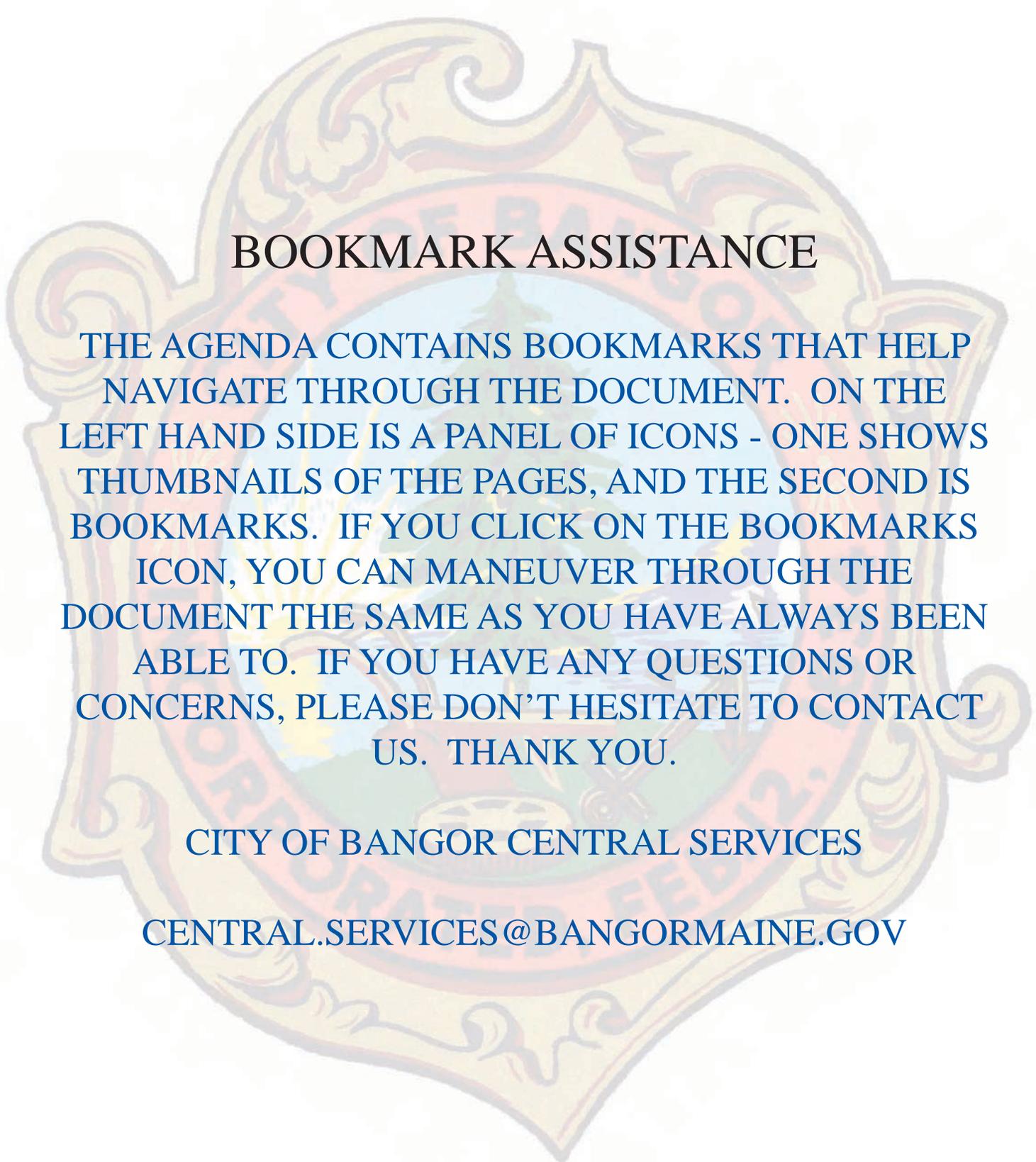




CITY COUNCIL AGENDA

May 9, 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 9, 2016

PLEDGE ALLEGIANCE TO THE FLAG

PROCLAMATION: Proclaiming May 21, 2016 as Kids to
Parks Day

PUBLIC COMMENT

| CONSENT AGENDA ITEM NO. | ASSIGNED TO COUNCILOR |
|----------------------------|--------------------------|
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*Explanatory Note: All items listed in the Consent Agenda are considered routine and are proposed for adoption by the City Council by one motion without discussion or deliberation. If discussion on any item is desired any member of the Council or public may merely request removal of the item to its normal sequence in the regular agenda prior to a motion for passage of the Consent Agenda.

MINUTES OF: Bangor City Council Regular Meeting of 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

LIQUOR LICENSE RENEWALS:

Application for Liquor License Renewal, Malt, Spirituous, Vinous of Waterfront Concerts LLC d/b/a Waterfront Concerts, 1 Railroad Street **GRAHAM**

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 **GRAHAM**

16-174 ORDER

Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 219 Ohio Street (Map 31 Lot 50) **DURGIN**

Executive Summary: Sewer liens matured on the property of Hsin Chen Ann Kuan, now owned by Nattapong Kongsuriya and Li Qun Yang. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured, a quitclaim deed is required to release the City's interest in the property. Staff recommends approval.

16-175 ORDER

Authorizing Settlement of Workers' Compensation Claim **PERRY**

Executive Summary: This Order would authorize the settlement of a workers' compensation claim for Lorna Robbins, an Airport employee. The settlement will provide for a lump sum payment of \$50,000 plus the funding of a \$16,621 Medicare Set Aside, for future medical exposure, which will fully settle the claim. The Finance Committee reviewed and recommended approval of this proposed settlement on May 2, 2016.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

| CONSENT AGENDA ITEM NO. | | ASSIGNED TO COUNCILOR |
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| <u>16-176</u> | <u>ORDER</u> | 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 | SPRAGUE |
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Executive Summary: This order authorizes the City Manager to accept and transfer \$2610.50 State Criminal Forfeiture Funds. Members of the Bangor Police Department were instrumental in an arrest leading to the seizure of drugs, cash and property that was subsequently forfeited by the individual who was arrested. As a result, the City is entitled to a portion of the seized funds. This Order will authorize the acceptance of the funds and the execution of the approval of the fund transfer. Staff recommends approval.

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| <u>16-177</u> | <u>RESOLVE</u> | 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 | BALDACCI |
|----------------------|-----------------------|---|-----------------|

Executive Summary: This Resolve will ratify the actions of the City Manager to accept the award of funds for the Law Enforcement Officer (LEO) at Bangor International Airport. The Transportation Security Administration (TSA) has partially funded the LEO project from April 1, 2016 through December 31, 2016 to reimburse Bangor International Airport for using Bangor Police personnel. The City of Bangor agrees to provide Law Enforcement Officer support on site at the airport in accordance with current Security Directives as mandated by TSA. The award contract amount is \$26,840 for this period. Reimbursement is limited to actual costs not to exceed a rate of \$20 per hour.

The City was notified of this award on April 19, 2016 and advised that it needed to notify the TSA of its acceptance by April 29, 2016. Therefore, the City Manager executed the necessary document to accept the award. Staff recommends approval.

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| <u>16-178</u> | <u>ORDER</u> | Authorizing Contract for Sodium Chloride (Rock Salt) to New England Salt Co. in the amount of \$56.19 per ton | NEALLEY |
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Executive Summary: For last two years the City of Bangor has joined with the City of Brewer in contracting/bidding for rock salt. Our price last year through International Salt was \$56.19 per ton. The City of Brewer was recently contacted by the vendor with the option for renewing the contract for an additional year at the current price. Staff was pleased with the quality of the product as well as the vendor's ability to meet the demands. On May 2, 2016, the Finance Committee reviewed and approved staff recommendation to renew the contract with New England Salt Co. at \$56.19 per ton.

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| <u>16-179</u> | <u>ORDER</u> | Assuring and Certifying the City's Compliance with Certain Requirements for Community Development Funds | NICHOLS |
|----------------------|---------------------|--|----------------|

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: Community Development regulations require that the City certify it will comply with the laws and regulations of the Community Development Block Grant Program contained in "Attachment A" of this Council Order. Staff recommends approval.

16-180 ORDER

**Appointing the City Manager as
Responsible Federal Official**

PLOURDE

Executive Summary: Community Development regulations require that the City Manager be appointed as a "responsible Federal Official" responsible for City compliance with the National Environmental Policy Act in carrying out Community Development activities. Staff recommends approval.

16-181 ORDER

**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**

GRAHAM

Executive Summary: This Order will authorize the City's Community Development Block Grant Program for the coming year. The City expects to receive \$771,681 in federal Community Development Block Grant funds. In addition, we estimate that approximately \$250,000 will be available in program income, primarily as a result of repayments of outstanding property rehabilitation loans. Among the projects to be funded in the coming year are: property rehabilitation; homeownership assistance; neighborhood & downtown public improvements; non-profit funding; acquisition, demolition and clearance activities; and continuation of business development assistance and facade improvements.

The Business & Economic Development Committee held two public hearings at their meetings on March 8 and May 3. After the second public hearing on May 3, the Committee recommended that the program be adopted as outlined in this Order.

16-182 ORDER

**Authorizing the City Manager to Execute
an Amendment to a Lease with Eastern
Maine Healthcare Systems - 931 Union
Street**

DURGIN

Executive Summary: This Order will authorize the execution of an amendment to extend the lease with Eastern Maine Healthcare systems for property located at 931 Union Street. If approved, the Lease termination shall be extended from June 30, 2016 to September 30, 2016. The reason for the request is that Eastern Maine Healthcare has retained an appraiser to determine the value of the land. Assuming the appraisal conforms to appraising standards, it could be the basis for the establishment of a purchase price.

This item was reviewed and recommended for approval by Business and Economic Development Committee of May 3, 2016

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

| CONSENT AGENDA ITEM NO. | ASSIGNED TO COUNCILOR |
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| <u>16-183</u> <u>ORDER</u> | Authorizing Bid Award in the Amount of \$2,275,275 to T Buck Construction for WWTP Biofilter Project | SPRAGUE |
|--------------------------------------|---|----------------|

Executive Summary: On April 27, 2016, the City received one (1) bid for the WWTP’s biofilter project from T Buck Construction.

City staff and the consulting engineer have reviewed the submission for completeness. The estimated total project costs are significantly below the original engineer’s estimate of construction. The consulting engineers’ estimate was developed in January based on the conceptual/preliminary design phase. There were no significant changes to this level of design, nor any price escalations. Accordingly, the actual costs are significantly lower than the engineer’s preliminary estimate. The actual construction cost submitted is \$1.35 million below the cost anticipated at the conceptual design level. This project is a bit unusual and recent bid prices have been better than anticipated recently.

This item was reviewed and recommended for approval by the Finance Committee on May 9, 2016.

| REFERRALS TO COMMITTEE AND FIRST READING ITEM NO. | ASSIGNED TO COUNCILOR |
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| <u>16-184</u> <u>ORDINANCE</u> | 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 (First Reading) | 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.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

| REFERRALS TO COMMITTEE AND FIRST READING ITEM NO. | ASSIGNED TO COUNCILOR |
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| <u>16-185</u> <u>ORDINANCE</u> | Amending Chapter 165, Land Development Code, of the Code of the City of Bangor, By Amending Restrictions on Temporary Sales of Food or Merchandise (First Reading and Referral to the Planning Board on May 17, 2016) | PLOURDE |
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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.

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| <u>16-186</u> <u>ORDINANCE</u> | Amending Chapter 223, Property Maintenance, of the Code of the City of Bangor, By Clarifying Repair and Demolition Procedures for Uninhabitable Buildings (First Reading) | GRAHAM |
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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.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

| REFERRALS TO COMMITTEE AND FIRST READING ITEM NO. | ASSIGNED TO COUNCILOR |
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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.

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| <u>16-187</u> <u>ORDINANCE</u> | Amending Map Entitled “Downtown Parking Management District” by Removing Space 1127 on Court Street (First Reading) | DURGIN |
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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.

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| <u>16-188</u> <u>RESOLVE</u> | 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.(First Reading and Referral to Government Operations Committee on May 16, 2016) | 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 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.

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| <u>16-189- 16-197</u> <u>RESOLVES</u> | Adopting the Fiscal Year 2017 School Department Budget (First Reading) | DURGIN |
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Executive Summary: 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.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

| REFERRALS TO COMMITTEE AND FIRST READING ITEM NO. | ASSIGNED TO COUNCILOR |
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- **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.

| UNFINISHED BUSINESS ITEM NO | ASSIGNED TO COUNCILOR |
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| <u>16-143</u> | <u>ORDINANCE</u> | Amending Chapter 9, of the Code of the City of Bangor - §9-10, Attendance at Meetings | PLOURDE |
|----------------------|-------------------------|--|----------------|

Executive Summary: The Code of the City of Bangor requires that Councilors attend all City Council meetings “unless prevented by illness or absence from the City, or unless excused by a vote of the Council.”

This amendment, if passed, will include that the Council Chair may also excuse a Councilor and make clear that if a Councilor decides to remain out of town for three consecutive meetings (an extended vacation, for example) the absences shall not be excused. It is the intent and purpose of this ordinance that any Councilor who is absent from the City by his or her choice to reside temporarily outside of the City, regardless of whether they maintain a residence within the City, shall not be considered to be excused from attending meetings. The amendment also provides that three consecutive unexcused absences shall be cause for censure by the full Council.

Finally, this amendment provides that in the event a Councilor decides to resign his or her position the Councilor shall immediately give notice to the Council Chair and shall submit a written letter of resignation. This was reviewed at a recent pre-Council meeting workshop and at the May 2, 2016 Government Operations Committee Meeting.

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| <u>16-168</u> | <u>ORDINANCE</u> | 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 | GRAHAM |
|----------------------|-------------------------|--|---------------|

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

| UNFINISHED BUSINESS ITEM NO | ASSIGNED TO COUNCILOR |
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Executive Summary: Emera Maine, is requesting a contract zone change for part of a parcel of land (1.81 acres) located at 656 State Street (Tax Map R63-008) from a Low Density Residential District to a Contract Government and Institutional Service District. The property to be rezoned is vacant field on the grounds of Dorthea Dix Psychiatric Center. The applicant seeks to build an electrical substation.

The contract conditions will allow only a small structure to be constructed on the rezoned land (5,519 Square Feet) and not exceed 35 feet in height. Previously the City had concerns that a large institutional structure would be constructed next to the low density residential neighborhood.

This was reviewed and recommended for approval at the Planning Board Meeting on May 3, 2016.

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| <u>16-169</u> | <u>RESOLVE</u> | Accepting and Appropriating a \$51,000 Grant From the Maine Fire Service Institute to Fund Improvements to the Fire Training Center | DURGIN |
|----------------------|-----------------------|--|---------------|

Executive Summary: This Resolve will accept and appropriate \$51,000 in Grant Funding from the Maine Fire Service Institute to make improvements at the Fire Department Training Center located at 201 Odlin Road. This funding will be utilized for the purpose of upgrading the Burn Building (\$40,000), the Classroom (\$6,000) and the Bathroom Building (\$5,000). The grant does not require any local match. This item was reviewed and recommended for approval by the Finance Committee on April 11, 2016.

| NEW BUSINESS ITEM NO. | ASSIGNED TO COUNCILOR |
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| LIQUOR LICENSE (CLASS XI) | Application for Liquor License Renewal, Malt, Spirituous, Vinous of Lisa Leonard d/b/a Evenrood's, 25 Broad Street | GRAHAM |
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| <u>PUBLIC HEARING:</u> | Application for Special Amusement License Renewal of Waterfront Concerts, LLC d/b/a Waterfront Concerts, 1 Railroad Street | GRAHAM |
|-------------------------------|---|---------------|

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| <u>16-198</u> | <u>ORDER</u> | Adopting the Liquor License Processing Policy to Replace Existing Liquor License Processing Policy | PERRY |
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Executive Summary: This Order will adopt a new liquor license processing policy to replace the current policy in its entirety. Council Order 09-242 adopted a liquor licensing process policy which requires that the City Council hold a public hearing on new liquor license applications and consider all Class X and Class XI liquor license

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

applications, including renewals, under New Business on the Council agenda. If approved, this order will replace with the existing liquor license policy with a new policy that eliminates the requirement that the public hearings be noticed in a newspaper; and that new liquor licenses no longer require a public hearing; and provides that liquor licenses be placed on the consent agenda. All items that appear on the consent agenda can be moved to new business at the request of any councilor.

Maine law does not require public hearings on liquor license applications, new or renewals. This has been reviewed by Government Operations Committee, which voted 4-1 (Graham opposed) to recommend approval.

16-199 ORDER

**Authorizing Execution of Memorandum
of Understanding with Penobscot
Community Health Care for Naloxone
Hydrochloride Distribution and
Administration** **PLOURDE**

Executive Summary: This Order will authorize the execution of a Memorandum of Understanding with Penobscot Community Health Care for naloxone hydrochloride distribution and administration. Maine law allows, under certain conditions, law enforcement officers to possess and administer naloxone hydrochloride to an individual who is experiencing an opioid-related drug overdose. The law requires that police officers receive training before possessing and administering the medication.

On April 27, 2015, the Bangor City Council approved an Order to accept the Community Working Group recommendations on substance abuse. One of the recommendations in that report was that naloxone hydrochloride be distributed to first responders including the Police Department. The reason for this is that often Police Officers are the first to come upon a victim of overdose and timely intervention with naloxone hydrochloride can improve the outcomes.

Under the terms of this agreement Penobscot Community Health Care will assist the City in the purchase of the medication and provide all necessary training for the Bangor Police Officers to administer naloxone hydrochloride. Further, the City agrees that Penobscot Community Health Center shall be indemnified by the City and held harmless from claims. The Agreement may be terminated by either party.

This was recommended for approval at the 5-2-16 Government Operations Committee meeting.

16-200 ORDER

**Authorizing the City Manager to enter
into a Memorandum of Understanding
with Husson University for Police
Services** **SPRAGUE**

Executive Summary: This order will authorize the City Manager to sign an MOU with Husson University to provide a full-time, dedicated police officer to campus. The term of the MOU would extend through the academic year from September to May. During the summer months, the police department would assign the officer to a regular patrol duty assignment.

REGULAR MEETING BANGOR CITY COUNCIL – MAY 9, 2016

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

It is the intent that the officer will work closely with the Executive Director of Security at Husson University as well as maintain a daily working relationship between the police department and campus security.

Specifically this officer will be proactive with campus safety and security planning to ensure the safety of university staff, students and visitors.

Husson University will compensate the City for the full cost of the officer during the nine month period of time he/she is designated to this assignment. The City of Bangor will pay the remaining three months. This item was reviewed and recommended for approval at the February 1, 2016 Government Operations Committee meeting.

16-201 ORDER

**Authorizing Purchases of an Armor
Protected Vehicle from Lenco
Incorporated in the amount of \$208,772**

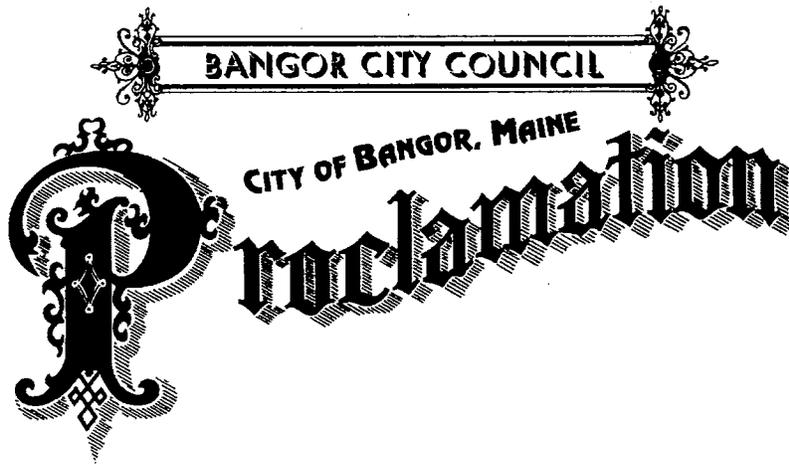
NEALLEY

Executive Summary: The police department's Special Response Team (SRT) has been tasked with resolving the most difficult and violent of situations during the course of the last 25 years. They have done this by employing special techniques, specific equipment and extraordinary determination. We have, however not provided this team with the protective armor that modern day conflicts require.

We have worked with various vendors for several months for the purpose of identifying the most cost effective approach to purchasing a base model vehicle. We seek a vehicle that will protect our law enforcement officers. We do not seek a vehicle with unnecessary options or cost. The quotes from vendors meeting our base model request ranged from \$196,000 - \$288,000. These vendors are located in Michigan, Massachusetts and Virginia. Staff recommendation is to purchase the vehicle from Lenco Incorporated of Pittsfield, MA at a cost of \$208,772. This vehicle is widely used in this application throughout the United States including the Maine State Police and Portland Police. It is a proven piece of equipment that is manufactured in New England.

Funding for this purchase would be from a combination of FY 16 savings realized in both health insurance premiums and fuel costs. It is not expected that these savings will occur in future budgets. Opportunities for grant funding and collaborations with other agencies were also explored with no results.

This item was reviewed and recommended for approval by the Finance Committee on May 2, 2016.



**PROCLAIMING MAY 21, 2016 AS KIDS TO PARKS DAY
IN THE CITY OF BANGOR**

WHEREAS, May 21th, 2016 is the sixth Kids to Parks Day organized and launched by the National Park Trust; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

NOW, THEREFORE, I, Sean Faircloth, Mayor of the City of Bangor, on behalf of the City Council and the citizens of Bangor, do hereby proclaim Saturday, May 21, 2016, as Kids to Parks Day in the City of Bangor and urge residents to make time to take the children in their lives to a neighborhood, state or national park.

Given this the 9th day of May, 2016.

Sean Faircloth, Mayor



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – APRIL 25, 2016

*Meeting called to Order at 7:30
 Chaired by Council Chair Faircloth
 Councilors Absent: None
 Meeting Adjourned at 8:52 PM*

PROCLAMATION: *Proclaimed April 29, 2016 as Arbor Day*

PUBLIC COMMENT *None*

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

MINUTES OF: *Bangor City Council Regular Meeting of April 11, 2016, Finance Committee Meeting of April 11, 2016, and Business and Economic Development Committee Meeting of April 19, 2016*

Action: *Accepted and Approved*

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| <u>LIQUOR LICENSE RENEWALS:</u> | <i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of City of Bangor d/b/a Cross Insurance Center, 515 Main Street</i> | BALDACCI |
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Action: *Approved*

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|--|-----------------|
| <i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Capitol BC LLC d/b/a Bugaboo Creek Steakhouse, 24 Bangor Mall Boulevard</i> | BALDACCI |
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Action: *Approved*

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| <i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Hero's Sports Grill LLC d/b/a Hero's Sports Grill at Bangor Municipal Golf Course, 278 Webster Avenue</i> | BALDACCI |
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Action: *Approved*

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| <u>16-154</u> <u>ORDER</u> | <i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 53 Webster Avenue North (Map 22 Lot 13)</i> | NEALLEY |
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Action: *Passed*

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| <u>16-155</u> <u>ORDER</u> | <i>Authorizing the City Manager to Accept \$2,947.00 in U.S. Currency, or a Portion Thereof, as a result of a State Criminal Forfeiture</i> | PERRY |
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Action: *Passed*

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| <u>16-156</u> <u>ORDER</u> | <i>Accepting the City of Bangor's Comprehensive Annual Financial Report for the Year Ended June 30, 2015</i> | DURGIN |
|--|--|---------------|

Action: *Passed*

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|--|---|----------------|
| <u>16-157</u> <u>ORDER</u> | <i>Authorizing Contract Award for LED Streetlight Fixtures to Gilman Electric</i> | NEALLEY |
|--|---|----------------|

Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – APRIL 25, 2016

| CONSENT AGENDA ITEM NO. | | ASSIGNED TO COUNCILOR |
|------------------------------------|---|----------------------------------|
| <u>16-158</u> | <u>ORDER</u> <i>Authorizing Execution of Documents to Amend Conditions in Deed From City of Bangor to Penobscot Community Health Care – Union Street</i> <i>Action: Passed</i> | GRAHAM |
| <u>16-159</u> | <u>ORDER</u> <i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Union Street and Fourteenth Street Intersection Improvements, WIN 20896.00</i> <i>Action: Passed</i> | SPRAGUE |
| <u>16-160</u> | <u>ORDER</u> <i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Maine Avenue Resurfacing, WIN 20856.00</i> <i>Action: Passed</i> | PLOURDE |
| <u>16-161</u> | <u>ORDER</u> <i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Maine Avenue Resurfacing, WIN 20857.00</i> <i>Action: Passed</i> | GRAHAM |
| <u>16-162</u> | <u>ORDER</u> <i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Penobscot River Walk Improvements, WIN 21767.00</i> <i>Action: Passed</i> | NICHOLS |
| <u>16-163</u> | <u>ORDER</u> <i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Finson Road Sidewalk, WIN 21661.00</i> <i>Action: Passed</i> | DURGIN |
| <u>16-164</u> | <u>ORDER</u> <i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Ohio Street and Fourteenth Street Intersection Improvements, WIN 20895.00</i> <i>Action: Passed</i> | PERRY |
| <u>16-165</u> | <u>ORDER</u> <i>Authorizing the City Manager to execute an amendment to the lease and concession agreement between the City of Bangor and Garedc, Inc., d/b/a The Grasshopper Shop, for rental of Room #203 within the Domestic Terminal at Bangor International Airport (BGR).</i> <i>Action: Passed</i> | BALDACCI |
| <u>16-166</u> | <u>ORDER</u> <i>Accepting a \$25,000 Grant from Penobscot County Emergency Management Agency for Improvements at the Fire Training Facility</i> <i>Action: Passed</i> | SPRAGUE |

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – APRIL 25, 2016

| | |
|---|--------------------|
| REFERRALS TO COMMITTEE AND FIRST READING | ASSIGNED TO |
| ITEM NO. | COUNCILOR |

| | | | |
|---------------|--------------|--|---------------|
| <u>16-167</u> | <u>ORDER</u> | <i>Amending the Schedule of Fees - Clerk - Taxicab and Livery Fees</i> | DURGIN |
|---------------|--------------|--|---------------|

Action: Passed

| | | | |
|---------------|------------------|--|---------------|
| <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 |
|---------------|------------------|--|---------------|

Action: First Reading and Referral to Planning Board Meeting of May 3, 2016

| | | | |
|---------------|----------------|--|---------------|
| <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 |
|---------------|----------------|--|---------------|

Action: First Reading

| | |
|----------------------------|--------------------|
| UNFINISHED BUSINESS | ASSIGNED TO |
| ITEM NO | COUNCILOR |

| | | | |
|---------------|------------------|--|---------------|
| <u>16-104</u> | <u>ORDINANCE</u> | <i>Amending Land Development Code – Zone Change – 262 Garland Street (Tax Map 053-218) from an Urban Residence One District to an Urban Residence Two District</i> | GRAHAM |
|---------------|------------------|--|---------------|

Freeland Grant, Buck Street, stated his wife was the trustee of the trust that owns the property. He requested the City Council to approve the amendment so they would have a better opportunity to sell the property.

Margaret Gardner, Fruit Street, strongly opposed the rezoning and felt it would have a negative impact on the neighborhood.

*Action: Motion made and seconded for Passage
Vote: 7 – 2
Councilors Voting Yes: Baldacci, Durgin, Nealley, Nichols, Perry, Plourde, Faircloth
Councilors Voting No: Graham, Sprague
Passed*

| | | | |
|---------------|------------------|--|---------------|
| <u>16-142</u> | <u>ORDINANCE</u> | <i>Amending Chapter 260, Signs, of the Code of the City of Bangor, By Allowing Farmers’ Market Signs on G&ISD Properties</i> | GRAHAM |
|---------------|------------------|--|---------------|

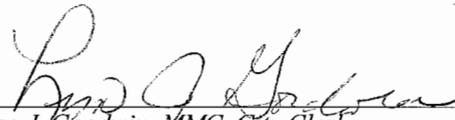
*Action: Motion made and seconded for Passage
Vote: 9 - 0
Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Nichols, Perry, Plourde, Sprague, Faircloth
Councilors Voting No: None
Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – APRIL 25, 2016

| UNFINISHED BUSINESS ITEM NO | | ASSIGNED TO COUNCILOR |
|--|---|----------------------------------|
| <u>16-144</u> | <u>ORDINANCE</u> <i>Amending Land Development Code – Zone Change – At or about 611 Ohio Street (Tax Map R35 - a portion of Lot 054) from a Government & Institutional Service District to a Low Density Residential District</i> | PERRY |
| | <i>Action: Motion made and seconded for Passage Vote: 9 - 0 Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Nichols, Perry, Plourde, Sprague, Faircloth Councilors Voting No: None Passed</i> | |
| <u>16-145</u> | <u>ORDINANCE</u> <i>Amending Land Development Code – Zone Change – Polk Street (Tax Map 001-parcel 487) from a Government & Institutional Service District to an Airport Development District</i> | BALDACCI |
| | <i>Action: Motion made and seconded for Passage Vote: 8-0 Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Nichols, Plourde, Sprague, Faircloth Councilors Voting No: None Councilors Absent from Vote: Perry Passed</i> | |
| <u>16-146</u> | <u>ORDINANCE</u> <i>Amending the Code of the City of Bangor, Chapters 234, Public Property, and 260, Signs, By Allowing Downtown Banners and Extending the Time Limit for Nonconforming Signs</i> | NEALLEY |
| | <i>Action: Motion made and seconded for Passage Vote: 9 - 0 Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Nichols, Perry, Plourde, Sprague, Faircloth Councilors Voting No: None Passed</i> | |

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – APRIL 25, 2016

| NEW BUSINESS ITEM NO. | | ASSIGNED TO COUNCILOR | |
|----------------------------------|---|---|----------------|
| <u>PUBLIC HEARING:</u> | <i>Application for Special Amusement License Renewal of City of Bangor d/b/a Cross Insurance Center, 515 Main Street</i> | BALDACCI | |
| | <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> | | |
| <u>16-170</u> | <u>ORDER</u> | <i>Authorizing the transfer \$1,100,000 from the Unassigned Fund Balance</i> | DURGIN |
| | <i>Action: Motion made and seconded for Passage Passed</i> | | |
| <u>16-171</u> | <u>ORDER</u> | <i>Authorizing Application for Transit Bus Funding under the Federal Transit Administration Fixing America's Surface Transportation (FAST) Act</i> | NICHOLS |
| | <i>Action: Motion made and seconded for Passage Passed</i> | | |
| <u>16-172</u> | <u>ORDER</u> | <i>Directing the City Manager to Take Possession of Vacant Land Located on Patten Street – Map 035 Lot 014</i> | PLOURDE |
| | <i>Action: Motion made and seconded for Passage Passed</i> | | |
| <u>16-173</u> | <u>ORDER</u> | <i>Changing the Name of a Section of Union Street Under the Joshua Lawrence Chamberlain Bridge to Union Plaza and Adding It to the Official City Map</i> | SPRAGUE |
| | <i>Action: Motion made and seconded for Passage Passed</i> | | |

ATTEST: 
Lisa J. Goodwin, MMC, City Clerk

MINUTES

BANGOR SCHOOL COMMITTEE REGULAR MEETING

7:00 p.m., Wednesday, March 23, 2016

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

A. 1. & 2. The meeting was called to order by Chairman Caruso at 7:02 p.m. and the Pledge of Allegiance followed.

3. a. The Bangor School Department and the Bangor School Committee recognized the Bangor High School Science Bowl Team who recently won the 2016 Maine Regional High School Science Bowl Championship. The team earned an all-expense paid trip from the US Department of Energy to compete in the national competition in Washington, D.C. this May.

b. The Bangor School Department and the Bangor School Committee recognized Bangor High School senior, Tyler DeFroschia, who was chosen by the Foreign Language Association of Maine (FLAME) to receive the 2016 Student Recognition Award for scholarship and service. Tyler was chosen for his passion and achievement in both French and Chinese, along with his involvement in and service to the school and community.

c. The Bangor School Department and the Bangor School Committee recognized Bangor High School students, Pierre-Luc Bouchard and Brandon Hustus, who won Gold Medals at the 2016 Maine State SkillsUSA competition. Gold Medalists from each state move on to the National SkillsUSA competition held during the summer and funded by the United Technology Center.

d. The Bangor School Department and the Bangor School Committee recognized Paige Brown, who won the First Place Medal of Distinction for Global Good at the National Intel Science Talent Search in Washington, D.C. This Bangor High School Senior was one of three students in the nation to earn a first place medal in the most prestigious pre-college science research competition by inventing a design to help clean polluted water. She will receive \$150,000 in scholarship funding.

B. Superintendent Webb requested to add to the agenda:

- D. 2. c. Report of Resignation
- d. Report of Reassignments

VOTED 5-0 to amend the agenda as requested.

D. 1. a. Superintendent Webb gave a presentation on the draft FY17 Budget. Committee Members asked questions and shared their support of the budget. Superintendent Webb recommended receipt of the First Reading of the FY17 Budget.

- c. 1. b. Superintendent Webb nominated for Committee approval and election the following Administrator Nominees for Continuing Contracts from July 1, 2016, to June 30, 2018.

Brian Doyle Bangor High School Assistant Principal

VOTED 5-0 to approve as presented.

Albert Mooers Downeast School Principal

VOTED 5-0 to approve as presented.

- d. Superintendent Webb reported the following donations:

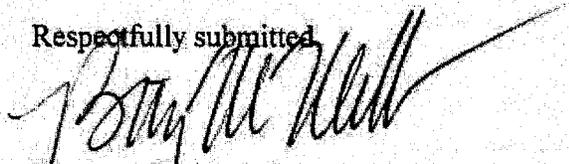
To Bangor High School from Debra Bell, camera bags, backdrops, easels, photography books, and assorted camera equipment, having a total dollar value of \$335.

To Fourteenth Street School from an anonymous donor, materials, labor and design for the reconstruction of the Physical Education storage and prep area, having a total dollar value of \$1,847.86.

VOTED 5-0 to approve the donations with thanks.

- F. 2. d. Member Doore reported that the UTC board recently approved the FY17 budget, which resulted in a minimum increase for Bangor. The board also formally approved the nomination of Greg Miller to serve as the UTC Director.
- H. Chairman Caruso reviewed the upcoming important dates.
- I. Member Susi thanked the retiring teacher on her years of service to the School Department and wished her a happy retirement.
- J. Meeting adjourned at 9:09 p.m.

Respectfully submitted,



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

MINUTES

BANGOR SCHOOL COMMITTEE
REGULAR MEETING
7 p.m., Wednesday, April 6, 2016

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

A. 1. & 2. The meeting was called to order by Chairman Caruso at 7:00 p.m. and the Pledge of Allegiance followed.

B. Superintendent Webb requested to amend the agenda to add:

E. 1. b. Nomination

VOTED 6-0 to amend the agenda as requested.

D. 1. a. Superintendent Webb recommended approval of the FY17 Budget.

ARTICLE 1 To see what sum the school administrative unit will be authorized to expend for Regular Instruction for the Fiscal Year 2016-2017.

Recommend \$19,772,414

VOTED 6-0 to approve Article 1 as recommended.

ARTICLE 2 To see what sum the school administrative unit will be authorized to expend for Special Education for the Fiscal Year 2016-2017.

Recommend \$6,840,133

VOTED 6-0 to approve Article 2 as recommended.

ARTICLE 3 To see what sum the school administrative unit will be authorized to expend for Career and Technical Education for the Fiscal Year 2016-2017.

Recommend \$507,152

VOTED 6-0 to approve Article 3 as recommended.

ARTICLE 4 To see what sum the school administrative unit will be authorized to expend for Other Instruction for the Fiscal Year 2016-2017

Recommend \$1,365,870

VOTED 6-0 to approve Article 4 as recommended.

ARTICLE 5 To see what sum the school administrative unit will be authorized to expend for Student and Staff Support for the Fiscal Year 2016-2017.

Recommend \$4,018,071

VOTED 6-0 to approve Article 5 as recommended.

ARTICLE 6 To see what sum the school administrative unit will be authorized to expend for System Administration for the Fiscal Year 2016-2017

Recommend \$1,103,790

VOTED 6-0 to approve Article 6 as recommended.

ARTICLE 7 To see what sum the school administrative unit will be authorized to expend for School Administration for the Fiscal Year 2016-2017.

Recommend \$2,449,198

VOTED 6-0 to approve Article 7 as recommended.

ARTICLE 8 To see what sum the school administrative unit will be authorized to expend for Transportation and Buses for the Fiscal Year 2016-2017.

Recommend \$1,844,100

VOTED 6-0 to approve Article 8 as recommended.

ARTICLE 9 To see what sum the school administrative unit will be authorized to expend for Facilities Maintenance for the Fiscal Year 2016-2017.

Recommend \$4,717,683

VOTED 6-0 to approve Article 9 as recommended.

ARTICLE 10 To see what sum the school administrative unit will be authorized to expend for Debt Service and Other Commitments for the Fiscal Year 2016-2017.

Recommend \$1,546,075

VOTED 6-0 to approve Article 10 as recommended.

ARTICLE 11 To see what sum the school administrative unit will be authorized to expend for All Other Expenditures for the Fiscal Year 2016-2017.

Recommend \$117,131

VOTED 6-0 to approve Article 11 as recommended.

ARTICLE 12 To see what sum the district/unit 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 \$44,281,617

VOTED 6-0 to approve Article 12 as recommended.

ARTICLE 13 To see if (the school administrative unit) will 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

VOTED 6-0 to approve Article 13 as recommended.

2016-2017 Proposed Personnel Additions and Deletions

| <u>Division</u> | <u>Position</u> | <u>Add</u> | <u>Delete</u> |
|-----------------|--------------------------------|-------------|---------------|
| 15 | Accountant | .25 | |
| 26 | Technology Technician | 1 | |
| 50 | High School Math Teacher | .6 | |
| 50 | High School Science Teacher | .4 | |
| 50 | High School English Teacher | .4 | |
| 50 | High School Physical Education | .5 | |
| 50 | High School History Teacher | .4 | |
| 50 | Special Education Teacher | 1 | |
| 50 | Special Education Ed Tech | 2 | |
| 50 | Ed Tech Hall Monitor | 1 | |
| 61 | Grade 6 Teacher | 1 | |
| 73 | Grade 5 Teacher | | 1 |
| Total | | 8.55 | 1 |
| Net Gain | 7.55 | | |

VOTED 6-0 to approve the personnel changes for the FY17 budget.

E. 1. a. 1. VOTED 4 (Caruso, DeGroff, Doore, Susi) for 0 against and 2 (Hawes, Ye) abstained to approve the Minutes of the March 23, 2016 School Committee Meeting.

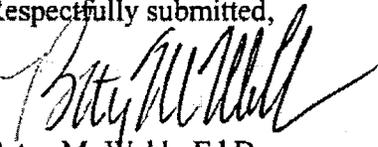
b. Superintendent Webb recommended the following Teacher nomination for the 2015-2016 school year:

Sabrina Wirey, Special Education Teacher (Project Transition) at Bangor High School, with a Probationary Contract for 2015-2016.

VOTED 6-0 to approve the nomination as presented.

J. Meeting adjourned at 7:20 p.m.

Respectfully submitted,



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

Government Operations Committee

May 2, 2016

Minutes

Councilors Attending: Plourde, Nichols, Sprague, Graham, Perry, Faircloth

Staff Attending: Conlow, Farrar, Heitmann, Nicklas, Hathaway, Johnston, Bishop, Higgins, Willette

Others Attending: BDN, 1 citizen

Committee Chair Plourde called the meeting to Order at 6:25 pm

1. Referral, Council Ordinance 16-143, Amending Chapter 9 of the Code of the City of Bangor, Section 9-10, Attendance at Meetings (City Councilors)
 - City Solicitor Heitmann explained that a proposal to include Council Standing Committees with the original attendance amendment (16-143) had been requested by Councilor Graham. The intent tonight was to determine if there was interest in expanding the attendance requirement any further than the original Ordinance Amendment and the additional standing committee proposal. Councilors expressed their thoughts regarding both proposals and there did not seem to be any interest for further expansion of attendance requirements beyond what had been prepared. Heitmann indicated that Council Ordinance 16-143 would be returning under Unfinished Business, and that Councilor Graham's additional proposal would be available to be offered as an amendment, if desired. There was no required action on this item.
2. Review of Liquor Licensing Processing Policy
 - City Solicitor Heitmann explained the Liquor License Processing Policy adopted by the Council in 2009, and the reasons for the placement of Liquor Licenses on the Council Agenda. Council Chair Faircloth explained his rationale regarding moving new Liquor License approvals to the Consent Agenda without a Public Hearing, to avoid the time consuming process and expense of having Public Hearings on new applications. The Committee discussed various issues concerning the opportunity for public input during the Public Hearings and the expense to the applicants to advertise Public Hearings. Councilor Graham expressed concerns about the public not having the opportunity to comment on the applications if they were under the Consent Agenda. Following further discussion and review, it was moved by Perry, seconded by Nichols and voted 4-1 (Graham) to amend the existing Policy to eliminate the requirement for Public Hearings for new Liquor Licenses, and to move them from New Business to the Consent Agenda for action.
3. Proposed Taxicab Ordinance Amendment—Waiting Time Rates
 - Assistant City Solicitor Nicklas explained that when the new Taxicab Ordinance was passed, the existing Waiting Time Rate was inadvertently changed from the ability to charge up to \$21 / hour to the ability to charge up to \$20 / hour, an unintentional lowering of the wait time rate. This Ordinance Amendment would move the rate back to \$21/hour as it had been originally, and

would allow the taxicab owners to avoid making expense changes to their meters, which had been inspected and sealed using the previously established \$21 / hour rate. It was moved by Graham, seconded by Nichols and voted unanimously to recommend approval of the Ordinance amendment to the Council.

4. Proposed Ordinance Amendment- Temporary Sales of Food or Merchandise

- Assistant City Solicitor Nicklas explained that this Ordinance Amendment would make several changes to the Land Development Code by amending restrictions on temporary sales of food or merchandise. In summary, it would allow up to five seasonal concessions on the Waterfront, allow vendors to remain open until midnight, make minor revisions to location requirements and signs, and clarify that these ordinance requirements do not apply to vendors permitted through the city's event permit policy, as that is a separate process. Nicklas further explained that this will be sent to Council and referred to the Planning Board as it is an amendment to the Land Development Code. It was moved by Graham, seconded by Sprague and voted unanimously to recommend approval of the Ordinance amendment to the Council.

5. Proposed Memorandum of Understanding with Penobscot Community Health Care (PCHC) to assist the Police Department with Administering NARCAN Program

- Police Chief Hathaway explained that the request would authorize a partnership between Bangor Police and Bangor Public Health (BPH) and Penobscot Community Health Care (PCHC) to allow police officers to administer nasal Naloxone (Narcan) in the field, when presented with a person who may be suffering the potential fatal effects of an opiate overdose. The partnership would be set forth through a memorandum of understanding, outlining the duties and responsibilities of the parties. The Chief reviewed other details of the proposed arrangement. City Manager Conlow noted that this was one of the goals of the Community Health Leadership Board and the Working Group Plan adopted by Council. It was moved by Graham, seconded by Sprague and voted unanimously to recommend approval of entering into the Memorandum of Understanding to the Council.

With no further business to come before the Committee, the meeting was adjourned at 7:00pm.

COUNCIL ACTION

Item No. 16-174

Date: May 9, 2016

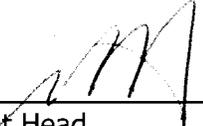
Item/Subject: **Order**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 219 Ohio Street (Map 31 Lot 50)

Responsible Department: Legal

Commentary:

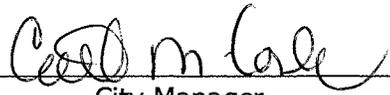
Sewer liens matured on the property of Hsin Chen Ann Kuan, now owned by Nattapong Kongsuriya and Li Qun Yang. All outstanding charges due the City have been paid. There are no outstanding real estate taxes or property issues. Because the liens matured, a quitclaim deed is required to release the City's interest in the property.

Staff recommends approval.



Department Head

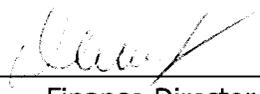
Manager's Comments:



City Manager

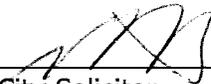
Associated Information:

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 219 Ohio Street (Map 31 Lot 50)

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged sewer liens recorded in the Penobscot County Registry of Deeds in Book 11480, Page 26, Book 11654, Page 287, Book 12211, Page 268 and Book 12397, Page 328. Said deed shall be directed to Nattapong Kongsuriya and Li Qun Yang in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-175

Date: May 9, 2016

Item/Subject: Order, Authorizing Settlement of Workers' Compensation Claim

Responsible Department: Finance

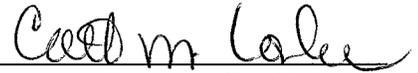
Commentary: This Order would authorize the settlement of a workers' compensation claim for Lorna Robbins, an Airport employee. The settlement will provide for a lump sum payment of \$50,000 plus the funding of a \$16,621 Medicare Set Aside, for future medical exposure, which will fully settle the claim.

The Finance Committee reviewed and recommended approval of this proposed settlement on May 2, 2016.



Department Head

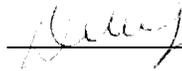
Manager's Comments:



City Manager

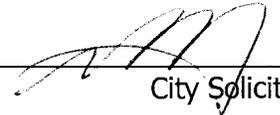
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) Order, Authorizing Settlement of Worker's Compensation Claim

By the City Council of the City of Bangor:

ORDERED, THAT the settlement of a workers' compensation claim of Lorna Robbins in the lump sum amount of \$50,000 plus the funding of a \$16,621 Medicare Set Aside, for future medical exposure, is hereby approved.

COUNCIL ACTION

Item No. 16-176

Date: May 9, 2016

Item/Subject: **Order**, Authorizing the City Manager to Accept \$2610.50 in U.S. Currency, or a Portion Thereof, as a result of a State Criminal Forfeiture.

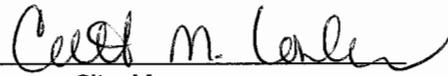
Responsible Department: Police

Commentary:

This order authorizes the City Manager to accept and transfer \$2610.50 State Criminal Forfeiture Funds. Members of the Bangor Police Department were instrumental in an arrest leading to the seizure of drugs, cash and property that was subsequently forfeited by the individual who was arrested. As a result, the City is entitled to a portion of the seized funds. This Order will authorize the acceptance of the funds and the execution of the approval of the fund transfer.

Department Head

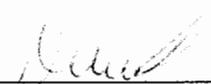
Manager's Comments:



City Manager

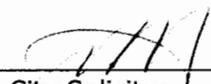
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) ORDER, 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

By the City Council of the City of Bangor:

ORDERED, THAT the City Manager is authorized to accept \$2,610.50 in U.S. currency, or a portion thereof, as a result of a State criminal forfeiture and deposit it in the State Forfeiture Account (60020309050).

COUNCIL ACTION

Item No. 16-177

Date: May 9, 2016

Item/Subject: Resolve, 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.

Responsible Department: Airport

Commentary:

The Transportation Security Administration (TSA) has awarded funding to partially fund the LEO project period from April 1, 2016 through December 31, 2016 to reimburse Bangor International Airport for using Bangor Police personnel. The City of Bangor agrees to provide Law Enforcement Officer support on site at the airport in accordance with current Security Directives as mandated by TSA. The award contract amount is \$26,840 for this period. Reimbursement is limited to actual costs not to exceed a rate of \$20 per hour.

The City was notified of this award on April 19, 2016 and advised that it needed to notify the TSA of its acceptance by April 29, 2016. Therefore, the City Manager executed the necessary document to accept the award.

This Resolve, if approved, will ratify the actions of the City Manager accepting the award of funds.

Tony Caruso
Department Head

Manager's Comments:

Curt M. Corley
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Resolve, 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.

WHEREAS, the City of Bangor, Maine is the owner of an airport located in Bangor, County of Penobscot, State of Maine, commonly known as Bangor International Airport; and

WHEREAS, the City of Bangor provides security services at Bangor International Airport using its Bangor Police Officers; and

WHEREAS, on April 19, 2016 the Transportation Security Administration notified the City that it will award the City reimbursement for partial costs of the Law Enforcement personnel services at Bangor International Airport with the requirement that the City accept the award by April 29, 2016; and

WHEREAS, the City Manager has executed the acceptance of the award.

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

The actions of Catherine M. Conlow, City Manager, executing an agreement of a Law Enforcement Officer (LEO) Reimbursement program, Other Transactional Agreement (OTA) between the Transportation Security Administration and the City of Bangor are hereby ratified.

COUNCIL ACTION

Item No. 16-178

Date: May 9, 2016

Item/Subject: ORDER, Authorizing Contract for Sodium Chloride (Rock Salt) to New England Salt Co. in the amount of \$56.19 per ton

Responsible Department: Public Works

Commentary:

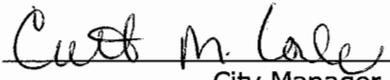
For last two years we joined with the City of Brewer in contracting/bidding for rock salt. Our price last year through International Salt was \$56.19 per ton. The City of Brewer was recently contacted by the vendor with the option for renewing the contract for an additional year at the current price. Staff was pleased with the quality of the product as well as the vendor's ability to meet the demands.

On May 2, 2016, the Finance Committee reviewed and approved staff recommendation to renew the contract with New England Salt Co. at \$56.19 per ton.

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

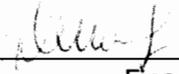
Department Head

Manager's Comments:


Curt M. Cole
City Manager

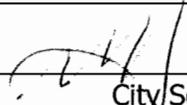
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage - Consent
- First Reading
- Referral

Page __ of __

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Authorizing Contract for Sodium Chloride (Rock Salt) to New England Salt Co. in the amount of \$56.19 per ton

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with New England Salt Co. for Sodium Chloride.

COUNCIL ACTION

Item No. 16-179

Date: May 9, 2016

Item/Subject **ORDER**, Assuring and Certifying the City's Compliance with Certain Requirements for Community Development Funds

Responsible Department: **Community & Economic Development**

Commentary:

Community Development regulations require that the City certify it will comply with the laws and regulations of the Community Development Block Grant Program contained in "Attachment A" of this Council Order. Staff recommends approval.

Tanya Emery
Department Head

Manager's Comments:

Curt M. Cook
City Manager

Associated Information:
Order and Attachment - Certifications

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Nichols

CITY OF BANGOR

(TITLE.) ORDER, Assuring and Certifying the City's Compliance with Certain Requirements for Community Development Funds

WHEREAS, the City of Bangor wishes to submit a Consolidated Housing and Community Development Plan for Community Development Block Grant Entitlement funds under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, Section 104 of the Housing and Community Development Act of 1974 and Section 570.303 of Title 24 of the Code of Federal Regulations require that certain certifications and assurances be given by the City of Bangor:

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

the City of Bangor hereby assures and certifies that it will comply with the assurances for the Consolidated Plan Certifications attached hereto as "Attachment A" and consisting of seven (7) numbered pages.

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it has conducted an analysis of impediments to fair housing choice within the jurisdiction, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintains records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance Programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse Violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking care of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

10. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature /Authorized Official

May 10, 2016

Date

Catherine Conlow

Name

City Manager

Title

73 Harlow Street
Bangor, ME 04401
207-992-4200

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 Part 570).

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;
12. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2015-2017 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance With Anti-discrimination Laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24.

Compliance with Laws -- It will comply with applicable laws.

Signature /Authorized Official

May 10, 2016

Date

Catherine Conlow

Name

City Manager

Title

73 Harlow Street

Bangor, ME 04401

207-992-4200

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

City Hall, 73 Harlow Street, Bangor, Penobscot, ME 04401

Public Works Bldg., 530 Maine Ave., Bangor, Penobscot, ME 04401

Vehicle Maint. Garage, 481 Maine Ave., Bangor, Penobscot, ME 04401

Parks & Recreation Dept. 647 Main St., Bangor, Penobscot, ME 04401

Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace required by 24 CFR part 21.

- 7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

“Controlled substance” means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

“Criminal drug statute” means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

“Employee” means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All “direct charge” employees; (ii) all “indirect charge” employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee’s payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee’s payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

- 1. Analysis of Impediments to Fair Housing
- 2. Citizen Participation Plan
- 3. Anti-displacement and Relocation Plan

Signature /Authorized Official

May 10, 2016
Date

Catherine Conlow
Name

City Manager
Title
73 Harlow Street
Bangor, ME 04401
207-992-4200

COUNCIL ACTION

Item No. 16-180

Date: May 9, 2016

Item/Subject **ORDER**, Appointing the City Manager as Responsible Federal Official

Responsible Department: **Community & Economic Development**

Commentary:

Community Development regulations require that the City Manager be appointed as a "responsible Federal Official" responsible for City compliance with the National Environmental Policy Act in carrying out Community Development activities. Staff recommends approval.

Tanya Emery
Department Head

Manager's Comments:

Curt M. Cole
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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

Page of



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) ORDER, Appointing the City Manager as Responsible Federal Official

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

the City Manager be authorized to assume the status of a responsible Federal Official as defined under the National Environmental Policy Act of 1969, insofar as the provisions of the National Environmental Policy Act apply to plans submitted for Federal funds under Title I of the Housing and Community Development Act of 1974; and

BE IT FURTHER ORDERED, THAT

the City Manager is authorized to consent, on behalf of the City of Bangor and herself, to accept the jurisdiction of the Federal courts for the purpose of enforcement of her responsibilities as a responsible Federal Official.

COUNCIL ACTION

Item No. 16-181

Date: May 9, 2016

Item/Subject **ORDER**, 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

Responsible Department: **Community & Economic Development**

Commentary:

This Order will authorize the City's Community Development Block Grant Program for the coming year. The City expects to receive \$771,681 in federal Community Development Block Grant funds. In addition, we estimate that approximately \$250,000 will be available in program income, primarily as a result of repayments of outstanding property rehabilitation loans. Among the projects to be funded in the coming year are: property rehabilitation; homeownership assistance; neighborhood & downtown public improvements; non-profit funding; acquisition, demolition and clearance activities; and continuation of business development assistance and facade improvements.

The Business & Economic Development Committee held two public hearings at their meetings on March 8 and May 3. After the second public hearing on May 3, the Committee recommended that the program be adopted as outlined in this Order.

Tanya Emery
Department Head

Manager's Comments:

Cecil M. Coley
City Manager

Associated Information:

Order and Attachments – Proposed Budget and Action Plan

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, 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

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

the City Council, as the local governing body, hereby authorizes and directs the City Manager to submit and file with the Department of Housing and Urban Development a Consolidated Housing and Community Development Plan for Community Development Block Grant Entitlement Funds as provided for in Title I of the Housing and Community Development Act of 1974, as amended, a copy of which is on file in the Office of the City Clerk; to provide such additional information and furnish such documents as may be required by the Department of Housing and Urban Development to execute such contract or contracts as may be necessary for the entitlement grant to be received; and to execute and file requisitions for funds.

BE IT FURTHER ORDERED, THAT

the City Manager is hereby appointed as the authorized representative of the City of Bangor to act in connection with such Plan of the City of Bangor for Federal Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended.

CITY OF BANGOR
2016/2017 Community Development Block Grant (CDBG) Program
Proposed Community Development Activities
July 1, 2016 to June 30, 2017

CDBG FUNDING SOURCES AVAILABLE FOR USE

| | |
|--|---------------------|
| CDBG Entitlement Grant: | \$ 771,681 |
| Projected Program Income from CDBG funded loan repayments: | 250,000 |
| TOTAL CDBG FUNDS AVAILABLE FOR USE | \$ 1,021,681 |

PROGRAM OBJECTIVES AND PROJECTED USE OF FUNDS

The primary objective of the City of Bangor Community Development Program is the development of a viable urban community by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income. Consistent with this primary objective, Bangor's FY 2017 program year (funded with Federal FY 2016 funds) specific objectives and projected use of funds are:

| <u>Activity Name & Description</u> | <u>Location(s)</u> | <u>Funding (\$)</u> |
|--|---|---------------------|
| BUSINESS DEVELOPMENT ASSISTANCE & FACADE GRANTS | City-wide West Side Village area | |
| Commercial, Industrial, Downtown Revitalization, Handicap Access Loans and Assistance, and Facade Grants | Downtown | \$ 235,000 |
| SOCIAL SERVICES / NON-PROFIT FUNDING | | |
| Non-profit funding program for service organizations | City-wide | \$ 40,000 |
| PROPERTY REHABILITATION / HOMEOWNERSHIP ASSISTANCE | | |
| Low interest and deferred payment loans for rehabilitation of lower-income, owner-occupied, single-family homes and multi-family rental units. Also down payment and/or closing costs assistance to increase single family homeowners. | City-wide | \$ 165,500 |
| Administrative expenses | | \$ 106,851 |
| Property Rehabilitation & Homeownership Assist. Subtotal | | \$ 272,351 |
| NEIGHBORHOOD STABILIZATION | | |
| Continued purchase of foreclosed, vacant and abandoned properties for rehabilitation to sell to first time homebuyers. | City-wide | \$ 25,000 |
| PROPERTY DISPOSITION | | |
| Legal fees, surveys, environmental remediation and other costs associated with the disposition of CDBG-acquired property | Downtown, Waterfront, Low-income Neighborhoods | \$ 5,000 |

| <u>Activity Name & Description</u> | <u>Location(s)</u> | <u>Funding (\$)</u> |
|---|--------------------|---------------------|
| ACQUISITION, DEMOLITION & CLEARANCE | | |
| Acquisition, demolition and clearance of City properties (NRSA priority) | | \$ 40,000 |
| PUBLIC IMPROVEMENTS | | |
| Neighborhood Public Improvements | | |
| Neighborhood Revitalization Strategy Area (NRSA) priority and Pine Tree Inn Area | | \$ 200,000 |
| Neighborhood Public Improvements Subtotal | | <u>\$ 200,000</u> |
| PUBLIC IMPROVEMENTS SUBTOTAL | | <u>\$ 200,000</u> |
| PROGRAM ADMINISTRATION | | |
| Oversight, Management, Monitoring, and Coordinating of CDBG Program activities and reimbursement to City departments for services provided in support of Community Development Program activities | | \$ 204,330 |
| TOTAL PROPOSED CDBG FUNDED ACTIVITIES | | <u>\$ 1,021,681</u> |

City of Bangor

Consolidated Plan for Housing and Community Development

2016 Annual Action Plan

The **Bangor 2016 Consolidated Plan Annual Action Plan** presents a coordinated approach to addressing Bangor's housing and community development needs over the five-year period addressed by the 2015-2019 Consolidated Plan. The goal of the plan is to integrate economic, physical and human development in a comprehensive and coordinated fashion so that families and communities can work together and thrive.

The Consolidated Plan describes the City's planned use of federal, state and local funds and other housing resources to address the needs of homeless and low- and moderate-income households and persons in ways that promote community and individual stability.

The 2016 Consolidated Plan Annual Action Plan integrates the application, planning and citizen participation for Bangor's Community Development Block Grant (CDBG) Program.

Ultimately, the Consolidated Plan allows the City of Bangor, its citizens, and housing and related service providers, the opportunity to create a unified vision for community development actions. The 2016 Bangor Consolidated Plan Annual Action Plan, as required by the U.S. Department of Housing and Urban Development must primarily benefit low- and moderate-income persons in accordance with the following major goals:

- * **Provide decent housing.** Assist homeless persons to obtain affordable housing; retain the affordable housing stock, increase the availability of permanent housing that is affordable to low-income households; and increase supportive housing that includes structural features and services to enable persons with special needs to live in dignity.
- * **Provide a suitable living environment.** Improve the safety and livability of neighborhoods; increase access to quality facilities and services; reduce the isolation of income groups within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods; restore and preserve natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.
- * **Expand economic opportunities.** Within this goal are creating jobs accessible to low- and very low-income persons; providing funding for community development that promotes long-term economic and social viability; and empowering low- and very low-income persons in federally assisted and public housing to achieve self-sufficiency.

CONTENTS OF PLAN

Housing, Service and Homeless Needs Assessment: Includes housing and population characteristics for Bangor and its residents and identifies housing and human services needs. The data presented will inform current and future planning efforts as Bangor continues toward the development of a continuum of housing and services to meet the needs of its residents.

- * **Housing Demand and Needs Assessment** - includes housing assistance needs, demand for housing, nature and extent of homelessness, and housing and support needs for populations with special needs.
- * **Housing Market Analysis** - addresses general market conditions, housing affordability and the housing market.

Strategic Plan: For the City of Bangor, national and local goals for community and human development, a summary of federal, state, local and private resources relative to the strategic plan, and the five-year activities and allocation strategies for each of the following areas:

- | | |
|--------------------------------------|----------------------------|
| > Public Housing Initiatives | > Public Infrastructure |
| > Affordable Housing | > Economic Development |
| > Homelessness | > Lead-Based Paint Hazards |
| > Institutional Roles & Coordination | > Anti-Poverty Strategy. |

Action Plan: Describes resources expected to be available and activities to be undertaken during the next year to address priority needs. Indicates areas to receive assistance and efforts to: address homeless and other special needs, further affordable housing, improve public infrastructure, reduce the effects of poverty, enhance public/private cooperation, and improve the public housing environment.

Key Public Policies: That impact housing and community development in Bangor include the City Comprehensive Plan, income eligibility, geographic targeting, and the siting of subsidized housing.

Appendix: Provides supplemental program information, HUD-required certifications and HUD-required maps, charts and tables.

For further information or a copy of the proposed plan contact:

Tyler Collins, Community & Econ. Develop. Officer
Community & Economic Development Dept.
City of Bangor
City Hall, 73 Harlow Street
Bangor, ME 04401
992-4239

COUNCIL ACTION

Item No. 16-182

Date: May 9, 2016

Item/Subject: Order, Authorizing the City Manager to Execute an Amendment to a Lease with Eastern Maine Healthcare Systems - 931 Union Street Map-Lot (R24-005-A)

Responsible Department: Legal

Commentary: This Order will authorize the execution of an amendment to extend the lease with Eastern Maine Healthcare systems for property located at 931 Union Street. If approved, the Lease shall termination shall be extended from June 30, 2016 to September 30, 2016. The reason for the request is the Eastern Maine Healthcare has retained an appraiser to determine the value of the land. Assuming the appraisal conforms to appraising standards, the purchase price shall be the value determined by the appraisal. This item was reviewed and recommended for approval by Business and Economic Development Committee of May 3, 2016.

Department Head

Manager's Comments:

Carl M. Cole
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Execute an Amendment to a Lease with Eastern Maine Healthcare Systems - 931 Union Street

WHEREAS, the City of Bangor leases property located at 931 Union Street to Eastern Maine Healthcare Systems; and

WHEREAS, said Lease provided an option to purchase the property during the term of the lease; and

WHEREAS, said Lease terminates on June 30, 2016; and

WHEREAS, Eastern Maine Healthcare Systems has requested an extension of the term of the Lease, including the option to purchase, for an additional three months; and

WHEREAS, it is in the best interest of the parties to extend the lease and option; and

NOW, THEREFORE, BE IT ORDERED THAT

Catherine M. Conlow, City Manager, is authorized, on behalf of the City of Bangor, to execute an Amendment to the Lease by and between the City of Bangor and Eastern Maine Healthcare Systems. Said Amendment shall provide that the Lease shall terminate on September 30, 2016, and the purchase price shall be determined by an appraisal currently being done by Eastern Maine Healthcare Systems. Said Amendment shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

Date: May 9, 2016

Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$2,275,275 to T Buck Construction for WWTP Biofilter Project

Responsible Department: WWTP

Commentary: On April 27, 2016, the City received one (1) bid for the WWTP's biofilter project from T Buck Construction.

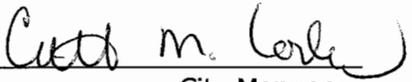
City staff and the consulting engineer have reviewed the submission for completeness. The estimated total project costs are significantly below the original engineer's estimate of construction. The consulting engineers' estimate was developed in January based on the conceptual/preliminary design phase. There were no significant changes to this level of design, nor any price escalations. Accordingly, the actual costs are significantly lower than the engineer's preliminary estimate. The actual construction cost submitted is \$1.35 million below the cost anticipated at the conceptual design level. This project is a bid unusual and recent bid prices were used for the initial estimate, however, actual bid pricing has been better than anticipated recently.

This item was reviewed and recommended for approval by the Finance Committee on May 9, 2016.

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

Department Head

Manager's Comments:

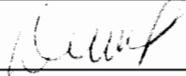


City Manager

Associated Information:

Bid Tabulation

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

16-183
MAY 9, 2016

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award in the Amount of \$2,275,275 to T Buck Construction for WWTP Biofilter Project

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with T Buck Construction in the amount of \$2,275,275 for the WWTP biofilter project.

City of Bangor Bid Tabulation
 Proposal: Bangor WWTP BioFilter Project
 Bid Opening: 4-27-16

16-183
 MAY 9, 2016

| | | | | T. Buck Construction, Inc. Turner, ME | |
|--------------|--|-----------|------|--|-----------------------|
| Item | Description | Qty. | Unit | Unit | Total |
| | | | | Price | Price |
| 1 | Mobilization/Demobilization | 1 | LS | \$68,000.00 | \$68,000.00 |
| 2 | Furnishing & Installing Biofilter Media | 1 | LS | \$1,894,875.00 | \$1,894,875.00 |
| 3 | Oversight by Biofilter Media Manufacturer Representative (per day) | 20 | Days | \$800.00 | \$16,000.00 |
| 4A | Power washing of Rotary Distributor & Biofilter Tank Surfaces (30,000) | Allowance | | | \$30,000.00 |
| 4B | Repair of Cracks in Concrete of Biofilter Tank (130,000) | Allowance | | | \$130,000.00 |
| 4C | Furnishing & Installing of Epoxy Coating on Interior of Biofilter Tank (110,000) | Allowance | | | \$110,000.00 |
| 5 | Furnishing & installing Biofilter Tower Louvers | 8 | Each | \$800.00 | \$6,400.00 |
| 6 | Repair of existing concrete beams and/or providing additional media support | Allowance | | | \$20,000.00 |
| Total | | | | | \$2,275,275.00 |



**REFERRALS TO COMMITTEES
& FIRST READINGS**

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.

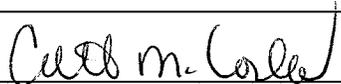
Under the City's taxicab ordinance, a cab may, in addition to charging mileage, charge up to \$20 per hour (approximately \$0.33 per minute) for time spent waiting for a passenger if the passenger is not ready to leave at the agreed-upon time. This amount was not changed during the recent amendments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



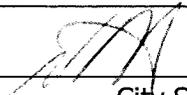
City Manager

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 Flourde

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.

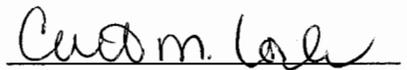
The amendment clarifies that an owner may not make repairs to or demolish a building without first obtaining any necessary permits and approvals, including historic preservation approval where applicable.

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

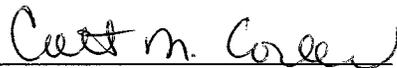
Responsible Department: Community & Economic Development

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:



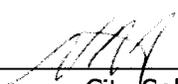
City Manager

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 Durgin



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.

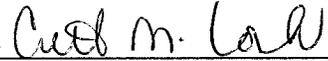
Responsible Department: Public Health and Community Services

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

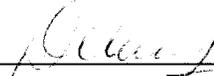
Manager's Comments:



City Manager

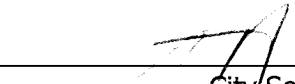
Associated Information: Resolve

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.

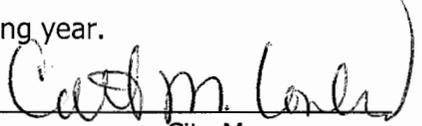
In addition and in accordance with the requirements of LD 1, the following Articles must also be approved:

- **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:

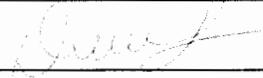
These are the various resolves required to adopt the school budget for the coming year.



City Manager

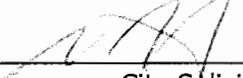
Associated Information: Resolves

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage
 First Reading



Assigned to Councilor

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

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

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 |



16-192
May 9, 2016

Assigned to Councilor

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 |

Assigned to Councilor



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

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



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.

Assigned to Councilor



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.

Assign to Councilor



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.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 16-143

Date: April 11, 2016

Item/Subject: Ordinance, Amending Chapter 9, of the Code of the City of Bangor - §9-10, Attendance at Meetings

Responsible Department: Legal

Commentary:

The Code of the City of Bangor requires that Councilors attend all City Council meetings "unless prevented by illness or absence from the City, or unless excused by a vote of the Council."

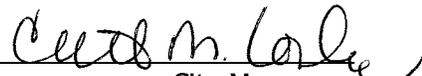
This amendment, if passed, will include that the Council Chair may also excuse the Councilor and make clear that if a Councilor decides to remain out of town for three consecutive meetings (an extended vacation, for example) the absences shall not be excused. It is the intent and purpose of this ordinance that any Councilor who is absent from the City by his or her choice to reside temporarily outside of the City, regardless of whether they maintain a residence within the City, shall not be considered to be excused from attending meetings.

The amendment also provides that three consecutive unexcused absences shall be cause for censure by the full Council.

Finally, this amendment provides that in the event a Councilor decides to resign his or her position the Councilor shall immediately give notice to the Council Chair and shall submit a written letter of resignation.

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.) Ordinance, Amending Chapter 9, of the Code of the City of Bangor - §9-10, Attendance at Meetings

WHEREAS, attendance at City Council meetings is an important obligation of City Councilors; and

WHEREAS, there may be times that a Councilor may not be able to attend a Council meeting, including when a Councilor is absent from the City; and

WHEREAS, it is appropriate to clarify the circumstances under which a Councilor may be excused from attending a City Council meeting.

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

Chapter 9, §9-10 Attendance at Meetings, of the Code of the City of Bangor, is amended as follows:

§9-10 Attendance at Meetings

Every member shall attend all meetings of the Council unless prevented by illness or absence from the City, or unless excused by the Council Chair, or unless excused by a vote of the Council. Excused absence from the City shall not include residing at an abode or abodes other than the Councilor's residence for three consecutive meetings.

The faithful discharge of their duties, as required by Article II, Sec. 4, of the Charter of the City of Bangor requires that each member attend meetings of the Council whenever possible, subject to the excuses set forth above. It is the intent and purpose of this ordinance that any Councilor who is absent from the City by his or her choice to reside temporarily outside of the City, regardless of whether they maintain a residence within the City, shall not be considered to be excused from attending meetings.

Three consecutive unexcused absences shall be cause for censure by the full Council.

In the event a Councilor decides to resign his or her position the Councilor shall immediately give notice to the Council Chair and shall submit a written letter of resignation.

Additions underlined

COUNCIL ACTION

Item No. 16-168

Date: April 25, 2016

Item/Subject Ordinance, 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.

Responsible Department: Planning Division

Commentary: The applicant, Emera Maine, is requesting a contract zone change for part of a parcel of land (1.81 acres) located at 656 State Street (Tax Map R63-008) from a Low Density Residential District to a Contract Government and Institutional Service District. The property to be rezoned is vacant field on the grounds of Dorthea Dix Psychiatric Center. The applicant seeks to build an electrical substation.

The contract conditions will allow only a small structure to be constructed on the rezoned land (5,519 Square Feet) and not exceed 35 feet in height. The City previously had concerns that a large intuitional structure would be constructed next to the low density residential neighborhood.

/s/ Tanya L. Emery
Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of May 3, 2016 at 7:00 p.m.

Carol M. Gale
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

AAJ
City Solicitor

Introduced for

- Passage
- First Reading
- Referral to Planning Board Meeting of May 3, 2016, 7:00 p.m

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) Ordinance, Amending Land Development Code – Contract Zone Change – 656 State Street (Tax Map R63-008) from a Low Density Residential District to a Contract Government and Institutional Service District.

Be it ordained by the City Council of the City of Bangor, as follows:

THAT the zoning boundary lines as established by the Zoning Map of the City of Bangor dated October 28, 1991, as amended, be hereby further amended as follows:

By changing part of a parcel of land located at 656 State street and the State Hospital drive (Tax Map No. R63, Parcel No. 008) from a Low Density Residential District to a Contract Government and Institutional Service District. Said part of a parcel of land containing approximately 1.81 acres and being more particularly indicated on the map attached hereto and made a part hereof.

PROVIDED, HOWEVER THAT, in addition to the mandatory conditions imposed by Chapter 165-7 of the Ordinances of the City of Bangor, said change of zone is granted subject to the following conditions:

1. The use and/or operation of the subject premises shall be subject to the following limitations and/or restrictions:
 - A. Maximum Height of Buildings to be no greater than 35 feet.
 - B. Maximum Lot Coverage (of buildings) 7%.
2. Execution by those parties with an interest in the affected property of an agreement providing for the implementation and enforcement of all the terms and conditions set forth above and the recording of said executed agreement in the Penobscot County Registry of Deeds by the property owner, a copy of said agreement being on file in the office of the City Clerk and incorporated herein by reference. In the event that said agreement is not so executed within ninety (90) days from the date of passage hereof, this Ordinance shall become null and void.

7/1/2012

APPLICATION FOR LAND DEVELOPMENT CODE AND MAP AMENDMENT

TO: THE CITY COUNCIL AND
THE PLANNING BOARD OF BANGOR, MAINE:

DATE: April 1, 2016

1. I(WE) Emera Maine

2. of PO Box 932 Bangor, ME 207-973-2608
Address City or Post Office Telephone

hereby petition to amend the Land Development Code of the City of Bangor, Maine by reclassifying from LDR district to the G&SI district for the property outlined in red on the maps attached hereto, which are part of this application, and described as follows:

3. ADDRESS OF PROPERTY (if any) NA
Total Area (acres or square feet) _____

4. PROPERTY LOCATION (General location): Proposed substation sited in an existing field along Hospital Drive opposite the Maine Veterans Home in Bangor.

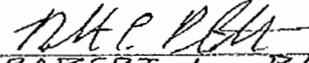
5. LEGAL DESCRIPTION OF PROPERTY - Assessors Map No. R63 Parcel Lots 8 and 8B

6. EXISTING USE: Undeveloped

7. PROPOSED USE: Substation

8. NAME AND ADDRESS OF OWNER OF RECORD: Name
Ronald McDonald House Charities of Maine State of Maine, Dept of Financial & Administrative Services
250 Brackett Street Bureau of General Services
Portland, ME 04102 77 State House Station
Attn: Robin Chibroski, Executive Director Augusta, ME 04333-0077

9. NAME AND ADDRESS OF CONTRACT OWNER (if such): Emera Maine

10. SIGNATURE OF OWNER OR CONTRACT OWNER: 
ROBERT L. PLATT

11. REPRESENTATIVE OF APPLICANT: Name Gil A. Paquette
(if applicable)

Address VHB 500 Southborough Drive, South Portland, ME 04106

12. ATTACH ANY CONDITIONS PROPOSED FOR A CONTRACT ZONE REQUEST.

RETURN FORM & DUPLICATE TO PLANNING DIVISION, CITY HALL, BANGOR, ME.

| <u>Application fee</u> | <u>Processing</u> | <u>Advertising</u> | <u>Total</u> |
|---|-------------------|--------------------|--------------------|
| Zone Change (1/2 acre or less) | \$575.00 | \$410.00* | \$ 985.00 |
| Zone Change (in excess of 1/2 acre) | \$920.00 | \$410.00* | \$1,330.00 |
| Contract Zone Change - 5 conditions or less | \$1,377.00 | \$509.00* | \$1,886.00 |
| More than 5 conditions or 50 words | \$1,900.00 | \$509.00** | \$To be determined |

*Two Ads Required ** Advertising costs above this amount to be paid for by applicant.

PLEASE READ PROCESSING PROCEDURE ON REVERSE SIDE

RECEIVED
APR - 4 2016

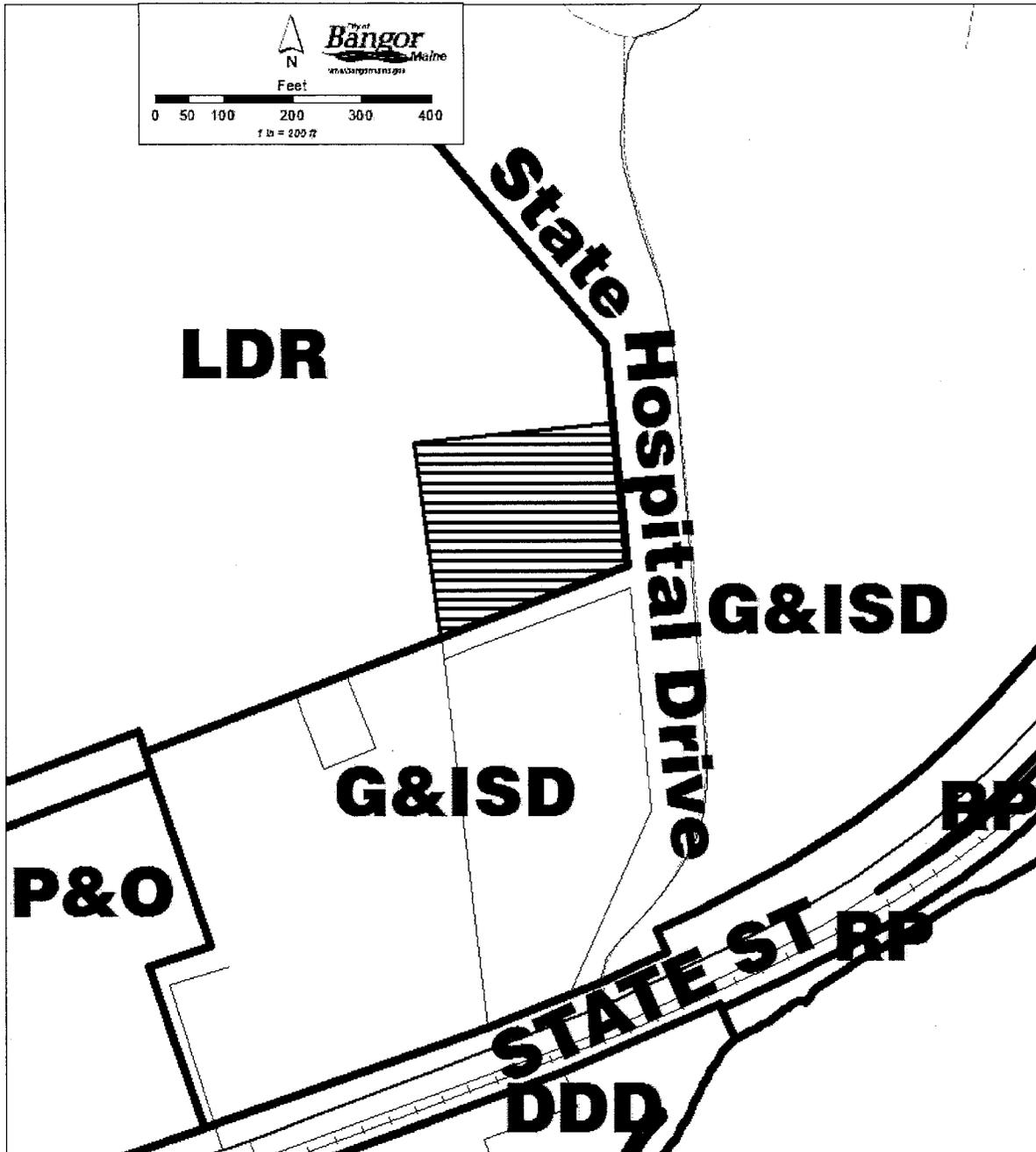
C & ED and Planning

EXHIBIT A
CONDITIONS

EMERA MAINE REQUEST FOR LAND DEVELOPMENT CODE AND MAP AMENDMENT

CONTRACT ZONE CHANGE

1. Maximum Height of Buildings to be no greater than 35 feet
2. Maximum Lot Coverage (of buildings) 7%



**LDR to
G&ISD Contract**

MEMORANDUM

DATE: May 4, 2016
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Zoning Ordinance
656 State Street- Low Density Residential District (LDR) to
Contract Government & Institutional Service District
(G&ISD) - Council Ordinance 16-168

Please be advised that the Planning Board at its meeting on May 3, 2016 held a public hearing on the application of Emera Maine to rezone a 1.81 acre parcel of land from Low Density Residential (LDR) District to Contract Government and Institutional Service District (G&ISD).

Robert Platt, Project Manager, Transmission Development of Emera Maine provided the Planning Board with an overview of the proposed electrical substation. He noted the adjustments made to the location of the project to fit into a wide array of concerns at the site including adjacent neighbors, the Saxl Park Committee, Bangor Land Trust and others.

Sharon Sprague, Superintendent of Dorothea Dix Psychiatric Center spoke in favor of the rezoning.

Lucy Quimby noted she had spent a great deal of time with the Saxl Park Committee and brought Jim Ring to assist in ironing out the details to meet the requirements of the Park and facilitate the new substation. They were happy in the end that all of the details could be worked out.

Mr. Platt noted that the new transformer is intended in part to support Eastern Maine Medical Center's new tower project. Some of the equipment in the substation will be designated specifically for the hospital's use.

Planner Gould noted that this piece of State property was rezoned in 1994 to Low Density residential over concerns of a juvenile detention facility being built on the property. Mr. Gould noted that the contract conditions were intended to allow the Institutional substation use without opening the door to a large institutional structure of a height of 80 feet.

Board Member Pete Parizo noted that he had a potential conflict of interest as he works for Sargent, who is slated to do some of the project. The remaining Board members voted to excuse Member Parizo from participating in the discussion and vote.

Member Williams moved to recommend that the City Council adopt the contract zone change as proposed. Member Boothby seconded the motion and the Board voted unanimously to recommend it to the City Council.

COUNCIL ACTION

Item No. 16-169

Date: April 25, 2016

Item/Subject: RESOLVE, Accepting and Appropriating a \$51,000 Grant From the Maine Fire Service Institute to Fund Improvements to the Fire Training Center

Responsible Department: Fire

Commentary: This Resolve will accept and appropriate \$51,000 in Grant Funding from the Maine Fire Service Institute to make improvements at the Fire Department Training Center located at 201 Odlin Road. This funding will be utilized for the purpose of upgrading the Burn Building (\$40,000), the Classroom (\$6,000) and the Bathroom Building (\$5,000). The grant does not require any local match.

This item was reviewed and recommended for approval by the Finance Committee on April 11, 2016.

Department Head

Manager's Comments:

Cecil M. Cook
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating a \$51,000 Grant From the Maine Fire Service Institute to Fund Improvements to the Fire Training Center

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, that a grant from the Maine Fire Service Institute in the amount of \$51,000 is hereby accepted and appropriated to fund improvements to the fire training center.



**NEW
BUSINESS**

COUNCIL ACTION

Item No16-198

Date: May 9, 2016

Item/Subject: Order – Adopting the Liquor License Processing Policy to Replace Existing Liquor License Processing Policy

Responsible Department: Legal

Commentary:

This Order will adopt a new liquor license processing policy to replace the current policy in its entirety. Council Order 09-242 adopted liquor licensing process policy which requires that the City Council hold a public hearing on new liquor license applications and consider all Class X and Class XI liquor license applications, including renewals, under New Business on the Council agenda.

If approved, this order will replace with the existing liquor license policy with a new policy that eliminates the requirement that the public hearings be noticed in a newspaper; and that new liquor licenses no longer require a public hearing; and provides that liquor licenses be placed on the consent agenda. All items that appear on the consent agenda can be moved to new business at the request of any councilors.

Maine law does not require public hearings on liquor license applications, new or renewals. This has been reviewed by Government Operations Committee, which voted 4-1 (Graham opposed) to recommend approval.

Department Head

Manager's Comments:



City Manager

Associated Information: Order, Policy

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assign to Councilor Perry
CITY OF BANGOR

(TITLE.) **ORDER,** Adopting Liquor License Processing Policy to Replace Existing Liquor License Processing Policy

WHEREAS, by Council Order 09-242 the City Council adopted a liquor licensing process policy; and

WHEREAS, said policy requires that the City Council hold a public hearing on new liquor license applications and consider all Class X and Class XI liquor license applications, including renewals, under New Business on the Council agenda; and

WHEREAS, Maine law does not require public hearings on liquor license applications, new or renewals; and

WHEREAS, it is in the best interest of the City of Bangor and its businesses seeking new or renewed liquor licenses to not require public hearings.

By the City Council of the City of Bangor:

ORDERED,

THAT the attached Liquor License Processing Policy is hereby adopted replacing in total the Liquor License Policy Adopted by the Bangor City Council by Council Order 09-242.

Liquor License Processing Policy

1.0 Purpose

The purpose of this policy is to establish guidelines for the processing of new and renewal liquor licenses for establishments within the City of Bangor that serve alcohol on premises.

2.0 General Statement

The city recognizes that efficient liquor license processing is expected by business establishments in the City. To that end, the City Clerk's office will work as a liaison between the State of Maine Liquor Licensing Division, the various city departments, and the applicant to facilitate the process.

3.0 Processing Policy

3.1 New Liquor Licenses

3.1.1 Application Process

New applicants who wish to open a business that will sell alcohol on premise must complete and submit the required application forms and pay the license and advertising fees.

3.1.2 Other licenses required

Establishments that serve alcohol must first apply for a Certificate of Occupancy from the Code Enforcement Office prior to submitting applications and payments. Establishments that sell on premise alcohol are also required by state law to have a food vendor license (victualer's license).

3.1.3 Departmental Approvals

Approvals must be received from Treasury, Sewer, Code Enforcement, Fire Inspection, and Police before the license may be approved.

3.1.4 Public Hearing Process

A public hearing is not required for a new liquor license. ~~This requires an ad to run in the local newspaper for three consecutive days before the Council meeting at which the hearing is held.~~

3.1.5 Council Agenda

Licenses that have received all the required departmental approvals by the deadline for agenda submittals on the Wednesday prior to the Council meeting will be placed on the Council agenda under Consent. New Business. Applicants will be asked to attend the Council meeting in the event that questions should arise regarding the applicant or their application.

3.1.6 Finalizing the License

Once approved and signed by Council, the applicant must submit the signed state application and the associated fees to the State Licensing Division in Hallowell.

3.2 Liquor License Renewals

3.2.1 Application Process

Establishments wishing to renew their liquor license must submit a completed state application and the associated fee to the City Clerk's office before the license expires. Recommended timeline for submittal is one month before expiration, but no later than one week before expiration.

3.2.2 Other Licenses Required

Applicants must maintain a Certificate of Occupancy and other required licenses.

3.2.3 Departmental Approvals

Approvals must be received from Treasury, Sewer, Code Enforcement, Fire Inspection, and Police before the license may be approved.

3.2.4 Public Hearing Process

A public hearing is not required for a liquor license renewal and will generally appear on the Council's Consent agenda; however, ~~all Class X and Class XI licenses and~~ any license that does not receive approval from any of the required departments will appear under new business on the agenda to allow for discussion.

3.2.5 Council Agenda

Applicants for licenses that appear under new business on the Council Agenda, along with representatives from the department(s) that have not given approval, if any, will be asked to attend the Council meeting.

3.2.6 Finalizing the License

Once approved and signed by Council, the applicant must submit the signed state application and the associated fees to the State Licensing Division in Hallowell.

4.0 Effective Date

This policy will become effective on May 20, 2016 ~~July 24, 2009~~.

COUNCIL ACTION

Item No.16-199

Date: May 9, 2016

Item/Subject: **ORDER, Authorizing Execution of Memorandum of Understanding with Penobscot Community Health Care for Naloxone Hydrochloride Distribution and Administration**

Responsible Department: Legal

Commentary: This Order will authorize the execution of a Memorandum of Understanding with Penobscot Community Health Care for naloxone hydrochloride distribution and administration. Maine law allows, under certain conditions, law enforcement officers to possess and administer naloxone hydrochloride to an individual who is experiencing an opioid-related drug overdose. The law requires that the police officer receive training before possessing and administering the medication.

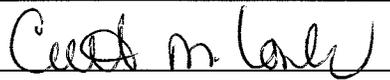
On April 27, 2015, the Bangor City Council approved an Order to accept the Community Working Group recommendations on substance abuse. One of the recommendations in that report was that naloxone hydrochloride be distributed to first responders including the Police Department. The reason for this is that often Police Officers are the first to come upon a victim of overdose and timely intervention with naloxone hydrochloride can improve the outcomes.

Under the terms of this agreement Penobscot Community Health Care will assist the City in the purchase of the medication and provide all necessary training for the Bangor Police Officers to administer naloxone hydrochloride. Further, the City agrees that Penobscot Community Health Center shall be indemnified by the City and held harmless from claims. The Agreement may be terminated by either party.

This was recommended for approval at the 5-2-16 Government Operations Committee meeting.

Department Head

Manager's Comments:



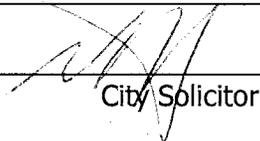
City Manager

Associated Information: Order

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ **of** __

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Memorandum of Understanding with Penobscot Community Health Care for Naloxone Hydrochloride Distribution and Administration

WHEREAS, Maine law allows, under certain conditions, law enforcement officers to possess and administer naloxone hydrochloride to an individual who is experiencing an opioid-related drug overdose; and

WHEREAS, the law requires that the police officer receive training before possessing and administering the medication; and

WHEREAS, Penobscot Community Health Care is willing to provide the medical training and to assist the City to purchase the medication.

By the City Council of the City of Bangor:

ORDERED,

That Catherine M Conlow, City Manager, is hereby authorized to execute a Memorandum of Understanding with Penobscot Community Health Care for naloxone hydrochloride distribution and administration. Said Agreement shall provide that Penobscot Community Health Care shall provide training for the Bangor Police Department for its officers to administer naloxone hydrochloride, assist the City in the purchase of the medication, and be indemnified by the City and held harmless from claims and that it may be terminated by either party. Said Agreement shall be in a final form as approved by the City Solicitor.

COUNCIL ACTION

Item No. 16-200

Date: May 9, 2016

Item/Subject: **ORDER**, Authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Husson University to provide Police Services

Responsible Department: Police

Commentary: This order will authorize the City Manager to sign an MOU with Husson University to provide full-time, dedicated police officer to campus. The term of the MOU would extend through the academic year from September to May. During the summer months, the police department would assign the officer to a regular patrol duty assignment.

It is the intent that the officer will work closely with the Executive Director of Security at Husson University as well as maintain a daily working relationship between the police department and campus security. Specifically this officer will be proactive with campus safety and security planning to ensure the safety of university staff, students and visitors.

Husson University will compensate the City for the full cost of the officer during the nine month period of time he/she is designated to this assignment. The City of Bangor will pay the remaining three months. This item was reviewed and recommended for approval at the February 1, 2016 Government Operations Committee meeting.

Mark Hathaway

Department Head

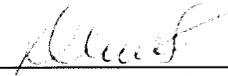
Manager's Comments:



City Manager

Associated Information: **Order, Memorandum of Understanding**

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) **ORDER, Authorizing the City Manager to enter into a Memorandum of Understanding with Husson University for Police Services**

By the City Council of the City of Bangor:

ORDERED,

THAT the City Manager be authorized to enter in a Memorandum of Understanding with Husson University for the purpose of allowing for a fulltime police presence on campus during the academic year, as provided in the attached agreement between the parties.



Memorandum of Understanding between the Bangor Police Department and Husson University

This agreement is made and entered into on this _____ day of _____ 2016 between the Bangor Police Department, a department of the City of Bangor, a municipal corporation located in the State of Maine (BPD) and Husson University, a nonprofit corporation organized under the laws of the State of Maine (HU).

I. PURPOSE

The purpose of this agreement is to provide Husson University with one full-time police officer (the Officer) to assist in maintaining the security and safety of staff, students and visitors to the HU campus. The parties acknowledge that, while this agreement does not facilitate the presence of a police officer on campus during all hours of the day, BPD will remain the primary responder to all campus related law enforcement matters and will respond in a reasonable amount of time based on the circumstance or emergency.

II. EXPECTATIONS

BPD retains decision-making authority as to the manner of delivery of police services. The Officer shall remain an employee of BPD. His/her duties shall be to provide traditional police services and assist with campus safety and security as provided in this agreement. The Officer shall receive guidance from the Executive Director of Security related to the accomplishment of his/her duties, so long as said guidance is authorized by and/or comports with the policies and procedures of BPD. As part of his/her duties, the Officer:

- Shall receive and disseminate information and intelligence to the Executive Director of Security on matters relative to the overall safety of the campus.
- Shall participate in the emergency planning process via membership in the HU emergency planning committee.
- Shall serve as a liaison with Bangor PD to assure all response plans and MOU's are current.
- Shall serve on various proactive committees in the areas of overall crime reduction efforts on campus (e.g., property crimes, sexual assaults, etc.).

Shall exercise discretion while enforcing traffic violations in regards to moving violations on campus.

Shall respond to reported threats of targeted aggression, persons with weapons, and serious criminal activity, and engage such threats by appropriate means.

Shall facilitate communications interoperability with first responders called to the HU campus in emergency situations.

Shall assist unsworn safety personnel when requested to do so by HU's executive director.

Shall (in rare circumstances) facilitate the issuance of civil and criminal summonses to those who commit crimes on HU's campus.

BPD will provide:

- 1) State of Maine certified full-time sworn police officer
- 2) The equipment, uniforms and gear necessary for the officer to provide traditional police services

HU will provide:

- 1) Office (work space), telephone, computer or computer access (password protected)

III. COMPENSATION

HU agrees to reimburse BPD the officer's total sum of salary and benefits during the nine month academic period generally from September 01 to May 31 (at an estimated cost of \$_____). Payment and billing will be monthly. BPD will not charge for days/periods of time (ex. vacation, training) when the officer is away from his/her campus assignment and the vacancy is not filled by another officer.

IV. TERM AND TERMINATION

The agreement shall be effective upon signature by duly authorized representatives of the Parties. It shall be ongoing and subject to review on a periodic basis as need arises.

HU may terminate this agreement without cause by delivering to BPD notice of termination at least one year before the start of the academic year for which the agreement is no longer to be in effect. HU may also terminate the agreement upon 30 days notice if BPD fails to comply with one or more of the terms of this agreement and does not correct said failure to comply within 30 days of receiving notice of said noncompliance.

BPD may terminate this agreement without cause upon 30 days notice to HU.

The parties may agree to terminate upon mutual written consent at any time.

V. LIABILITY

Each party to this agreement shall be responsible for its own negligent and willful acts and omissions and those of its own employees, officers, and agents in the performance of this agreement. Neither party assumes any responsibility to the other party for the consequences of any act or omission of any person, firm, or corporation not a party to this Agreement. Each party further acknowledges that it will be responsible to the extent allowed by law for claims or damages arising from personal injury or damage to persons or property to the extent they result from the negligence or willful misconduct of that party's employees, officers, and agents. Nothing in this Agreement is intended to expand or diminish the scope or limits of liability set forth by the Legislature under the Maine Tort Claims Act, 14 M.R.S.A. § 8101, et seq., or immunities or limitations of any state or federal law.

VI. NOTICES

Notices in relation to this agreement or any information as relates to the carrying out of this agreement shall be made as follows:

To BPD: Chief of Police
Bangor Police Department
240 Main Street
Bangor, ME 04401

To HU: Executive Director of Security
Husson University
1 College Circle
Bangor, ME 04401

VII. RELATIONSHIP

BPD and HU are independent contractors to one another and nothing in this agreement shall be deemed to create a relationship of principal and agent between them. Additionally, nothing in this agreement shall be construed to create an employer/employee, master/servant or partnership/joint venture relationship between the parties. Each party shall be exclusively responsible for selecting, supervising and compensating its own employees and/or representatives in the performance of their responsibilities under this agreement. Neither party shall have the authority to bind the other or to transact business in the name of the other nor to make representations or promises on behalf of the other except as is expressly granted under this agreement.

We, the undersigned, being duly authorized, have executed this Agreement on behalf of the parties.

Robert A. Clark, Ph.D.
President
Husson University

Date

Catherine M. Conlow
City Manager
City of Bangor

Date

Date: May 9, 2016

Item/Subject: **ORDER, Authorizing Purchases of an Armor Protected Vehicle from Lenco Incorporated in the amount of \$208,772**

Responsible Department: **Police**

Commentary: The police department's Special Response Team (SRT) has been tasked with resolving the most difficult and violent of situations during the course of the last 25 years. They have done this by employing special techniques, specific equipment and extraordinary determination. We have however not provided this team with the protective armor that modern day conflicts require.

We have worked with various vendors for several months for the purpose of identifying the most cost effective approach to purchasing a base model vehicle. We seek a vehicle that will protect. We do not seek a vehicle with unnecessary options or cost. The quotes from vendors meeting our base model request ranged from \$196,000 - \$288,000. These vendors are located in Michigan, Massachusetts and Virginia. Staff recommendation is to purchase the vehicle from Lenco Incorporated of Pittsfield, MA at a cost of \$208,772. This vehicle is widely used in this application throughout the United States including the Maine State Police and Portland Police. It is a proven piece of equipment that is manufactured in New England.

Funding for this purchase would be from a combination of FY 16 savings realized in both health insurance premiums and fuel costs. It is not expected that these savings will occur in future budgets. Opportunities for grant funding and collaborations with other agencies were also explored with no results.

This item was reviewed and recommended for approval by the Finance Committee on May 2, 2016.

Department Head

Manager's Comments:

Carol M. Cole
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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

16-201
MAY 9, 2016

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Authorizing Purchase of an Armor Protected Vehicle from Lenco Incorporated in the amount of \$208,772

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Lenco Incorporated for the purchases on an armor protected vehicle.