Development Act of 1974</i>	GRAHAM
	<i>Action:</i>	<i>Passed</i>	
<u>16-182</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute an Amendment to a Lease with Eastern Maine Healthcare Systems - 931 Union Street</i>	DURGIN
	<i>Action:</i>	<i>Passed</i>	
<u>16-183</u>	<u>ORDER</u>	<i>Authorizing Bid Award in the Amount of \$2,275,275 to T Buck Construction for WWTP Biofilter Project</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	

REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>16-184</u>	<u>ORDINANCE</u>	<i>Amending Chapter 278, Taxicabs and Livery Vehicles, of the Code of the City of Bangor, By Increasing the Waiting Time Rate to \$21 per Hour</i>	PERRY
	<i>Action:</i>	<i>First Reading</i>	
<u>16-185</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Amending Restrictions on Temporary Sales of Food or Merchandise</i>	PLOURDE
	<i>Action:</i>	<i>First Reading and Referral to the Planning Board on May 17, 2016</i>	
<u>16-186</u>	<u>ORDINANCE</u>	<i>Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying Repair and Demolition Procedures for Uninhabitable Buildings</i>	GRAHAM
	<i>Action:</i>	<i>First Reading</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.	ASSIGNED TO COUNCILOR
<p><u>16-187</u> <u>ORDINANCE</u> <i>Amending Map Entitled “Downtown Parking Management District” by Removing Space 1127 on Court Street</i></p> <p align="center"><i>Action: First Reading</i></p>	DURGIN
<p><u>16-188</u> <u>RESOLVE</u> <i>Accepting and Appropriating \$159,060.00 from the Maine Department of Health and Human Services to extend the term of grants from the Fund for Healthy Maine and the Office of Substance Abuse that respond to Public Health Issues in the Penquis District.</i></p> <p align="center"><i>Action: First Reading and Referral to Government Operations Committee on May 16, 2016</i></p>	BALDACCI
<p><u>16-189- 16-197</u> <u>RESOLVES</u> <i>Adopting the Fiscal Year 2017 School Department Budget</i></p>	DURGIN

The following nine resolves will adopt the FY17 School Department Budget. They are as follows:

- **Resolve 16-189** required by Title 20-A MRSA for the Vocational Education Region #4 operating budget in the amount of \$209,678, the local share which is \$17,151.10.
- **Resolve 16-190** approving the School Department’s Enterprise Fund Budget in the amount of \$1,567,821.
- **Resolve 16-191** approving the School Department’s Special Revenue Fund in the amount of \$3,040,390.
- **Resolve 16-192** approving the School Department’s Trust and Agency Budget in the amount \$2,420,088.
- **Article 1 by Resolve 16-193** will make an appropriation for the school district contribution to the total cost of funding public education from kindergarten to grade 12 in the amount of \$20,495,743.
- **Article 2 by Resolve 16-194** will appropriate the non-state funded debt service allocation in the amount of \$1,546,075.
- **Article 3 by Resolve 16-195** will authorize the appropriation of local funds in excess of the maximum spending target limit in the amount of \$4,218,757.
- **Article 4 by Resolve 16-196** will appropriate the total school budget in the amount of \$44,281,617.
Article 5 by Resolve 16-197 will appropriate funding for adult education in the amount of \$444,418.

Action: First Reading

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

UNFINISHED BUSINESS ITEM NO		ASSIGNED TO COUNCILOR
<u>16-143</u>	<u>ORDINANCE</u> <i>Amending Chapter 9, of the Code of the City of Bangor - §9-10, Attendance at Meetings</i>	PLOURDE
	<i>Action: Motion made and seconded to Postpone Indefinitely Motion Doubted Vote: 6 – 3 Councilors Voting Yes: Baldacci, Durgin, Nichols, Perry, Plourde, Sprague Councilors Voting No: Graham, Nealley, Faircloth Passed to Postpone Indefintely</i>	
<u>16-168</u>	<u>ORDINANCE</u> <i>Amending Land Development Code – Contract Zone Change – 656 State Street and the State Hospital Drive (Tax Map R63-008) from a Low Density Residential District to a Contract Government and Institutional Service District</i>	GRAHAM
	<i>Action: Motion made and seconded for Passage Vote: 8 – 0 Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Perry, Plourde, Sprague, Faircloth Councilors Voting No: None Councilors Absent for Vote: Nichols Passed</i>	
<u>16-169</u>	<u>RESOLVE</u> <i>Accepting and Appropriating a \$51,000 Grant From the Maine Fire Service Institute to Fund Improvements to the Fire Training Center</i>	DURGIN
	<i>Action: Motion made and seconded for Passage Passed</i>	
NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
<u>LIQUOR LICENSE (CLASS XI)</u>	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Lisa Leonard d/b/a Evenrood’s, 25 Broad Street</i>	GRAHAM
	<i>Action: Motion made and seconded for Approval Approved</i>	
<u>PUBLIC HEARING:</u>	<i>Application for Special Amusement License Renewal of Waterfront Concerts, LLC d/b/a Waterfront Concerts, 1 Railroad Street</i>	GRAHAM
	<i>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</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

NEW BUSINESS ITEM NO.	ASSIGNED TO COUNCILOR
<u>16-198</u> <u>ORDER</u>	PERRY
<i>Adopting the Liquor License Processing Policy to Replace Existing Liquor License Processing Policy</i>	
<i>Action: Motion made and seconded for Passage Passed Councilor Graham absent from vote.</i>	
<u>16-199</u> <u>ORDER</u>	PLOURDE
<i>Authorizing Execution of Memorandum of Understanding with Penobscot Community Health Care for Naloxone Hydrochloride Distribution and Administration</i>	
<i>Action: Motion made and seconded for Passage Passed</i>	
<u>16-200</u> <u>ORDER</u>	SPRAGUE
<i>Authorizing the City Manager to enter into a Memorandum of Understanding with Husson University for Police Services</i>	
<i>Action: Motion made and seconded for Passage Passed Councilor Perry absent from vote.</i>	
<u>16-201</u> <u>ORDER</u>	NEALLEY
<i>Authorizing Purchases of an Armor Protected Vehicle from Lenco Incorporated in the amount of \$208,772</i>	
<i>Bangor residents, Peter Noddin, James Bair, David Blethen, Andrew Bennett, and Larry Dansinger spoke against purchasing this vehicle.</i>	
<i>Lucas Lockhart stated that many in the community were afraid of this but also thought the department may need it.</i>	
<i>Theresa Montague of Clifton and Jensen Cook of Orono also spoke against this item.</i>	
<i>Bangor residents, Lori Libby and Kim Meyerderks spoke in favor of the purchase.</i>	
<i>Jennifer DeGroff hoped that the city could partner with other agencies.</i>	
<i>Scott Marasco wanted to make sure every other option had been explored before making the decision to purchase this vehicle.</i>	
<i>Carol Husson, of Hampden, felt the police needed more protection and hoped Hampden would partner with Bangor.</i>	
<i>Action: Motion made and seconded for Passage Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

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

*Motion made and seconded to Suspend the Rules to take up Council
Order 16-202
Passed*

16-202 ORDER

*Authorizing City Engineer to Begin the Process of Discontinuance of a
Portion of Texas Avenue and a Portion of Corporate Drive* **BALDACCI**

*Action: Motion made and seconded for Passage
Passed*

ATTEST: 
Lisa J. Goodwin, MMC, City Clerk

MINUTES

BANGOR SCHOOL COMMITTEE REGULAR MEETING 7:00 p.m., Wednesday, April 27, 2016

School Committee Members present: Chairman Warren Caruso, Jennifer DeGroff, Brian Doore, Sue Sorg, and Marlene Susi. Members Sue Hawes and Jay Ye were unable to attend.

- A. 1. & 2. The meeting was called to order by Chairman Caruso at 7:04 p.m. and the Pledge of Allegiance followed.
3. a. The Bangor School Department and the Bangor School Committee recognized two James F. Doughty School 8th graders, Camden Cole and Alec Jansujwicz, for their achievement as gold medal winners at the National History Day at the University of Maine. The theme of the contest was Exploration, Encounter and Exchange in History.
- b. The Bangor School Department and the Bangor School Committee recognized Assistant Superintendent Robert MacDonald on his induction into the Maine Swimming/Diving Hall of Fame.
- C. Roberta Torres, of Griffin Road, Bangor, addressed the School Committee regarding her concerns about the use of educational jargon in two recent school letters and her recommendation to hold evening community discussions at each of the two middle schools.
- D. 1. a. Superintendent Webb recommended approval of the Humanities Academy for implementation in the Fall of 2016.
- VOTED 5-0 to approve the Humanities Academy.
- b. Superintendent Webb recommended approval of the enclosed MOU between the University of Maine and the Bangor School Department to partner in the development and implementation of the Bangor Educational Leadership Academy to begin the fall of 2016.
- Committee Members asked questions and expressed support for the partnership and the Academy program.
- VOTED 5-0 to authorize the Superintendent to sign the MOU with the University of Maine.
- c. Superintendent Webb recommended approval of the revised United Technology Center (UTC) Cooperative Agreement.
- VOTED 5-0 to approve the revised UTC Cooperative Agreement as presented.

- d. Superintendent Webb recommended approval to move forward to seek a bond for up to \$1.1 million to replace the locker room and storage building at Cameron Stadium and to replace the roof at the Fourteenth Street School.

Committee Members asked questions and voiced support for moving forward.

VOTED 4 (Caruso, Doore, Sorg, Susi) for to 1 (DeGroff) opposed.

- e. Superintendent Webb recommended an extended leave of absence without pay for an Educational Technician.

VOTED 5-0 to approve the extended leave of absence without pay.

- 2. a. Superintendent Webb reported the following retirement:

Vanessa Viner Grade 4 Mary Snow School

- b. Superintendent Webb reported the following reassignments for the 2016-2017 school year:

Barbara Clewley from Grade 2 Teacher at Downeast School to Grade 3 Teacher at Downeast School

Jamie Dorman from Kindergarten Teacher at Vine Street School to Grade 1 Teacher at Vine Street School

Stephen Goulette from Grade 5 Teacher at Fairmount School to Grade 6 Teacher at James F. Doughty School

Haleigh Hudson from Grade 3 Teacher at Abraham Lincoln School to Grade 1 Teacher at Abraham Lincoln School

Jay Kemble from (.6) History and (.4) English Teacher at Bangor High School to History Teacher at Bangor High School

Susan McGarry from Mathematics Teacher at Bangor High School to (.8) Mathematics and (.2) Science Teacher at Bangor High School

Shannon Shaw from Grade 1 Teacher at Abraham Lincoln School to Grade 2 Teacher at Abraham Lincoln School

Lisa Simko from Grade 1 Teacher at Downeast School to Grade 1 Teacher at Vine Street School

Karen Perry from Special Education Teacher (SC) at Downeast School to Special Education Teacher (RR) Gr. 6-8 at James F. Doughty School

Georgi Freedman from Special Education Teacher (RR) at Mary Snow School to Special Education Teacher at Acadia Educational Program

- c. Grant Writer Cathleen Hanchlich-Neslusan provided an overview of the Bangor School Department's grants to date.

Committee Members asked questions and expressed appreciation for the detailed report.

- d. Superintendent Webb reviewed the April 1 Enrollment Report.

- e. Superintendent Webb reviewed the 2016-2017 School Committee Meeting Schedule.

- E. 1. a. 1. VOTED 4 (Caruso, DeGross, Doore, Susi) for 0 opposed and 1 (Sorg) abstention to approve the Minutes of the April 6, 2016, School Committee Meeting.

- b. 1. Superintendent Webb recommended approval of the February 2016 Financial Statement.

VOTED 5-0 to approve the February 2016 Financial Statement as presented.

- 2. Superintendent Webb recommended approval of the April 2016 Bid & Quotation Report.

VOTED 5-0 to approve the April 2016 Bid & Quotation Report as presented.

- c. 1. a. Superintendent Webb recommended a slate of Teacher nominations:

Member DeGross requested to vote on Sarah Vickers, Special Education at Fruit Street separately.

VOTED 4 (Caruso, Doore, Sorg, Susi) for and 1 (DeGross) opposed to approve the nomination of Sarah Vickers, Special Education at Fruit Street School, with a second year probationary contract.

VOTED 5-0 on the following remaining slate of nominations:

Teacher nomination for the 2015-2016 school year:

Felancy Grant, Special Education Teacher, Bangor Regional Program at Fourteenth Street School, with a Probationary Contract for 2015-2016.

- b.-e. Nomination for Committee approval and election Teacher Nominees for First Year Probationary Contracts, Second Year Probationary Contracts and Third Year Probationary Contracts from September 1, 2016, to August 31, 2017, and Continuing Contracts from September 1, 2016, to August 31, 2018:

First Year Probationary Contracts:

Bangor High School
Carmin Curry
Nicole Luce

Special Education
Special Education

Sabrina Wirey Special Education

Pupil Services

Felancy Grant Special Education

Second Year Probationary Contracts:

Bangor High School

Christopher Bryant Science
Christopher Packard Science
Andrew Sumner Special Education
Eva Wagner Art
Kari White Science

William S. Cohen School

Jeremy Dubois Special Education

James F. Doughty School

James Bohm Special Education
Cheryl Roberts-Prior Science

Downeast School

Ashleigh Vincent Kindergarten

Fairmount School

Ruth Clark Grade 5
Kelly Ellis (*MS/Fair/BRTDP*) Music
Marcy Soucy Gifted and Talented

Fruit Street School

Kimberly Woodbury Grade 2

Mary Snow School

Evan James Grade 5

Vine Street School

Cary Perrow PreK

Pupil Services

Randall Allen Special Education
Jennifer Allain-Winchester Special Education
Benjamin Emmott Special Education
Rebecca Jones Nurse
Kendra Perry Special Education
Holly Woodworth Psychologist

Third Year Probationary Contracts:

Bangor High School

Tina McMurry Special Education

Sharon Pelletier-Ayer

Guidance

William S. Cohen School

Kellin Malachi
Margaret Pietrak

Library Media Specialist
Science

Downeast School

Ashley Allen
Jessica Ingersoll
Sarra Kane
Traci Low
Chad MacDonald
Debra Swett (*Downeast/Fairmount*)

Grade 1
Grade 3
Grade 2
PreK
Grade 2
Reading Recovery/Title I

Fairmount School

Jessica Sturgeon

Grade 5

Abraham Lincoln School

Haleigh Hudson

Grade 3

Pupil Services

Laura Charette

Special Education

Continuing Contracts:

Bangor High School

Susan Bryand
Nitisha Mitchell
Nicole Pinkham
Eric Steadman
Barbara Stewart

Art
Science
Special Education
Mathematics
Science

William S. Cohen School

Courtney Brangwynne
James Pushard

Grade 6
Music

James F. Doughty School

Courtney Harvey
Kathryn Kennedy
Lauren O'Reilly

Art
Social Studies/English
Guidance

Downeast School

Jenna Caler (*DE1/4th*)
Courtney Klages
Angela Leigh

Art
Grade 1
Title I

Fairmount School

Jennifer D. Albert
Kristy Donahue
Sheila Krautkremer

Grade 5
Grade 4
Special Education

Fruit Street School	
Jasmine Worcester	Grade 1
Fourteenth Street School	
Meagan Bridges	Grade 1
Abraham Lincoln School	
Keenon Blindow (AL/BRTDP)	Physical Education
Eva Marks	Grade I
Mary Snow School	
Jennifer K. Albert	Grade 4
Vine Street School	
Ashley Sherry	Grade 2
Pupil Services	
Renee Perron	Social Worker
Leslie Stewart	Speech Language Clinician
Jocelyn York	Occupational Therapist

2. Superintendent Webb recommended Committee approval of a slate of Extra-Duty Assignments for school year 2016-2017:

Member Sorg requested to vote on the Boys' Varsity Basketball Coach Carl Parker separately.

VOTED 3 (Caruso, Doore, Susi) for 1 (Sorg) opposed and 1 (DeGroff) abstention to approve the assignment of Carl Parker as Boys' Varsity Basketball Coach for the school year 2016-2017.

VOTED 5-0 to approve the remaining slate of Extra Duty Assignments for the school year 2016-2017.

Department Heads

English	Bangor High	Emilie Throckmorton (½)
English	Bangor High	Susan Thibedeau (½)
Guidance	Bangor High	Adam Leach
Mathematics	Bangor High	Elaine Grant
Physical Education	Bangor High	Jeffrey Fahey
Science	Bangor High	Cary James
History/Business Education	Bangor High	William Ames (½)
History/Business Education	Bangor High	Geoffrey Wingard (½)
IEP Coordinator	BHS	Mechelle Ganglfinger (¾)
IEP Coordinator	BHS	Stuart Greener (½)
IEP Coordinator	BHS	Nicole Pinkham (¾)
IEP Coordinator	JFDS	George Brissette (¾)
IEP Coordinator	WSCS	Karen Bagley
IEP Coordinator	WSCS	Tammy Wyman (½)
IEP Coordinator	Downeast	Melissa Metivier (½)

IEP Coordinator	Downeast	Carrie Pike (½)
IEP Coordinator	Downeast	Lori Thurlow (½)
IEP Coordinator	Downeast	Joni Buck
IEP Coordinator	Fairmount	David Johnson
IEP Coordinator	Fruit	Tina Reed (1½)
IEP Coordinator	Abraham Lincoln	Cynthia Fish (.25 of 1½ positions)
IEP Coordinator	Abraham Lincoln	Christopher Junkins (.25 of 1½ positions)
IEP Coordinator	Abraham Lincoln	Courtney Brideau (.25 of 1½ positions)
IEP Coordinator	Abraham Lincoln	Charlene Southwick (.25 of 1½ positions)
IEP Coordinator	Mary Snow	Annemarie Roberts (½)
IEP Coordinator	Vine	Deborah LaFauci (½)
IEP Coordinator	Vine	Emily Robinson (½)
IEP Coordinator	Vine	Amy Alaimo (½)
Enrichment Act Coord.	WSCS	Lisa Richards
Team Leader – Grade 6	WSCS	Patricia Baldus
Team Leader – Grade 7	WSCS	Patricia Shulman
Team Leader – Grade 8	WSCS	Roland Dube
Team Leader – Specialties	WSCS	Lisa Richards
Team Leader – Grade 6	JFDS	Jennifer Wellington (½)
Team Leader – Grade 6	JFDS	Anne Mourkas (½)
Team Leader – Grade 8	JFDS	Paula Trask
Cert Gov Committee Chair	Systemwide	Anne Mourkas
Cert Gov Committee Alt	Systemwide	Nadine Jones
Cert Gov Committee Mem	Systemwide	Carolyn Vose
Cert Gov Committee Mem	Systemwide	Wendy Hooke
Cert Gov Committee Mem	Systemwide	Timothy Legere
Cert Gov Committee Admin	Systemwide	Richard Fournier
STEM Research Coord	Bangor High	Cary James
Special Olympics Coord	Systemwide	Shannan Fotter (½)
Special Olympics Coord	Systemwide	Cynthia Howard (½)
Band	Bangor High	Scott Burditt
Jazz Band	Bangor High	Scott Burditt
Chorus	Bangor High	George Redman
Orchestra	Bangor High	William Bell
Jazz Choir	Bangor High	George Redman
Fiddlers	Bangor High	William Bell
Debate	Bangor High	Joseph Pelletier (½)
Dramatics	Bangor High	Deborah Elz Hammond
Speech Activities	Bangor High	Joseph Pelletier (½)
Yearbook Business Manager	Bangor High	Eric Hutchins
Newspaper	Bangor High	Eric Hutchins
Student Council	Bangor High	Eric Hutchins
Senior Class Advisor	Bangor High	Felecia Lyons-Dicker
Junior Class Advisor	Bangor High	Susan McGarry
Junior Class Advisor	Bangor High	Wendy Hooke
Sophomore Class Advisor	Bangor High	Donald Erb
Sophomore Class Advisor	Bangor High	Michael Corneil
National Honor Society Adv	Bangor High	William Ames
Graduation Coordinator	Bangor High	Shannan Fotter
Chess Club	Bangor High	Jonathan Dearing

Key Club Advisor	Bangor High	William Ames
Mosiac	Bangor High	Emilee Throckmorton
Art Club Advisor	Bangor High	Susan Bryand
Assessment Coordinator	Bangor High	Mark Hackett
Maine Academic Decathlon	Bangor High	Carl Robbins
Envirothon/SEED Advisor	Bangor High	Joyce Harrison (1/2)
Envirothon/SEED Advisor	Bangor High	Michelle Benoit (1/2)
Talent Show	Bangor High	Deborah Elz Hammond
Band	JFDS	Stephen Norris
Band	WSCS	Stephen Norris
Chorus	JFDS	Judith Michalik
Orchestra	JFDS	William Bell
Orchestra	WSCS	William Bell
Vocal Group	JFDS	Judith Michalik
Instrumental Group	JFDS	Stephen Norris
Instrumental Group	WSCS	Stephen Norris
Dramatics	JFDS	Judith Michalik
Dramatics	WSCS	Ashley Kramer
Yearbook	JFDS	Jennifer Boehmer
Student Council Advisor	JFDS	Ann Mourkas (1/2)
Student Council Advisor	JFDS	Julie Stacey (1/2)
Student Council Advisor	WSCS	Katrina Lajoie
Math Counts	JFDS	Ilyse Caldwell
Math Counts	WSCS	Terence Tibbetts
Grades 4-5 Musical	Mary Snow	Heather Mills
<i>Head Coaches - Boys</i>		
Football	Bangor High	Alan Mosca
Soccer	Bangor High	Garth Berenyi
Swimming	Bangor High	David Barnett
Baseball	Bangor High	Jeffrey Fahey
Tennis	Bangor High	Cynthia Howard
<i>Head Coaches - Girls</i>		
Field Hockey	Bangor High	Kasey Danforth
Soccer	Bangor High	Joseph Johnson
Basketball	Bangor High	Joseph Johnson
Swimming	Bangor High	Cynthia Howard
Softball	Bangor High	Donald Stanhope
Tennis	Bangor High	Cathy Lemin
<i>Head Coaches - Co-ed</i>		
Cross Country	Bangor High	Adam Goode
Spring Track	Bangor High	Joseph Quinn Sr.
Ice Hockey	Bangor High	Quinn Paradis
Golf	Bangor High	Christopher Junkins
Cheering – Fall	Bangor High	Kate Robichaud
Cheering – Winter	Bangor High	Kate Robichaud (1/2)
Cheering – Winter	Bangor High	Stephanie Crane (1/2)
<i>JV and Assistant Coaches</i>		
Football – Asst	Bangor High	Rob Gould
Football – Asst	Bangor High	John Hersom
Field Hockey – Asst	Bangor High	Diann Ramsey

Field Hockey – JV	Bangor High	Megan Clement
Soccer – Boys – Asst	Bangor High	Donald Erb
Soccer – Boys – JV	Bangor High	Justin Marks
Soccer – Girls – Asst	Bangor High	David McMahon
Soccer – Girls – JV	Bangor High	Mark Boulier
Cross Country – Asst	Bangor High	Lindsey Hackett
Basketball – Girls – JV	Bangor High	Fred Lower
Winter Track – Asst	Bangor High	Shannan Fotter
Winter Track – Asst	Bangor High	Peter Sund
Ice Hockey – Asst	Bangor High	Michael Hersom
Ice Hockey – JV	Bangor High	John Hersom
Spring Track – Asst	Bangor High	Shannan Fotter
Spring Track – Asst	Bangor High	Lindsey Hackett
Baseball – Asst	Bangor High	David Morris
Baseball - JV	Bangor High	Frederick Lower
Softball – JV	Bangor High	Thor Gower
<i>JV and Assistant Coaches – Coed</i>		
Cheerleading – Fall – JV	Bangor High	Shawna Kenny
<i>Freshman Coaches – Boys</i>		
Football	Bangor High	Michael Hersom
Soccer	Bangor High	Daniel Schaeffer
<i>Freshman Coaches – Girls</i>		
Basketball	Bangor High	Breianna Tocci
Soccer	Bangor High	Shannan Fotter
<i>Coaches - Boys</i>		
Soccer	JFDS	Shawn Good
Soccer	WSCS	Lisa Richards
Basketball	JFDS	Joseph Staffiere
Basketball	WSCS	Matthew MacKenzie
“B” Basketball	JFDS	Scott Wood
“B” Basketball	WSCS	Terence Tibbetts
Swimming	WSCS	Cynthia Howard
Baseball	JFDS	Chris Bombardier
Baseball	WSCS	Terence Tibbetts
<i>Coaches - Girls</i>		
Soccer	JFDS	Kristi Erb
Soccer	WSCS	Joel Stevens
Basketball	JFDS	Ilyse Caldwell
Basketball	WSCS	Don Stanhope
“B” Basketball	JFDS	Kathryn Hill
“B” Basketball	JFDS	Donald Erb
Swimming	JFDS	Jennifer Wellington
Swimming	WSCS	Kristine Reid
Softball	JFDS	Larry Seaney
Softball	WSCS	Lewis Ireland
Field Hockey	JFDS	Laurie Sproul Poisson
Field Hockey	WSCS	Haleigh Hudson
<i>Coaches - Co-ed</i>		
Cheerleading	JFDS	Mikayla Becker
Cheerleading	WSCS	Shawna Kenny

Track	JFDS	Michael Hersom
Track	WSCS	Ron Bilancia

d. Superintendent reported the following donations:

To Bangor High School from Community Health & Counseling Services, (200) two hundred three-ring binders, having a total dollar value of \$800.

To Mary Snow School from Hannaford Helps School program, a cash donation having a total dollar value of \$210.

To Mary Snow School from Target Take Charge of Education program, a cash donation having a total dollar value of \$220.

To Downeast School from T.J. Maxx, art supplies, having a total dollar value of \$178.

VOTED 5-0 to accept the donations with thanks.

F. 1. Chairman Caruso shared with the Committee that Superintendent Webb was recently elected to the AASA Executive Committee representing New England and the State of New York. Superintendent Webb will serve a three year term and is the first Maine Superintendent to serve on this Committee.

2. c. Superintendent Webb updated the Committee on the recent SPRPCE Board meeting at the request of Vice Chair Ye.

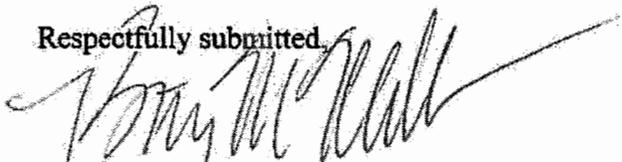
e. Chairman Caruso updated the Committee on the MSBA Board of Directors at the request of Member Hawes.

H. Chairman Caruso reviewed the important dates.

I. Member Susi congratulated and thanked the retiring teacher.

J. Meeting adjourned at 8:30 p.m.

Respectfully submitted,



Betsy M. Webb, Ed.D.
Superintendent of Schools

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, May 3, 2016 5:15 PM
City Council Chambers

Meeting Minutes

Council Members Present: Graham, Plourde, Durgin, Faircloth

City Staff Present: Emery, Collins, Nicklas, Bolduc, Martin, Wallace, Parke
Clemons, Conlow

Chairman Graham called the meeting to order at 5:19 pm.

1. **PUBLIC HEARING** – Amount of Federal Community Development Block Grant Funds expected to be available for the Period July 1, 2016 through June 30, 2017 and the Eligible Uses of Community Development Funds

Opening of public hearing moved by Councilor Plourde, seconded by Councilor Durgin.

Public comment received from Kim Myerderks, with Transportation for All regarding vitality of the bus service, as well as comment from Melissa (?), suggesting that we use CDBG monies to shuffle into extended bus hours.

Closing of public hearing moved by Councilor Durgin, seconded by Councilor Faircloth.

2. Update on Closing Cost & Down Payment Assistance Programs

No action, update only.

3. Photography RFP Update

No action, update only.

4. Maine Harvest Festival

Vicki Rusbilt with EMDC. No action, update only.

5. Parking Issues

Handicapped spaces, Court Street/Penobscot County spacing concern, Park Street space, Main Street loading zone.

Councilor Durgin moved staff recommendation on all items, Councilor Plourde seconded. Vote unless doubted, no doubt.

6. Ordinance – Clarifying Repair and Demolition Procedures for Uninhabitable Buildings

Councilor Plourde moved staff recommendation, Councilor Durgin seconded. Vote unless doubted, no doubt.

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

Move to enter into Executive Session by Councilor Plourde, seconded by Council Durgin. Executive session entered into at 6:28 p.m.

Out of Executive Session @ 6:30 p.m.

8. Committee Action on Above Item

Councilor Durgin moved staff recommendation, Councilor Plourde seconded. Vote unless doubted, no doubt.

Meeting was adjourned at 6:32 p.m.

Respectfully submitted,
Melissa Bickford
Administrative Assistant
C&ED

FINANCE COMMITTEE MINUTES
May 2, 2016 @ 5:15 pm

Councilors in Attendance: Sprague, Durgin, Nichols, Graham, Nealley, Perry, Faircloth

Staff in Attendance: Conlow, Cyr, Johnston, Bishop, Hathaway, Theriault, Rudzinski, Seymour, Wardwell, Courtney

1. Bids/Purchasing

- a. Sound Monitoring – Community & Economic Development – Acentech - \$18,900
Motion made and seconded to execute contract. Motion passed unanimously.

- b. Rock Salt – Public Works – New England Salt - \$56.19/ton
Motion made and seconded to recommend execution of contract to City Council.
Motion passed unanimously.

- c. Marketing Services – Health & Community Services – Pulse Marketing Agency
Motion made and seconded to award contract. Motion passed unanimously.

- d. Internet Connection (Redundancy) – Finance – Oxford Network
Motion made and seconded to execute contract. Motion passed unanimously.

- e. Armor Protected Vehicle – Police – Lenco Inc - \$208,772
Chief Hathaway reviewed the request from the Police department to purchase an armor protected vehicle. He emphasized that the need for the equipment was solely to protect the safety of officers and provide a tool to assist in resolving violent situations more. He recognized that this type of equipment can be viewed negatively by some but assured the Committee and public that the use of such a vehicle would be very. In addition, he provided photos of the proposed vehicle. The vehicle would be white and would not appear to be military in nature. He is very concerned about the public's perception of his department and his officers. He emphasized the department's focus and goal is peaceful resolution of every situation through conversation.

Councilors indicated their support to protect our officers in these types of difficult situations and are aware of how other incidents involving similar equipment around the country have generated public concern.

Members of the public spoke both for and against this purchase. Those opposed, while indicating their support to protect police officers, cited concerns of militarization of police departments or the need to spend those resources in a

different way. Those in favor spoke to the need to safely address violent situations to protect not only the police officers but civilians as well.

Motion made and seconded to recommend the purchase to the City Council.
Motion passed unanimously.

- f. Biofilter Project – WWTP – T Buck Construction \$2,275,275
Staff reviewed the bid recommendation made available just prior to the meeting to award the contract to T Buck Construction the low and sole bidder. Staff and the consulting engineers had reviewed the submission for completeness. The City has had excellent experience with this vendor in the past. The actual cost of this work is substantially lower than had been anticipated in January for a multiple reasons. The January estimate was based on the conceptual/preliminary design phase and included potential undetermined work that may need to be included as well as potential pricing escalation. The final design did not include any unknown tasks, nor was any pricing escalation necessary. Lastly this bid was for a somewhat unique project and in general recent bid pricing has been below market estimates.

Motion made and seconded to recommend award of contract to City Council.
Motion passed unanimously.

2. Workers Compensation Settlement Recommendation

Motion made and seconded to recommend Workers Compensation Settlement to City Council. Motion passed unanimously.

3. Hardship Abatement Decision

Motion made and seconded to approve hardship abatement. Motion passed unanimously.

FINANCE COMMITTEE MINUTES
May 16, 2016 @ 5:15 pm

Councilors in Attendance: Nichols, Nealley, Durgin, Graham, Plourde, Perry, Sprague, Baldacci

Staff in Attendance: Cyr, Conlow, Little, Beaton, Theriault, Wardwell, Collins

1. Bids/Purchasing

- a. Boarding Bridge & Terminal Hold Area – Airport – Sheridan Corporation - \$1,608,421

Motion made and seconded to recommend contract award to City Council. Motion passed unanimously.

- b. Union Street Resurfacing – Engineering – Lane Corporation - \$1,125,774

Motion made and seconded to recommend contract award to City Council. Motion passed unanimously.

- c. Update on LED Streetlight Fixture Bid

Staff updated the Committee on the recent contract award for LED streetlight fixtures. A lower bidder's fixture was determined to be eligible for rebate through Efficiency Maine. This bidder was located in MA and had a 3-4 week delivery time frame and the proposed pricing was \$7 less per fixture. The bidder the contract was awarded to is a local bidder who can provide fixtures in a more timely manner, including stocking for us. The total price difference was \$910. Staff would have recommended the contract be award to Gilman even if aware of the eligibility of the lower priced fixture. The Committee did not indicate any need to revisit this contract award.

- d. Request to Sole Source – Downtown Trash and Recycling Receptacles

Staff requested permission to purchase \$10,800 of receptacles from O'Brien & Sons for installation in downtown. This vendor was used for the purchase of other receptacles in the downtown and in order to ensure consistency, staff is requested to utilize this vendor for this purchase as well.

Motion made and seconded to approve the purchase from O'Brien & Sons. Motion passed unanimously.

2. Request to Write off Personal Property Taxes

Staff reviewed a request to write off \$6,759.24 of personal property taxes assessed to five businesses that are no longer in business. Many of these businesses have been closed for some time but as Assessing was not notified the City continued to assess them. The collection of personal property taxes is a much more difficult task and Treasury and Legal staff are working on a process to increase our efforts in this area.

In the past, Assessing would automatically increase the value of personal property if no declaration was submitted. This practice is changing. In addition, the Assessing department is placing an emphasis on identifying these accounts earlier.

Lastly, staff reviewed the collection rates of personal property taxes. This review shows a good collection rate.

Motion made and seconded to approve the staff recommended write offs. Motion passed unanimously.

3. General Fund Status – March 2016

Staff reviewed General Fund revenue and expenditures variances through March 2016. Revenues are on track to meet budget projections for 2016. A number of expenditures variances were identified and discussed. Most variances are related to timing.

Councilor Baldacci asked if the City expected to be in a position of funding reserves from unassigned fund balance based on the results of FY 2016. Staff indicated that it is likely the City's fund balance will increase at the end of the year, but shared that the Council has approved the use of some of the anticipated savings to fund an Energy Efficiency pilot program and the purchase of an armored vehicle.

Meeting adjourned at 5:39 pm

Government Operations Committee

May 16, 2016

Minutes

Councilors Attending: Plourde, Nichols, Sprague, Baldacci, Perry, Durgin

Staff Attending: Conlow, Farrar, Hamilton, Johnston, Nicklas, Willette, Jarvis, Wardwell, O'Donnell, Comstock, Eyles

Others Attending: BDN, Melina Frost, public

Committee Chair Plourde opened the meeting at 5:40 pm

1. Referral, Council Resolve 16-188, Accepting and Appropriating \$159,060 from the Maine Department of Health and Human Services to extend the term of grants from the Fund for Healthy Maine and the Office of Substance Abuse that respond to Public Health Issues in the Penquis District
 - Health Promotion Program Manager Comstock explained the nature and purpose of the grant funding and responded to questions. It was moved by Baldacci, seconded by Graham and voted to recommend approval of 16-188 to the full Council.
2. Draft Order, Authorizing the City Manager to Respond to a Request for Proposals and to apply for funding in the amount of \$550, 703 from the State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, WIC Nutrition Program
 - Public Health and Community Services Director Hamilton and WIC Director Eyles explained the nature and purpose of the RFP, which is to solicit interest to administer the WIC program. The city has administered the program for the last 40 years. It was noted that at least one other local entity plans to respond to the RFP to run the program. Both Directors responded to Council questions about the program and the results if the city should be unsuccessful in the RFP process. It was suggested that a letter be written to at least the Bangor legislative delegation to inform them of the impacts to locally run programs that have occurred through various changes that have been implemented by the state DHHS. It was then moved by Baldacci, seconded by Graham, and voted to recommend approval of this proposed Council Order.
3. Draft Order, Accepting \$10,000 from the Maine Department of Health and Human Services to extend the term of a grant from the Lead Poisoning Prevention Fund
 - Program Manager Comstock explained the nature and purpose of this 6 month grant extension (through 12-3-16) which will provide \$10,000 of additional funding for the lead poisoning prevention program. It was moved by Baldacci, seconded by Sprague and voted to recommend approval of the proposed Order to the full Council.
4. Request for Designated Customer Parking Space at 624 Hammond Street

- Assistant City Solicitor Nicklas explained the request for a time limited parking space in front of the business at 624 Hammond Street. Melina Frost, who runs the business, spoke about the need for the space to be available for her customers. She has observed vehicles parking there for the entire day, precluding others from being able to use the space. Councilors asked questions of staff and Ms Frost regarding enforcement issues and whether other similar situations existed. Following further discussion, it was moved by Sprague, seconded by Baldacci and voted to recommend approval of the request to the full Council. This item will have First Reading by Council on May 23rd and referred back to Committee on June 6th, so that neighboring property owners can be notified of the proposed parking change and have an opportunity to comment.

5. Golf Course Guidebooks

- Parks and Recreation Director Willette and Golf Professional Jarvis provided an explanation of this issue. Direct Fairways, a national company, contacted the Department about producing Yardage Guidebooks, which includes selling advertising through solicitation. These guidebooks are then made available to members and guests playing the course at no cost. This is common in the golfing industry. The department entered into a three year contract for this service, and is now seeking Council approval, as required for contractual arrangements. Committee members asked several questions concerning the process, and the guidebook including whether the work could be done locally. It was explained that the work was already underway for this guidebook, but that in the future, local options could be explored. After further discussion, it was moved by Perry, seconded by Sprague and voted to recommend approval of this contract to produce the guidebooks to the full Council.

6. Discussion of Abandoned Shopping Carts

- Assistant City Manager Farrar introduced the topic of abandoned shopping carts, indicating that this issue had come forward as a result of both citizen and Councilor concerns. Essentially, the discussion tonight is to decide if there is interest by the Committee in pursuing an approach to deal with shopping carts that are removed from store property and left around the city. He then introduced Administrative Assistant Courtney O'Donnell who briefed the Committee on research she had done regarding how the issue had been dealt with in other communities. She provided examples of approaches used in other municipalities including voluntary compliance, wheel lock systems installed by stores, having carts picked up by Public Works Departments and either returned to stores(with or with a fee / fine) or discarded, to fines levied against store owners for abandoned carts. Committee members all spoke about the issue and their respective thoughts, including what approach might be used to remedy the problem. Opinions on the topic varied widely, from reaching out to stores and seeking voluntary compliance to enacting a local ordinance that would impose fines. After considerable discussion among the committee members, Chair Plourde summarized what he believed was the framework for general consensus of the committee including: staff developing an Ordinance similar in nature to San Jose CA., having stores be required to develop an abandoned cart plan, not implementing a fine

system unless there were repeated violations involving a certain number of carts, among other suggestions. There was no dissenting comment from the Committee. Councilor Baldacci also asked staff to see if additional information could be obtained from the city of Portland regarding their approach to this problem. Once staff has obtained and prepared the requested information, this item will return to the Committee for further consideration.

With no further business to come before the Committee, the meeting was adjourned at 6:40.

COUNCIL ACTION

Item No. 16-203

Date: May 23, 2016

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 31 Hannibal Street - Map-Lot: 011-006

Responsible Department: Legal

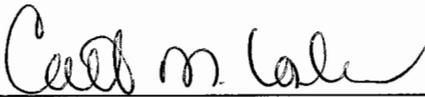
Commentary:

Real estate tax and sewer liens matured on the property owned by Richard Mitchell at 31 Hannibal Street. All outstanding charges due the City have been paid. There are no property issues. Because the liens have matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

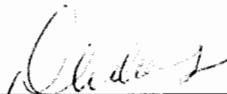
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 31 Hannibal Street - Map-Lot 011-006

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax and sewer liens recorded in the Penobscot County Registry of Deeds in Book 12852, Page 20, Book 13223, Page 68, Book 13562, Page 32, Book 13892, Page 15, Book 13893, Page 93, Book 13907, Page 289, Book 14040, Page 77 and Book 14041, Page 115. Said deed shall be directed to Richard H. Mitchell in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-204

Date: May 23, 2016

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 38 Jowett Street **MAP-LOT R42-173**

Responsible Department: Legal

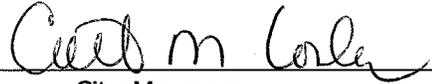
Commentary:

Real estate tax liens matured on the property of Robert and Susani Staples of 38 Jowett Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens have matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

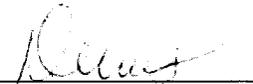
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 38 Jowett Street MAP-LOT R42-173

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 7096, Page 84, Book 7408, Page 6, Book 7774, Page 344, Book 8250, Page 319, Book 8792, Page 26, Book 9411, Page 109, Book 9921, Page 87, Book 10484, Page 8, Book 11003, Page 193, Book 11434, Page 338, Book 11802, Page 350, Book 12161, Page 241, Book 12508, Page 208, Book 12851, Page 202, Book 13222, Page 238, Book 13561, Page 197 and Book 13907, Page 107. Said deed shall be directed to Robert A. Staples and Susan M. Staples in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-205

Date: May 23, 2016

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 208 Garland Street, Map-Lot 053-078

Responsible Department: Legal

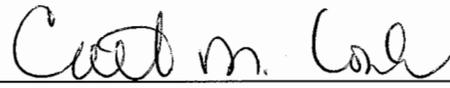
Commentary:

Real estate tax and sewer liens matured on the property of Carlton Wiggin Jr. and Darla Norrish located at 208 Garland Street. All outstanding charges due the City have been paid. There are no property issues. Because the liens have matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

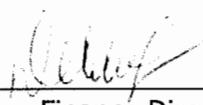
Manager's Comments:



City Manager

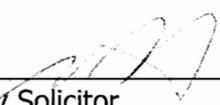
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 208 Garland Street MAP-LOT 053-078

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax and sewer liens recorded in the Penobscot County Registry of Deeds in Book 13223, Page 219, Book 13562, Page 207, Book 13892, Page 164, Book 13893, Page 253, Book 13908, Page 86, Book 14039, Page 95 and Book 14041, Page 255. Said deed shall be directed to Carlton J. Wiggin, Jr. and Darla J.W. Norrish in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-206

Date: May 23, 2016

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 663 Stillwater Avenue - **MAP-LOT R61-009-G**

Responsible Department: Legal

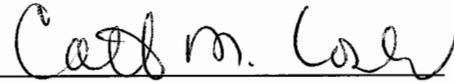
Commentary:

Sewer liens matured on the property of Bangor Mall, LLC of 663 Stillwater Avenue. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens have matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

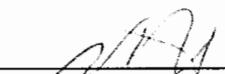
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 663 Stillwater Avenue ; MAP-LOT R61-009-G

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 12675, Page 131 and Book 12675, Page 132. Said deed shall be directed to Bangor Mall, LLC in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-207

Date: May 23, 2016

Item/Subject: Order, Directing the City Clerk to Prepare Notice of Election and Ballots –School Budget Validation Election – June 14, 2016

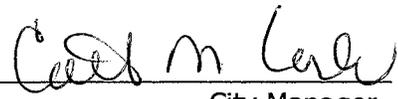
Responsible Department: City Clerk

Commentary: The attached order will set the school budget election date for June 14, 2016, and the form of the validation question, which is set by state statute. As a result of the State School Consolidation Law, the City must hold a school budget validation election following the approval of the School Budget by the School Committee and the City Council. In accordance with State law, this election must be held within 30 days of the final Council approval and prior to the beginning of the next fiscal year on July 1st. For consistency purposes the City schedules this election to coincide with the June primary and state election date, in the event that one was scheduled.



Department Head

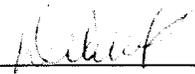
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page **of**

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) ORDER, Directing the City Clerk to Prepare Notice of Election and Ballots –School Budget Validation Election – June 14, 2016

By the City Council of the City of Bangor:

ORDERED,

THAT the City Clerk is hereby directed to prepare the necessary notice of election and ballots for a Municipal Election to be held on June 14, 2016 for the purpose of validating the Fiscal Year 2017 school budget; and

BE IT FURTHER ORDERED THAT

The question to be submitted to the voters shall be in the following form:

"Do you favor approving the Bangor School Department budget for the upcoming school year that was adopted at the latest regional school unit budget meeting and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?"

Yes No

A YES vote allows additional funds to be raised for K-12 public education.

A NO vote means additional funds cannot be raised for K-12 public education.

Date: May 23, 2016

Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$1,608,421 to Sheridan Corporation for Gate 3 Boarding Bridge and Holding Area Project (AIP 70)

Responsible Department: Airport

Commentary:

On May 3, 2016, the City received three (3) bids for the Gate 3 Boarding Bridge and Holding Area project (AIP 70). The bid prices ranged from \$1,608,421 to \$1,798,010 (see attached bid tabulation).

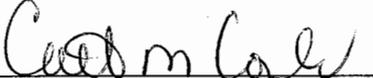
This is an Airport Improvement Plan (AIP) funded project. The project cost is funded 90% with Federal funds, 5% State funds and 5% Airport funds. In order to obtain the AIP grant funds, the City must bid the work and award the contract. This information is then submitted to the FAA for execution of the grant document.

This item will be reviewed by the Finance Committee on May 16, 2016.

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

Department Head

Manager's Comments:

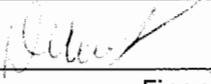


City Manager

Associated Information:

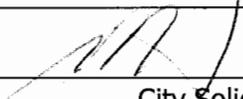
Bid Tabulation

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award in the Amount of \$1,608,421 to Sheridan Corporation for Gate 3 Boarding Bridge and Holding Area Project (AIP 70)

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Sheridan Corporation in the amount of \$1,608,421 for Gate 3 Boarding Bridge and Holding Area Project (AIP 70).

City of Bangor - Bangor International Airport
 Gate 3 Passenger Boarding Bridge & Terminal Holding Area
 Bid Opening: Tuesday, May 3rd 2016

ITEM NO.	DESCRIPTION	QTY.	UNIT	The Sheridan Corporation*		Nickerson & O'Day, Inc.*		Bowman Constructors*	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
1	Terminal Holding Area	1	LS	\$ 527,014.00	\$ 527,014.00	\$ 481,760.00	\$ 481,760.00	\$ 518,000.00	\$ 518,000.00
2	Mother's Room	1	LS	\$ 19,928.00	\$ 19,928.00	\$ 21,664.00	\$ 21,664.00	\$ 58,000.00	\$ 58,000.00
3	Soffits & Bar Millwork	1	LS	\$ 16,458.00	\$ 16,458.00	\$ 11,989.00	\$ 11,989.00	\$ 63,000.00	\$ 63,000.00
01 14 02-1	Airfield Operations Area (AOA) Safety and Phasing	1	LS	\$ 11,437.00	\$ 11,437.00	\$ 25,327.00	\$ 25,327.00	\$ 15,000.00	\$ 15,000.00
01 14 02-2	Contractor's Safety Plan Compliance Document (CSPCD)	1	LS	0.00	0.00	\$ 36,275.00	\$ 36,275.00	\$ 6,000.00	\$ 6,000.00
14 00 00-1	Apron Drive Passenger Boarding Bridge	1	LS	\$ 613,720.00	\$ 613,720.00	\$ 729,398.00	\$ 729,398.00	\$ 668,000.00	\$ 668,000.00
14 00 00-2	Rotunda Foundation	1	LS	\$ 27,502.00	\$ 27,502.00	\$ 75,915.00	\$ 75,915.00	\$ 72,750.00	\$ 72,750.00
14 00 00-3	Fixed Tunnel	1	LS	\$ 84,328.00	\$ 84,328.00	\$ 98,743.00	\$ 98,743.00	\$ 95,000.00	\$ 95,000.00
14 00 00-4	Fixed Tunnel Foundation	1	LS	\$ 21,518.00	\$ 21,518.00	\$ 61,235.00	\$ 61,235.00	\$ 41,250.00	\$ 41,250.00
14 00 00-5	400Hz/28.5vDC Ground Power Unit (GPU)	1	LS	\$ 66,043.00	\$ 66,043.00	\$ 57,256.00	\$ 57,256.00	\$ 53,000.00	\$ 53,000.00
14 00 00-6	Pre-Conditioned Air Unit (PCA)	1	LS	\$ 117,367.00	\$ 117,367.00	\$ 105,059.00	\$ 105,059.00	\$ 100,000.00	\$ 100,000.00
14 00 00-7	PBB Air Conditioning (Cooling) Unit	1	LS	\$ 15,988.00	\$ 15,988.00	\$ 28,307.00	\$ 28,307.00	\$ 26,500.00	\$ 26,500.00
14 00 00-8	PBB Forced Hot Air Heating Unit	1	LS	\$ 5,902.00	\$ 5,902.00	\$ 5,159.00	\$ 5,159.00	\$ 5,000.00	\$ 5,000.00
14 00 00-9	Miscellaneous Owner Selected PBB Options	1	LS	\$ 41,710.00	\$ 41,710.00	\$ 31,209.00	\$ 31,209.00	\$ 30,000.00	\$ 30,000.00
32 16 23-1	Pre-Cast Concrete Ramp	1	LS	\$ 24,506.00	\$ 24,506.00	\$ 13,714.00	\$ 13,714.00	\$ 30,500.00	\$ 30,500.00
33 00 00-1	Relocate Waterline	1	AL	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL BID SUMMARY					\$ 1,608,421.00	\$ 1,798,010.00	\$ 1,797,000.00	\$ 1,797,000.00	\$ 1,797,000.00

* Math error found with total bid amount listed on submitted form. As a result, the final bid amounts shown on this bid tabulation have been corrected. All numbers are based on amounts written in words for the unit bid prices on the proposal submission.

COUNCIL ACTION

Item No. 16-209

Date: May 23, 2016

Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$1,125,774 to Lane Construction for the Union Street Resurfacing Project

Responsible Department: Engineering

Commentary:

On May 4, 2016, the City received two (2) bids for the Union Street Resurfacing Project. The bid prices ranged from \$1,125,774 to \$1,148,682 (see attached bid tabulation).

This project will resurface the portion of Union Street from Sixteenth Street to Griffin Road. The recommendation is to award the contract to the low bidder, Lane Construction in the amount of \$1,125,774. This project is 80% Federal, 10% State and 10% local funding.

This bid was reviewed and recommended for approval at the Finance Committee meeting of May 16, 2016.

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

Department Head

Manager's Comments:

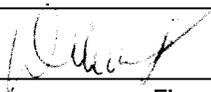


City Manager

Associated Information:

Bid Tabulation

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award in the Amount of \$1,125,774 to Lane Construction for the Union Street Resurfacing Project

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Lane Construction in the amount of \$1,125,774 for the Union Street Resurfacing project.

City of Bangor Bid Tabulation
 Proposal: Union Street Resurfacing Project II
 Bid Opening: 5/4/16

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	Pike Industries Inc.		The Lane Corporation	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	REMOVING PAVEMENT SURFACE	SY	35060	\$3.00	\$105,180.00	\$3.00	\$105,180.00
2	PAVEMENT BUTT JOINTS	SY	440	\$15.00	\$6,600.00	\$15.00	\$6,600.00
3	COMMON EXCAVATION	CY	90	\$35.00	\$3,150.00	\$36.00	\$3,240.00
4	AGGREGATE BASE COURSE - GRAVEL	CY	405	\$27.00	\$10,935.00	\$29.00	\$11,745.00
5	1/2" HOT MIX ASPHALT	TON	210	\$160.00	\$33,600.00	\$205.00	\$43,050.00
6	1/2" HOT MIX ASPHALT	TON	4210	\$90.00	\$378,900.00	\$72.00	\$303,120.00
7	3/8" HOT MIX ASPHALT, (SW, DRIVES, INCIDENTALS)	TON	233	\$160.00	\$37,280.00	\$165.00	\$38,445.00
8	HOT MIX ASPHALT - 3/8" HMA LEVELING COARSE	TON	1050	\$90.00	\$94,500.00	\$78.00	\$81,900.00
9	BITUMINOUS TACK COAT, APPLIED	GAL	2020	\$7.00	\$14,140.00	\$7.00	\$14,140.00
10	15" STORM DRAIN	LF	75	\$86.00	\$6,450.00	\$92.00	\$6,900.00
11	18" STORM DRAIN	LF	45	\$128.00	\$5,760.00	\$134.00	\$6,030.00
12	CATCH BASIN TYPE B1-C	EACH	8	\$4,475.00	\$35,800.00	\$4,700.00	\$37,600.00
13	DRAIN MANHOLE	EACH	3	\$4,675.00	\$14,025.00	\$4,900.00	\$14,700.00
14	ALTER CATCH BASIN	EACH	4	\$1,575.00	\$6,300.00	\$1,700.00	\$6,800.00
15	ADJUSTING MH AND CB TO GRADE	EACH	20	\$1,100.00	\$22,000.00	\$1,200.00	\$24,000.00
16	12" TYPE C UNDERDRAIN	LF	10	\$58.00	\$580.00	\$61.00	\$610.00
17	15" TYPE C UNDERDRAIN	LF	896	\$64.00	\$57,344.00	\$68.00	\$60,928.00
18	DETECTABLE WARNING FIELD(SW RAMPS)	SF	210	\$104.00	\$21,840.00	\$113.00	\$23,730.00
19	VERT. CURB TYPE 1 - GRANITE	LF	93	\$35.00	\$3,255.00	\$45.00	\$4,185.00
20	VERT. CURB TYPE 1 - GRANITE REMOVE/ RESET	LF	620	\$24.00	\$14,880.00	\$32.00	\$19,840.00
21	SLIPFORM CONC. CURB	LF	6123	\$9.00	\$55,107.00	\$17.00	\$104,091.00
22	RIP RAP	CY	2	\$223.00	\$446.00	\$275.00	\$550.00
23	LOAM	CY	200	\$40.00	\$8,000.00	\$41.00	\$8,200.00
24	SEEDING METHOD NO. 1	UNIT	28	\$28.00	\$784.00	\$31.00	\$868.00
25	MULCH	UNIT	28	\$28.00	\$784.00	\$31.00	\$868.00
26	4" WHITE OR YELLOW PAVEMENT MARKING LINE	LF	29952	\$0.34	\$10,183.68	\$0.37	\$11,082.24
27	WHITE OR YELLOW PAVEMENT AND CURB MARKING	SF	3576	\$1.75	\$6,258.00	\$2.00	\$7,152.00
28	HAND LABOR	MH	20	\$35.00	\$700.00	\$47.00	\$940.00
29	ALL PURPOSE EXCAVATOR	MH	20	\$145.00	\$2,900.00	\$171.00	\$3,420.00
30	TRUCK - LARGE	MH	20	\$95.00	\$1,900.00	\$98.00	\$1,960.00
31	MAINTENANCE OF TRAFFIC	LS	1	\$85,000.00	\$85,000.00	\$75,300.00	\$75,300.00
32	FLAGGER	MH	1800	\$27.00	\$48,600.00	\$27.00	\$48,600.00
	SUBTOTAL				\$1,093,181.68		\$1,075,774.24
33	MOBILIZATION (5%)	LS	1		\$55,500.00		\$50,000.00
	TOTAL				\$1,148,681.68		\$1,125,774.24

COUNCIL ACTION

Item No. 16-210

Date: May 23, 2016

Item/Subject: Order, Accepting \$10,000.00 from the Maine Department of Health and Human Services to extend the term of a grant from the Lead Poisoning Prevention Fund.

Responsible Department: Public Health and Community Services

Commentary: This order authorizes the City Manager to accept \$10,000.00 for the continuation of lead poisoning prevention activities in Bangor. The current grant expires 6-30-16. The amended term of the grant will provide a six month extension through December 31, 2016. The total amount of the grant will increase from the current \$27,500.00 to \$37,500.00.

This was reviewed and recommended for approval at the May 16, 2016 Government Operations Committee meeting.

Department Head

Manager's Comments:

Coedon Ceryle
City Manager

Associated Information: Order

Budget Approval:

W. W. W.
Finance Director

Legal Approval:

W. W. W.
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __

Assigned to Councilor Nichols



CITY OF BANGOR

(TITLE.) Order, Accepting \$10,000.00 from the Maine Department of Health and Human Services to extend the term of a grant from the Lead Poisoning Prevention Fund.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED THAT, a \$10,000.00 Grant from the Maine Department of Health and Human Services is hereby accepted to extend the term of the current one year grant from the Lead Poisoning Prevention Fund an additional six months, through December 31, 2016.

COUNCIL ACTION

Item No. 16-211

Date: May 23, 2016

Item/Subject: Order – Adopting the New Unattended Crosswalk & Flashing Pedestrian Beacon Policy

Responsible Department: Engineering

Commentary:

This Order will adopt an "Unattended Crosswalk & Flashing Beacon Policy" which will establish standards and procedures for criteria, location, placement, and funding for new unattended crosswalks (mid block crosswalks) and pedestrian actuated flashing beacons within the City of Bangor.

This Policy was reviewed and approved at the April 26, 2016 Infrastructure Committee meeting.

John Theriault, PE
Department Head

Manager's Comments:

Carl M. Cole
City Manager

Associated Information: Order, Policy

Budget Approval:

[Signature]
Finance Director

Legal Approval:

City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assign to Councilor Sprague

CITY OF BANGOR

(TITLE.) **ORDER,** Adopting New Unattended Crosswalk & Flashing Pedestrian Beacon Policy

WHEREAS, The City of Bangor encourages residents to walk by providing safe and clearly delineated routes of travel; and

WHEREAS, The City wishes to set forth standards to be used in determining when crosswalks should be installed at locations not serviced by a traffic signal, otherwise known as unattended crosswalks; and

WHEREAS, The City wishes to set forth standards to be used in determining when flashing pedestrian actuated beacons shall be installed at existing or new unattended crosswalks; and

WHEREAS, The policy provides procedure for evaluating the need for crosswalk as well as the opportunity for residents to request crosswalks in areas of pedestrian activity; and

By the City Council of the City of Bangor:

ORDERED,

THAT the attached New Unattended Crosswalk & Flashing Pedestrian Beacon Policy be Adopted by the Bangor City Council by Council Order.

NEW UNATTENDED CROSSWALK & FLASHING PEDESTRIAN BEACON POLICY

1.0 Purpose

The purpose of this policy is to:

- 1.1 Encourage residents to walk by providing safe and clearly delineated routes of travel;
- 1.2 Set forth standards to be used in determining when crosswalks should be installed at locations not serviced by traffic signals otherwise known as unattended crosswalks;
- 1.3 Set forth standards to be used in determining when flashing pedestrian actuated beacons shall be installed at existing or new unattended crosswalks;
- 1.4 Outline a procedure to be followed in evaluating the need and appropriate location for a new crosswalk;
- 1.5 Insure that residents are afforded an opportunity to request and participate in the discussion to install new crosswalks and or flashing pedestrian beacons;
- 1.6 Outlining procedures to be followed in funding and implementing recommendations.

2.0 Policy

It is the policy of the City of Bangor to:

- 2.1 Promote safe conditions for all modes of travel including motor vehicles, bicycles, wheelchairs, and walking along Bangor's city streets;
- 2.2 Improve safety and reduce accidents by providing clear delineation including pavement markings, signage, and other traffic control devices that warn travelers of potential areas of conflict between motor vehicles and other modes of travel;
- 2.3 Encourage citizen involvement and efforts in neighborhood pedestrian management activities.

3.0 Review

Upon the request of residents to install a crosswalk at a certain location, the City of Bangor's Engineering Department will review the requested location with regards to the following criteria:

- 3.1 The location of schools and school routes for children
- 3.2 The daily and hourly pedestrian volumes;
- 3.3 The average daily traffic (ADT) volumes
- 3.4 The posted statutory speed limit or 85th percentile speed;
- 3.5 The number of vehicle travel lanes;
- 3.6 The presence of a median for pedestrian refuge;
- 3.7 The distance of proposed crosswalk from signalized intersections;
- 3.8 The distance of a proposed crosswalk from an existing crosswalk
- 3.9 The roadway alignment at the proposed crosswalk location and the available visibility;

- 3.10 The possibility of consolidation of multiple crossing points;
- 3.11 The availability of street lighting;
- 3.12 Other appropriate factors.

4.0 Minimum Criteria to Warrant a Crosswalk

- 4.1 Crosswalks will be located in a location that affords pedestrians and motorists with the proper sight distance for the posted speed limit.
- 4.2 Sufficient demand exists to justify the installation of a crosswalk. The crosswalk would serve 20 pedestrians/hour during the peak hour.
- 4.3 The roadway shall have a minimum volume of 1,500 vehicles/day or 150 vehicles during the peak pedestrian hour.
- 4.4 The crossing is on a direct route to or from a pedestrian generator, such as a school, library, hospital, senior center, shopping center, park.
- 4.5 The location is 300 feet or more from another crossing location or a signalized intersection.
- 4.6 Safety considerations do not preclude a crosswalk.
- 4.7 A landing area is available or feasible on each end of the crosswalk.
- 4.8 The posted speed limit is less than 40 mph and the number of travel lanes is 4 or less unless pedestrian refuge island is provided.

5.0 Minimum Criteria to Warrant a Pedestrian Actuated Flashing Crosswalk

- 5.1 Crosswalks will be located along a school route or other significant pedestrian generator.
- 5.2 The roadway shall have a minimum volume of 3,000 vehicles/day or 300 vehicles during the peak pedestrian hour.
- 5.3 The crosswalk would serve 40 pedestrians per hour during the peak hour.
- 5.4 The 85th percentile travel speed exceeds the posted speed limit by 7 MPH.
- 5.5 Pedestrian actuated flashers should be considered when midblock crosswalks are located on roads with 4 travel lanes.

6.0 Decision

- 6.1 After evaluating the review criteria and crosswalk warrants in sections 3.0 and 4.0, the City Engineer shall;
- 6.2 Review his/her findings with the Police Chief and Public Works Director.
- 6.3 Make a recommendation on whether or not a crosswalk or flashing pedestrian beacon is appropriate for the location.
- 6.4 Report his/her findings to the person that requested the study.

7.0 Appeal

- 7.1 If the person requesting the study does not agree with the City Engineer's decision they may appeal the decision to the Infrastructure Committee.
- 7.2 The Infrastructure's decision is final.

8.0 Funding & Construction

If a crosswalk or flashing pedestrian beacon is approved, the Public Works Director shall:

- 8.1 Keep a list of approved projects and present an estimated cost of approved projects as an above current request for council to fund in the next fiscal year budget.
- 8.2 Construction may be scheduled for the fiscal year after approval if funding is approved by the council.
- 8.3 Special circumstances may prompt the Infrastructure Committee to direct the Public Works Director and Finance Director to find emergency funding for special projects.

COUNCIL ACTION

Item No. 16-212

Date: May 23, 2016

Item/Subject: **Resolve,** Ratifying Actions Taken by the Assessor in Defense of Abatement Requests

Responsible Department: Assessment

Commentary: This order will ratify the actions of the City Assessor in defense of two large abatement requests on commercial and industrial properties in 2016. Given the complexity and uniqueness of these facilities, it was necessary to hire specialized legal assistance as well as consultants to help establish fair market assessed valuation, negotiate for resolution, and defend, if necessary, before the State Board of Property Tax Review. Both abatement requests were settled. The total cost of the defending both these appeals could cost up to \$60,000. Although we do not have final numbers, the majority of the work was spent on Hollywood Casino; therefore, funding to cover those legal expenses will be taken from the Downtown TIF. This was discussed on several occasions in Executive Session.

Department Head

Manager's Comments:

Carol M. Corle

City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

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

Page __ **of** __

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Resolve, Ratifying Actions Taken by the Assessor in Defense of Abatement Requests

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

Be It Resolved That,

Council ratifies actions taken by the City Assessor to defend abatement requests and authorizes up to \$60,000 for legal expenditures. All consultant and legal expenditures in defense of Hollywood Casino will come from the Downtown TIF.

COUNCIL ACTION

Item No. 16-213

Date: May 23, 2016

Item/Subject: Order, Accepting a \$5,760.00 Amendment to the WIC Nutrition Program Grant for Staff Training and Professional Development

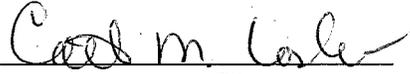
Responsible Department: Public Health & Community Services

Commentary:

The Order will accept an additional \$5,760.00 in WIC funds for FFY 16, which covers the period from October 1, 2015 through September 30, 2016. The original grant amount was \$550,703 for administration of the program and \$2,493,000 for food assistance to clients. This additional \$5,760.00 is for staff training and professional development. \$2,000 is to have one staff member attend the 2016 National WIC Association Biennial Nutrition Education and Breastfeeding Conference in Denver, CO from September 8th to 10th 2016. It is vital that the City of Bangor, Public Health and Community Services has a presence at this meeting to stay current with the latest WIC Policies and Procedures and to share perspectives with other Federal and State staff. \$2,550.00 is for two staff to attend the Certified Lactation Counselor Training in Portland, ME from June 6 to 10, 2016. WIC promotes breastfeeding as the optimal infant feeding choice and supports moms along the way. This National Certification equips staff with up-to-date, evidence based breastfeeding knowledge and skills. The remaining \$1,210.00 is for 4 staff to attend the Best Connection Conference in Portland, ME from September 15 to 16, 2016.

Department Head

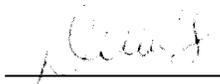
Manager's Comments:



City Manager

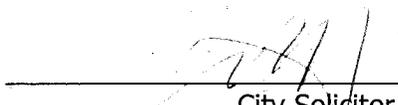
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __

16-213
MAY 23, 2016

Assigned to Councilor Nichols



CITY OF BANGOR

(TITLE.) Order, Accepting a \$5,760.00 Amendment to the WIC Nutrition Program Grant for Staff Training and Professional Development

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

The City Manager is hereby authorized to accept the grant funds from the WIC Nutrition Program (grant period 10-1-15 to 9-30-16) for staff training and professional development: \$2,000 to send a staff member to attend the 2016 National WIC Association Biennial Nutrition Education and Breastfeeding Conference in Denver, CO from September 8th to 10th 2016; \$2,550.00 to send two staff members to attend the Certified Lactation Counselor Training in Portland, ME from June 6 to 10, 2016; \$1,210.00 to send 4 staff to attend the Best Connection Conference in Portland, ME from September 15 to 16, 2016; in the total amount of \$5,760.00.

COUNCIL ACTION

Item No. 16-214

Date: May 23, 2016

Item/Subject: Order, Accepting a \$2,000 Amendment to the WIC Nutrition Program Grant for the Farmer's Market Nutrition Program

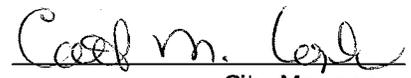
Responsible Department: Public Health & Community Services

Commentary:

The Order will accept an additional \$2,000 in WIC funds for FY 16, which covers the period from October 1, 2015 through September 30, 2016. The original grant amount was \$550,703 for administration of the program and \$2,493,000 for food assistance to clients. This additional \$2,000 is to administer the Farmers' Market Nutrition Program. During the growing season, local Maine farmers are authorized as WIC vendors to provide locally grown fruits and vegetables to be purchased with specialized vouchers.

Department Head

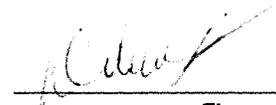
Manager's Comments:



City Manager

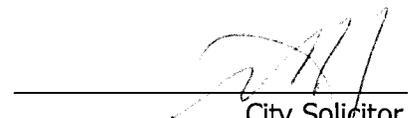
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage (Consent)
- First Reading
- Referral

Page of

Assigned to Councilor Flourde



CITY OF BANGOR

(TITLE.) Order, Accepting a \$2,000 Amendment to the WIC Nutrition Program Grant for the Farmer's Market Nutrition Program

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

The City Manager is hereby authorized to accept grant funds from the WIC Nutrition Program to administer the Farmers' Market Nutrition Program in the amount of \$2,000, for the grant period October 1, 2015 to September 30, 2016

COUNCIL ACTION

Item No. 16-215

Date: May 23, 2016

Item/Subject: Order, Accepting the City Engineer's Report to Discontinue a Portion of Texas Avenue and Corporate Drive.

Responsible Department: Engineering

Commentary:

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 May 18, 2016 at 4:00 p.m., Second Floor Engineering Conference Room, 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 Texas Avenue and Corporate Drive. The portion of the roads in question are not used as a right-of-way nor needed for public purposes.

John M. Theriault, P.E.
Department Head

Manager's Comments:

Carl M. Corle
City Manager

Associated Information: Council Order, Report, Location Map "Exhibit A"

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page ___ of



Assigned to Councilor Durgin

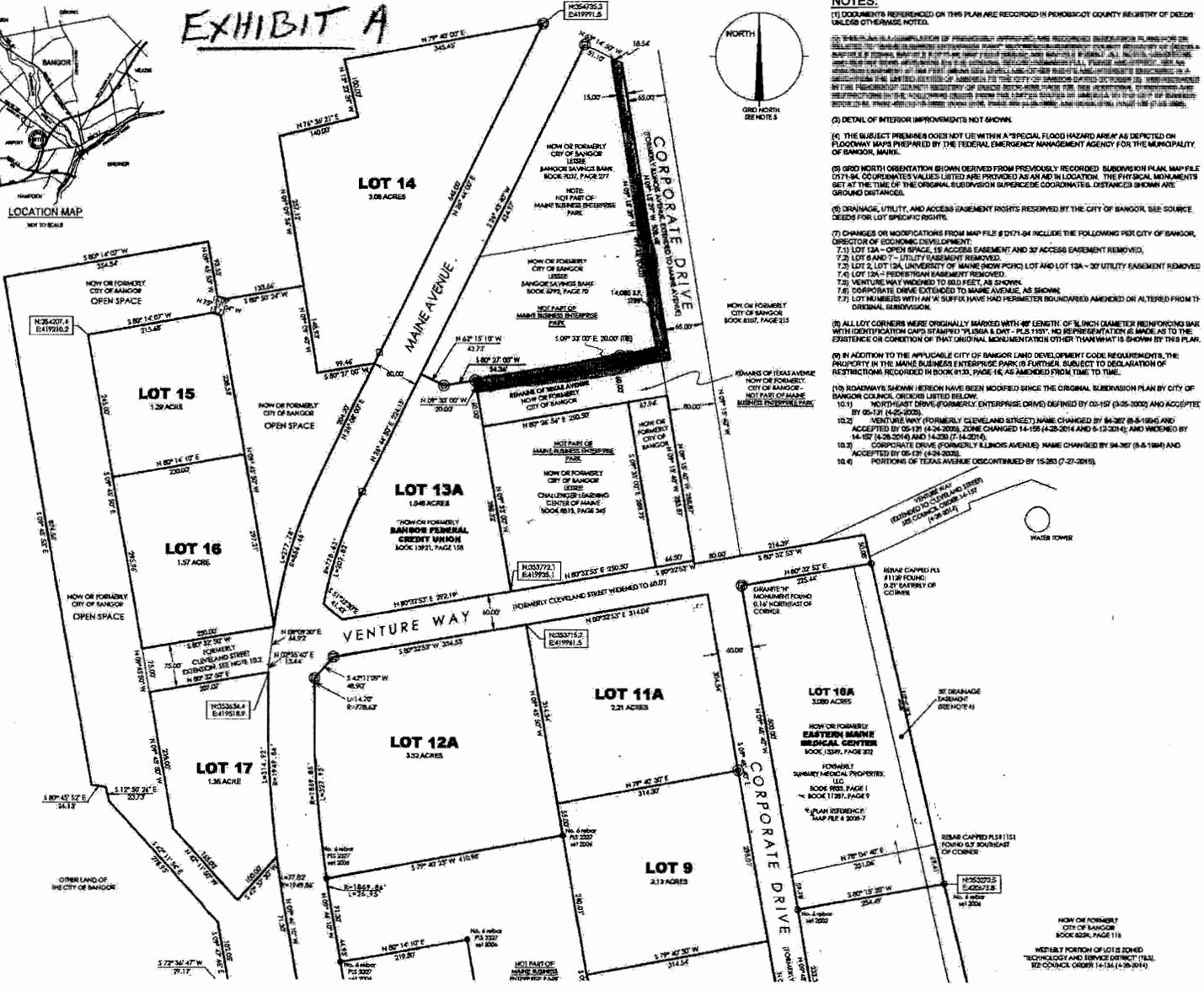
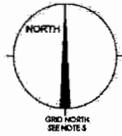
CITY OF BANGOR

(TITLE.) Order, Accepting the Director of Public Services, City Engineer's Report to Discontinue a Portion of Texas Avenue and Corporate Drive.

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

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT said portions of Texas Avenue and Corporate Drive 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, a public easement shall be retained for public utilities.

EXHIBIT A



COUNCIL ACTION

Item No. 16-216

Date: May 23, 2016

Item/Subject: **Resolve,** Ratifying the Parks and Recreation Director's action to enter into a 3-year agreement with Direct Fairways LLC to create and produce yardage books for the Golf Course.

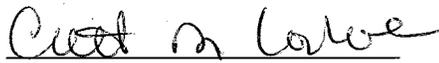
Responsible Department: Parks and Recreation

Commentary: This resolve will ratify a 3-year agreement with Direct Fairways LLC to produce yardage books for the Golf Course. These custom designed course guides list the par, yardage, and handicap for each hole as well as the course layout and photographs of the golf course. Direct Fairways produces and provides as many copies as needed throughout the season free of charge. There is not a limit to the number of copies to be supplied each season.

In return, they sell advertising to local businesses. Direct Fairways will screen the content of the advertising to ensure it is appropriate for golf course advertising. Staff will also have final oversight and approval of the content of the guide books. Direct Fairways has also agreed to pay the City a one-time signing bonus of \$200.00. The agreement is terminable on 60 days' notice. This was reviewed and recommended for approval at the meeting of the May 16, 2016 Government Operations Committee.

Department Head

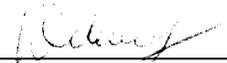
Manager's Comments:



City Manager

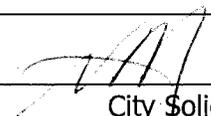
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page **of**



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) Resolve, Ratifying the Parks and Recreation Director's Action to Enter into a 3-year Agreement with Direct Fairways LLC to Create and Produce Yardage Books for the Golf Course.

By the City Council of the City of Bangor:

RESOLVED, THAT

The Parks and Recreation Department may continue with a three year agreement with Direct Fairways LLC to produce at Golf Yardage Book for the Golf Course. These books will be provided to the Golf Course free of charge in exchange for selling advertising in each book.

AGREEMENT TO SUPPLY COURSE GUIDES

This Agreement is entered into as of the 2nd day of November, 2015 by and between Direct Fairways, LLC, a Delaware Limited Liability Company, ("Direct Fairways"), and Bangor Municipal Golf Course ("Golf Course").

RECITALS

WHEREAS, Direct Fairways is in the business of selling advertising space to local businesses for placement on custom designed golf course guides.

WHEREAS, Golf Course desires to enter into an agreement for Direct Fairways to provide it with its supply of course guides.

NOW, THEREFORE, in consideration of the promises and covenants contained herein and for other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **Course Guides.** Direct Fairways agrees to provide, for the term of this agreement, course guides as needed to the Golf Course at no charge.

2. **Term.** Direct Fairways agrees to provide the course guides to Golf Course for the initial term of three (3) years, commencing upon shipment of the course guides to the Golf Course. This Agreement will automatically renew for an additional three (3) year period unless written notice of termination is given by either party no less than sixty (60) days prior to the expiration of the current term.

Direct Fairways signing bonus \$ 250 per contract. (funds available upon delivery of course guides to Golf Course.)

3. **Course Guide Design.** In addition to advertisements by local businesses, the custom designed course guides will list the par, yardage, and handicap for each hole as well as the course layout and photographs of the Golf Course. In addition, the course guide will contain the Golf Course's contact information and its rules and regulations. Direct Fairways has the right, on an annual basis and in its sole discretion, to edit or replace existing advertisements with advertisements from different merchants. Direct Fairways also reserves the right to alter or amend the style of the course guides with the approval of Golf Course. Direct Fairways will also provide Golf Course with up to eight (8) free extra pages in the course guides to feature Golf Course amenities.

Golf Course Information:

Rounds of Golf (Annual): 33,000

Total Golf Course Yardage: 9,550

Total Number of Holes: 27

Golf Course Shipping Address: 278 Webster Avenue, Bangor, ME 04401

4. **Placement.** The parties agree that the course guides are for the exclusive use of Golf Course and will be located in the Golf Course golf shop and other locations including: Pro Shop.

Golf Course agrees that its employees or agents will not interfere with Direct Fairways' ability to place the course guides at the Golf Course or to sell advertising space. Any questions concerning the course guide advertising should be directed to the pro shop at the following number: 207-941-0232

5. **Restrictions.** Direct Fairways screens its local merchant advertisers to ensure the content of the advertisements is not offensive to the public. Such merchants will be precluded from advertising in the course guides. In addition, Golf Course may desire to preclude any advertising by the following businesses: _____.

Golf Course lists the following additional restrictions: _____

6. **Notice.** Any Notice required under this Agreement shall be provided, by first-class mail as follows:

If to Direct Fairways:

Direct Fairways, LLC
P. O. Box 25451
Tempe, Arizona 85285

If to Golf Course:

Bangor Municipal Golf Course
278 Webster Ave.
Bangor, ME 04401

7. **Binding Effect; Entire Agreement.** This Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns of the parties. This Agreement embodies the entire agreement between the parties and there are no other agreements or understandings. This Agreement supersedes any and all prior agreements and understandings, written or oral, formal or informal, with regard to the subject matter hereof and may only be modified or amended in writing.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona. The parties hereto agree that any suit, action or proceeding seeking to enforce any provision of, or based on any matter arising out of or in connection with, this Agreement or the transactions contemplated hereby shall be brought in the Maricopa County Superior Court sitting in Arizona, and that any cause of action arising out of this Agreement shall be deemed to have arisen from a transaction of business in the State of Arizona, and each of the parties hereby irrevocably consents to the jurisdiction of such courts (and of the appropriate appellate courts therefrom) in any such suit, action or proceeding and irrevocably waives, to the fullest extent permitted by law, any objection that it may now or hereafter have to the laying of the venue of any such suit, action or proceeding in any such court or that any such suit, action or proceeding brought in any such court has been brought in an inconvenient forum.

9. **Attorneys' Fees.** If either party institutes a lawsuit, action or proceeding seeking to enforce or interpret any provisions or rights of this Agreement, the unsuccessful party in such lawsuit, action or proceeding, as determined by the court, agrees to pay the successful party all attorneys' fees and expenses incurred by the successful party.

10. **Severability.** If any one or more of the provisions of this Agreement is held to be invalid or unenforceable, the provision will be modified to the minimum extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions of this Agreement will not be affected by any such invalidity or unenforceability.

This Agreement is effective as of the date written above.

DIRECT FAIRWAYS, LLC, a
Delaware limited liability company

By: James W. Morris
Its: Director of Operations

GOLF COURSE: Bangor Municipal Golf Course

By: Rob Jarvis
By: Rob Jarvis (Nov 17, 2015)
Its: General Manager
Phone: 207-941-0232

Please Attach Current Course Guide With Agreement

COUNCIL ACTION

Item No. 16-217

Date: May 23, 2016

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

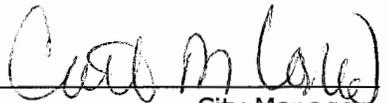
Responsible Department: Engineering

Commentary:

The City Engineer submitted a grant application to the Maine Department of Environmental Protection on April 4, 2016 to obtain funding to replace an existing stream crossing culvert at Arctic Brook and Grandview Avenue. The proposed culvert improvement will provide better habitat connectivity as well as increasing the flood resiliency of Grandview Avenue. The total project estimate is for 156,568.51, of which, the City is requesting 95,000.00 from the Grant Program to assist with this project. The City's contribution of \$61,586.51 to the cost of the project will be funded through the City's Storm Water Utility. The application deadline for filing the grant application was April 5, 2016. This item was reviewed and approved by the Infrastructure Committee on April 26, 2016.

John Theriault, PE
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:

City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Baldacci



CITY OF BANGOR

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

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

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

The seal of the City of Bangor is a circular emblem with an ornate, gold-colored border. The border contains the text "CITY OF BANGOR" at the top and "INCORPORATED, FEB. 12, 1842" at the bottom. The central scene depicts a large evergreen tree in the foreground, a body of water with a bridge in the middle ground, and a rising sun with rays in the background. A wooden stump and a wheel are visible in the lower foreground.

**REFERRALS TO COMMITTEES
& FIRST READINGS**



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDINANCE, Amending Map Entitled "Downtown Parking Management District" by Designating Parking Space 1700 as Handicapped Parking Space

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 space 1700 on Park Street as parking for persons with disabilities.

COUNCIL ACTION

Item No. 16 -219

Date: May 23, 2016

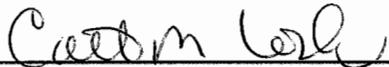
Item/Subject: Resolve, Accepting and appropriating a grant in the amount of \$1,650,000 from the Federal Aviation Administration and \$91,667 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 69 at Bangor International Airport (BGR).

Responsible Department: Airport

Commentary: This Resolve will authorize the acceptance and appropriation of a grant in the amount of \$1,650,000 from the Federal Aviation Administration and \$91,667 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 69. If approved, this grant will be used for the second half of the costs associated with the domestic terminal renovation project. This grant funding will focus on the public areas of this phase of the project, which includes the ceilings, floors, lighting and other electrical components. This project is included in BGR's FAA approved 5-year Capital Improvement Plan (CIP). This grant will help continue to fund 90% of the project with the additional 5% coming from the State and 5% coming from the airport.

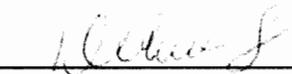
Tony Caruso
Department Head

Manager's Comments:


City Manager

Associated Information: Resolve

Budget Approval:


Finance Director

Legal Approval:

City Solicitor

Introduced for
 Passage
 First Reading
 Referral - to Finance Committee of June 6, 2016.

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE): Resolve, Accepting and appropriating a grant in the amount of \$1,650,000 from the Federal Aviation Administration and \$91,667 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 69 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 \$ 1,741,667 under the Airport Improvement Plan (AIP) program, grant # 69 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 \$1,741,667 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.

COUNCIL ACTION

Item No. 16-220

Date: May 23, 2016

Item/Subject: Resolve, **Authorizing the City Manager to** Accept and Appropriate \$414,669 in Federal Transportation Authority Funds, \$168,033 in Department of Transportation State Bond Funds and Net Sales Proceeds to Fund Acquisition of Two Buses

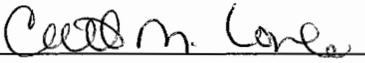
Responsible Department: Community Connector

Commentary: This Resolve will accept and appropriate \$414,669 in Federal Transportation Authority Funds (\$235,769 in 5339 Grant Funds and \$178,900 in 5307 Grant Funds) and \$164,033 in Department of Transportation State Bond Funds as well as \$4,000 in net proceeds from the sale of five used buses.

As part of the FY 2016 budget process, the Council authorized the issuance of \$250,000 in general obligation bonds as a local share to purchase two new 30' buses for Bangor routes. This resolve will appropriate the federal and state grant funds to complete the purchase. This item will be reviewed by the Finance Committee on June 6, 2016.

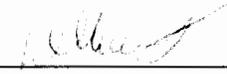
Department Head

Manager's Comments:


City Manager

Associated Information: Resolve

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral – Finance Committee June 6, 2016

Assigned to Councilor Nichols



CITY OF BANGOR

(TITLE.) Resolve , Authorizing the City Manager to Accept and Appropriate \$414,669 in Federal Transportation Authority Funds, \$168,033 in Department of Transportation State Bond Funds and Net Sales Proceeds to Fund Acquisition of Two Buses

Resolved By the City Council of the City of Bangor:

that \$414,669 in Federal Transportation Authority Funds, \$164,033 in Department of Transportation State Bond Funds and \$4,000 in State Net Sales Proceeds are hereby accepted and appropriated for the purpose of funding the acquisition of two new 30' buses.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 16-184

Date: May 9, 2016

Item/Subject: **ORDINANCE**, Amending Chapter 278, Taxicabs and Livery Vehicles, of the Code of the City of Bangor, By Increasing the Waiting Time Rate to \$21 per Hour

Responsible Department: Legal

Commentary:

This ordinance amendment would change the maximum amount a taxicab charges while waiting from \$20 per hour to \$21 per hour.

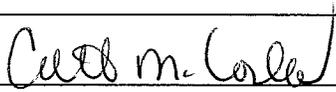
Under the City's taxicab ordinance, a cab may, in addition to charging mileage, charge up to \$20 per hour (approximately \$0.33 per minute) for time spent waiting for a passenger if the passenger is not ready to leave at the agreed-upon time. This amount was not changed during the recent amendments to the taxicab code.

In the process of coming into compliance with the new code, a taxicab company owner contacted the City to note that taxicabs have traditionally charged \$0.35 per minute for wait time, which comes out to \$21 per hour. Many of the taximeters are sealed by the factory or state and have already been inspected for this year, making it difficult to change the meters to reflect the proper rate without a great deal of time and effort.

This amendment was recommended for approval at the Government Operations Committee meeting on 5/2/16.

Department Head

Manager's Comments:



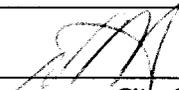
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assign to Councilor Perry



CITY OF BANGOR

ORDINANCE, Amending Chapter 278, Taxicabs and Livery Vehicles, of the Code of the City of Bangor, By Increasing the Waiting Time Rate to \$21 per Hour

WHEREAS, taxicabs are authorized to charge a rate for while waiting for a passenger if the passenger is not ready to leave at the agreed-upon time;

WHEREAS, a change in the waiting time rate from \$20 to \$21 would bring City ordinance into conformance with current practice and avoid the need for difficult and time-consuming taximeter alterations;

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

Chapter 278 of the Code of the City of Bangor be amended as follows:

§ 278-9. Taxicab rates of fare.

...

- E. Waiting time. If the taxicab waits for the passenger after the taxicab has arrived at the place of origin, at the expiration of five minutes after such taxicab has arrived or after being requested to wait by the passenger, whichever comes sooner, the passenger may be charged not more than a maximum rate of \$20 \$21 per hour, or any such fraction thereof, as the actual waiting time bears to one hour. No charge shall be made for waiting time in advance of the time at which the taxicab is required in the request for the taxicab service, nor for the delay due to the inefficiency of the taxicab or its operation, nor for mileage or time other than proceeding in the most direct way to the destination.

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

COUNCIL ACTION

Item No. 16-185

Date: May 9, 2016

Item/Subject: **ORDINANCE**, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Amending Restrictions on Temporary Sales of Food or Merchandise

Responsible Department: Parks and Recreation

Commentary:

This ordinance amendment would allow for up to five seasonal concessions on the Waterfront. It would also make certain changes to bring our commercial vendor ordinance into line with current practice, including allowing concessions on the Waterfront to remain open until midnight.

Our current policy allows for a fifteen foot by thirty foot space for each vendor. The current location along Front Street could accommodate two additional spaces with these dimensions. The proposed ordinance change would therefore allow up to five seasonal concessions on the Waterfront per season.

The ordinance would also make several changes to bring the Code in line with current practice. Waterfront vendors would be allowed to remain open until midnight instead of 10 p.m., as many Waterfront events continue past 10 p.m. The ordinance would make minor amendments to location requirements for Waterfront vendors and their signs. Finally, the ordinance would clarify that the ordinance requirements do not apply to vendors permitted through the City's event permit policy, as that policy provides a separate regulatory process.

This item was recommended for approval at the Government Operations Committee meeting on May 2, 2016. As this is a Land Development Code matter, it must be referred to the Planning Board

Department Head

Manager's Comments:

Curt M. Lord
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

- Passage
 First Reading
 Referral to Planning Board



Assign to Councilor Plourde

CITY OF BANGOR

ORDINANCE, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor,
By Amending Restrictions on Temporary Sales of Food or Merchandise

WHEREAS, the City has allowed seasonal concessions on the Waterfront since 2010;

WHEREAS, these concessions have proven popular as a food option;

WHEREAS, the City is now receiving requests from additional vendors to locate at the Waterfront;

WHEREAS, the City wishes to balance the interest of having these vendors on the Waterfront with maintaining the general popularity of the Waterfront area as an open space; and

WHEREAS, vendors permitted through the City's event permit policy are subject to a separate set of rules and regulations;

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

Chapter 165 of the Code of the City of Bangor be amended as follows:

§ 165-31. Temporary sales of food or merchandise.

A. Temporary sales of food or merchandise are expressly limited to:

- (1) Itinerant commercial vendors who sell from mobile or movable vehicles, carts or stands which are completely removed from the site on which they are located each day and operate only between the hours of 6:00 a.m. and 10:00 p.m.
- (2) Itinerant commercial vendors who:
 - (a) Remain on a site for a period of time not to exceed 150 days;
 - (b) Make no new fixed or permanent improvements to the site, but shall be permitted temporary electrical service as defined under the National Electric Code;
 - (c) Sell only unprocessed agricultural, marine or forest products, except in the Waterfront Development District, where sale of food is also allowed; and
 - (d) Operate only between the hours of 6:00 a.m. and 10:00 p.m., except in the Waterfront Development District, where such vendors may operate until midnight.

B. Temporary sales of food or merchandise shall be required to obtain a certificate of occupancy but shall be considered a temporary use of land for which a land development permit is not required.

- C. Temporary sales of food or merchandise shall only be permitted in the following districts: Urban Service District, Shopping and Personal Service District, General Commercial and Service District, Downtown Development District, Waterfront Development District, Urban Industry District and Industry and Service District.
- D. Temporary sales of food or merchandise shall be further limited as follows:
- (1) In the Downtown Development District and Industry and Service District, no more than one itinerant commercial vendor may be permitted per lot.
 - (2) In the Shopping and Personal Service District, General Commercial Service District, Urban Service District and Urban Industry District, no more than four itinerant commercial vendors may be permitted per lot. Each vendor must provide access to five parking spaces in excess of those required by any other use or uses on that lot.
 - (3) In the Waterfront Development District, no more than ~~four~~ five itinerant commercial vendors may be permitted per lot. No more than 10 commercial vendors total shall be permitted in the entire Waterfront Development District.
- E. Temporary sales of food or merchandise shall meet the following conditions:
- (1) Itinerant commercial vendors shall have written permission of the property owner. Written permission of the property owner must be submitted to the Code Enforcement Office before a certificate of occupancy can be issued.
 - (2) Itinerant commercial vendors shall set back any vehicle, stands or other items related to the temporary sale of food or merchandise at least 20 feet, or, in the Waterfront Development District, 10 feet, from the property line or the edge of the sidewalk or, if no sidewalk, from the edge of the pavement of the traveled way adjoining the property.
 - (3) Notwithstanding the regulations contained in Chapter 260, Signs, itinerant commercial vendors are permitted to have two freestanding A-frame signs meeting the design criteria set forth in Chapter 260, § 260-9B. Each location is also permitted two additional signs, provided that they are attached to a structure or vehicle. Signs may be leaned against a vehicle.
 - (a) The area of all signs may not exceed 80 square feet.
 - (b) No signs may be attached to or leaned against any telephone poles or other natural features, such as rocks or trees.
 - (c) ~~Signs shall be set back at least 10 feet from the property line or the edge of the sidewalk or, if no sidewalk, from the edge of the pavement of the traveled way adjoining the property.~~ Signs must meet the location requirements of 260-9(C) of this Code. For purposes of meeting said location requirements, "building" refers to the location of the vendor.
 - (4) No permanent improvements shall be made to the site, including grading or filling or construction of new access drives.

May 9, 2016

- (5) No structure shall be permanently affixed or attached to the ground, existing structures, poles or trees or placed on a permanent foundation. Tents, movable picnic tables, chairs or benches and similar objects shall not be considered permanent structures under this section.
- (6) Existing vehicular access and off-street parking must be deemed adequate by the Code Enforcement Officer. The Code Enforcement Officer must find that such access and parking does not create congestion, hazardous conditions or limited visibility on the adjacent highway system.
- (7) The gross floor area of all temporary structures shall not exceed 1,000 square feet.
- (8) The Code Enforcement Officer may deny a permit for any such activity which does not meet any other code or ordinance requirement of the City of Bangor.

F. Notwithstanding the above, the requirements of the rest of this Section 165-31 do not apply to itinerant commercial vendors authorized as part of an event permitted through the City of Bangor event permit policy.

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

COUNCIL ACTION

Item No16-186

Date: May 9, 2016

Item/Subject: **ORDINANCE**, Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying Repair and Demolition Procedures for Uninhabitable Buildings

Responsible Department: Code Enforcement

Commentary:

This ordinance would make several changes to City procedures dealing with uninhabitable buildings.

This ordinance amendment would clarify that the Code Enforcement Officer determines when a building is so out of repair as to require placarding and/or demolition, and, where applicable, whether the state dangerous building process or local property maintenance process is a better fit for repair or demolition of the property in question.

The amendment clarifies that an owner may not make repairs to or demolish a building without first obtaining any necessary permits and approvals, including historic preservation approval where applicable.

The ordinance also brings notice requirements in line with the International Property Maintenance Code, removing the requirement for publication of placarding notices, but retaining notification by mail and by posting on the property.

This item was approved unanimously at the Business and Economic Development Committee meeting on May 3, 2016.

Department Head

Manager's Comments:



City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral



Assign to Councilor Graham

CITY OF BANGOR

ORDINANCE, Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying Repair and Demolition Procedures for Uninhabitable Buildings

WHEREAS, sometimes buildings in the City deteriorate to the point where they are unfit for human habitation;

WHEREAS, the City has a number of tools to deal with these buildings, including methods for placarding buildings until they are repaired or demolished;

WHEREAS, it may not be appropriate to demolish immediately some placarded buildings, such as historic buildings that have not been cleared for demolition by the Historic Preservation Commission;

WHEREAS, at times there is good cause to extend the period of time in which a property owner has to bring the property up to Code or to demolish it, and the Code Enforcement Officer is the appropriate official to make this decision; and

WHEREAS, the current notice requirements are unnecessarily stringent and exceed the requirements of the International Property Maintenance Code;

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

Chapter 223 of the Code of the City of Bangor be amended as follows:

§ 223-2. Amendments to standards.

The International Property Maintenance Code 2003 is adopted in its published form as if fully set forth herein, except as follows:

...

F. Sections 110.1, 110.2, and 110.3 are deleted and replaced with the following:

PM-110.1 General: The Code Enforcement Officer may order the owner of any premises upon which is located any structure, which in the Code Enforcement Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal constructions of any structure for a period of more than two years, to demolish and remove such structure; provided that in each case all required

permits and approvals for repair or for demolition and removal must first be obtained before repairs or demolition may take place.

PM-110.2 Notices and orders. All notices and orders shall comply with Section 107.

PM-110.3 Failure to comply: If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal may be charged against the real estate upon which the structure is located and be a lien upon such real estate.

FG. . . .

GH. . . .

HI. . . .

IJ. . . .

JK. . . .

KL. . . .

LM. . . .

§ 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 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, after obtaining any other required permits and approvals, demolish said building or structure. Said one-hundred-twenty-day period may be extended by the ~~Business and Economic Development Committee of the Bangor City Council~~ Code Enforcement Officer 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~~

May 9, 2016

County. ~~If notice is served by publication, notice shall also be posted on the premises.~~ Notice shall be deemed to be properly served if a copy thereof is posted in a conspicuous place in or about the structure affected by such notice, and either delivered personally or sent by certified or first-class mail addressed to the last known address. Service by mail is complete upon mailing.

- 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 § 223-3 be followed for the City to make use of the procedures laid out in 17 M.R.S.A. § 2851 et seq. for dangerous buildings.

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

COUNCIL ACTION

Item No. 16-187

Date: MAY 9, 2016

Item/Subject **ORDINANCE**, Amending Map Entitled "Downtown Parking Management District" by Removing Space 1127 on Court Street

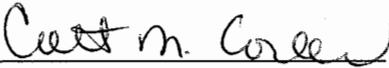
Responsible Department: Community & Economic Development

Commentary:

At the request of the County, this Ordinance eliminates one space on Court Street, resulting in increased visibility for those leaving the County offices and parking lots. This item was reviewed and recommended for approval at the Business and Economic Development Committee meeting of May 3, 2016.

Department Head

Manager's Comments:



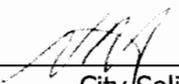
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __

16-187
May 9, 2016

Assigned to Councilor Perry



CITY OF BANGOR

(TITLE.) ORDINANCE, Amending Map Entitled "Downtown Parking Management District" by Removing Space 1127 on Court Street

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 eliminating parking space 1127 on Court Street.

COUNCIL ACTION

Item No.16-188

Date: May 9, 2016

Item/Subject: **Resolve**, Accepting and Appropriating \$159,060.00 from the Maine Department of Health and Human Services to extend the term of grants from the Fund for Healthy Maine and the Office of Substance Abuse that respond to Public Health Issues in the Penquis District.

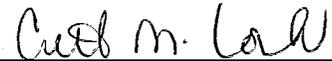
Responsible Department: Public Health and Community Services

Commentary: This resolve will accept and appropriate \$159,060.00 in funds to continue implementation of Fund for Healthy Maine and Office of Substance Abuse services for the first three months of FY 17. The term of the contract will be 7/1/16 to 9/30/16.

The contract amendment will allow Bangor Public Health and sub recipients Katahdin Shared Services and Mayo Regional Hospital to complete specific grant funded work with community partners in preventing problem alcohol, prescription drug and marijuana use; in preventing problem gambling; and in supporting and enhancing efforts to reduce obesity and tobacco use through work place wellness policies and programs.

Department Head

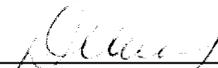
Manager's Comments:



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral to Gov't Ops 5-16-16

Page __ of __

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating \$159,060.00 from the Maine Department of Health and Human Services to extend the term of Grants from the Fund for Healthy Maine and Office of Substance Abuse that respond to Public Health Issues in the Penquis District.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED THAT, a \$159,060.00 Grant from the Maine Department of Health and Human Services is hereby accepted and appropriated to extend the term of Fund for Healthy Maine and Office of Substance Abuse grants that respond to Public Health Issues in the Penquis District for the contract period July 1, 2016 to September 30, 2016.

COUNCIL ACTION

Item No. 16-189 - 16-197

Date: May 9, 2016

Item/Subject: RESOLVES, Adopting the Fiscal Year 2017 School Department Budget

Responsible Department: School Department

Commentary:

The following nine resolves will adopt the FY17 School Department Budget. They are as follows:

- **Resolve 16-189** required by Title 20-A MRSa for the Vocational Education Region #4 operating budget in the amount of \$209,678, the local share which is \$17,151.10.
- **Resolve 16-190** approving the School Department's Enterprise Fund Budget in the amount of \$1,567,821.
- **Resolve 16-191** approving the School Department's Special Revenue Fund in the amount of \$3,040,390.
- **Resolve 16-192** approving the School Department's Trust and Agency Budget in the amount \$2,420,088.

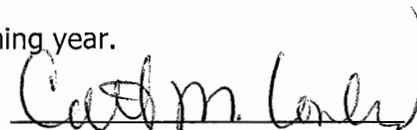
In addition and in accordance with the requirements of LD 1, the following Articles must also be approved:

- **Article 1 by Resolve 16-193** will make an appropriation for the school district contribution to the total cost of funding public education from kindergarten to grade 12 in the amount of \$20,495,743.
- **Article 2 by Resolve 16-194** will appropriate the non-state funded debt service allocation in the amount of \$1,546,075.
- **Article 3 by Resolve 16-195** will authorize the appropriation of local funds in excess of the maximum spending target limit in the amount of \$4,218,757.
- **Article 4 by Resolve 16-196** will appropriate the total school budget in the amount of \$44,281,617.
- **Article 5 by Resolve 16-197** will appropriate funding for adult education in the amount of \$444,418.

Department Head

Manager's Comments:

These are the various resolves required to adopt the school budget for the coming year.



City Manager

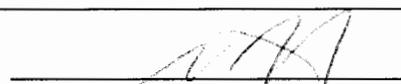
Associated Information: Resolves

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading



Assigned to Councilor DURGIN

CITY OF BANGOR

(TITLE.) Resolve, Vocational Education Region #4 Appropriation Pursuant to Title 20-A, Chapter 606, 15601-15619, Maine Revised Statutes Annotated

By the City Council of the City of Bangor:

RESOLVED, that the United Technologies Center Region #4 budget for 2016-2017 as approved by the Cooperative Board be approved in the amount of \$2,669,300 (Bangor's 2016-2017 assessment will be \$487,957.05 for operating costs). This amount is included in the Bangor School Department's 2016-2017 budget.

RESOLVED, that the United Technologies Center Region #4 budget for Adult Education for 2016-2017 as approved by the Cooperative Board be approved in the amount of \$209,678 (Bangor's 2016-2017 assessment for Adult Education will be \$17,151.10.) This amount is included in the Bangor School Department's 2016-2017 budget.

Statement of Fact: The purpose of this action is to comply with the State's requirement for local legislative body votes appropriating funds for education per Title 20-A, Chapter 606, 15601-15619.



Assigned to Councilor GRAHAM

CITY OF BANGOR

(TITLE.) Resolve, Approving School Department Estimates of Revenue from State Sources and Budget-Enterprise Fund

By the City Council of the City of Bangor:

RESOLVED

that the City of Bangor accept the following categories of funding as provided by the Maine State Legislature for the year beginning July 1, 2016 and ending June 30, 2017, and approve them as the Bangor School Department's Enterprise Fund Budget for the same fiscal period. And be it further resolved that the Bangor School Department's Enterprise Fund for the period of July 1, 2016 to June 30, 2017 is hereby approved as follows in the amount of \$1,567,821.

<u>Division Name</u>	<u>Estimated Amount to be Received</u>
6000 Food Services Program	\$1,515,571
6150 Adult Ed Enrichment/General Evening	\$ 52,250
Total	\$1,567,821



16-191
May 09, 2019

Assigned to Councilor PLOURDE

CITY OF BANGOR

(TITLE.) **Resolve**, Approving School Department Estimates of Revenue from State Sources and Budget-Special Revenue Fund

By the City Council of the City of Bangor:

RESOLVED, that the City of Bangor accept and authorize the School Committee to expend the following categories of funding as provided by the Maine State Legislature for the year beginning July 1, 2016 and ending June 30, 2017 in the amount of \$3,040,390

<u>Division Name</u>	<u>Estimated Amount to be Received</u>
2010 Elizabeth Means	\$ 6,000
2200 College Transition	\$ 50,000
2300 Title 1A	\$ 1,514,735
2470 IDEA Part B (Local Entitlement)	\$ 1,011,319
2510 Local Entitlement Pre School	\$ 19,500
2700 Title IIA (Teacher Quality)	\$ 273,271
2950 Adult Basic Ed	\$ 50,219
2630 21 st Century Grant	\$ 115,346
TOTAL	\$ 3,040,390

Various funds referred to as special revenue and therefore are accounted for separately:

Means Fund	Used for special education
College Transition	Adult Ed program (remedial courses)
Title 1A	Assists students with reading and math Free and reduced
Idea	Special education funding
Local entitlement Preschool	Used for kindergarten or 4 year old program
Title IIA	Class size reduction
Adult Basic Ed	
21 st Century	Afterschool Programming



Assigned to Councilor NEALLEY

CITY OF BANGOR

(TITLE.) **Resolve, Approving School Department Estimates of Revenue and Budget – Trust and Agency Fund**

By the City Council of the City of Bangor:

RESOLVED, that the Bangor School Department Trust and Agency Fund budget for July 1, 2016 to June 30, 2017 to be approved in the amount of **\$2,420,088**

	<u>Division Name</u>	<u>Estimated Amount to be Received</u>
9010	Bangor Regional Program Multi-handicapped	\$ 619,240
9030	Bangor Regional Program Acadia Hospital	\$ 284,939
9040	Bangor Regional Program Day Treatment	\$ 1,449,909
9050	Bangor Regional Program Multi-handicapped Summer	\$ 30,000
9100	Gifts & Donations	\$ 5,000
9300	Southern Penobscot Regional Program for Children with Exceptionalities	\$ 31,000
	TOTAL	\$ 2,420,088

16-193
May 09, 2016

Assigned to Councilor BALDACCI



CITY OF BANGOR

(TITLE.) Resolve, Making an Appropriation for the School District Contribution to the Total Cost of Funding Public Education from Kindergarten to Grade 12 as Required by 20-A MRSA Section 15690 1. A-B

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

In accordance with 20-A MRSA Section 15690 1. A. and B., the following separate article appropriating \$20,495,743 as the City's contribution to the total cost of funding public education from kindergarten to grade 12 is hereby approved.

Article 1: To see what sum the municipality will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (recommend \$37,049,860) and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Act in accordance with Maine Revised Statutes, Title 20-A, section 15688

Recommend \$20,495,743

Explanation: The municipality's contribution to the total cost of funding public education from Kindergarten to Grade 12, as described in the Essential Programs and Services Funding Act, is the amount of money determined by the state law to be the minimum amount that the municipality must raise in order to receive the full amount of state dollars.



Assigned to Councilor PERRY

16-194
May 9, 2016

CITY OF BANGOR

(TITLE.) Resolve, Making an Appropriation for Non-State Funded Debt Service Allocation for the Bangor School Department as Required by 20-A MRSA Section 15690 2. A.

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

In accordance with 20-A MRSA Section 15690 2. A., there is hereby approved the following separate school budget article raising and appropriating \$1,546,075 in local funds for annual payments on debt service for non-state funded portions of School construction projects and minor capital projects.

ARTICLE 2 To see what sum the municipality will raise and appropriate for the annual payments on debt service previously approved by the city council for non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12.

Recommend \$1,546,075

Explanation: Non state funded debt service is the amount of money needed for the payments of school department long term debt for major capital construction projects and or minor capital renovation projects that are not approved for state subsidy. The issuance of this long term debt was previously approved by the Bangor City Council.

Assigned to Councilor SPRAGUE



CITY OF BANGOR

(TITLE.) Resolve, Making an Appropriation for the Bangor School Department in Excess of the Maximum Spending Target Established by 20-A MRSA Section 15671 A. 4.

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

In accordance with 20-A MRSA Section 15671 A. 4, the following separate article authorizing an appropriation of \$4,218,757 of local funds in excess of the maximum spending target is hereby approved.

ARTICLE 3: The City of Bangor shall raise and appropriate, \$4,218,757 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$3,349,970 as required to fund the budget recommended by the Bangor School Committee.

The Bangor School Committee recommends \$4,218,757 of additional funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$3,349,970: Special Education \$955,944; Transportation \$249,701; Co and extracurricular activities \$1,128,655; Technology \$508,022; and Employee Benefits \$507,648.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the municipal budget for educational programs.

16-196
May 9, 2016

Assigned to Councilor NICHOLS



CITY OF BANGOR

(TITLE.) Resolve, Making an Appropriation for the Total School Budget for the Bangor School Department as Required by 20-A MRSA Section 15690 4. A.

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

In accordance with 20-A MRSA Section 15690 4. A., the following separate article authorizing a total FY2017 School Department budget in the amount of \$44,281,617 is hereby approved.

ARTICLE 4: To see what sum the municipality will authorize the school committee to expend for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the school administrative units contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Recommend \$44,281,617

Explanation: The school administrative unit must include a summary article indicating the total annual budget for funding public education from kindergarten to grade 12. The amount recommended must be the gross budget for funding public education from kindergarten to grade 12. This article does not provide money unless the other articles are approved.

16-197
May 9, 2016

Assign to Councilor DURGIN



CITY OF BANGOR

(TITLE.) Resolve, Making an Appropriation for Adult Education for the Bangor School Department as Required by 20-A MRSA Section 8603-A (1).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT:

In accordance with 20-A MRSA Section 8603-A (1), the following separate article authorizing a total FY2017 Adult Education budget in the amount of \$444,418.00 is hereby approved.

ARTICLE: To see if the municipality will authorize the school committee to appropriate \$444,814 for Adult Education and raise \$180,000 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

Explanation: The school administrative unit is to include a separate summary article indicating the total annual budget and local share Adult Education. In the past, funding for Adult Education was included as part of the Enterprise Fund budget appropriation. A recent legislative change now requires Adult Education funding to be part of the General Fund.

\$444,814 is total adult education budget less special revenue funds. Only \$180,000 is derived from general fund, the remainder is derived from fees for services.



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 16-221

Date: May 23, 2016

Item/Subject: ORDER, Authorizing the City Manager to apply for funding in the amount of \$550,703 from the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention, WIC Nutrition Program.

Responsible Department: Public Health and Community Services

Commentary: This Order will authorize the City Manager to apply for grant funding in the amount of \$550,703 from the DHHS/Maine Center for Disease Control (CDC) to administer the Women, Infants and Children (WIC) Nutrition Program in Penobscot and Piscataquis Counties.

If approved, the term of the grant is for two years beginning October 1, 2016 through September 30, 2017. Funding for year one (10-1-16 to 9-30-17) is in the amount of \$550,703. Year two grant funding levels under the RFP will be determined at a later point in time. Also, if awarded, grant provides an opportunity to renew the grant for two additional renewal periods following September 30, 2018.

This was reviewed and recommended for approval at the May 16, 2016 Government Operations Committee meeting.

Department Head

Manager's Comments:

Cecil M. Gault
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to apply for funding in the amount of \$550,703 from the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention, WIC Nutrition Program.

By the City Council of the City of Bangor:

ORDERED, that the City Manager (or designee) is hereby authorized to respond to a Request for Proposal (RFP) from the State of Maine Department of Health and Human Services, CDC, WIC Nutrition Program for the period October 1, 2016 to September 30, 2018, and apply for funding in the amount of \$550,703 for the first year of the grant program.

COUNCIL ACTION

Item No. 16-222

Date: May 23, 2016

Item/Subject: **ORDER,** Amending City Policy on Public Art and Monuments

Responsible Department: Community & Economic Development

Commentary:

This order will amend the City's policy on Public Art and Monuments. Currently the Public Arts and Monuments Policy have adopted guidelines and procedures for evaluating and accepting public art and monuments to be located on city property. The purpose is to provide guidance in considering and evaluating proposals for public art and monuments placed on public property. Additionally, the policy is to ensure that public art is of high artistic merit, that the thematic material is appropriate for the City, and that the monuments treat their subject matter with appropriate dignity.

Based on its experience reviewing public art and monument projects and identified best practices, the Commission for Cultural Development determined that the policy should be improved to include guidelines for the investigation of the City's temporary or permanent acquisition of commissioned or donated works, a de-accession process, and preservation of existing works as well as ensured maintenance of future works. The attached Public Art and Monuments Policy is the result. An example of the art and monument inventory referenced in the policy is also attached per Council request.

This was reviewed and recommended by the Cultural Commission and the Business and Economic Development Committee at its meeting of May 17, 2016.

/s/ Tanya L. Emery
Department Head

Manager's Comments:

This has been reviewed and is recommended by the Business and Economic Development Committee.

Carl M. Cole
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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

Page __ **of** __



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) ORDER, Amending City Policy on Public Art and Monuments

WHEREAS, the City Council of the City of Bangor adopted the "Guidelines and Procedures for Evaluating and Accepting Public Art and Monuments to be Located on City Property" as City Policy by passage of Council Order 04-153 on May 24, 2004 and amended it on June 13, 2005 by Council Order 05-192 and on August 13, 2007 by Council Order 07-262; and

WHEREAS, the purpose of this City Policy is to provide guidance in considering and evaluating proposals for public art and monuments placed on public property to ensure that they are of high artistic merit, the thematic material is appropriate for the City, and the monuments treat their subject matter with appropriate dignity; and

WHEREAS, Article III §23-13 of the Code of the City of Bangor established a Commission on Cultural Development for the City of Bangor; and

WHEREAS, §23-22 of the Code established two standing subcommittees of the Commission to be known as the "Art in Public Spaces Subcommittee" and the "Programs and Grants Subcommittee"; and

WHEREAS, §23-22 of the Code assigns the Art in Public Spaces Subcommittee with the responsibility of developing proposed revisions to the Public Art and Monuments policy; and

WHEREAS, the Art in Public Spaces Subcommittee has recommended changes to this Policy by adding language that clarifies the processes for acquisition, de-accession, and the preservation and maintenance of works; and

WHEREAS, the Commission on Cultural Development and Business and Economic Development Committees have both reviewed the Subcommittee's recommendation and recommends its adoption by the City Council;

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

16-222
MAY 23, 2016

The adopted City Policy on "Guidelines and Procedures for Evaluating and Accepting Public Art and Monuments to be Located on City Property" is hereby amended by replacement with the attached Public Art and Monuments Policy.



Commission on Cultural Development

Public Art and Monuments Policy

In accordance with the City of Bangor Code § 95-8, the Commission on Cultural Development is responsible for the review of and adherence to a Public Art and Monuments policy:

§ 95-8 Public Art and Monument Policy.

- A. The Commission shall review the Public Art and Monuments Policy regarding guidelines for accepting, deaccessioning, locating, relocating, commissioning, preserving, and maintaining public art, including monuments.
- B. Proposed changes shall be reported to the Bangor City Council, which shall have the sole authority to adopt, reject, or revise said policy.
- C. In the event any public art or monument is proposed, the Commission shall review the proposal in accordance with the Public Art and Monuments Policy and make a recommendation as appropriate to accept, deaccession, locate, or relocate said proposed art or monument to the Bangor City Council. The Bangor City Council shall have the sole authority to adopt, reject, or revise any such recommendation.
- D. The Commission shall review the Public Art and Monuments Policy at least every five years and may make recommendations on amendments to said policy to the Bangor City Council. The Bangor City Council shall have the sole authority to adopt, reject, or revise any such amendments.

It is the general policy of the City of Bangor to support efforts to increase the City's inventory of public art and monuments. This document establishes policies and procedures for the acquisition, placement, care, and preservation of public art and monuments in Bangor, Maine. Its purpose is to ensure that such works placed on public property are of high artistic merit; that the thematic material is appropriate for the City; that the work treats its subject matter with appropriate dignity; and that the City has information on how to care appropriately for each piece.

Guidelines for Public Art and Monuments

Many factors are taken into account when the City and the Commission consider accepting permanent or temporary works of art, including monuments. Guidelines are outlined for each type of work. According to the Maine Arts Commission, public art refers to artwork that has been planned and executed with the specific intention of exhibition in the public environment. The City of Bangor and the Commission finds this applicable to public monuments as well. Not only do artists of art and monuments consider the physical placement of their work in public space, they also just as critically take into consideration the social, cultural, and historical contexts in which the piece is situated. As society and its modes of expression evolve, so will the definitions of such public works; the Commission embraces these definitions as guideposts.

The Commission bases recommendations on certain guidelines specific to each type of public piece, as well as the site's appropriateness and compatibility with the artwork or monument, the merit of the proposed work, public safety, and maintenance needs. These aspects are critical to any proposed or existing work.

UPDATED 11 May 2016

Guidelines for Public Art

Public art enhances the cultural and aesthetic quality of life and adds interest and excitement to the community's public spaces. Artwork selected shall reflect high standards and artistic excellence. Artwork may be:

- The works of local, regional, national, and/or international talent;
- Permanent, temporary, or temporal (e.g. purposefully degrade over time);
- Exhibited on a permanent or on a temporary (e.g. loan) basis;
- Intended for interior and/or exterior spaces.

In the selection of artists and artwork, criteria include:

- Code compliance
- The extent to which the work would encourage repeat viewings
- Avoidance of clutter and excess

The following work will be considered ineligible:

- Art objects that are mass-produced from a standard design such as site furnishings, fountains, statuary elements, flags, or banners
- Reproductions, by mechanical or other means, of original works of art, such as in posters, digital prints, or straight photography of the work of art

Guidelines for Public Monuments

Public monuments recognize and memorialize people, events, and social trends important to the history of Bangor and its residents' sense of place as a community. When considering whether a public monument proposal is appropriate, the following criteria, in addition to the three criteria listed above for all public art, should be applied:

- The monument relates to persons or events recognized by the public as of sufficient significance to the community or its history to warrant a public presence
- The monument honors an individual, group of individuals, or event that has a direct relationship to Bangor, and recognizes a social trend, idea, or symbol, which has been seminal in changing the preconceptions, attitudes, and outlook of the citizens of Bangor
- In the case of individuals, persons to be honored should have died a sufficient length of time in the past, generally at least twenty years, for their ideas, service, and accomplishments to be placed in an accurate and meaningfully interpreted historical perspective
- The piece must contribute to our sense of place as a community
- The subject is relevant to the community as a whole, not solely to a distinct segment or subset of the community
- The proposed location is an appropriate setting with geographic justification for recommended placement, if relevant
- If the subject is portrayed elsewhere in a public space, the proposal will present a different facet of the subject and/or not detract from the existing monument
- Documentation provided is adequate to support the factual background on which the case has been built for erecting the monument
- The memorial has timeless qualities that will ensure meaning for future generations

Site Appropriateness and Compatibility

Public art and monuments are typically sited in spaces that are relevant to the work. The Commission will take into account the long-term relevance and compatibility of permanent art at the proposed site, and may also consider historical or thematic associations between the depicted subject and a particular location. Some site selection factors may include:

- Integration with the natural environment
- Potential effect of weather, snow removal, and environmental hazards
- Visibility
- Public accessibility
- Motor and pedestrian traffic patterns
- How the artwork relates to any public facility near the artwork, including public parks
- Future development plans for area
- Landscape design, including how aspects of the landscape that change over time may affect the work and viewing of the work in the future
- Relationship of proposed work to existing public art or monuments within the site vicinity
- Environmental impact

Merit

The Commission is composed of advisors who determine artistic merit based on the following criteria:

- Adherence to the mission and goals of the Commission on Cultural Development as identified in the Commission's Arts and Cultural Policy
- Inherent artistic quality, i.e. the assessed aesthetic merit of the piece as a work of art, independent of other considerations
- Context of the proposed piece within the overall public art and monuments collection, taking into account both the desire to hold to the general aesthetic of public art in the City, particularly existing public monuments, and the desire for diversity in the landscape of public art
- Durability, e.g. structural and surface soundness and inherent resistance to theft, vandalism, and weathering
- Feasibility as determined by the project budget, timeline, artist's experience, soundness of materials, and City approval requirements, among other factors

Public Safety

Works of art and monuments should be safe to passersby, spectators, and the environment as a whole. Any potential hazard, including but not limited to sharp projecting elements, loose parts, and other public hazards, may prevent acceptance of a proposal. The position of the work or monument shall also be considered, including its effect on sight lines for traffic and pedestrians. City staff will be consulted on each work. Works, including finished and sited works, presenting a public safety hazard may be modified or removed as further discussed in the removal section of this policy.

Maintenance

All works require maintenance in some form during its life. Significant consideration shall be given to the cost and amount of ongoing maintenance and/or repair anticipated, and to the City's ability to provide it adequately. To this end, the Commission shall consult with City staff and departments to fully review maintenance expectations.

For each work, a maintenance endowment must accompany new public art and monuments. This endowment will be required for any donated or commissioned work and accompanying signage before it is approved for installation. New works will not be accepted unless the donor or sponsor can provide financial means for

perpetual care, instructions for preservation techniques, and a list of supplies so that suitable, ongoing maintenance may be conducted by the artist, supporting organizations, or the City. Contact information for the artist or artist's estate must be included for citation for future maintenance. The Commission will not recommend permanent works that fail to include these items within a proposal, and the City cannot accept permanent works of art that present an unreasonable maintenance burden.

Acquisition of Public Art and Monuments

Permanent public art and monuments may be commissioned by, or donated to, the City. Temporary works may be loaned for a fixed length of time. Whether a piece of art or a monument is commissioned or donated, the work must follow the "Guidelines" section of this policy, and it must adhere to the approval process outlined in the "Approval" section of this policy.

Commissioned Works

When commissioning an artwork or monument, artists shall be selected in one of the following ways. No work shall be commissioned, and none of these methods of commissioning shall be selected, without the approval of the Council.

1. **Open Competition**: The Commission may solicit, through public advertisement, requests for proposals (RFP) including samples from the artists' current portfolios, renderings or designs for proposed work, resumes, resumes, and letters of interest, which Commissioners will review; Commissioners will then recommend an artist that meets the defined requirements
2. **Invitational or Limited Competition**: The Commission may invite a limited number of artists to submit applications or prepare proposals for a particular project; from this limited pool, the Commission in cooperation with City staff may recommend an artist based upon criteria established for that project
3. **Direct Selection**: The Commission may recommend that a specific artist be invited to submit a proposal for art at a specific site; upon acceptance of the proposal, the artist would be commissioned for the project

Donated Works

Each donated artwork or monument requires:

1. **Donor's Written Proposal**: The prospective donor of a gift must submit a written proposal to the City and the Commission on Cultural Development. Proposals should include:
 - A. **Provenance**: Documentation is required with all proposals detailing artist, materials present in the artwork, and the date and location of its creation. If the artwork is not to be gifted directly after its creation, the history of prior locations and ownership must be stated
 - B. **Design**: The work must adhere to the "Approval" process detailed in this policy, which requires a three-dimensional scale model or a complete drawing of a two-dimensional work. Note that works of art accepted based on scale models or drawings will be subject to Commission review throughout design, fabrication, and installation. The completed artwork may not deviate in any way from the proposal approved by the Commission unless the Commission approves the change in consultation with City staff
 - C. **Site plan**: A map and photographs of the proposed installation site(s) and surrounding environment(s) that demonstrate the relationship of the artwork to site
 - D. **Material**: Samples for the work and any relevant construction materials, if applicable
 - E. **Costs**: All costs associated with the gift must be borne by the donor. Costs may include, but are not limited to, the costs associated with design, engineering, building permits, fabrication, installation, general insurance and maintenance. The donor or sponsor will also be responsible for the design and cost of a pedestal, identification plaque, base, structural support, and landscaping of site, all as determined to be necessary by the Commission in consultation with City staff, and must provide a maintenance endowment for the artwork. The Commission may

also recommend that the Council require an administrative fee to cover costs associated with staff coordination and oversight of the project

- F. Installation details: Construction documents, including descriptions of utility connections, site modifications, structural reinforcements or other engineering requirements or site modifications as well as engineering and architectural plans
 - G. Preservation techniques and materials: Thorough documentation is required to instruct the City on the proper maintenance processes for the artwork, including steps for optimal preservation and a list of supplies appropriate for each of the artwork's materials used in the object and any display base
 - H. Plan for maintenance: All proposals should account for future maintenance and costs for preservation materials and signage. An endowment fund adequate to ensure the continued care of gifts of art or monuments shall be required for all works to maintain the gift in a condition satisfactory to the donor and the City. The amount of the maintenance endowment shall be negotiated with the donor based on factors such as scale, material, location, value of the work, and potential for vandalism
 - I. Gift criteria: The proposal should include proposed language for recognition signage and any additional stipulations accompanying the gift. Nothing in the acceptance of a gift of artwork or monument shall prevent the City from approving subsequent removal, relocation, or deaccessioning of such gifts if it serves the City's best interest to do so
2. Commission approval: The Commission will review the proposal using the guidelines presented in this policy and make a recommendation regarding acceptance of the work to the Council. This review may or may not include a period for public comment
 3. City Council approval: City Council may accept or decline the proposed gift after receiving the Commission's recommendation

Approval of Public Art and Monuments

All works must go through a three-step design approval process to ensure the work stays true to its original proposal: conceptual design, a detailed design, and final design. Permits and construction are also necessary elements to any work under consideration by the City. If the artwork or monument is to depart from its original design, the Commission must be informed of the changes, consult with City staff, and grant approval before the work may depart from the original proposal. For any modification that is not minor, the Council must grant approval as well.

The Commission recommends approval or disapproval of an artwork or monument proposal after review and consultation with City departments. Proposals for large scale artworks or public monuments demand careful consideration and may require several meetings and a public comment period before a final decision can be made.

Approval Process—Conceptual Design

When the City or a group within the community proposes to erect a monument or artwork on public property owned or controlled by the City, the following review and approval process should be implemented:

1. The organization or individual seeking approval for the monument or artwork shall submit an application to the City Manager or his or her designee, which shall include a general description or depiction of the work, a statement of the purpose of the work, the artistic format or medium to be employed, and the proposed location while specifically addressing elements discussed in the "Guidelines" section of this policy
2. The City Manager or his or her designee shall refer the application to the Commission and to appropriate staff for review and comment, and those staff members will participate with the Commission in a review of the application

3. The Commission shall review the proposal and make a recommendation to City Council as to whether the general concept presented should be approved or denied based on the criteria described in this policy
4. Upon receipt of the Commission's recommendations, City Council shall take formal action to approve or deny the concept as presented

Approval Process—Detailed Design

Once conceptual design approval is granted, the organization or individual promoting the project shall submit a proposal to the Commission including a detailed description of the artwork or monument (accompanied by perspective drawings where appropriate), and the location, budget, funding plan (including plans for a maintenance endowment), and plan for implementing the project, including a projected timeline. The detailed design must include a three-dimensional model or a complete drawing of a two-dimensional work and photographs that demonstrate the relationship of the artwork to the site.

The Commission and City staff shall then review the design and the proposed location to confirm criteria outlined in the "Guidelines" section of this policy. In making this decision, the Commission shall take into account:

1. Whether the work still maintains the quality of work and purpose that it did when it was first proposed
2. The extent to which the work is consistent with the public location selected and the surrounding natural and human landscape
3. Public safety and security
4. The nature and expense of ongoing maintenance including signage

Upon completion of this review, the Commission shall report its recommendations to City Council, and the Commission may recommend that the project be approved, be approved with modifications, or be denied. City Council may then take the necessary action to formally approve or deny the proposal, including adopting the necessary Council Order to accept ownership of the monument or artwork once completed and establishing the amount required, if any, for a maintenance endowment.

Final Design

The organization or individual proposing the artwork or monument shall prepare final design documents for submission to the Commission prior to installation.

Final design shall include details regarding materials, scale, site plan, design and construction, specific catalog data for any manufactured and/or purchased items (lighting fixtures, pavers, furnishings, etc.), and other information bearing on the final project including proposed language for signage. The Commission must approve the final design of the project, which will then be submitted to Council for review and approval. Prior to final approval, the Commission shall seek the advice and recommendations of City staff and departmental director with responsibility for the property on which the monument or artwork will be placed. No work may begin until the Commission has approved the project and all required permits have been obtained as outlined in the "Permits and Construction" section of this policy.

Permits and Construction

Prior to construction, the donor organization or individual must:

1. Obtain all necessary licenses and permits for the project
2. Deposit the maintenance endowment with the City
3. Submit to the City all required design documents during the final design process
4. Submit maintenance instructions and proof of an established fund prior to final Commission acceptance and before construction commences

Construction must be done in accordance with approved plans and permits. The Commission in consultation with City staff may approve minor modifications to the original plan by a vote of two-thirds of the Commission

members present at an official meeting of the Commission; minor modifications are those which do not materially alter or affect the physical or artistic character of the work. In order to be valid, such approval must be documented in writing. Other modifications must be approved by the Council. All construction and/or installation activities shall be suspended until approval is granted by the Commission or Council as appropriate.

Post-Installation Review

The Commission shall review the work upon completion with necessary City staff and, if deemed appropriate, independent professionals. The completed work shall conform to the approved plans and associated modifications as may have been approved during construction. Should such work or portion thereof not confirm to the approved plans and modifications, the petitioner of the work shall be instructed by the Commission to make the necessary corrections to bring the work into conformance. Should the petitioner not correct the nonconformance, or not do so in the time established by the Commission, the Commission may elect, at their discretion, to recommend the work be corrected or removed by the City. The City may use the piece's established maintenance endowment for the corrections or removal.

Dossier and Signage

For the lasting preservation of any public artwork and monument, documentation of the piece and signage are critical for the City and the public. The Commission is required to develop and maintain a dossier on each public artwork and monument that is to be held by the City, which should include provenance, materials, artist biography, artist statement about the work if possible, news articles, design documents presented in the approval process, and any other documentation mentioned in this policy.

Signage is critical to displaying the work in a public setting. A sign must include the work's name, artist, date of installation, and materials used. Creation and maintenance of the sign must be included in the maintenance endowment.

Deaccession of Public Art and Monuments

Acquisition of public art and monuments by the City implies a commitment to the preservation, protection, and display of the work for the public benefit as long as the work maintains its physical integrity, identity, and authenticity, and as long as it remains useful to the purposes of the people of the City. When any of these conditions no longer prevail, the City may consider removal of the piece from public display and deaccession, the sale or other disposal of the piece. Special attention and care must be made for monuments, which recognize and memorialize Bangor's history.

Relocation

On occasion, it may be necessary to move a piece of art or a monument in order to protect, maintain, or display it more appropriately. It is also permissible to consider relocation if one work interferes with another, in that it reduces, subverts, or conflicts with the first work's intent or impact. If the Council decides that a work should be removed from its original site, and if its condition is such that it can be re-installed, the Commission will attempt to identify another appropriate site. If the work was designed for a specific site, the Commission will assist the Council in attempting to relocate the work to a new site consistent with the artist's intention. If possible, the artist's assistance will be requested to help make this determination. If space is available, and with the approval of Council, the Commission may decide to store an object until a new site has been identified or until the Council decides to deaccession the piece. If no suitable site can be identified, the Commission may recommend pursuing the sale or trade of the object by the City after consultation with City staff and approval by City Council.

Removal and Deaccession

A work of art may be considered for removal and deaccession from public display if one or more of the following conditions apply:

- The work presents a threat to public safety
- The condition or security of the work cannot be guaranteed, or the City cannot properly care for or store the work
- The work requires excessive or unreasonable maintenance
- The work has faults in design or workmanship
- The condition of the work requires restoration, the cost of which is in gross excess of its aesthetic value, or the work is in such a deteriorated state that restoration would prove unfeasible or impractical
- No suitable site for the work is available, or significant changes in the use, character, or design of the site affect the integrity of the work
- The work interferes with the operations of a public facility
- The work is judged to have little or no aesthetic and/or historical or cultural value
- The work is fraudulent or inauthentic
- The work is rarely or never displayed

The following steps shall be followed for works being considered for removal:

1. **Commission and City staff report**: The Commission staff shall prepare a report which includes a staff evaluation and recommendation along with the following information:
 - A. **Rationale**: An analysis of the reasons for deaccessioning and its impact on the City's public art and monument collection, and an evaluation of the work
 - B. **Independent appraisal or other documentation on value**: Prior to disposition of any object valued at \$10,000 or more, the Commission should recommend obtaining an estimate of the value of the work based on recent documentation of gallery and auction sales, if applicable
 - C. **Related professional opinions**: In cases in which deaccessioning or removal of art is suggested due to deterioration, threat to public safety, or lack of artistic quality, it is recommended that the Commission seek the opinions of independent professionals qualified to comment on the concern prompting review (conservators, engineers, architects, safety experts etc.)
 - D. **History**: Provide written correspondence, press, and other evidence of public debate, as well as the original acquisition method and purchase price
 - E. **Options for disposition**
 - F. **Replacement costs**, if applicable
2. **City Solicitor's opinion**: The City Solicitor or Assistant City Solicitor shall be consulted regarding any restrictions that may apply to a specific work
3. **Commission recommendation**: The recommendation to deaccession a work will be considered in the Commission's regular or special meeting
4. **City Council approval**: The Commission's report, along with its recommendation on deaccessioning the work, shall be forwarded to the City Council. City Council may accept or decline to deaccession a work

Once a work has been properly deaccessioned, it may be sold, traded, modified, or destroyed.

Sale or Trade

The City may sell a work after it has been deaccessioned through public auction or by private sale. A work may also be traded with another piece not belonging to the City as long as that replacement work fits the criteria outlined in this policy and is accepted by the City through the approval process outlined above.

A work may be sold at public auction to the highest and best bidder and the City may contract with a licensed auctioneer for the purpose of conducting the sale or sales. The contract shall specify the compensation to be

paid for the auctioneer's services and set forth the terms and conditions under which the sale or sales are to be conducted.

If the work is offered at public auction and no bids are received, or if the bids are rejected, or if the Commission determines, by a two-thirds vote of the members, that the work may be sold on terms more advantageous to the City if sold through private sale, then a private sale may be considered. Any contract for the private sale of a work of art is subject to the approval of the Council. A work of art on which public bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest public bid received.

If a work is sold, all proceeds from any sale shall be credited to a public art fund for the City of Bangor, in which the monies contributed to the fund from the sale, exchange, or exhibition of a work of art under the jurisdiction of the City shall be expended on another work or works for display in the same public structure or space, or in another place within the city if the original public structure or space is not viable for such display.

Modification or Destruction

It is the responsibility of the City to preserve and protect the art collections under its management for the people of the City. However, the Commission may recommend to the Council actions that would alter, modify, or destroy an artwork under certain conditions as follows:

- The work has faults of design or workmanship, or is damaged so that repair or remedy is impractical, unfeasible, or an unjustifiable allocation of resources
- The work poses a threat to public safety or in some other way poses a potential liability for the City
- The Commission deems it necessary in order for the City to construct necessary public works and improvements, or in furtherance of the City's other operations, or for any other good cause
- In cases of alteration, modification or destruction of public art, signage should reflect the alterations

Ownership	Type	Title/Description	Artist	Location	Year	Medium	Material	Base Material	Notes
Public	Monument	Battleship Maine Memorial	UNKNOWN	Main/Cedar Streets	UNKNOWN	sculpture, object	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Brady shooting markers and plaque	UNKNOWN	Central Street	UNKNOWN	plaque	UNKNOWN	UNKNOWN	City of Bangor
Public	Art	Camel Country	Koichi Ogino	Front Street along water	2012	sculpture	UNKNOWN	UNKNOWN	City of Bangor
Public	Art	Continuity of Community	Clark Battle Fitzgerald	Railroad/Front Streets	1969	sculpture	Aluminum	UNKNOWN	City of Bangor
Public	Monument	First discovery plaque	UNKNOWN	Broad Street in Gomez Park		plaque	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Great Fire plaque	UNKNOWN	Broad Street	UNKNOWN	plaque	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Hannibal Hamlin	Charles Tefft	Norumbega Park	UNKNOWN	sculpture	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Kenduskeag river walk history plaque	UNKNOWN, gift from LL Bean	Kenduskeag Stream, Gomez Park to Lower Kenduskeag Stream	UNKNOWN	plaque	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Korean War Memorial	UNKNOWN	Mt Hope Cemetery	UNKNOWN	sculpture, object	UNKNOWN	UNKNOWN	City of Bangor
Public	Art	Paul Bunyan	Norman	Bass Park	1956	sculpture	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Spanish cannon	UNKNOWN	Norumbega Park	UNKNOWN	object	UNKNOWN	UNKNOWN	City of Bangor
Public	Art	The Last Drive	Charles Tefft	Harlow Street near Bangor Public Library	1925	sculpture	UNKNOWN	UNKNOWN	City of Bangor
Public	Monument	Victory War Memorial	Charles Tefft	Norumbega Park	UNKNOWN	sculpture	UNKNOWN	UNKNOWN	City of Bangor
Public	Art	Waterfront park windmills	UNKNOWN	Main/Railroad Streets	UNKNOWN	sculpture	UNKNOWN, blue and silver on pole	UNKNOWN	City of Bangor
Private	Art	Greetings from Bangor, Maine	Annette Sohns	Union/Main Streets	2015	mural	latex paint	NA	The Tavern
Private	Art	Lay Down Like Grass	Hwang Seung Woo	Husson University, near O'Donnell Commons	2012	sculpture	UNKNOWN	UNKNOWN	Husson University
Private	Art	UNKNOWN	Clark Battle Fitzgerald	Bangor High School administrative entrance	UNKNOWN	sculpture	UNKNOWN	UNKNOWN	Bangor High School
Private	Art	UNKNOWN	UNKNOWN	international terminal escalator	1976 (estimated)	painting	UNKNOWN	UNKNOWN	Bangor International Airport
Private	Art	Zephyr	Andreas Von Huene	Stillwater Avenue	2012	sculpture	UNKNOWN	UNKNOWN	Acadia Hospital

COUNCIL ACTION

Item No. 16-223

Date: May 23, 2016

Item/Subject **ORDER,** Authorizing Execution of Contract with Bangor Center Management Corporation/Downtown Bangor Partnership

Responsible Department: **Community & Economic Development**

Commentary:

This Order authorizes the City Manager to execute a Contract with the Bangor Center Management Corporation/Downtown Bangor Partnership for the purpose of providing management services and administration of the Development Program for the Bangor Center Development District for the period July 1, 2016 - June 30, 2017.

The proposed budget is \$77,690. The Corporation did not request general fund support for the upcoming fiscal year. The proposed Contract would provide reimbursement to the City of up to \$30,000 in personnel costs in administering the program and reimbursement to the City of up to \$10,000 for additional law enforcement services in the District.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 17, 2016 meeting.

Tanya Emery
Department Head

Manager's Comments:

Carl M. Legler
City Manager

Associated Information:

Budget Approval:

Debra J. [Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Contract with Bangor Center Management Corporation/Downtown Bangor Partnership

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

the City Manager is hereby authorized and directed, on behalf of the City of Bangor, to execute a contract, a copy of which is on file in the Office of the City Clerk, with the Bangor Center Management Corporation/Downtown Bangor Partnership for purposes of providing management services and administration of the development program for the Bangor Center Development District for the period July 1, 2016 - June 30, 2017.

COUNCIL ACTION

Item No. 16-224

Date: May 23, 2016

Item/Subject **ORDER,** Adopting Municipal Development Program and Financial Plan for the Bangor Center Development District

Responsible Department: **Community & Economic Development**

Commentary:

PUBLIC HEARING - Prior to voting on this Order, the Council is required to hold a Public Hearing on the Municipal Development Program and Financial Plan for the Bangor Center Development District.

The purpose of this Order is for the City Council to consider the Program to be implemented for the Bangor Center Development District. The Program has been prepared by the Bangor Center Management Corporation/ Downtown Bangor Partnership.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 17, 2016 meeting.

Tanya Emery
Department Head

Manager's Comments:

Carl M. Corle
City Manager

Associated Information:

Municipal Development Program and Financial Plan attached to CO

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, Adopting Municipal Development Program and Financial Plan for the Bangor Center Development District

WHEREAS, by action of the City Council, a certain area in the downtown has been designated as a Municipal Development District, known as the Bangor Center Development District, in accordance with 30-A M.R.S.A. § 5223(1); and

WHEREAS, 30-A M.R.S.A. § 5224(1) requires that the governing body of a Municipality adopt a development program for each development district; and

WHEREAS, the purpose of the previously established Development District continues to exist and the District will contribute to the economic growth and well-being of the Municipality, to the betterment of the health, welfare, and safety of the City of Bangor; and

WHEREAS, the Bangor Center Management Corporation/Downtown Bangor Partnership has recommended a proposed development program to be adopted by the City Council:

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

in accordance with 30-A M.R.S.A. §§ 5223 and 5224, there is hereby adopted the "Bangor Center Development District, Municipal Development Program and Financial Plan, Fiscal Year 2017", a copy of which is attached hereto as the development program for the Bangor Center Development District.



16-224
May 23, 2016

Bangor Center Development District Municipal Development Program and Financial Plan Fiscal Year 2017

FY2016 Summary and FY2017 Work Plan

The purpose of this document is to provide a comprehensive yet succinct look at the programs and projects the Downtown Bangor Partnership (DBP) undertook in FY2016 and to outline the plans and proposed budget for FY2017 so that the City Council may consider the DBP's contributions and essential functions in the Downtown District and look favorably on continuing its support.

We commend the City Council's continuing initiatives to promote Downtown's economic vitality and cultural excellence, and we hope you agree that the Downtown Bangor Partnership has made a positive contribution to Downtown development over the past year. We are pleased to be involved with the transformation of Downtown Bangor to a more vibrant and engaged economic center and we are focused on maintaining this momentum. We look forward to presenting the full FY2016 Annual Report to City Council upon the fiscal year's completion in July 2016.

Executive Summary

The fiscal year 2015/2016 was marked by a continued emphasis on Downtown Bangor's critical role in the future of the city at large. As a center for arts, culture, and commerce, as well as an exponentially growing residential hub, downtown is both a microcosm and bellwether of Bangor's rise as one of Maine's most dynamic urban environments. To this end, the Downtown Bangor Partnership helped usher in a year that saw downtown increase its reach and presence to an ever-expanding audience of stakeholders and investors.

The evolution of Downtown Bangor's brand continued with the launch of a new website, the rollout of a new "Discover Downtown Bangor" logo, and the creation of comprehensive downtown brochures. Downtown Bangor's Facebook page surpassed 11,000 followers, with renewed focus on social media and regular email communications helping to diversify downtown's audience beyond the physical reach of the district itself. The "Eat, Shop, Enjoy!" holiday marketing campaign, staged as a continuation of the increasingly popular Plaid Friday and Small Business Saturday events, placed renewed emphasis on the "shop local" retail movement and helped to create record-setting holiday shopping seasons for many businesses.

In addition to new restaurants and retail shops, downtown saw a number of new luxury apartments open (and fill up!) along Broad Street; shortly thereafter, other historic buildings on State Street and Central Street were purchased by young entrepreneurs, with the intention to create more living space. The biannual Town Hall meetings and quarterly Retailer Meetings continued to be an important tool in keeping residents and workers alike informed and involved. There is not only a strong desire from outside the downtown boundaries to be a part of the community within, but there is a connectedness between all of the downtown stakeholders that has rarely been stronger or more promising.

A continued source of outsider traffic into downtown was the Cool Sounds Summer Concert Series and Fresh Air Market, an annual eight-week free outdoor event. This year's event was revenue-positive, and

staged for the first time in the newly renovated West Market Square – much to the delight of square-adjacent restaurants hit hard by the previous year's construction. Another popular draw, the Downtown Countdown New Year's Eve event, was successfully licensed to another downtown non-profit, allowing the DBP to focus on its myriad goals while inspiring creative and economic entities to get in on the action.

The pride of the Downtown Bangor community was best exemplified by the DBP's Beautification committee and its volunteer-fueled base. Events such as Downtown Clean-Up Day, Adopt-a-Garden, and the Big Dig helped keep downtown visually appealing and inviting to visitors. Adopt-a-Garden saw 130 plots "adopted" throughout the streets of Downtown, with an anticipated 200+ volunteer base. Along with help from the City and Bangor Greendrinks, the DBP invested in new trash and recycling receptacles, both of which had been sorely lacking along some of the most traveled pedestrian routes, fortifying the commitment to a living and working space. This year saw the retirement of Downtown Beat Officer Russ Twadell, as well as the start of his replacement: Officer George Spencer, a friendly and welcome representative who will surely get to know downtown as well as any of us.

In the second half of the fiscal year, the Downtown Bangor Partnership hired a dedicated part-time staff person. The newly revised position makes better use of staff time and hours, and works closely with the Community & Economic Development department to help align DBP and City goals. As a full-time advocate for downtown, the Downtown Bangor Partnership's most powerful tools for change are our vision and our voice. We close out FY2016 poised to capitalize on another stretch of profound growth with renewed focus and clarity.

Work Plan – Looking Forward to FY2017

In FY2017, the Downtown Bangor Partnership will welcome nine new board members, all representing eclectic backgrounds and bringing a diverse set of skills to the table. It is a time of expansive change, but also an opportunity for new viewpoints and fresh ideas to help maintain the momentum of past years.

The Marketing Committee plans to strengthen relationships and execute cross-promotions with other Bangor-area entities, such as Waterfront Concerts, Greater Bangor Convention & Visitors Bureau, the Bangor Region Chamber of Commerce, and Community Connector. Working closely with other organizations that also promote certain aspects of Bangor will be mutually beneficial to all. Marketing is also working on the creation of a downtown photo library, full of seasonally appropriate photos of downtown in action that can be used for a wide range of promotions, campaigns, and press releases. All of these efforts together will endorse Downtown Bangor as a viable and attractive work space, live space, and play space to future investors and stakeholders.

The Networking & Outreach Committee will continue to hold meetings and public forums to engage stakeholders, as well as informational and educational sessions. We have seen a tremendous change in the perception of Downtown over the years, as well as the synergy between stakeholders. Ensuring feedback from those stakeholders, and providing platforms in which feedback can be delivered and heard, will be essential to our retention of residents, workers, and property owners, as well as our forward momentum.

The Events Committee will participate in the *Arts & Economic Prosperity V* study, a nationwide effort to document the economic impact of the nonprofit arts and culture industry. We are partnering with New England School of Communications (NESCOM) to provide a college-credit internship, an opportunity which promises to offer hands-on experience with live-event planning and execution.

The Beautification Committee is looking to Pickering Square, ahead of any major construction overhaul projects, as a next spot for lights, plantings, and more. The continued popularity of the summertime and wintertime planting and lighting efforts will once again ensure that all visitors' first impression of Downtown Bangor is one of positivity and promise.

Proposed Budget FY2017

Income	
Special Assessment	\$ 60,690
Event Revenue	\$ 2,000
Sponsorship	\$ 15,000
Total	\$ 77,690

Expenses	
Networking & Outreach	\$ 500
Beautification	\$ 5,000
Contract Services	\$ 30,700
General Administration	\$ 6,000
Public Safety Officer	\$ 10,000
Marketing	\$ 10,000
Events	\$ 14,475
Total	\$ 75,675

Net Income	\$ 1,015
-------------------	-----------------

COUNCIL ACTION

Item No. 16-225

Date: May 23, 2016

Item/Subject **ORDER,** Bangor Center Development District – Establishment of Implementation Assessments

Responsible Department: **Community & Economic Development**

Commentary:

PUBLIC HEARING - Prior to voting on the attached Order, the City Council is required to hold a Public Hearing on the establishment of implementation assessments for the Bangor Center Development District.

Approval of this order will implement a special assessment of \$60,690 on properties located in the Bangor Center Development District. The proposed budget for the Bangor Center Management Corporation/Downtown Bangor Partnership for the 2016-2017 Program is \$77,690 and the City has been requested to raise the amount of \$60,690 from new implementation assessments on properties located in the Bangor Center Development District. The remainder is event revenue of \$2,000 and anticipated sponsorships of \$15,000. If approved, this order will implement an assessment of \$0.51 per thousand dollars of assessed valuation for the Bangor Center Development District and \$.02 per thousand dollars of assessed valuation for the overlay.

In accordance with MRSA Title 30-A §5228, the City has fulfilled extensive statutory notice requirements, including publication of a description of the area affected and the maximum rate of assessment of \$0.53 per thousand dollars of assessed value as of April 1, 2016. This was published in the Bangor Daily News on May 13, 2016 (attached). This assessment will be levied for a one-year program commencing on July 1, 2016 and ending on June 30, 2017. This item was reviewed and recommended for approval by the Business & Economic Development Committee at its May 17, 2016 meeting.

Tanya Emery
Department Head

Manager's Comments:

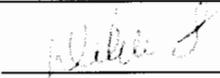


City Manager

Associated Information:

BDN public hearing notice attached to CA

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) ORDER, Bangor Center Development District – Establishment of Implementation Assessments

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

The sum of \$60,690 be assessed to fund the operation of the Bangor Center Development District for the period beginning July 1, 2016 and ending on June 30, 2017; and be it further

ORDERED, THAT all real property in the Bangor Center Development District, subject to taxation, shall be assessed at a rate of \$0.51 per \$1,000 of valuation; and be it further

ORDERED, THAT an overlay in the amount of \$0.02 per \$1,000 is hereby assessed upon said real property; and be it further

ORDERED, THAT said assessments shall be due and payable to the City of Bangor on or before September 15, 2016 with interest to accrue at an annual rate of 7% from September 16, 2016 on all of said assessments remaining unpaid after September 16, 2016; and be it further

ORDERED, THAT assessments be hereby committed to the Tax Collector of the City of Bangor for collection in accordance with the authority established under 30-A M.R.S.A. § 5228; and be it further

ORDERED, THAT said Tax Collector is hereby authorized and directed to take all necessary action for the collection of said assessments as may be provided by law.

Legal Notices
CITY OF BANGOR NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT the Bangor City Council, Municipal Officers of the City of Bangor, will hold a public hearing, in accordance with 30-A M.R.S.A. Section 2224 and Section 2226, for purposes of receiving public comment on a proposed program, budget and implementation assessments to be assessed against properties for the Municipal Development District located in the downtown area, known as the Bangor Center Development District:

A. Date of Hearing: May 23, 2016
Time of Hearing: 7:30 PM
Place of Hearing: City Council Chambers, Bangor City Hall
Bangor, Maine 04401

B. Legal Description of Bangor Center Development District: Beginning at a point on the northerly bank of the Penobscot River at the westerly corner line of land formerly owned by Coal Energy of Maine, Inc. as described in a Deed recorded in Penobscot Registry of Deeds in Volume 2055, Page 243, said property being located southwesterly from the intersection of Railroad Street and Front Street; thence N 54°09'58" W, by and along the southwesterly line of said Coal Energy property, ninety-one (91) feet, more or less, to a point on the high water mark of the Penobscot River; thence S 41° 50' 34" W a distance of 116.44' along said high water mark to a point, thence N 45° 23' 00" W a distance of 25.58' still along same to a point, thence S 46°23'05" W a distance of 123.35' still along same to a point, thence S 39°20'40" W a distance of 22.55' still along same to a point, thence S 48°19'47" W a distance of 36.12' still along same to a point, thence S 42°56'45" W a distance of 100.57' still along same to a point, thence S 36°42'31" W a distance of 92.65' still along same to a point, thence S 22°41'31" W a distance of 50.71' still along same to a point, thence S 21°17'03" W a distance of 103.76' still along same to a point, thence S 15°23'44" W a distance of 38.25' still along same to a point, thence S 06°19'25" W a distance of 55.02' still along same to a point, thence S 19°58'37" W a distance of 110.80' still along same to a point, thence S 25°15'42" W a distance of 109.04' still along same to a point, thence S 24°27'47" W a distance of 105.08' still along same to a point, thence S 19°26'33" W a distance of 56.60' still along same to a point, thence S 12°07'12" W a distance of 91.31' still along same to a point, thence S 10°15'34" W a distance of 192.46' still along same to a point, thence S 09°24'26" W a distance of 288.19' still along same to a point, thence S 02°33'10" W a distance of 113.49' still along same to a point, thence S 21°40'54" E a distance of 138.72' still along same to an iron pin on the northerly side of the Barnet Paving Materials, Inc. thence N 34°00'25" W a distance of 99.00' along said lands of Barnet Paving Materials, Inc. to a point, thence N 43°51'26" W a distance of 28.59' still along same to a point, thence S 03°34'35" W a distance of 612.87' still along same to a point, thence S 73°52'23" E a distance of 62.54' still along same to an iron pin on the high water mark of said Penobscot River; thence S 22°18'40" W a distance of 35.72' along said high water mark to a point, thence S 17°40'58" W a distance of 82.50' still along same to a point on curve on the northerly side of Interstate Route 395, thence by and along the right of way of Interstate Route 395 along a curve to the right having a radius of 2784.70' a distance of 135.10', the same having a chord bearing and distance of 12.58' 45" 59" W; said easterly side of a point on curve on the southerly side of lands remaining to the Maine Central Railroad Company, its successors, heirs and assigns, thence by and along the same curve to the right 50.01' to the north side of Maine Central Railroad Company; thence along a curve to the right having a radius of 2784.75' a distance of 62.52'; thence along the southerly side of the Main Street exit ramp from said Interstate Rte. 395 northbound, thence N 32°53'27" W a distance of 68.00' along said exit ramp to a point, thence N 57°22'14" W a distance of 144.00' still along same to a point, thence N 10°00'20" W a distance of 11.88' still along same to a point, thence N 09°59'40" E a distance of 78.55' still along same to a point, thence N 20°50'40" E a distance of 105.29' still along same to a point, thence N 40°50'40" E a distance of 78.88' still along same to a point on curve, thence along a curve to the left having a radius of 300.00' a distance of 23.00', the same having a chord bearing and distance of 0°11'17" E and 2.39', still along same to an iron pin and point on tangent on the southerly side of lands now or formerly of Lafayette Bangor, Inc. as conveyed to it by deed of Conjon, Inc. dated December 1, 1936 and recorded at the Penobscot County Registry of Deeds, Book 6003, Page 001, thence N 35°10'11" E a distance of 280.40' along said southerly side to an iron pin, thence N 32°22'11" E a distance of 319.59' still along said southerly side and continuing along the easterly terminus of Ditton Street and continuing still along the easterly side of lands now or formerly of Erin, Inc. as conveyed to it by deed of Stanley E. Macmillan dated March 2, 1983 and recorded at the Penobscot County Registry of Deeds, Book 402, Page 075 to a point, thence N 17°45'40" E a distance of 298.30' still along said southerly side of Erin, Inc. and continuing along the easterly terminus of Emerson Street and continuing still along the easterly side of lands now or formerly of Bangor Metals, Inc. as conveyed to it by deed of Isadore E. Dresner dated March 30, 1979 and recorded at the Penobscot County Registry of Deeds, Book 2863, Page 127 to a point, thence N 32°02'40" E a distance of 35.25' along said easterly side of Bangor Metals, Inc. to a point, thence N 07°03'38" E a distance of 30.20' still along same to a point on the southerly side of Buck Street; if extended, thence N 56°57'20" W a distance of 23.06' along said southerly side, if extended, to a point on the easterly terminus of Buck Street, thence N 01°40'48" E a distance of 70.10' along said easterly terminus to a point on the northerly side of Buck Street, thence N 66°57'20" W a distance of 14.30' along said northerly side to a point on the easterly side of lands now or formerly of Erin, Inc. as conveyed to it by deed of Conjon, Inc. dated December 1, 1936 and recorded at the Penobscot County Registry of Deeds, Book 4021, Page 152, thence N 33°02'40" E a distance of 24.44' along said easterly side to a point, thence N 01°42'49" E a distance of 358.11' still along same and continuing along the easterly side of lands now or formerly of L. & C Corporation as conveyed to it by deed of the Newport Company dated November 9, 1955 and recorded at the Penobscot County Registry of Deeds, Book 1046, Page 153 and continuing still along the easterly side of Lincoln Street and continuing still along the easterly side of lands now or formerly of Neal N. Carter as conveyed to him by deed of Leanne Davis Mohammed dated January 15, 1987 and recorded at the Penobscot County Registry of Deeds, Book 2653, Page 56, to a point, thence N 56°46'25" W a distance of 193.34' along the rear lot line of lands now or formerly of United Pentecostal Church dated January 13, 1978 and recorded at the Penobscot County Registry of Deeds, Book 2628, Page 117 to a point on the rear lot line of lands now or formerly of Tobacco, Inc. as conveyed to it by deed of the Tobacco Station, Inc. dated November 20, 1981 and recorded at the Penobscot County Registry of Deeds, Book 3283, Page 63, thence N 20°52'00" E a distance of 221.04' along said rear lot line of Tobacco, Inc. and continuing along lands now or formerly of Eugene L. Richardson as conveyed to him by deed of New England Equipment Rental, Inc. dated December 24, 1988 and recorded at the Penobscot County Registry of Deeds, Book 4161, Page 030 to a point, thence N 57°58'00" W a distance of 45.50' still along lands of said Eugene L. Richardson to a point on the rear lot line of lands now or formerly of Dewey B. Gosselin and Lorraine M. Gosselin as conveyed to them by deed of Robert J. Cost dated April 28, 1988 and recorded at the Penobscot County Registry of Deeds, Book 4007, Page 114, thence N 20°34'08" E a distance of 123.00' along said rear lot line of Dewey B. Gosselin and Lorraine M. Gosselin and continuing along the rear lot line of lands now or formerly of Dewey B. Gosselin II and Lorraine M. Gosselin as conveyed to them by deed of James W. Yasumaki and Judith L. Wardman dated April 19, 1988 and recorded at the Penobscot County Registry of Deeds, Book 4290, Page 183 to a point, thence N 57°58'00" W a distance of 44.38' still along lands of said Dewey B. Gosselin II and Lorraine M. Gosselin to a point, thence N 20°34'01" E a distance of 101.16' still along same to a point, thence N 49°26'00" W a distance of 55.90' still along same to a point on the easterly side of Main Street; thence N 26°24'00" E a distance of 462.09' along said easterly side of Main Street to the southerly line of Railroad Street; thence N 20°34'08" E, by and along said Main Street to the center line of Cedar Street; thence in a northwesterly direction along the centerline of Cedar Street to the centerline of First Street; thence in a northwesterly direction along the centerline of First Street to the northwesterly prolongation of the northwesterly line of Devonport Park; thence southeast along said northwesterly line of Devonport Park to the westerly corner of land now or formerly owned by the Maine Savings Bank as described in Deeds recorded in Penobscot Registry of Deeds in Volume 1722, Page 54 and in Volume 2829, Page 93; thence in a northwesterly direction along the northwesterly line of said Maine Savings Bank property to the southwesterly line of land now or formerly owned by the Unitarian Church of Bangor as described in a Deed recorded in Penobscot Registry of Deeds in Volume 223, Page 12; thence in a northwesterly direction along the southwesterly line of said Unitarian Church property extended to the centerline of First Street; thence in a northwesterly direction along the centerline of First Street to the centerline of Union Street; thence in a northwesterly direction along the centerline of Union Street to the centerline of Columbia Street; thence in a northwesterly direction along the centerline of Columbia Street to the centerline of Middle Street; thence in a northwesterly direction along the centerline of Middle Street to the centerline of High Street; thence in a northwesterly direction along the centerline of High Street to the intersection with the centerline of North High Street; thence in a northwesterly direction along the centerline of North High Street to the centerline of Hammond Street; thence in a westerly direction along the centerline of Hammond Street to the centerline of the YMCA property; thence in a westerly direction along the centerline of the YMCA property to the westerly line of land now or formerly owned by the City of Bangor, being the parcel occupied by the Bangor Public Library as described in Deeds recorded in Penobscot Registry of Deeds in Volume 257, Page 183 to a point, thence in a northwesterly direction along the northwesterly and southwesterly lines of said City of Bangor land to the Kenduskeag Stream; thence continuing along the same course to the easterly shore of Kenduskeag Stream; thence in a northwesterly direction along the easterly shore of Kenduskeag Stream to the centerline of Harlow Court; thence in a northwesterly direction along the centerline of Harlow Court to the centerline of Harlow Street; thence in a northwesterly right-of-way line of said Harlow Street at the intersection with the centerline of Cumberland Street; thence in a northwesterly direction along the centerline of Cumberland Street to the intersection with the northwesterly prolongation of the northwesterly line of property now or formerly owned by Danny L. Tavel, Jr. as described in Deeds recorded in Penobscot Registry of Deeds in Volume 2604, Page 62 and in Volume 2636, Page 142; thence southeast along the northwesterly line and southwest along the southerly line of said Tavel property to the southerly corner, being on the northwesterly line of land now or formerly owned by the City of Bangor as described in Deeds recorded in Penobscot Registry of Deeds in Volume 1416, Page 24 and 258, Page 258, said land occupied by the Alter Parking Lot, so-called; thence southeast along the northwesterly line of said Alter Lot extended to the centerline of Spring Street; thence east to the southerly line of Spring Street at the point of intersection with the northwesterly line of land now or formerly owned by Bangor Development Associates as described in a Deed recorded in Penobscot Registry of Deeds in Volume 3630, Page 235; thence southeast along the northwesterly line and southwest along the southerly line of said Bangor Development Associates property to its northerly corner of land now or formerly owned by the City of Bangor occupied by the Bangor Public Library as described in Deeds recorded in Penobscot Registry of Deeds in Volume 257, Page 183 and in Volume 1820, Page 262; thence southeast along the northwesterly line of said Library lot to the easterly corner of said lot, being on the northerly line of City of Bangor land described in a Deed recorded in Penobscot Registry of Deeds in Volume 839, Page 128 which is occupied by the Petros Memorial Park; thence in an easterly direction along the northerly line of said Petros Memorial Park land to the westerly right-of-way line of Center Street; thence in a southerly direction across Center Street to the intersection of the easterly right-of-way line of Center Street with the northerly line of land now or formerly owned by the First Universalist Society of Bangor as described in a Deed recorded in Penobscot Registry of Deeds in Volume 803, Page 295; thence east along the northerly line of said Universalist lot extended to the centerline of Park Street; thence southeast to the easterly right-of-way line of Park Street at the point of intersection with the centerline of Penobscot Street; thence in an easterly direction along the centerline of Penobscot Street to a northwesterly prolongation of the easterly line of land now or formerly owned by Tarraine Club, Inc. as described in Deeds recorded in the Penobscot Registry of Deeds in Volume 743, Page 63 and in Volume 941, Page 369; thence in a southerly direction along the easterly line of the Tarraine Club property to the northerly line of land now or formerly owned by the New England Telephone Company as described in Deeds recorded in Penobscot Registry of Deeds in Volume 919, Page 471, Volume 1033, Page 35 and Volume 1034, Page 379; thence in an easterly direction along the northerly line of said New England Telephone Company property extended to the centerline of French Street; thence in a southerly direction along the centerline of French Street to the intersection with a westerly extension of the northerly line of land now or formerly owned by Shaun and Janet R. Dowd as described in a Deed recorded in Penobscot Registry of Deeds in Volume 2480, Page 86; thence in an easterly direction along the northerly line of said Dowd property to the westerly right-of-way line of Broadway; thence in a southerly direction along the westerly right-of-way line of Broadway, and continuing along the westerly line of Slocum Square and the westerly line of Oak Street to the centerline of Hancock Street; thence in an easterly direction along the centerline of Hancock Street to the northwesterly prolongation of the westerly line of land now or formerly owned by Brake Service & Parts, Inc. as described in Deeds recorded in Penobscot Registry of Deeds in Volume 2183, Page 345 and in Volume 2558, Page 14; thence in a southerly direction along the westerly line of said Brake Service property to the northerly right-of-way line of Washington Street; thence in an easterly direction along the northerly line of Washington Street to a point opposite the westerly line of a parcel of land now or formerly owned by the City of Bangor which is located south of the southerly right-of-way line of Washington Street, said land described in Deeds recorded in Penobscot Registry of Deeds in Volume 2072, Page 157 and in Volume 2135, Page 448; thence in a southerly direction along the easterly line of said City land and extending along a southerly prolongation of said line to the bank of the Penobscot River; thence in a generally southwesterly direction along the northerly shoreline of the Penobscot River to the southwest corner of the property formerly owned by Coal Energy of Maine, Inc. and the point of beginning.

C. ALL INTERESTED PERSONS OWNING REAL ESTATE OR TAXABLE PROPERTY LOCATED WITHIN THE DISTRICT WILL BE GIVEN AN OPPORTUNITY TO BE HEARD AT THE HEARING AND AN OPPORTUNITY TO FILE OBJECTIONS TO THE AMOUNT OF ASSESSMENT.

D. Maximum Rate of Assessments to be Extended in Any One Year: \$0.63 per thousand dollars of assessed value as of April 1, 2015. This assessment will be levied for a one-year program commencing on July 1, 2016 and ending on June 30, 2017.

E. Proposed List of Properties to be Assessed and the Estimated Assessments Against Those Properties is available for review at the City Assessor's Office, City Hall, 73 Harlow Street, Bangor, Maine.

May 13, 2016

Lisa Goodwin
City Clerk

COUNCIL ACTION

Item No. 16-226

Date: May 23, 2016

Item/Subject: ORDER, Authorizing Execution of Documents by and Between the City of Bangor and Bangor Savings Bank for Amendment to Development Agreement for Lot 3 in the Maine Business Enterprise Park, Termination of Leases, and Purchase of Property – 19 Maine Avenue and 203 Maine Avenue

Responsible Department: Legal

Commentary: This Order will authorize the City Manager to execute any and all documents necessary to convey currently leased properties to Bangor Savings Bank. The City of Bangor currently has 4 separate leases with Bangor Savings Bank pertaining to property located at 19 Maine Avenue, 203 Maine Avenue, and a 30' portion of a vacant parcel. In 2013 the City and Bangor Savings Bank entered into an Agreement for the eventual acquisition of these leased parcels and development and acquisition of Lot 3, all contingent upon certain conditions, principally Bangor Savings Bank's increase in taxable real property. At this time, Bangor Savings Bank has not met all the conditions set forth in 2013, however they would like to move forward with the following transaction:

- First, Bangor Savings Bank would like to expand its building and operations located at 203 Maine Avenue, however they will only do so contingent on the purchase of the leased parcel from the City before construction.
- Second, to enable the expansion at 203 Maine Avenue, Bangor Savings Bank will require additional land. This is achieved by narrowing of portions of the Texas Avenue and Corporate Drive right of ways. The City Engineer has confirmed that narrowing the rights-of-way will not negatively affect the roads.
- Third, Bangor Savings Bank would like to purchase 19 Maine Ave.
- Fourth, Bangor Savings would like to acquire a 30 foot long portion of Lot 3 that abuts their existing Hammond Street Branch Office.

In addition to property taxes on the existing facilities, Bangor Savings Bank currently pays on monthly leases to the City. In an effort to keep the City whole as a result of this transaction, and pursuant to City policy, Bangor Savings Bank has agreed to expand the current facility and pay taxes on property valued at a minimum of \$2.5 million in additional assessed value, which will offset the lost lease revenue. Should they not create \$2.5 million in real taxable value, Bangor Savings Bank agrees to pay the difference, until such time as they reach the real assessed value of \$2.5 million in excess of current valuations. It should be noted that Bangor Savings Bank will also pay the appraised value for each property to be acquired.

If approved, this order will authorize the City Manager to execute any and all documents necessary to convey the above described properties to Bangor Savings Bank; preserve easements for existing utilities; and amend the current Lease Agreements, Option, and Development between the parties for 19 Maine Avenue, 203 Maine Avenue, and Lot 3 in the Maine Business Enterprise Park ;and to retain the right of Bangor Savings Bank to exercise the option to purchase Lot 3; and to terminate the existing leases; and to provide for Bangor Savings Bank to pay to the City that amount that would be payable for taxable value of real property of \$2.5 million in addition to property taxes paid until such time as they increase the taxable value of real property by \$2.5 million. This item was reviewed by the BED Committee and Council in executive session.

Department Head

Manager's Comments:

Carol M. Corleo
City Manager

Associated Information:

Budget Approval:

Richard
Finance Director

Legal Approval:

AAA
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Documents by and Between the City of Bangor and Bangor Savings Bank for Amendment to Development Agreement for Lot 3 in the Maine Business Enterprise Park, Termination of Leases, and Purchase of Property – 19 Maine Avenue and 203 Maine Avenue

WHEREAS, the City of Bangor leases property in the Maine Business Enterprise Park to Bangor Savings Bank at 19 Maine Avenue, 203 Maine Avenue, and a portion of Lot 3 in the Maine Business Enterprise Park; and

WHEREAS, the City of Bangor is the owner of a vacant lot, known as Lot 3, in the Maine Business Enterprise Park and has an Option and Agreement with Bangor Savings Bank for its purchase and development by Bangor Savings Bank; and

WHEREAS, Bangor Savings Bank desires to add to its building at 203 Maine Avenue and purchase the parcel from the City before construction; and

WHEREAS, to enable the expansion intended by Bangor Savings Bank at 203 Maine Avenue additional land is required which will be available upon the narrowing of portions of the Texas Avenue and Corporate Drive right of ways; and

WHEREAS, at the same time as the purchase of the parcel at 203 Maine Avenue, Bangor Savings Bank desires to purchase the parcel at 19 Maine Avenue (Lot 1 in the Maine Business Enterprise Park), and a portion of Lot 3 in the Maine Business Enterprise Park currently leased by Bangor Savings Bank; and

WHEREAS, the current agreement provides for a sale after an increase in taxable value of real property created by Bangor Savings Bank; and

WHEREAS, Bangor Savings Bank has not increased taxable value of its real property but will begin to do so with the expansion at 203 Maine Avenue and has agreed to pay to the City that amount that would be payable for taxable value of real property of \$2.5 million in addition to property taxes paid until such time as they increase the taxable value of real property by \$2.5 million; and

WHEREAS, purchase of the parcels of land will necessitate an amendment to the current Agreement for Lease Amendments, Option, and Development between the parties for 19 Maine Avenue, 203 Maine Avenue and Lot 3 in the Maine Business Park, and an increase taxable value; and

WHEREAS, it is in the best interest of the City of Bangor to amend the Agreement with Bangor Savings Bank and to sell property currently leased by Bangor Savings Bank.

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 documents necessary to convey to Bangor Savings Bank the property currently leased at 19 Maine Avenue and, provided that the width of Corporate Drive and Texas Avenue right of ways are reduced to convey the land that was formerly part of the right of ways; and to convey the property currently leased at 203 Maine Avenue; and to convey a portion of Lot 3 in the Maine Business Enterprise Park currently leased by Bangor Savings Bank; and to execute documents necessary to preserve easement for utilities existing on the properties to be conveyed; and to amend the current Agreement for Lease Amendments, Option, and Development between the parties for 19 Maine Avenue, 203 Maine Avenue and Lot 3 in the Maine Business Park to retain the right of Bangor Savings Bank to exercise the option to purchase Lot 3; and to terminate the existing leases; and to provide for Bangor Savings Bank to pay to the City that amount that would be payable for taxable value of real property of \$2.5 million in addition to property taxes paid until such time as they increase the taxable value of real property by \$2.5 million. Said documents shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.