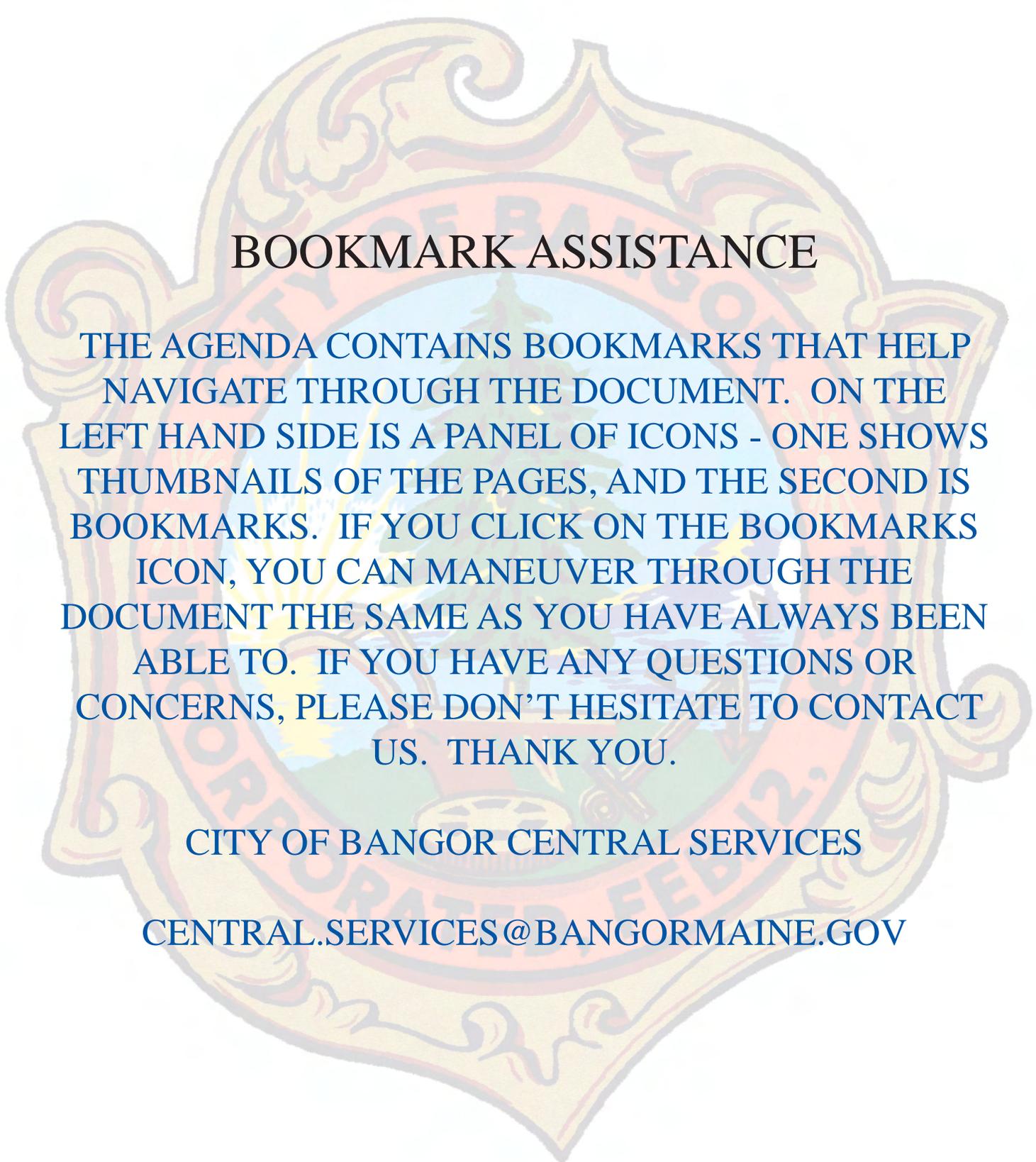




CITY COUNCIL AGENDA

August 8, 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 – AUGUST 8, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-292 ORDER **Appointing Airport Constables for the Year 2016 **PLOURDE****

Executive Summary: This authorizes certain individuals known as Constables to enforce City Ordinances. This includes employees of the Airport. Staff recommends approval.

**16-293 ORDER **Authorizing Execution of Utility Easement – Emera
Maine, Buck Street** **NICHOLS****

Executive Summary: The order would authorize a fifteen foot wide utility easement for Emera Maine to construct, maintain, operate, and upgrade utility poles, anchors and wires with necessary fixtures and supports for nine utility poles. Nine poles and guy wires shall be located or relocated along Buck Street, from the lower Bass Park Entrance to the upper Bass Park entrance. The Infrastructure Committee reviewed and recommended approval on August 8, 2016.

**16-294 ORDER **Authorizing Execution of Agreement for Maine
Department of Transportation Local Project –
Broadway, Earl Street, and I-95 Ramp Safety
Improvements Project, WIN 021663.00** **SPRAGUE****

Executive Summary: This order would authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation for safety improvements at the intersection of Broadway, Earl Street, and the I-95 northbound on-ramp.

The Maine Department of Transportation has approved funds in an amount not to exceed \$100,000.00. The total State/Federal share is 100%. As a condition of this funding, the City is required to enter into a Local Project Agreement with the Maine Department of Transportation. This item was reviewed and recommended for approval at the Infrastructure Committee meeting on May 24, 2016.

**16-295 ORDER **Authorizing Execution of Agreement for Maine
Department of Transportation Project – Summer Street,
Independent, & Washington Street Mill & Fill Project,
WIN 21926.03** **PERRY****

Executive Summary: This order would authorize the City Manager to execute a Municipal Partnership Agreement with the Maine Department of Transportation for a two inch mill & fill project on Summer Street, Independent Street, and Washington Street, beginning at the intersection of Cedar Street and extending northerly 0.26 miles to Kenduskeag Stream Bridge on Washington Street.

The Maine Department of Transportation has approved funds in an amount not to exceed \$348,570.00. The total State/Federal share of 50% is equal to \$174,285.00, and the Municipality share of 50% is equal to \$174,285.00. As a condition of this funding, the City is required to enter into a Municipal Partnership Agreement with the Maine Department of Transportation. This item was reviewed and recommended for approval at the Infrastructure Committee meeting on May 24, 2016.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**16-296 ORDER **Authorizing Execution of Agreement for Maine
Department of Transportation Project – Outer
Hammond Street Pavement Preservation Project, WIN
21926.04****

NEALLEY

Executive Summary: This order would authorize the City Manager to execute a Municipal Partnership Agreement with the Maine Department of Transportation for a 1 ½ inch overlay (with shim), pavement preservation project on Outer Hammond Street (Route 2) beginning approximately 0.05 miles northerly of Doane Street and extending northerly 0.99 miles.

The Maine Department of Transportation has approved funds in an amount not to exceed \$548,612.00. The total State/Federal share of 50% is equal to \$274,306.00, and the Municipality share of 50% is equal to \$274,306.00. As a condition of this funding, the City is required to enter into a Municipal Partnership Agreement with the Maine Department of Transportation. This item was reviewed and recommended for approval at the Infrastructure Committee meeting on May 24, 2016.

**16-297 ORDER **Authorizing the City Manager to Execute a Collective
Bargaining Agreement between the City of Bangor and
Maine Association of Police Representing Patrol Officer
at the Police Department****

BALDACCI

Executive Summary: This Order will authorize the City Manager to execute a Collective Bargaining Agreement with Maine Association of Police representing Patrol Officers at the Police Department. Negotiations between the city and the union have resulted in a Tentative Agreement which has been ratified by the union members.

The Agreement has been negotiated within the guidelines previously established by the City Council and includes the following: a three year term (July 1, 2015 to June 30, 2018); wage increases of 0% year one, 1.25 % year 2, and 1.5% year 3; an adjustment to the pay scales by adding a new top step effective 7-1-17; revised private service detail rates, an increase in the clothing allowance; updated health insurance rates and associated date changes; revised physical fitness stipend amounts; and various other housekeeping changes.

The Tentative Agreement was reviewed with the City Council on July 25, 2016, and is presented with the recommendation of the Management Negotiating Committee.

**16-298 ORDER **Authorizing the City Manager to execute an Airport Use
& Lease agreement with American Airlines at Bangor
International Airport****

GRAHAM

Executive Summary: This Order will authorize the City Manager to execute a 5 year Use & Lease agreement with American Airlines, which expired in 2006. Since that time, they have been operating on a year-to-year basis, and the rates and charges in effect since 2006 have remained unchanged.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-301 ORDER Authorizing the City Manager to execute an Airport Use & Lease agreement with United Airlines at Bangor International Airport **BALDACCI**

Executive Summary: This Order will authorize the City Manager to execute a 5 year Use & Lease agreement with United Airlines, which expired in 2015. Since that time, they have been operating on a year-to-year basis, and the rates and charges in effect since 2012 have remained unchanged.

Completion of the domestic terminal renovation project has resulted in significant changes in space for each of the airlines making this a good time to update the air carrier agreement. If approved, the new agreement includes adjusted rates and fees, identifies each air carriers' new exclusive use space, adds language for affirmative action and nondiscrimination compliance, and requires that the air carriers comply with all applicable airport rules and policies. The agreement will be in final form as approved by City Legal.

16-302 ORDER Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$2,000 from the Horizon Foundation in support of the Maine Harvest Festival **GRAHAM**

Executive Summary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$2,000 from the Horizon Foundation to support the sustainability of the Maine Harvest Festival.

This item is scheduled for review at the August 8, 2016 Business and Economic Development Committee meeting.

16-303 ORDER Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$20,000 from the Libra Foundation in support of the Maine Harvest Festival **PLOURDE**

Executive Summary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$20,000 from the Libra Foundation to support the sustainability of the Maine Harvest Festival.

This item is scheduled for review at the August 8, 2016 Business and Economic Development Committee meeting.

16-304 ORDER Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$7,500 from the Maine Charity Fund in support of the Maine Harvest Festival **PERRY**

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$7,500 from the Maine Charity Fund to support the sustainability of the Maine Harvest Festival.

This item is scheduled for review at the August 8, 2016 Business and Economic Development Committee meeting.

16-305 ORDER Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$1,500 from Maine Initiatives in support of the Maine Harvest Festival SPRAGUE

Executive Summary: : This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$1,500 from Maine Initiatives to support the sustainability of the Maine Harvest Festival.

This item is scheduled for review at the August 8, 2016 Business and Economic Development Committee meeting.

16-306 ORDER Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$5,000 from the Verrill Foundation in support of the Maine Harvest Festival NEALLEY

Executive Summary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$5,000 from the Verrill Foundation to support the sustainability of the Maine Harvest Festival.

This item is scheduled for review at the August 8, 2016 Business and Economic Development Committee meeting.

16-307 RESOLVE Ratifying the Actions of the City Manager to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety to employ a case manager to assist persons with substance use disorder PLOURDE

Executive Summary: This order will ratify the City Manager’s action to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety, as the application was due August 5, 2016. If the grant application is successful, the Police Department will work with Acadia Hospital to hire a case manager to divert low-level offenders with substance use disorder into community-based social and health-care services. These would include evidence-based, community based treatment, medically assisted treatment, recovery and support services. The term of the grant would be October 1, 2016 to June 30, 2018. This item was reviewed and recommended for ratification by the Finance Committee on August 1, 2016.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

CONSENT AGENDA ITEM NO.

ASSIGNED TO COUNCILOR

16-308 ORDER Directing the City Manager to Take Possession of Vacant **DURGIN
Land Located on Chase Road – Map R68 Lot 029**

Executive Summary: This Order directs the City Manager to take possession of vacant land located on Chase Road by virtue of the 2014 matured tax lien. The property is identified as Map R68 Lot 029. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of “Unknown Owner” as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

16-309 ORDER Directing the City Manager to Take Possession of Vacant **PERRY
Land Located on Highland Lane – Map 032 Lot 181**

Executive Summary: This Order directs the City Manager to take possession of vacant land located on Highland Lane by virtue of the 2014 matured tax lien. The property is identified as Map 032 Lot 181. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of “Unknown Owner” as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

16-310 ORDER Directing the City Manager to Take Possession of Vacant **SPRAGUE
Land Located on Kittredge Road – Map R59 Lot 005**

Executive Summary: This Order directs the City Manager to take possession of vacant land located on Kittredge Road by virtue of the 2014 matured tax lien. The property is identified as Map R59 Lot 005. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of “Unknown Owner” as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

16-311 ORDER Directing the City Manager to Take Possession of Vacant **NICHOLS
Land Located on Nowell Road – Map 029 Lot 034-A**

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Order directs the City Manager to take possession of vacant land located on Nowell Road by virtue of the 2014 matured tax lien. The property is identified as Map 029 Lot 034-A. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of “Unknown Owner” as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

**16-312 ORDER Directing the City Manager to Take Possession of Vacant NEALLEY
Land Located on Odlin Road – Map R18 Lot 036**

Executive Summary: This Order directs the City Manager to take possession of vacant land located on Odlin Road by virtue of the 2014 matured tax lien. The property is identified as Map R18 Lot 036. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of “Bangor Commerce Park Association Trustees” which has been administratively dissolved per the Secretary of State’s Office. All attempts to receive payment have been unsuccessful. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

**16-313 ORDER Extending the Designation of Sheldon Hartstone as GRAHAM
Tentative Developer of a Parcel of City-Owned Land –
Map 001 Lot 134 and a Portion of Map 001 Lot 001**

Executive Summary: This Order extends the designation of Sheldon Hartstone as the Tentative Developer of a City owned parcel of land of approximately 9.66 acres located on Odlin Road, Bangor until January 23, 2017. Mr. Hartstone and City staff have requested additional time to allow for the completion of the environmental assessment of the property and to negotiate with new development opportunities.

This item is scheduled for review by the Business & Economic Development Committee at its August 8, 2016 meeting.

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

**ASSIGNED TO
COUNCILOR**

**16-314 ORDINANCE Amending Map Entitled “Downtown Parking GRAHAM
Management District” By Eliminating Two Spaces on
Main Street (First Reading)**

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

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

**ASSIGNED TO
COUNCILOR**

16-317 RESOLVE **Accepting and appropriating a grant in the amount of \$1,763,719 from the Federal Aviation Administration and \$97,984 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 70 at Bangor International Airport (BGR) (First Reading and Referral to Finance Committee Meeting of August 15, 2016)**

NEALLEY

Executive Summary: This Resolve will accept and appropriate a grant in the amount of \$1,763,719 from the Federal Aviation Administration (FAA) and \$97,984 from the Maine DOT under the Airport Improvement Plan (AIP) program, grant # 70. If approved, this grant will be used for the installation of a passenger boarding bridge and expansion of the terminal hold (waiting) area. This boarding bridge will be able to serve all domestic aircraft that currently fly in to the airport and as such will be available for any airline use. The objective of this project is to meet increased demand. This project is included in BGR's FAA approved 5-year Capital Improvement Plan (CIP). This grant will fund 90% of the project with the additional 5% coming from the State and 5% coming from the airport.

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING:

16-284 ORDER **Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For**

PERRY

Executive Summary: This Order would authorize the issuance of \$1,000,000 in general obligation bonds for the following purposes: \$668,000 for Cameron Stadium Improvements and \$332,000 for school building improvements.

In May 2013, Council Order 13-157 authorized the issuance of \$1.2 million in general obligation bonds for improvements at Cameron Stadium. At that time, the School Department presented an initial plan to significantly improve the facilities at Cameron Stadium. The plan included replacement of the bleachers, lighting system, new locker rooms and restrooms and equipment storage, expansion of the track and the installation of turf. The bond proceeds were used to replace the bleachers, lighting and construct restroom facilities.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

The City’s Charter requires that the issuance of general obligation bonds for a single capital improvement be approved by voters if it exceeds a certain dollar threshold and does not meet one of the defined exceptions. Both the bleachers and lighting portions of the project were deemed a life safety issue that needed to be addressed as an emergency. The bleachers were unsafe and likely to be put out of service and the lighting system was a hazard to participants and patrons alike. As there was no plan to issue additional bonds for this project, the bond order did not include the specific language citing the findings in support of the exception. Therefore, this Order would also amend Council Order 13-157 to state the emergency nature of the bonds for the bleacher and lighting upgrades.

These projects were discussed during the recently completed FY 2017 budget process. This item was reviewed and recommended for approval at the August 1, 2016, Finance Committee meeting. In addition, this Order will require a Public Hearing at the August 8th City Council Meeting.

PUBLIC HEARING:

**16-285 ORDER **Authorizing Issuance of \$7,003,000 of the City’s
General Obligation Bonds and a Tax Levy There For** **DURGIN****

Executive Summary: This Order would authorize the issuance of \$7,003,000 in general obligation bonds for the following purposes: \$330,000 for equipment replacement, \$1,808,000 for streets and sidewalks, \$1,650,000 for street/retaining wall; \$1,200,000 for Fire apparatus, \$160,000 for building improvements, \$750,000 for Penobscot River remediation, and \$1,105,000 for WWTP infrastructure improvements. These projects were discussed during the recently completed FY 2017 budget process.

This item was reviewed and recommended for approval at the August 1, 2016, Finance Committee meeting. This Order will require a Public Hearing at the August 8th City Council Meeting.

**16-286 RESOLVE **Accepting and Appropriating \$149,979 for the
Supplemental Nutrition Education Grant Program** **PLOURDE****

Executive Summary: This Resolve will accept and appropriate \$149,979 for the Supplemental Nutrition Education Grant Program (SNAP ED) through the River Coalition. This will be the fifth year of the grant for the purpose of providing nutrition education to people who are eligible for Supplemental Nutrition Assistance Program in the Greater Bangor area. The grant term is October 1, 2016 to September 30, 2017. This item was reviewed and recommended for approval at the July 19, 2016 meeting of the Government Operations Committee.

**16-287 RESOLVE **Authorizing the City Manager to Accept and
Appropriate \$190,507.00 in Homeland Security Grant
Funding from the Maine Emergency Management
Agency (MEMA)** **NICHOLS****

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Resolve will accept and appropriate \$190,507 in FY 2016, Homeland Security Grant Funding from the Maine Emergency Management Agency to improve Police and Fire preparedness and response capabilities for Homeland Security related events. This funding will be utilized for the purpose of providing enhanced training in various disciplines for police and fire department personnel. Funding will also be used to purchase equipment and to maintain/upgrade current equipment. A plan outlining the various anticipated projects and expenditures is attached to the Resolve. This list may not represent the exact final expenditures, as priorities and needs may change during the grant period. This item was reviewed and recommended for approval at the Government Operations Committee Meeting on July 8, 2016.

**16-288 RESOLVE **Accepting and Appropriating a \$102,627 Grant from SPRAGUE
the Maine Department of Health & Human Services to
support an In Home Asthma Education Program****

Executive Summary: This Resolve will accept and appropriate \$102,627 from the Maine Department of Health and Human Services (DHHS), Center for Disease Control and Prevention (CDC) for Asthma Home Visiting and Educational Services. The term is September 1, 2016 to August 31, 2017. This is the second year of a five-year grant that is expected to continue until August 31, 2020.

The program provides direct services to patients with poorly controlled asthma in the home environment with a focus on education about asthma management. This includes identifying asthma triggers in the home environment and providing suggestions to mitigate exposure. The program is expected to decrease direct health care costs associated with asthma by preventing hospitalizations and emergency/urgent care visits; and to reduce the number of lost work days for adults and lost education days for children.

The program serves persons of all ages in the communities of Bangor, Bradley, Brewer, Carmel, Clifton, Dedham, Eddington, Frankfort, Glenburn, Hampden, Hermon, Holden, Indian Island, Kenduskeag, Levant, Milford, Newburg, Old Town, Orono, Orrington, Veazie, and Winterport.

This item was reviewed and recommended for approval at the August 1, 2016 meeting of the Finance Committee.

CONTINUATION OF PUBLIC HEARING:

**16-290 ORDER **Approving Application of Metro Treatment of Maine, DURGIN
LP d/b/a Penobscot County Metro Treatment Center to
Increase from 300 to 500 the Number of Patients it may
Treat****

Executive Summary: Metro Treatment of Maine, LP, d/b/a Penobscot County Metro Treatment Center has an existing facility for methadone treatment located at 659 Hogan Road Bangor. It is currently licensed to treat 300 methadone patients. Penobscot Metro has applied to increase from 300 to 500 the number of patients that it may treat.

REGULAR MEETING BANGOR CITY COUNCIL – AUGUST 8, 2016

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Section 93 of the Code of the City of Bangor provides that an existing facility in Bangor providing methadone services must apply to the City for a license to increase the number of patients that it may treat.

In addition, the Code requires that the City Council hold a public hearing prior to voting whether to grant an increase in the number of patients that may be treated.

This Order if approved will grant the request of Metro Treatment of Maine, LP, d/b/a Penobscot County Metro Treatment Center to increase the number of patients that it can treat from 300 to 500.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

<u>PUBLIC HEARING:</u>	Application for Special Amusement License Renewal of Bangor Motor Inn Corp. d/b/a Bangor Inn and Suites and Conference Center, 713 Hogan Road	GRAHAM
	Application for Special Amusement License Renewal of Timber Kitchen, LLC d/b/a Timber Kitchen & Bar, 22 Bass Park Boulevard	GRAHAM
	Application for Special Amusement License Renewal of The Fiddlehead Restaurant, LLC d/b/a The Fiddlehead Restaurant, 84 Hammond Street	GRAHAM
	Application for a New Special Amusement License of Happy Endings Inc d/b/a Happy Endings, 32 Main Street, pending department approvals	GRAHAM
<u>16-318 ORDER</u>	Approving a Community Development Business Development Loan to Wayfair (102-006)	NEALLEY

Executive Summary: This Order will authorize the approval of a Business Development Loan with Wayfair. Wayfair is expanding their business with a lease on a property at 690 Maine Avenue (102-006), in a City-owned building formerly occupied by LL Bean. They have asked the City for a loan from the City’s Community Development Business Development Loan Program in the amount of \$200,000. This loan will assist with the financing of the expansion by providing capital to make building improvements, train workforce, and for operating capital. The yearly loan payments may be forgivable provided that Wayfair creates a total of 20 full time positions, with at least 51% of those new positions filled by individuals from low-moderate income backgrounds, by the end of the seven year term of the loan. This item was reviewed by the Business & Economic Development Committee in Executive Session on December 22, 2015.

BANGOR CITY COUNCIL



RECOGNIZING THE SENIOR LEAGUE WORLD SERIES

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

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

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

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

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

Given this the 8th day of August, 2016.

Sean Faircloth, Mayor



**CONSENT
AGENDA**

REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016

*Meeting called to order at 7:30 PM
 Chaired by Council Chair Faircloth
 Councilors Absent: None
 Meeting Adjourned at 8:23 PM*

PROCLAMATION: *Recognized August 1 to 5, 2016 as Responsible Gaming Education Week*

PRESENTATION: *Officer John York of the Bangor Fire Department was presented with the Liberty Mutual Firemark Award.*

PUBLIC COMMENT *None*

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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MINUTES OF: *Bangor City Council Regular Meeting of July 11, 2016, Business and Economic Development Committee Meeting of July 11, 2016, Finance Committee Meeting of July 18, 2016*

Action: *Accepted and Approved*

Liquor License Renewal: *Application for Liquor License Renewal, Malt, Spirituous, Vinous of RARE Hospitality Management, LLC d/b/a LongHorn Steakhouse #5343 605 Hogan Road* **GRAHAM**

Action: *Approved*

16-274 **ORDER** *Authorizing Execution of Release of Drainage Easement – 137 Fruit Street* **SPRAGUE**

Action: *Passed*

16-275 **ORDER** *Authorizing Execution of a Drainage Easement – 137 Fruit Street* **NICHOLS**

Action: *Passed*

16-276 **ORDER** *Authorizing Bid Award in the Amount of \$1,657,222 to Lane Construction for FY 17 Paving Program* **DURGIN**

Action: *Passed*

16-277 **ORDER** *Authorizing the City Manager to Extend the Sub Recipient Agreement with Katahdin Shared Services as the Fiscal Agent for Partnership for a Healthy Northern Penobscot* **PERRY**

Action: *Passed*

16-278 **ORDER** *Authorizing the City Manager to Extend the Sub Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for Piscataquis Public Health Coalition* **PLOURDE**

Action: *Passed*

REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>16-279</u>	<u>ORDER</u>	<i>Authorizing Execution of Contract in the Amount of \$111,480 to ADS Environmental Services for the Sewer Flow Monitoring Program</i>	GRAHAM
	<i>Action:</i>	<i>Passed</i>	
<u>16-280</u>	<u>ORDER</u>	<i>Authorizing Application and Acceptance of \$23,948.00 in grant funds as part of the Edward Byrne Memorial Grant Program, which will be shared with the Penobscot County Sheriff's Department.</i>	PERRY
	<i>Action:</i>	<i>Passed</i>	
<u>16-281</u>	<u>ORDER</u>	<i>Authorizing an Amendment to Indenture of Lease with QV Realty Trust – Map 101 Lot 001</i>	BALDACCI
	<i>Action:</i>	<i>Passed</i>	
<u>16-282</u>	<u>ORDER</u>	<i>Authorizing an Amendment to the Indenture of Lease with Vicki L. Trundy at 39 Florida Avenue – Map 001 Lot 272</i>	GRAHAM
	<i>Action:</i>	<i>Passed</i>	
<u>16-283</u>	<u>ORDER</u>	<i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project, Modification 2 – WIN 022693.00, Pedestrian Safety Improvements on Hogan Road</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	
REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>16-284</u>	<u>ORDER</u>	<i>Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For</i>	PERRY
	<i>Action:</i>	<i>First Reading and Referral to Finance Committee Meeting of August 1, 2016</i>	
<u>16-285</u>	<u>ORDER</u>	<i>Authorizing Issuance of \$7,003,000 of the City's General Obligation Bonds and a Tax Levy There For</i>	DURGIN
	<i>Action:</i>	<i>First Reading and Referral to Finance Committee Meeting of August 1, 2016</i>	
<u>16-286</u>	<u>RESOLVE</u>	<i>Accepting and Appropriating \$149,979 for the Supplemental Nutrition Education Grant Program</i>	PLOURDE
	<i>Action:</i>	<i>First Reading</i>	
<u>16-287</u>	<u>RESOLVE</u>	<i>Authorizing the City Manager to Accept and Appropriate \$190,507.00 in Homeland Security Grant Funding from the Maine Emergency Management Agency (MEMA)</i>	NICHOLS

REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016

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

Action: First Reading

16-288 RESOLVE *Accepting and Appropriating a \$102,627 Grant from the Maine Department of Health & Human Services to support an In Home Asthma Education Program.* **SPRAGUE**

Action: First Reading and Referral to Government Operations Committee Meeting of August 1, 2016

UNFINISHED BUSINESS **ASSIGNED TO COUNCILOR**
ITEM NO.

16-272 ORDINANCE *Amending Land Development Code – Zone Change – Off State Street (Tax Map R-71-021-E) from a Low Density Residential District to a High Density Residential District* **BALDACCI**

*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*

16-273 ORDINANCE *Amending Chapter 165-48 Land Development, of the Code of the City of Bangor, by delegating administration and enforcement of Timber Harvesting within the Shoreland Zone to the Maine Forest Service* **NEALLEY**

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

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

16-289 ORDER *Authorizing the Execution of Agreement with David S. Boyd for 73 Central Street (Map 041, Lot 083)* **SPRAGUE**

*Action: Motion made and seconded for Passage
Motion Doubted
Vote: 8 – 1
Councilors Voting Yes: Baldacci, Durgin, Nealley, Nichols, Perry, Plourde, Sprague, Faircloth
Councilors Voting No: Graham
Passed*

ATTEST: _____
Lisa J. Goodwin, MMC, City Clerk

SPECIAL MEETING BANGOR CITY COUNCIL – AUGUST 1, 2016

*Meeting called to order at 6:30 PM
Chaired by Council Chair Faircloth
Councilors Absent: Joshua Plourde
Meeting Adjourned at 9:35 PM*

PUBLIC COMMENT

Penobscot County Metro Treatment Center Executives submitted material to the Council and spoke about the benefits of expanding. Many members of the audience spoke against having this expansion in Bangor. Council Chair Faircloth requested that all additional handouts and material be submitted to the Council for review by Wednesday August 3, 2016 at 10:00 AM.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING:

16-290 ORDER

**Approving Application of Metro Treatment of Maine,
LP d/b/a Penobscot County Metro Treatment Center to
Increase from 300 to 500 the Number of Patients it may
Treat**

DURGIN

*Action: Motion made and Seconded to postpone this item to the August 8, 2016
Regular City Council Meeting.
Postponed*

ATTEST:



Jodi L. Leonard, Deputy City Clerk

MINUTES

BANGOR SCHOOL COMMITTEE REGULAR MEETING 7:00 p.m., Wednesday, June 22, 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 regular meeting was called to order by Chairman Caruso at 7:02 p.m. and the Pledge of Allegiance followed.
3. a. The recognition of Maine Gatorade Baseball Player of the Year was postponed until a future meeting.
- B. Superintendent Webb requested amending the agenda to add:
- D. 2. d. Update on Internet Access Pilot
 - D. 2. e. Update on Bond Request
 - D. 2. f. Update on Portable Building at 208 Maine Avenue.

VOTED 6-0 to amend the agenda as requested.

- D. 2. a. Principal Butler provided an update on the Class of 2016 Post Secondary Plans.
- Members asked questions and praised the efforts of the students, faculty, staff, and administration.
- b. Director of Business Services Alan Kochis reviewed the progress on the Summer Projects.
- c. Superintendent Webb reported the following reassignments for the 2016-2017 school year:
- Christopher Hobbs from Grade 5 Teacher at Mary Snow School to Grade 5 Teacher at Fairmount School
 - Micayla Hussey from Title I Teacher at Mary Snow School to Grade 5 Teacher at Mary Snow School
 - Karen White from Grade 5 Teacher at Mary Snow School to Grade 6 Teacher at William S. Cohen School
- d. Superintendent Webb provided an update on the Internet Access Pilot.
- Members asked questions and expressed support for the pilot.
- e. Superintendent Webb provided an update on the Bond Request.

Member Doore thanked the Superintendent and the Chair for their leadership in this bond request. Member Doore also thanked the other Committee members who supported the request based on the School Committee's vote to move the request forward. Further, he emphasized the message given by Councilor Sprague at the Finance Committee Meeting regarding the role of the elected officials.

Member Susi expressed her appreciation of Committee members' varying views and the importance of once a vote has been made, one message goes forward.

- f. Superintendent Webb provided an update on the Portable Building at 208 Maine Avenue.

E. 1. a. 1. VOTED 6-0 to approve the Minutes of the June 8, 2016, Regular School Committee Meeting.

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

Director of Business Services reviewed various aspects of the statement.

Member Doore asked a question about the revenues versus expenditures and the plan for any balances. Superintendent Webb explained revenues were factored into next year's budget to keep the request from the taxpayers at a minimum.

VOTED 6-0 to approve the April 2016 statement.

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

VOTED 6-0 to approve the report as presented.

- c. 1. Superintendent Webb recommended the following Teacher nomination(s) for the 2016-2017 school year, with a one-year Probationary Contract:

Kelly Hasselbrack, Special Education Teacher at Bangor High School

VOTED 6-0 to approve the nomination.

- 2. Superintendent Webb recommended the following extra-duty assignments for the 2016-2017 school year:

Team Leader – Gr. 7	James F. Doughty School	Patricia Bernhardt
Team Leader – Specialties	James F. Doughty School	Tracy Vassiliev
IEP Coordinator	James F. Doughty School	Melissa Barthelemy
Enrichment Act Coord (½)	James F. Doughty School	Laurie Sproul-Poisson
School Newspaper	James F. Doughty School	Bailey Edward
VPA Academy Coordinator	Bangor High School	Eric Hutchins
Ram Club Coordinator	Bangor High School	Jaime Jarvis

VOTED 6-0 to approve the nominations as presented.

- d. Superintendent Webb reported the following donations:

To Downeast School from Altrusa International, bouncy ball molds, stencil books, (5) five teacher books and (66) sixty-six children books, having a total dollar value of \$200.

To Fourteenth Street School from an anonymous donor, a cash donation to support the students, having a total dollar value of \$100.

VOTED 6-0 to approve the donations with thanks.

- e.1.-8. Superintendent Webb recommended approval and Second Reading of the following revised policies:

1. Revised Policy EFF – Meal Prices
2. Revised Policy GDB-5 – Lunch Aide Compensation Guide
3. Revised Policy GDB-6 – Executive Office Compensation Guide
4. Revised Policy GDB-7 – Support Staff Compensation Guide
5. Revised Policy GDB-8 – Adult and Community Education Compensation Guide
6. Revised Policy GDB-9 – Supplemental Compensation Guide
7. Revised Policy GDB-10 – Educational Technology Staff Compensation Guide
8. Revised Policy GCEA – Substitute Compensation Guide

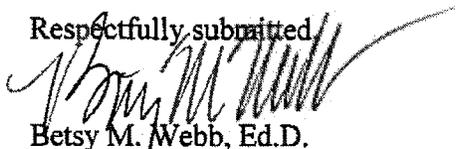
VOTED 5 (Caruso, Ye, Doore, Hawes, Susi) and 1 (DeGroff) opposed.

- F. 1. Member Hawes asked for follow-up clarification on citizen Paul LeClair's questions from the last meeting.

Superintendent Webb provided an explanation that the City Solicitor and Dan Stockford, counsel to the Bangor School Committee, had reviewed the charter and both determined that there was no conflict of interest nor need to declare.

2. c. Vice chair Ye reported on the June 13th SPRPCE meeting. Of note was the cost savings and increased quality of moving the regional program and the SPRPCE leadership to the Bangor School Department.
- I. Chairman Caruso expressed his appreciation of the Bangor School Department faculty, staff, and administration and their commitment to students' success. He then reiterated the primary responsibility of the Committee is to make sure the right people are in place for success.
- J. Meeting adjourned at 7:57 p.m.

Respectfully submitted



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

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Monday, July 25, 2016

City Council Chambers

MEETING MINUTES

Council Members Present: Baldacci, Durgin, Faircloth, Graham, Sprague, Nealley, Nichols, Plourde

City Staff Present: Bolduc, Conlow, Heitmann, Nicklas, Collins

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

1. **Update on Request for Public Space Use – 28 Broad Street Sidewalk**
Assistant City Solicitor, Paul Nicklas introduced the item. Councilor Plourde moved that the Committee take no further action on the item. Thereby reaffirming the committee's previous action which recommended that the City Council approve the project if it is approved by the Historic Preservation Commission. Councilor Baldacci seconded the motion. The motion was approved 3-2.
2. **Amendment to the Lease Agreement with QV Realty Trust**
Councilor Durgin moved that approval of the lease rate during the lease extension period be recommended to the City Council. Councilor Plourde seconded the motion. The motion was approved without objection.
3. **Extension of Lease Agreement with Vicki L. Trundy**
Councilor Baldacci moved that approval of the amendment to a lease agreement with Vicki L. Trundy be recommended to the City Council. Councilor Plourde seconded the motion. The motion was approved without objection.
4. **Parking Spaces at 128 Main Street**
Councilor Durgin moved that the committee recommend to the City Council that two parking spaces on Main Street be removed. Councilor Plourde seconded the motion. Councilor Graham asked that businesses in the area be notified of the removal of the parking spaces. The motion was approved 3-2.

Meeting adjourned at 5:50 p.m.

Respectfully submitted,
Melissa Bickford
Administrative Assistant
C&ED

Government Operations Committee

Minutes

July 18, 2016

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

Staff Attending: Conlow, Farrar, Heitmann, Higgins, Hathaway, Willette, Hamilton, Comstock, O'Donnell

Other Attending: Media representatives, several residents

Committee Chair Plourde called the meeting to order at 6:05 pm

CONSENT AGENDA

1. Resolve, Accepting and Appropriating \$149,979 for the Supplemental Nutrition Education Grant Program (SNAP-ED)
2. Order, Authorizing the City Manager to Extend the Sub-Recipient Agreement with Katahdin Shared Services as the Fiscal Agent for Partnership for a Healthy Northern Penobscot from a Twelve Month Contract to a Fifteen Month Contract Ending September 30, 2016
3. Order, Authorizing the City Manager to Extend the Sub-Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for Piscataquis Public Health Coalition form a Twelve Month Contract to a Fifteen Month Contract Ending September 30, 2016
4. Election ballot for Maine Municipal Association positions of Vice President and Executive Committee members
 - There were no questions or comments concerning Consent Agenda items 1-4. It was moved by Graham, seconded by Sprague and voted to approve the Consent Agenda as presented.

REGULAR AGENDA

5. 2016 Byrne Memorial/ Justice Assistance Grant Funding
 - Chief Hathaway explained the nature, purpose and intended use of the 2016 Byrne Grant, which is shared with the Penobscot County Sheriff's Department. It was moved by Graham, seconded by Sprague and voted unanimously to recommend acceptance of the Grant to the full Council.
6. Resolve, Authorizing the City Manager to Accept and appropriate \$190,507 in Homeland Security Grant Funding from the Maine Emergency Management Association (MEMA)
 - Chief Higgins explained the nature, purpose and intended use the 2016 Homeland Security Grant totaling \$190,507, Funding for various projects will be shared between the Police and Fire Departments. It was moved by Sprague, seconded by Graham and unanimously voted to recommend approval of the Resolve to accept and appropriate the funding to the full Council.

7. Consideration of Draft Ordinance Prohibiting Smoking in Certain City Parks

- City Solicitor Heitmann explained the draft Ordinance that had been requested by the Committee at a previous meeting. As proposed, the Ordinance would prohibit smoking in all established city parks, with the exception of West Market Square and the Municipal Golf Course. Councilors added numerous comments and asked several questions concerning how / whether school bus stops could be included, other park locations, whether to exclude West Market Square and the Golf Course, and whether the Ordinance was too restrictive or not restrictive enough. Comments about the health risks of smoking and second hand smoke were made, as well as the rights of smokers and non-smokers. Resident Peter Hanson advocated for continuing to try and ban smoking at school bus stops. After considerable discussion on a variety of viewpoints it was moved by Sprague and seconded by Baldacci for the ordinance to only include a prohibition on smoking in those city parks that had features / amenities that were designed to attract children such as playgrounds, swimming pools, athletic fields and similar areas. Graham voiced his concern that the proposed ban should extend further to include all parks, including West Market Square and the Golf Course. The motion passed after further discussion and debate. The Committee did request that this topic return at a later date to discuss issues surrounding school bus stops and West Market & Pickering Squares.

8. Discussion concerning the Relocation of the Skateboard Park on Union Street

- Parks and Recreation Willette provided a brief history of the creation of the Skateboard Park and where it has been located over the years. The Skate Board Park may need to be moved again as there is interest in developing the parcel of land located between Maine Avenue and Union Street where it is presently situated. Councilors spoke about the proposed new location in back of the Parks and Recreation facility on lower Main Street, as well as the benefits / limitations of other potential locations. Interest was expressed in making the facility more of a destination, engaging users, and undertaking fundraising, if necessary. Following further discussion, it was moved by Sprague, seconded by Nichols and voted 4-1 (Graham) to move forward with staff recommendation to relocate the skateboard park to a location behind Parks and Recreation, to engage with those using the Park to gain their input and suggestions, and to consider fundraising as an option , if necessary.

9. Continued Discussion and Review of Proposed Ordinance Regarding Abandoned / Stray Shopping Carts

- City Solicitor Heitmann explained the background of the issue and the proposed Ordinance that had been requested at a previous meeting. Several Councilors commented that they now felt that voluntary compliance / education / outreach / working with companies would be a preferred approach to enacting a local Ordinance regarding this issue. Graham did not agree with those thoughts, commenting that he favored the concept of an Ordinance that would deal with shopping cart blight, environmental concerns and safety issues now, rather than waiting and relying on voluntary compliance. There was no motion made to move the proposed

Ordinance forward. Following further comments, questions and debate, as outlined above, staff was directed to work with local companies using shopping carts in an effort to gain voluntary compliance, to continue to monitor the situation, to track complaints, etc., and the Committee would review the issue in another 6-12 months.

10. Appointment to and Election of Representatives to the Maine Municipal Association's Legislative Policy Committee (LPC)

- Assistant City Manager Farrar explained that as a member of the Maine Municipal Association, Bangor appoints one member to their Legislative Policy Committee, and votes, along with the Town of Hermon to elect a second member. LPC membership is established by State Senate Districts. It was moved by Sprague, seconded by Perry and voted to appoint Nelson Durgin as Bangor's representative and to cast Bangor's ballot for Roger Raymond from Hermon, the only candidate on the election ballot.

With no further business to come before the Committee, the meeting was adjourned at 7:35 pm.

FINANCE COMMITTEE MINUTES

Councilors in Attendance: Durgin, Nealley, Perry, Baldacci

Staff in Attendance: Cyr, Conlow, Hathaway, Hamilton, Willett, Caruso, Little Webb

1. Consent Agenda

- a. Update on Used Vehicle Purchase
- b. Council Resolve 16-288, Accepting and Appropriating a \$102,627 grant from Maine Department of Health and Human Services to Support an In-home Asthma Education Program

Motion made and seconded to accept the consent agenda. Motion passed unanimously.

2. Bids/Purchasing

- a. Request to Waive Bid Process – Electronic Control Devices – Police – Taser International - \$14,823

Motion made and seconded to waive bid process and execute contract. Motion passed unanimously.

3. Authorization to Use Airport Reserve Funds to Relocate Deicing Operations and Appropriate Proceeds from Sale of Aircraft Parts to Reimburse the Reserve Funds

Staff reviewed a recent opportunity to relocate the deicing operations. The current tanks are located in space that will be leased to C&L Aviation. As this was not anticipated the initial plan was to allow tanks to remain and re-pipe for the upcoming winter season and to permanently relocate next fiscal year. An opportunity arose to relocate the operations now. The request is to appropriate reserve funds to fund this work and appropriate proceeds from aircraft parts to reimburse the reserve funds.

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

4. Council Order 16-284, Authorizing Issuance of \$1,000,000 of General Obligation Bonds (School)

Staff reviewed the Council Order to authorize the issuance of \$1,000,000 of general obligation bonds for improvements at Cameron Stadium and 14th Street school. This was reviewed in detail at the previous Finance Committee meeting, but will be before the City Council on August 8th for a public hearing and approval.

In May 2013, Council Order 13-157 authorized the issuance of \$1.2 million in general obligation bonds for improvements at Cameron Stadium. At that time, the School Department presented an initial plan to significantly improve the facilities at Cameron Stadium. The plan included replacement of the bleachers, lighting system, new locker rooms and restrooms and equipment storage, expansion of the track and the

installation of turf. The bond proceeds were used to replace the bleachers, lighting and construct restroom facilities. A fundraising campaign was put in place for the balance. The non-profit was established and worked diligently to raise the funds. However, with the general economy and the competing projects in the community, the full vision was not achieved. Overall there was in excess of \$240,000 raised for the improvements at the facility.

The City's Charter requires that the issuance of general obligation bonds for a single capital improvement be approved by voters if it exceeds a certain dollar threshold and does not meet one of the defined exceptions. Both the bleachers and lighting portions of the project were deemed a life safety issue that needed to be addressed as an emergency. The bleachers were unsafe and likely to be put out of service and the lighting system was a hazard to participants and patrons alike. As there was no plan to issue additional bonds for this project, the bond order did not include the specific language citing the findings in support of the exception. Therefore, this Order would also amend Council Order 13-157 to state the emergency nature of the bonds for the bleacher and lighting upgrades.

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

5. Council Order 16-285, Authorizing Issuance of \$7,003,000 of General Obligation Bonds (FY 17 Budget)

Staff reviewed the list of projects that were identified and reviewed during the FY 2017 budget process where bond proceeds would be utilized for funding.

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

6. Recommendation to Take Possession of Property

Staff reviewed the list of 6 vacant parcels for the Council to consider taking possession of. Most appear to be "orphan" parcels from development and or transactions. The property on Stillwater has subsequently been determined to be assessed incorrectly, it should have been part of an abutting parcel, so the recommendation on that parcel was amended to write off the outstanding taxes. This parcel will now be combined with an existing parcel for tax assessments going forward.

Motion made and seconded to recommend taking possession of five properties to the City Council and writing off taxes on the Stillwater parcel. Motion passed unanimously.

Meeting adjourned 5:37 pm

7. Order, Authorizing the City Manager to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety to employ a case manager to assist persons with substance use disorder

Staff reviewed the grant opportunity to obtain funding for a case manager to assist persons with substance use disorders. As the Police Department has had excellent experience with working with a mental health counselor, the belief is this grant would provide similar opportunity and benefit when the Police Department is dealing with individuals with substance abuse issues. The grant application is due August 5, 2016, if recommended by the Committee, a Resolve will be on the next Council agenda ratifying the grant application.

COUNCIL ACTION

Item No. 16-291

Date: August 8, 2016

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 61 Kenduskeag Avenue (Map 039 Lot 145)

Responsible Department: Legal

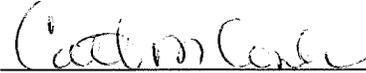
Commentary:

Real estate tax liens matured on the property of Thomas and Cynthia Keeler of 61 Kenduskeag Avenue. All outstanding charges due the City have been paid. There are no property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:

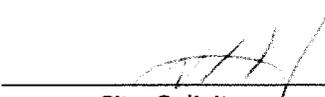

City Manager

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 61 Kenduskeag Avenue (Map 039 Lot 145).

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax, sewer and stormwater liens recorded in the Penobscot County Registry of Deeds in Book 13562, Page 199, Book 13891, Page 288, Book 13893, Page 21, Book 14039, Page 114 and Book 14041, Page 54. Said deed shall be directed to Thomas D. Keeler and Cynthia L. Keeler in final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-292

Date: August 8, 2016

Item/Subject: ORDER, Appointing Airport Constables for the Year 2016

Responsible Department: City Clerk

Commentary:

This authorizes certain individuals known as Constables to enforce City Ordinances. This includes employees of the Airport. Staff recommends approval.

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 Plourde

CITY OF BANGOR

(TITLE.) ORDER, Appointing Constables for the Year of 2016

By the City Council of the City of Bangor:

ORDERED, THAT the City Council hereby confirms the appointment of Airport Constables for the City of Bangor for the Year of 2016, as follows:

Devon Colby
Michael Dupray
Rachael Felger
Troy Richardson
Beth Robbins
Jean Toussant



Assigned to Councilor Nichols

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Utility Easement – Emera Maine, Buck Street.

By the City Council of the City of Bangor:

ORDERED, that Catherine M. Conlow, Finance Manager, is hereby authorized and directed, on behalf of the City of Bangor, to execute a utility easement with Emera Maine for the purpose of allowing Emera Maine to install nine utility poles on Buck Street. Said easement shall be in final form approved by the City Solicitor or Assistant City Solicitor.

RECORD AND RETURN TO:
Emera Maine
Attn: Renee Wright
P.O. Box 932
Bangor, ME 04402-0932

EASEMENT

CITY OF BANGOR, a municipal corporation located in Bangor, County of Penobscot, State of Maine, being the owner in fee simple of certain lands located in the City of Bangor, County of Penobscot, State of Maine, and described as follows:

Being the premises conveyed to the Grantor herein by deeds dated and recorded in the Penobscot County Registry of Deeds as follows:

- Deed from Eastern Maine State Fair, Incorporated dated Sept 24, 1930 and recorded in Bk 1050, Pg 112;
- Deed from Elaine Bass Pierce dated December 30, 1975 and recorded in Book 2628, Page 95;
- Deed from John M. Pierce dated February 9, 1999 and recorded in Book 7081, Page 314;
- Deed from John M. Pierce dated May 20, 1999 and recorded in Book 7081, Page 316;

for consideration given, grant and convey to **EMERA MAINE**, a Maine corporation with a place of business at 970 Illinois Avenue, Bangor, Maine, its successors and assigns forever, the rights, privileges and easements to construct, maintain, operate and upgrade from time to time on said lands, for utility purposes, anchors and wires with necessary fixtures and supports, to be placed on the aforesaid premises 15 feet, more or less, southwesterly from and attached to 9 utility poles located or to be relocated within the bounds of Buck Street: said poles located or to be relocated the following distances as measured southeasterly along the southwesterly bound of Buck Street from a property pin at the northwesterly corner of the aforesaid premises: 30 feet, 333 feet, 482 feet, 625 feet, 777 feet, 930 feet, 1132 feet, 1340 feet and 1480 feet, all more or less: with permission to enter upon said lands for the above purposes; further granting to said Emera Maine, its successors and assigns, the power to assign to others, in whole or in part, any or all of the rights, privileges and easements herein set forth.

IN WITNESS WHEREOF, the said City of Bangor has caused this instrument to be executed by its duly authorized representative this _____ day of July, 2016.

CITY OF BANGOR

By: _____
Print Name:
Its

STATE OF MAINE

County of Penobscot, ss:

July _____, 2016

Personally appeared the above-named _____ and acknowledged the foregoing instrument to be his/her free act and deed in his/her aforesaid capacity and the free act and deed of said City of Bangor.

Before me,

Notary Public

Print Name of Notary: _____

COUNCIL ACTION

Item No. 16-294

Date: AUGUST 8, 2016

Item/Subject: ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Broadway, Earl Street, and I-95 Ramp Safety Improvements Project, WIN 021663.00

Responsible Department: Engineering

Commentary:

This order would authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation for safety improvements at the intersection of Broadway, Earl Street, and the I-95 northbound on-ramp.

The Maine Department of Transportation has approved funds in an amount not to exceed \$100,000.00. The total State/Federal share of 100%. As a condition of this funding, the City is required to enter into a Local Project Agreement with the Maine Department of Transportation. This item was reviewed and recommended for approval at the Infrastructure Committee meeting on May 24, 2016.

John M. Theriault, City Engineer
Department Head

Manager's Comments:

Robert Cole
City Manager

Associated Information: Council Order, Agreement

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Broadway, Earl Street, and I-95 Ramp Safety Improvement Project, WIN 021663.00

(TITLE.) ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Local Project – WIN #021663.00, Broadway, Earl Street, and I-95 Ramp Safety Improvement Project.

ORDERED,

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

An Agreement with the Maine Department of Transportation – Broadway, Earl Street, and I-95 Ramp Safety Improvement Project, WIN #021663.00

Copy of the agreement is attached.



<i>MaineDOT use only</i>	
AMS ID:	_____
CSN:	_____
TEDOCS #:	_____
PROGRAM:	Multimodal (OUC 57000)

**MAINE DEPARTMENT OF TRANSPORTATION
Locally Administered Project Agreement**

With the
City of Bangor
Regarding

Safety Improvements at Broadway, Earl Street and I-95 Ramp: WIN 21663.00

Total Agreement Amount: \$100,000	Federal Project #: HSIP-2166(300)
Federal Share: \$90,000	Federal Authorization Date: 04/13/16
State Share: \$10,000	Sub-recipient's Vendor ID: VC1000007010
Effective Date: _____	Sub-recipient's DUNS® Number: 07-173-9692
Expiration Date: _____	CFDA #20.205: Highway Planning & Construction

This subaward agreement for a federal-aid project is between the Maine Department of Transportation, an agency of the State of Maine with headquarters at 24 Child Street in Augusta, Maine ("MaineDOT"), and the City of Bangor, a body corporate and politic with its primary offices at 63 Harlow Street in Bangor, Maine ("the City.")

This Agreement contains the following attachments:

1. Federal Funding Accountability and Transparency Act (signature required);
2. Federal Title VI Assurances (signature required).

WHEREAS, **MaineDOT** chose the work described in Article 1A for federal assistance through the Highway Safety Improvement Program and for inclusion in its 2016-2018 Work Plan; and

WHEREAS, the **City** shall deliver the work in Article 1A as a locally administered project, subject to **MaineDOT** oversight to ensure that all federal requirements are met.

NOW, in consideration of the previous statements, **MaineDOT** and the **City** ("the Parties") agree to the following terms and conditions:

ARTICLE 1 – PROJECT OVERVIEW

- 1A. SCOPE OF WORK. This Agreement will apply to preliminary engineering and right-of-way work for safety improvements at the intersection of Broadway, Earl Street and the I-95 northbound on-ramp ("the **Project**."). Any substantial change shall require **MaineDOT**'s written approval to be eligible for financial assistance from **MaineDOT**.
- 1B. FUNDING. **MaineDOT** programmed a total of one hundred thousand dollars (**\$100,000**) for the **Project** to be shared at the rates in Article 3, "Financial Provisions." **Project** costs eligible for financial assistance from **MaineDOT** shall not exceed this amount without **MaineDOT**'s written approval, through an executed modification to this Agreement.

1C. **ROLE OF CITY.** The **City** shall assign a full-time employee with certification from **MaineDOT** to manage the **Project** and carry out the **City's** responsibilities. This Local Project Administrator shall follow the guidance in the latest edition of **MaineDOT's** Local Project Administration Manual. If the certified administrator leaves the **City** or ceases to oversee the **Project**, the **City** shall stop work and notify the **MaineDOT** Project Manager. **MaineDOT** will evaluate the situation and determine a course of action.

- The **City** has assigned the following person to serve as Local Project Administrator:
Ted Trembley, Project Engineer
Phone: (207) 992-4251
Email: ted.trembley@bangormaine.gov

1D. **ROLE OF MAINEDOT.** **MaineDOT** will assign a Project Manager to the **Project** to carry out the State of Maine's responsibilities. This person or a designee will have the authority to request design changes; accept or reject invoices; review construction activities to ensure compliance with contract documents; and take all other action necessary to ensure the proper performance of this Agreement.

- MaineDOT** has assigned the following person to serve as Project Manager:
Catherine Rand, Project Manager I
Phone: (207) 634-3451 / (207) 557-1662
Email: Catherine.Rand@maine.gov

ARTICLE 2 – PROJECT DEVELOPMENT

2A. **AUTHORIZATION.** The **City** shall receive notice to proceed from **MaineDOT** before starting reimbursable work or executing any service contract under this Agreement. This notice shall be contingent upon **MaineDOT**: a.) receiving authorization for federal financial participation in the **Project**; and b.) executing this Agreement.

2B. **KICKOFF.** The **City** shall hold a project kickoff with **MaineDOT** to go over the scope of work, estimated cost, schedule, and legal requirements before any work begins.

2C. **PROGRESS REPORTS.** The **City** shall provide **MaineDOT** with regular progress reports for the **Project** at intervals established by **MaineDOT's** Project Manager.

2D. **CONSULTANT SERVICES.** The **City** may contract for consultant services to assist with development and delivery of the **Project**. In doing so, the **City** shall:

1. Select a consultant based upon qualifications to do the work and not the lowest price, in accordance with regulation 23 CFR, Section 172, "Procurement, Management, and Administration of Engineering and Design Related Services." *Using lowest price as a hiring factor will make the design stage of the **Project** ineligible for federal funding.*
2. Obtain the **MaineDOT** Project Manager's written approval before awarding a contract.
3. Incorporate "Consultant General Conditions for Local Public Agencies" into contracts.
4. Obtain **MaineDOT's** written approval before modifying a contract. **MaineDOT** shall not reimburse the **City** for work performed under a modification executed without prior approval or work performed before the effective date of a modification.

- 2E. DESIGN WORK. Design plans, specifications, estimates and contract documents for the **Project** shall be developed in accordance with applicable sections of **MaineDOT's** Engineering Instructions, Highway Design Guide, Standard Specifications, and Standard Details, as follows:
1. The **City** shall submit a preliminary design report and the final plans, specifications and estimate (PS&E) package to **MaineDOT** for review and comment.
 2. The **City** shall address, to **MaineDOT's** satisfaction, changes requested or concerns expressed before **MaineDOT** will authorize the **City** to advertise for construction bids. Advertising for bids or proceeding to the construction stage without **MaineDOT's** written authorization shall render the **Project** ineligible for federal funding.
 3. The Engineer of Record for the **Project** shall be responsible for the quality of all design plans, specifications and estimates. **MaineDOT's** acceptance of the PS&E package shall not relieve the Engineer of Record, whether a **City** employee or consultant, of responsibility for the quality of the engineering documents for the **Project**.
- 2F. PUBLIC PARTICIPATION. The **City** shall provide the public and all abutters with opportunity to learn about the **Project** and express concerns, using a public process that is appropriate for the scope of work and acceptable to the MaineDOT Project Manager. A public process certification (Communication 10) shall be part of the final PS&E package.
- 2G. ENVIRONMENTAL PROCESS. The **City** shall prepare and submit to **MaineDOT** all required environmental documents, including but not limited to Communication 11 and the National Environmental Policy Act (NEPA) checklist. **MaineDOT** will prepare and submit to the Federal Highway Administration all documentation required under NEPA.
- 2H. PERMITS. The **City** shall obtain all approvals, permits and licenses for the **Project**. Copies of all such documents an environmental certification (Communication 12) shall be submitted to **MaineDOT** with the final PS&E package.
- 2I. UTILITIES. The **City** shall coordinate the **Project** with all utilities and any railroad that may be affected by the **Project**. The **City** shall submit a utility certification (Communication 13) to **MaineDOT** with the final PS&E package, in accordance with federal regulation 23 CFR, Section 635.609, "Authorization." MaineDOT's Utility Accommodation Rules (2014) shall apply to all required utility relocations.
- 2J. RIGHT OF WAY. If right-of-way will need to be acquired for the **Project**, **MaineDOT** will carry out the right-of-way process. **MaineDOT's** Chief Property Officer must approve any alternative procedure in writing. If applicable, the **City** shall dedicate to the **Project** any municipal land required for the **Project**.
- 2K. FORCE ACCOUNT. If the **City** intends to build the **Project** with municipal labor or to furnish materials for the **Project**, the **City** shall obtain **MaineDOT's** written authorization for a "force account" process before proceeding. If so authorized, the **City** shall comply with federal regulation 23 CFR, sections 635.201 to 635.205: "Force account construction."

ARTICLE 3 – FINANCIAL PROVISIONS

3A. MAINEDOT SHARE. **MaineDOT**, with funding from the U.S. Department of Transportation and the State of Maine, will participate financially in the **Project** at the rate of one hundred percent (**100%**) of costs eligible for federal and state assistance, up to a maximum contribution of one hundred thousand dollars (**\$100,000.**)

3B. LOCAL SHARE. The **City** shall be responsible in full for all expenditures:

1. Incurred before the date of notice to proceed, as set forth in Article 2A, "Authorization";
2. Deemed ineligible for federal financial participation; and
3. Exceeding the upset limit of this Agreement, as set forth in Article 1B, "Funding."

3C. MAINEDOT COSTS. Costs that **MaineDOT** incurs for work on the **Project** shall be paid for out of the **Project**.

3D. REIMBURSEMENT. **MaineDOT** will reimburse the **City** for federally eligible costs incurred on the **Project** at the rate in Article 3A, "MaineDOT Share." The **City** shall bill **MaineDOT** no more than monthly but no less than quarterly, subject to these conditions:

1. The **City** shall submit invoices on letterhead in the format of Communication 4.
2. **MaineDOT** will make no payment unless the **City** has incurred a cost and submitted to MaineDOT the receipted invoice and proof of payment, including a breakdown of the charges incurred in sufficient detail to satisfy the MaineDOT Project Manager.
3. Each invoice must include a progress report in accordance with Article 2C.
4. Each invoice must show **MaineDOT's** and the **City's** shares of **Project** costs, including a running total of all costs incurred to date.
5. The **City** must certify that amounts claimed are correct and not claimed previously.
6. Payment of the final invoice shall be contingent upon a final inspection of the completed **Project** to determine the acceptability of the work.

3E. REPAYMENT. If the **City** withdraws from the **Project** without MaineDOT's concurrence, leading to termination of this Agreement for cause under Article 4, "Termination," the **City** shall refund all payments from **MaineDOT** toward the **Project** and reimburse **MaineDOT** fully for costs incurred for work in the **Project**.

3F. SET-OFF. **MaineDOT** may exercise all of its rights of set-off to recover payment to the **City** for work subsequently deemed ineligible for federal-aid funding. These rights will include, but will not be limited to, **MaineDOT's** option to withhold money owed to the **City** under this Agreement and any other agreement with **MaineDOT** or any other agency of the State of Maine, including any contract starting before the effective date of this Agreement.

3G. NON-APPROPRIATION. **MaineDOT's** financial obligations set forth in this Agreement are subject to budgetary appropriations. If **MaineDOT** receives insufficient resources to support this **Project**, if funds are de-appropriated, or if **MaineDOT** does not receive the legal authority to spend money programmed for this **Project**, **MaineDOT** shall be released from its obligation to make payment under this Agreement.

ARTICLE 4 – TERMINATION

4A. FOR CAUSE. **MaineDOT** will have just cause to terminate this Agreement in the event of default by the **City**, as defined in Article 4B below. **MaineDOT** will afford the **City** a cure period of fourteen (14) calendar days, effective on the **City's** receipt of Notice of Default. If the **City** fails to address all defaults within this cure period, **MaineDOT** may terminate this Agreement for cause, with these conditions:

1. The **City** and all contracted parties shall stop work on the **Project** immediately – except for work required to protect public health and safety – and shall abide by the terms of Article 5 below regarding the treatment of records for the terminated **Project**.
2. If termination is the result of the **City's** failure to correct any occurrence of default, **MaineDOT** shall recover from the **City** reimbursements made and **Project** costs incurred in accordance with Article 3E, "Repayment."
3. The **City** shall forfeit all unspent federal funds in the terminated **Project**.

4B. DEFAULT. **MaineDOT** shall send the **City** a Notice of Default if the **City**:

- Withdraws from the **Project** without written concurrence from **MaineDOT**; or
- Takes any action that renders the **Project** ineligible for federal-aid funding; or
- Uses **Project** funds for a purpose not authorized by this Agreement; or
- Misrepresents or falsifies of any claim for reimbursement; or
- Fails to meet standards of performance outlined in this Agreement.

4C. FOR CONVENIENCE. The **Parties** may terminate this Agreement for convenience by mutual consent for any reason not defined as "default," as follows:

1. In case of Termination for Convenience, **MaineDOT** will reimburse the **City** for federally eligible work performed under this Agreement until the effective termination date.
2. All **Project** records shall be handled in accordance with the terms of Article 5 below.
3. **MaineDOT** will reprogram for other purposes all unspent federal funds in the **Project**.

ARTICLE 5 – RECORDS & AUDIT

5A. **Project** records are printed or electronic plans, specifications, contracts, reports, notes, or other documents prepared by or for the **City**. The **City** shall retain all such records for at least **five (5) years** from the date of **MaineDOT's** acceptance of the final invoice for the **Project**. If any litigation, claim, negotiation or audit has begun before the end of this five (5) year period, all such records shall be kept at least until all action and resolution of all issues arising from it are complete. All records shall be provided to **MaineDOT** upon request after completion or termination of the **Project**.

5B. The **City** and any consultant or contractor working on its behalf shall allow authorized representatives of the Federal Government and the State of Maine to inspect and audit **Project** records at reasonable times. Copies shall be furnished at no cost to the Federal Government or to the State of Maine.

5C. Audits shall be performed in accordance with generally accepted government auditing standards and federal regulation 2 CFR, Section 200, Subpart F - "Audit Requirements."

ARTICLE 6. GENERAL PROVISIONS

6A. GOVERNING LAW. This Agreement is made and shall be construed under the laws of the State of Maine. Since this Agreement covers a **Project** employing federal-aid funds, all activities under this document shall be performed in accordance with applicable federal regulations, including but not limited to 23 CFR, "Highways"; 49 CFR, "Transportation"; and 2 CFR, Section 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

6B. INDEMNIFICATION. To the extent allowed by law, the **City** shall indemnify, defend and hold harmless **MaineDOT**, its officers, agents and employees from all claims, suits or liabilities arising from negligent or wrongful act, error or omission by the **City**, its officers, employees, agents, consultants or contractors. Nothing in this article shall waive any defense, immunity or limitation of liability that may be available to either party under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or other privileges or immunities provided by law. *Any other provision of this Agreement to the contrary notwithstanding, this provision shall survive the termination or expiration of this Agreement.*

6C. CONFIDENTIALITY. The **City** shall protect the confidentiality of right-of-way negotiations, property appraisals, and engineering estimates of the cost to construct the **Project**, in accordance with the provisions of Title 23 of the Maine Revised Statutes Annotated (MRSA), Section 63, "Confidentiality of records"

6D. INDEPENDENT CAPACITY. The **City**, its employees, agents, representatives, consultants and contractors *shall not* act as officers, employees or agents of **MaineDOT**.

6E. FLOW DOWN. Contracts between the **City** and all third parties shall contain or incorporate by reference applicable provisions of this Agreement.

6F. EQUAL EMPLOYMENT OPPORTUNITY. The **City** shall adhere to all EEO requirements in the administration of the **Project**, as follows:

1. The **City** shall not discriminate against any employee or applicant for employment *relating specifically to work under this Agreement* because of race, color, religious creed, sex, national origin, ancestry, age, sexual orientation or disability unless related to a bona fide occupational qualification. The **City** shall take affirmative action to ensure that all such applicants are employed and that all such employees are treated regardless of their race, color, religious creed, sex, national origin, ancestry, age or disability during any period of employment under this Agreement.
2. In all solicitations or advertising for employees relating to work done under this Agreement, the **City** shall state that all qualified applicants shall receive consideration for employment regardless of race, color, religious creed, sex, national origin, ancestry, age, sexual orientation or disability.

3. The **City** shall include the previous EEO provisions under this Article in any contract for services for work for the **Project** so that such provisions are binding upon each consultant and contractor – with the exception of any contract for the purchase of standard commercial supplies or raw materials. To the maximum extent feasible, the **City** and its consultants and contractors shall list all suitable employment openings with the Maine Job Service.

6G. BINDING EFFECT. The **Parties** shall be bound by the terms of this Agreement, which shall apply to its executors, their successors, administrators and legal representatives.

6H. ENTIRE AGREEMENT. This document represents the entire Agreement between the **Parties**. Neither **MaineDOT** nor the **City** shall be bound by any statement, correspondence, agreement or representation not expressly contained in this Agreement.

ARTICLE 7. DEBARMENT

7A. The **City** certifies to the best of its knowledge and belief that it and its officers, agents and employees associated with the **Project** are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by the Federal Government. If the **City** cannot certify to this statement, it shall attach an explanation to this Agreement. For the term of this Agreement, the **City** shall notify **MaineDOT** promptly if it or any officer, agent or employee associated with the **Project** is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by the Federal Government.

7B. The **City** agrees that it shall not hire an outside entity that is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by the Federal Government.

7C. The **City** agrees that if it contracts with an outside entity, that entity and its principals shall certify that they:

1. Have not within a 3-year period preceding the date of such contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with the following: a.) obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; b.) violating federal or state antitrust statutes; and c.) committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
2. Are not currently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph 1 of this section; and
3. Have not within a 3-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

ARTICLE 8. CONFLICT OF INTEREST

The **City** shall avoid contracting with an outside entity that has a financial or other interest in the **Project** or in its outcome, other than the performance of the contract. This prohibition applies to: a.) any agreement with, or other interest involving, third parties having an interest in the outcome of the **Project** that is the subject to the contract; b.) any agreement providing incentives or guarantees of future work on the **Project** or related matters; and c.) any interest in real property acquired for the **Project** unless such interest is disclosed to **MaineDOT** before the person or entity entered into the contract.

ARTICLE 9. EXPIRATION

This Agreement shall expire upon satisfactory completion of the **Project** or **five (5) years** from the final day of the month in which this Agreement was executed, whichever occurs first, except as follows:

- Article 5, "Records & Audit," shall remain in place until all activity pursuant to this provision is completed.
- Article 6B, "Indemnification," shall remain in place until specifically terminated by the **Parties** or negated by law.
- Article 6C, "Confidentiality," shall remain in effect until negated by law.

ARTICLE 10. AGREEMENT APPROVAL

The undersigned municipal representative assures that the **City's** legislative body has approved the **City's** entry into this Agreement, has appropriated or authorized use of required matching funds, and has authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, the **Parties** have executed this Agreement effective on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Catherine M. Conlow, City Manager

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

Date: _____

Date: _____

I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9407 and §9502 – that the signature, if electronic: (a) is intended to have the same force as my manual signature; (b) is unique to me; (c) is capable of verification; and (d) is under my control.

Federal Funding Accountability and Transparency Act

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

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

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

<u>City of Bangor, Maine</u>	<u>07-173-9692</u>
Sign and Print Legal CCR Name	DUNS [®] Number

Authorized Representative: _____
Catherine M. Conlow, City Manager

U.S. Department of Transportation (U.S. DOT)
Federal Highway Administration – Standard Title VI / Nondiscrimination Assurances

DOT Order No. 1050.2A

The **City of Bangor** (the "Recipient") **AGREES THAT**, as a condition of receiving Federal financial assistance from the U.S. Department of Transportation (U.S. DOT) through the Federal Highway Administration (FHWA), it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the U.S. DOT, including the FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The City of Bangor, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- 3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or Agreement subject to the Acts and the Regulations.**
4. If applicable, the Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. If applicable, the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to the FHWA, or their designees in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation. This ASSURANCE is binding on the Recipient, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in it programs. The person signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DATED _____

By _____
Catherine M. Conlow, City Manager
City of Bangor

Encl.: Appendices A and E

TITLE VI ASSURANCES: APPENDIX A

During the performance of this contract, the *City*, for itself, its assignees, and successors in interest agrees as follows:

1. **Compliance with Regulations:** The *City* will comply with the Acts and the Regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this Agreement, as set forth in Appendix E to these Assurances.
2. **Nondiscrimination:** The *City*, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of consultants and contractors, including procurements of materials and leases of equipment. The *City* will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E to these Assurances, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the *City* for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential consultant or contractor will be notified by the *City* of the *City*'s obligations under this Agreement and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, as set forth in Appendix E to these Assurances.
4. **Information and Reports:** The *City* will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Maine Department of Transportation or the Federal Highway Administration, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of the *City* is in the exclusive possession of another who fails or refuses to furnish the information, the *City* will so certify to the Maine Department of Transportation or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for noncompliance:** In the event of the *City*'s noncompliance with the Non-discrimination provisions of this Agreement, MaineDOT will impose such Agreement sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the *City* under the Agreement until the *City* complies; and/or
 - b. Cancelling, terminating, or suspending the Agreement, in whole or in part.

Incorporation of Provisions: The *City* will include the provisions of paragraphs one through five above in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The *City* will take action with respect to any subcontract or procurement as the Maine Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the *City* becomes involved in, or is threatened with litigation by a consultant, contractor, or supplier because of such direction, the *City* may request the Maine Department of Transportation to enter into any litigation to protect the interests of the Maine Department of Transportation. In addition, the *City* may request the United States to enter into the litigation to protect the interests of the United States.

TITLE VI ASSURANCES: APPENDIX E

During the performance of this contract, the **City of Bangor**, for itself, its assignees, and successors in interest (hereinafter referred to as the “**City**”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

COUNCIL ACTION

Item No. 16-295

Date: AUGUST 8, 2016

Item/Subject: ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Project – Summer Street, Independent, & Washington Street Mill & Fill Project, WIN 21926.03

Responsible Department: Engineering

Commentary:

This order would authorize the City Manager to execute a Municipal Partnership Agreement with the Maine Department of Transportation for a two inch mill & fill project on Summer Street, Independent Street, and Washington Street, beginning at the intersection of Cedar Street and extending northerly 0.26 miles to Kenduskeag Stream Bridge on Washington Street.

The Maine Department of Transportation has approved funds in an amount not to exceed \$348,570.00. The total State/Federal share of 50% is equal to \$174,285.00, and the Municipality share of 50% is equal to \$174,285.00. As a condition of this funding, the City is required to enter into a Municipal Patnership Agreement with the Maine Department of Transportation. This item was reviewed and recommended for approval at the Infrastructure Committee meeting on May 24, 2016.

John M. Theriault, City Engineer
Department Head

Manager's Comments:

Carl M. Lally
City Manager

Associated Information: Council Order, Agreement

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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

Assigned to Councilor Perry



CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Agreement for Maine Department of Transportation Project – Summer Street, Independent Street, & Washington Street Mill & Fill Project, WIN 21926.03

(TITLE.) ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Project – WIN #21926.03, Summer Street, Independent Street, & Washington Street Mill & Fill Project.

ORDERED,

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

An Agreement with the Maine Department of Transportation – Summer Street, Independent Street, & Washington Street Mill & Fill Project, WIN #21926.03

Copy of the agreement is attached.

Internal Use Only
TEDOCS # _____
CT# _____
CSN# _____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL PARTNERSHIP AGREEMENT**

**WIN: 21926.03 Bangor, Summer Street
REGARDING a Mill and Fill Project**

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION ("MaineDOT"), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the City of Bangor ("Bangor"), a municipality in the State of Maine with offices located at 73 Harlow Street, Bangor, ME.

WHEREAS, Summer Street, Independent Street and Washington Street are in need of pavement preservation to prolong the life of the highway infrastructure.

WHEREAS, Bangor shall develop and oversee a mill and fill project on Summer Street, Independent Street, and Washington Street beginning at the intersection of Cedar Street and extending northerly 0.26miles to the Kenduskeag Stream bridge on Washington Street.. The City estimates the cost to do a 2 inch mill and fill on this corridor to be \$348,570.00. MaineDOT and the City of Bangor have agreed to cost share in the development and construction of the project.

THE CITY OF BANGOR SHALL:

- A. Procure all contracts for and oversee Project on Summer Street, Independent Street, and Washington Street for the work outlined above.
- B. Cause such Work in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility, or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
- C. Agrees to secure all necessary Federal, State and Local permits necessary to complete the Work. Bangor also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.
- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:
 - a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;

- b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce any unanticipated safety hazards to the traveling public;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor;
 - e. Ensuring that the Project does not in any manner decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring the project meets the most recent Americans with Disabilities Act of 1990 (ADA) design requirements.
- F. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
- G. Ensure that construction shall commence within twelve (12) months and shall be certified complete within twenty (20) months of execution of this agreement. Bangor may forfeit the unpaid balance of this grant if these deadlines are not met or they cannot demonstrate earnest and good faith efforts to meet them.
- H. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of Bangor or its contractors, including damage to vehicles passing through the Project limits.
- I. Bear all risk of loss relating to the Project and the Work regardless of cause.

MAINEDOT SHALL:

Provide a maximum of \$174,285.00 in State funds supporting the project Work stated

above. Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A, attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed \$174,285.00 or 50% of the actual costs incurred and paid by the Municipality.

The City of Bangor and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed.

CITY OF BANGOR

Dated: _____

By: _____
Catherine Conlow, City Manager

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Dated: _____

By: _____
David Bernhardt, PE
Commissioner

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION

Municipal Partnership Initiative Project

MUNICIPALITY OF BANGOR

PROPOSED IMPROVEMENTS TO: Summer, Independent, and Washington Streets

STATE PROJECT IDENTIFICATION NUMBER (WIN) 21926.03

Project Scope: 2 inch mill and fill

Funding Outline: The Total Project Estimated Cost is \$348,570.00, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	50	174,285.00	50	174,285.00	348,570.00
PROJECT SHARES					
Total Cost of Additional Work above agreement estimate	100%				
TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT		174,285.00			

REIMBURSEMENT SCHEDULE:

Upon 1/3 project completion the municipality may begin invoicing the Department. Preferred invoicing interval is 1/3, 2/3, final, the Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices.

DESIGN EXCEPTIONS REQUIRED: YES NO

Design exceptions where required for this project. Please see attached approval from MaineDOT Chief Engineer outlining design exceptions.

Date: AUGUST 8, 2016

Item/Subject: ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Project – Outer Hammond Street Pavement Preservation Project, WIN 21926.04

Responsible Department: Engineering

Commentary:

This order would authorize the City Manager to execute a Municipal Partnership Agreement with the Maine Department of Transportation for a 1 ½ inch overlay (with shim), pavement preservation project on Outer Hammond Street (Route 2) beginning approximately 0.05 miles northerly of Doane Street and extending northerly 0.99 miles.

The Maine Department of Transportation has approved funds in an amount not to exceed \$548,612.00. The total State/Federal share of 50% is equal to \$274,306.00, and the Municipality share of 50% is equal to \$274,306.00. As a condition of this funding, the City is required to enter into a Municipal Partnership Agreement with the Maine Department of Transportation. This item was reviewed and recommended for approval at the Infrastructure Committee meeting on May 24, 2016.

John M. Theriault, City Engineer
Department Head

Manager's Comments:

Carl M. Corley
City Manager

Associated Information: Council Order, Agreement

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of Agreement for Maine Department of Transportation Project – Outer Hammond Street Pavement Preservation Project, WIN 21926.04

(TITLE.) ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Project – WIN #21926.04, Outer Hammond Street Pavement Preservation Project.

ORDERED,

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

An Agreement with the Maine Department of Transportation – Outer Hammond Street Pavement Preservation Project, WIN #21926.04

Copy of the agreement is attached.

<i>Internal Use Only</i>
TEDOCS #: _____
CT#: _____
CSN#: _____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL PARTNERSHIP AGREEMENT**

**WIN: 21926.04 Bangor, Outer Hammond Street
REGARDING a Pavement Preservation Project**

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION ("MaineDOT"), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the City of Bangor ("Bangor"), a municipality in the State of Maine with offices located at 73 Harlow Street, Bangor, ME.

WHEREAS, Outer Hammond Street (Route 2) is in need of pavement preservation to prolong the life of the highway infrastructure.

WHEREAS, Bangor shall develop and oversee a pavement preservation project on Outer Hammond Street beginning approximately 0.05 miles northerly of Doane Street and extending northerly 0.99 miles. The City estimates the cost to do a 1 1/2 inch overlay (with shim) on Outer Hammond Street to be \$548,612.00. MaineDOT and the City of Bangor have agreed to cost share in the development and construction of the project.

THE CITY OF BANGOR SHALL:

- A. Procure all contracts for and oversee Project on Outer Hammond Street for the work outlined above.
- B. Cause such Work in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility, or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
- C. Agrees to secure all necessary Federal, State and Local permits necessary to complete the Work. Bangor also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.
- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:
 - a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;

- b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce any unanticipated safety hazards to the traveling public;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor;
 - e. Ensuring that the Project does not in any manner decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring the project meets the most recent Americans with Disabilities Act of 1990 (ADA) design requirements.
- F. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
- G. Ensure that construction shall commence within twelve (18) months and shall be certified complete within twenty (36) months of execution of this agreement. Bangor may forfeit the unpaid balance of this grant if these deadlines are not met or they cannot demonstrate earnest and good faith efforts to meet them.
- H. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of Bangor or its contractors, including damage to vehicles passing through the Project limits.
- I. Bear all risk of loss relating to the Project and the Work regardless of cause.

MAINEDOT SHALL:

Provide a maximum of \$274,306.00 in State funds supporting the project Work stated above. Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A, attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed **\$274,306.00** or 50% of the actual costs incurred and paid by the Municipality.

The City of Bangor and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed.

CITY OF BANGOR

Dated: _____

By: _____
Catherine Conlow, City Manager

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Dated: _____

By: _____
David Bernhardt, PE
Commissioner

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION

Municipal Partnership Initiative Project

MUNICIPALITY OF BANGOR

PROPOSED IMPROVEMENTS TO: Outer Hammond Street

STATE PROJECT IDENTIFICATION NUMBER (WIN) 21926.04

Project Scope: 1 1/2 inch overlay (with shim)

Funding Outline: The Total Project Estimated Cost is \$548,612.00, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	50	274,306.00	50	274,306.00	548,612.00
PROJECT SHARES					
Total Cost of Additional Work above agreement estimate	100%				
TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT		274,306.00			

REIMBURSEMENT SCHEDULE:

Upon 1/3 project completion the municipality may begin invoicing the Department. Preferred invoicing interval is 1/3, 2/3, final, the Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices.

DESIGN EXCEPTIONS REQUIRED: YES NO

Design exceptions where required for this project. Please see attached approval from MaineDOT Chief Engineer outlining design exceptions.

COUNCIL ACTION

Item No. 16-297

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to Execute a Collective Bargaining Agreement between the City of Bangor and Maine Association of Police Representing Patrol Officer at the Police Department

Responsible Department: Executive

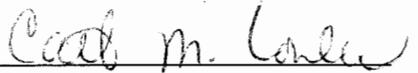
Commentary: This Order will authorize the City Manager to execute a Collective Bargaining Agreement with Maine Association of Police representing Patrol Officers at the Police Department. Negotiations between the city and the union have resulted in a Tentative Agreement which has been ratified by the union members.

The Agreement has been negotiated within the guidelines previously established by the City Council and includes the following: a three year term (July 1, 2015 to June 30, 2018); wage increases of 0% year one, 1.25 % year 2, and 1.5% year 3; an adjustment to the pay scales by adding a new top step effective 7-1-17; revised private service detail rates, an increase in the clothing allowance; updated health insurance rates and associated date changes; revised physical fitness stipend amounts; and various other housekeeping changes.

The Tentative Agreement was reviewed with the City Council on July 25, 2016, and is presented with the recommendation of the Management Negotiating Committee.

Department Head

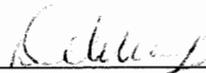
Manager's Comments: Recommend Approval



City Manager

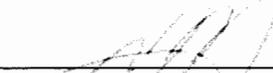
Associated Information: Order, Agreement provided separately

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) **Order, Authorizing the City Manager to Execute a Collective Bargaining Agreement between the City of Bangor and Maine Association of Police Representing Patrol Officer at the Police Department**

By the City Council of the City of Bangor:

ORDERED,

THAT, the City Manager is hereby authorized to execute a Collective Bargaining Agreement between the City of Bangor and Maine Association of Police representing Patrol Officer at the Police Department for a term commencing July 1, 2015 and ending June 30, 2018 in accordance with the terms and conditions of the Tentative Agreement reached between the Negotiating Committees representing the city and the union. A copy of the proposed CBA is on file with the office of the City Clerk.

COUNCIL ACTION

Item No. 16-298

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to execute an Airport Use & Lease agreement with American Airlines at Bangor International Airport.

Responsible Department: Airport

Commentary: This Order will authorize the City Manager to execute a 5 year Use & Lease agreement with American Airlines, which expired in 2006. Since that time, they have been operating on a year-to-year basis, and the rates and charges in effect since 2006 have remained unchanged.

Completion of the domestic terminal renovation project has resulted in significant changes in space for each of the airlines making this a good time to update the air carrier agreement. If approved, the new agreement includes adjusted rates and fees, identifies each air carriers' new exclusive use space, adds language for affirmative action and nondiscrimination compliance, and requires that the air carriers comply with all applicable airport rules and policies. The agreement will be in final form as approved by City Legal.

This item was reviewed and recommended for approval by the Airport Committee at its meeting on July 25, 2016.

Tony Caruso
Department Head

Manager's Comments:

Carol M. Loh
City Manager

Associated Information:

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

AUGUST 8, 2016

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to execute an Airport Use & Lease agreement with American Airlines at Bangor International Airport.

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 Airport provides available space to domestic air carriers to service passengers; and

WHEREAS, The Use & Lease agreements at Bangor International Airport are necessary and essential for the operation of domestic air service.

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

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute an Airport Use & Lease agreements with American Airlines at Bangor International Airport. The agreement will be in final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-299

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to execute an Airport Use & Lease agreement with Allegiant Air at Bangor International Airport.

Responsible Department: Airport

Commentary:

This Order will authorize the City Manager to execute a 5 year Use & Lease agreement with Allegiant Airlines, which expired in 2010. Since that time, they have been operating on a year-to-year basis, and the rates and charges in effect since 2007 have remained unchanged.

Completion of the domestic terminal renovation project has resulted in significant changes in space for each of the airlines making this a good time to update the air carrier agreement. If approved, the new agreement includes adjusted rates and fees, identifies each air carriers' new exclusive use space, adds language for affirmative action and nondiscrimination compliance, and requires that the air carriers comply with all applicable airport rules and policies. The agreement will be in final form as approved by City Legal.

This item was reviewed and recommended for approval by the Airport Committee at its meeting on July 25, 2016.

Tony Caruso
Department Head

Manager's Comments:

Carol M. Corbin
City Manager

Associated Information:

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, Authorizing the City Manager to execute an Airport Use & Lease agreement with Allegiant Air at Bangor International Airport.

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 Airport provides available space to domestic air carriers to service passengers; and

WHEREAS, The Use & Lease agreements at Bangor International Airport are necessary and essential for the operation of domestic air service.

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

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute an Airport Use & Lease agreements with Allegiant Air at Bangor International Airport. The agreement will be in final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-300

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to execute an Airport Use & Lease agreement with Delta Airlines at Bangor International Airport.

Responsible Department: Airport

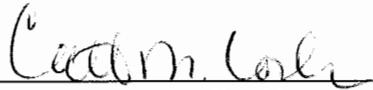
Commentary: This Order will authorize the City Manager to execute a 5 year Use & Lease agreement with Delta Airlines which expired in 2006. Since that time, they have been operating on a year-to-year basis, and the rates and charges in effect since 2006 have remained unchanged.

Completion of the domestic terminal renovation project has resulted in significant changes in space for each of the airlines making this a good time to update the air carrier agreement. If approved, the new agreement includes adjusted rates and fees, identifies each air carriers' new exclusive use space, adds language for affirmative action and nondiscrimination compliance, and requires that the air carriers comply with all applicable airport rules and policies. The agreement will be in final form as approved by City Legal.

This item was reviewed and recommended for approval by the Airport Committee at its meeting on July 25, 2016.

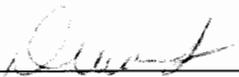
Tony Caruso
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to execute an Airport Use & Lease agreement with Delta Airlines at Bangor International Airport.

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 Airport provides available space to domestic air carriers to service passengers; and

WHEREAS, The Use & Lease agreements at Bangor International Airport are necessary and essential for the operation of domestic air service.

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

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute an Airport Use & Lease agreements with Delta Airlines at Bangor International Airport. The agreement will be in final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-302

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$2,000 from the Horizon Foundation in support of the Maine Harvest Festival.

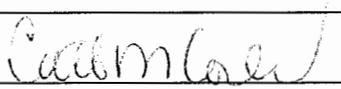
Responsible Department: Community and Economic Development

Commentary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$2,000 from the Horizon Foundation to support the sustainability of the Maine Harvest Festival.

This is scheduled for review at the August 8, 2016 Business Development Committee meeting.

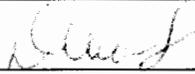
/s/ Tanya L. Emery
Department Head

Manager's Comments:

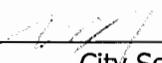

City Manager

Associated Information: Order

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$2,000 from Horizon Foundation in support of the Maine Harvest Festival.

By the City Council of the City of Bangor:

ORDERED, that the City Manager (or designee) is hereby authorized to apply for, accept, and appropriate grant funding in the amount of \$2,000 from Horizon Foundation to support the sustainability of the Maine Harvest Festival.

COUNCIL ACTION

Item No. 16-303

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$20,000 from the Libra Foundation in support of the Maine Harvest Festival.

Responsible Department: Community and Economic Development

Commentary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$20,000 from the Libra Foundation to support the sustainability of the Maine Harvest Festival.

This is scheduled for review at the August 8, 2016 Business Development Committee meeting.

/s/ Tanya L. Emery
Department Head

Manager's Comments:

Call on line
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page 1 of 1



Assigned to Councilor Plourde

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$20,000 from the Libra Foundation in support of the Maine Harvest Festival.

By the City Council of the City of Bangor:

ORDERED, that the City Manager (or designee) is hereby authorized to apply for, accept, and appropriate grant funding in the amount of \$20,000 from the Libra Foundation to support the sustainability of the Maine Harvest Festival.

COUNCIL ACTION

Item No. 16-304

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$7,500 from the Maine Charity Fund in support of the Maine Harvest Festival.

Responsible Department: Community and Economic Development

Commentary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$7,500 from the Maine Charity Fund to support the sustainability of the Maine Harvest Festival.

This is scheduled for review at the August 8, 2016 Business Development Committee meeting.

/s/ Tanya L. Emery
Department Head

Manager's Comments:

Crista M. Gale
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$7,500 from Maine Charity Fund in support of the Maine Harvest Festival.

By the City Council of the City of Bangor:

ORDERED, that the City Manager (or designee) is hereby authorized to apply for, accept, and appropriate grant funding in the amount of \$7,500 from Maine Charity Fund to support the sustainability of the Maine Harvest Festival.

COUNCIL ACTION

Item No. 16-305

Date: August 8, 2016

Item/Subject: ORDER, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$1,500 from Maine Initiatives in support of the Maine Harvest Festival.

Responsible Department: Community and Economic Development

Commentary: This Order will authorize the City Manager to apply for, accept, and appropriate grant funding in the amount of \$1,500 from Maine Initiatives to support the sustainability of the Maine Harvest Festival.

This is scheduled for review at the August 8, 2016 Business Development Committee meeting.

/s/ Tanya L. Emery
Department Head

Manager's Comments:

C. M. Lewis
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Sprague

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$1,500 from Maine Initiatives in support of the Maine Harvest Festival.

By the City Council of the City of Bangor:

ORDERED, that the City Manager (or designee) is hereby authorized to apply for, accept, and appropriate grant funding in the amount of \$1,500 from Maine Initiatives to support the sustainability of the Maine Harvest Festival.



Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to apply for, accept, and appropriate funding in the amount of \$5,000 from the Verrill Foundation in support of the Maine Harvest Festival.

By the City Council of the City of Bangor:

ORDERED, that the City Manager (or designee) is hereby authorized to apply for, accept, and appropriate grant funding in the amount of \$5,000 from the Verrill Foundation to support the sustainability of the Maine Harvest Festival.

COUNCIL ACTION

Item No. 16-307

Date: August 8, 2016

Item/Subject: RESOLVE, Ratifying the Actions of the City Manager to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety to employ a case manager to assist persons with substance use disorder.

Responsible Department: Police

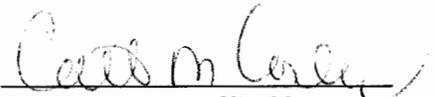
Commentary:

This order will ratify the City Manager's action to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety, as the application was due August 5, 2016. If the grant application is successful, the Police Department will partner with Acadia Hospital to hire a case manager to help divert low-level offenders with substance use disorder into community-based social and health-care services. These would include evidence-based, community based treatment, medically assisted treatment, recovery and support services. The term of the grant would be October 1, 2016 to June 30, 2018.

This item was reviewed and recommended for ratification by the Finance Committee on August 1, 2016.

Department Head

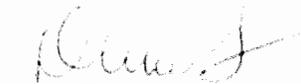
Manager's Comments:



City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) RESOLVE, Ratifying the Actions of the City Manager to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety to employ a case manager to assist persons with substance use disorder.

BE IT RESOLVED THAT: The City Council hereby ratifies the Actions of the City Manager to apply for funds in the amount of \$125,000 from the State of Maine Department of Public Safety to employ a case manager to assist persons with substance use disorder. The term of the grant is October 1, 2016 to June 30, 2018.

COUNCIL ACTION

Item No. 16-308

Date: August 8, 2016

Item/Subject: Order, Directing the City Manager to Take Possession of Vacant Land Located on Chase Road – Map R68 Lot 029

Responsible Department: Treasury

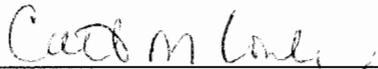
Commentary:

This Order directs the City Manager to take possession of vacant land located on Chase Road by virtue of the 2014 matured tax lien. The property is identified as Map R68 Lot 029. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of "Unknown Owner" as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

Department Head

Manager's Comments:



City Manager

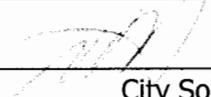
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ **of** __

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Vacant Land Located on Chase Road – Map R68 Lot 029

WHEREAS, the City of Bangor has recorded tax liens on the vacant land on Chase Road, identified as Map R68 Lot 029 for unpaid real estate taxes; and

WHEREAS, several of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

By the City Council of the City of Bangor:

Be it Ordered,

that Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of vacant land located on Chase Road and dispose of any abandoned personal property located thereon in accordance with state law.

COUNCIL ACTION

Item No. 16-309

Date: August 8, 2016

Item/Subject: Order, Directing the City Manager to Take Possession of Vacant Land Located on Highland Lane – Map 032 Lot 181

Responsible Department: Treasury

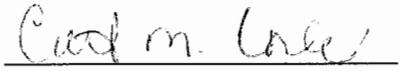
Commentary:

This Order directs the City Manager to take possession of vacant land located on Highland Lane by virtue of the 2014 matured tax lien. The property is identified as Map 032 Lot 181. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of "Unknown Owner" as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

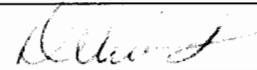
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page of

Assigned to Councilor Perry



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Vacant Land Located on Highland Lane – Map 032 Lot 181

WHEREAS, the City of Bangor has recorded tax liens on the vacant land on Highland Lane, identified as Map 032 Lot 181 for unpaid real estate taxes; and

WHEREAS, several of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

By the City Council of the City of Bangor:

Be it Ordered,

that Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of vacant land located on Highland Lane and dispose of any abandoned personal property located thereon in accordance with state law.

COUNCIL ACTION

Item No. 16-310

Date: August 8, 2016

Item/Subject: Order, Directing the City Manager to Take Possession of Vacant Land Located on Kittredge Road – Map R59 Lot 005

Responsible Department: Treasury

Commentary:

This Order directs the City Manager to take possession of vacant land located on Kittredge Road by virtue of the 2014 matured tax lien. The property is identified as Map R59 Lot 005. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of "Unknown Owner" as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

Department Head

Manager's Comments:

Curt M. Lepp

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 Sprague



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Vacant Land Located on Kittredge Road – Map R59 Lot 005

WHEREAS, the City of Bangor has recorded tax liens on the vacant land on Kittredge Road, identified as Map R59 Lot 005 for unpaid real estate taxes; and

WHEREAS, several of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

By the City Council of the City of Bangor:

Be it Ordered,

that Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of vacant land located on Kittredge Road and dispose of any abandoned personal property located thereon in accordance with state law.

COUNCIL ACTION

Item No. 16-311

Date: August 8, 2016

Item/Subject: Order, Directing the City Manager to Take Possession of Vacant Land Located on Nowell Road – Map 029 Lot 034-A

Responsible Department: Treasury

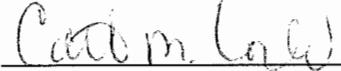
Commentary:

This Order directs the City Manager to take possession of vacant land located on Nowell Road by virtue of the 2014 matured tax lien. The property is identified as Map 029 Lot 034-A. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of "Unknown Owner" as the City Assessing Department has been unable to identify ownership. All attempts to identify an owner and receive payment have been unsuccessful. In addition, no one has contacted the City to claim ownership of the parcel. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 2016

Department Head

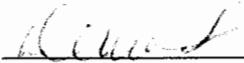
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Nichols



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Vacant Land Located on Nowell Road – Map 029 Lot 034-A

WHEREAS, the City of Bangor has recorded tax liens on the vacant land on Nowell Road, identified as Map 029 Lot 034-A for unpaid real estate taxes; and

WHEREAS, several of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

By the City Council of the City of Bangor:

Be it Ordered,

that Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of vacant land located on Nowell Road and dispose of any abandoned personal property located thereon in accordance with state law.

COUNCIL ACTION

Item No. 16-312

Date: August 8, 2016

Item/Subject: Order, Directing the City Manager to Take Possession of Vacant Land Located on Odlin Road – Map R18 Lot 036

Responsible Department: Treasury

Commentary:

This Order directs the City Manager to take possession of vacant land located on Odlin Road by virtue of the 2014 matured tax lien. The property is identified as Map R18 Lot 036. The City of Bangor has recorded tax liens on the property for unpaid real estate taxes; several of which have matured. The property is currently assessed in the name of "Bangor Commerce Park Association Trustees" which has been administratively dissolved per the Secretary of State's Office. All attempts to receive payment have been unsuccessful. If approved, this order will also authorize the removal of all personal property.

This has been reviewed and recommended for approval by the Finance Committee on August 1, 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 __

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Vacant Land Located on Odlin Road – Map R18 Lot 036

WHEREAS, the City of Bangor has recorded tax liens on the vacant land on Odlin Road, identified as Map R18 Lot 036 for unpaid real estate taxes; and

WHEREAS, several of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

By the City Council of the City of Bangor:

Be it Ordered,

that Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of vacant land located on Odlin Road and dispose of any abandoned personal property located thereon in accordance with state law.

COUNCIL ACTION

Item No. 16-313

Date: August 8, 2016

Item/Subject: **ORDER**, Extending the Designation of Sheldon Hartstone as Tentative Developer of a Parcel of City-Owned Land – Map 001 Lot 134 and a Portion of Map 001 Lot 001

Responsible Department: Community & Economic Development

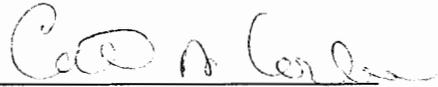
Commentary:

This Order extends the designation of Sheldon Hartstone as the Tentative Developer of a City owned parcel of land of approximately 9.66 acres located on Odlin Road, Bangor until January 23, 2017. Mr. Hartstone and City staff have requested additional time to allow for the completion of the environmental assessment of the property and to negotiate with new development opportunities.

This item is scheduled for review by the Business & Economic Development Committee at its August 8, 2016 meeting.

Tanya L. Emery
Department Head

Manager's Comments:

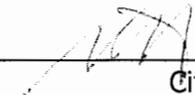

City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

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

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) ORDER, Extending the Designation of Sheldon Hartstone as Tentative Developer of a Parcel of City-Owned Land – Map 001 Lot 134 and a Portion of Map 001 Lot 001

WHEREAS, the City of Bangor is the owner of a parcel of land of approximately 9.66 acres located on Odlin Road, Bangor, described as Map 001 Lot 134 and a Portion of Map 001 Lot 001; and

WHEREAS, the Bangor City Council has approved designating Sheldon Hartstone as Tentative Developer of said parcel; and

WHEREAS, an environmental assessment is being conducted which is necessary to determine the development opportunities for the parcel; and

WHEREAS, Mr. Sheldon Hartstone has actively pursued commercial development opportunities for the parcel; and

WHEREAS, it is in the best interest of the City to extend the designation of Sheldon Hartstone as "Tentative Developer" of the parcel of land on Odlin Road:

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

The designation of Sheldon Hartstone as Tentative Developer of the City owned parcel of land of approximately 9.66 acres located on Odlin Road, Bangor is extended until January 23, 2017. During the period of designation, the City agrees to deal exclusively with Mr. Hartstone and his partners for the purpose of development of the City owned parcel of land, and City staff is authorized to negotiate a Development Agreement with Mr. Hartstone for the City Council's consideration setting forth the proposed terms and conditions under which the property would be leased and developed.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 16-314

Date: August 8, 2016

Item/Subject: ORDINANCE, Amending Map Entitled "Downtown Parking Management District" By Eliminating Two Spaces on Main Street

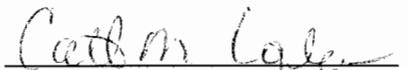
Responsible Department: Public Works

Commentary:

This ordinance will amend the parking map to remove two parking spaces from the east side of Main Street, as they are too close to the intersection with Water Street and occupy the right turn lane from Main into Water. At Council direction, staff did communicate with neighboring businesses. The retail operators did not think removing the spaces would cause harm, however the owner of the building across the street was concerned about the loss of parking. Should the council not want to remove the spaces; staff recommends that the right turn lane from Main Street to Water Street be removed as the uses conflict. It is staff's recommendation that the parking be removed. This item was reviewed and recommended for approval at the Business and Economic Development Committee Meeting on July 25, 2016.

Department Head

Manager's Comments:

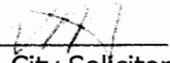

City Manager

Associated Information: Ordinance; Exhibit A - Map of Area Affected

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

Passage

First Reading

Referral to Business and Economic Development Committee on August 8, 2016

16-314
AUGUST 8, 2016

Assigned to Councilor Graham

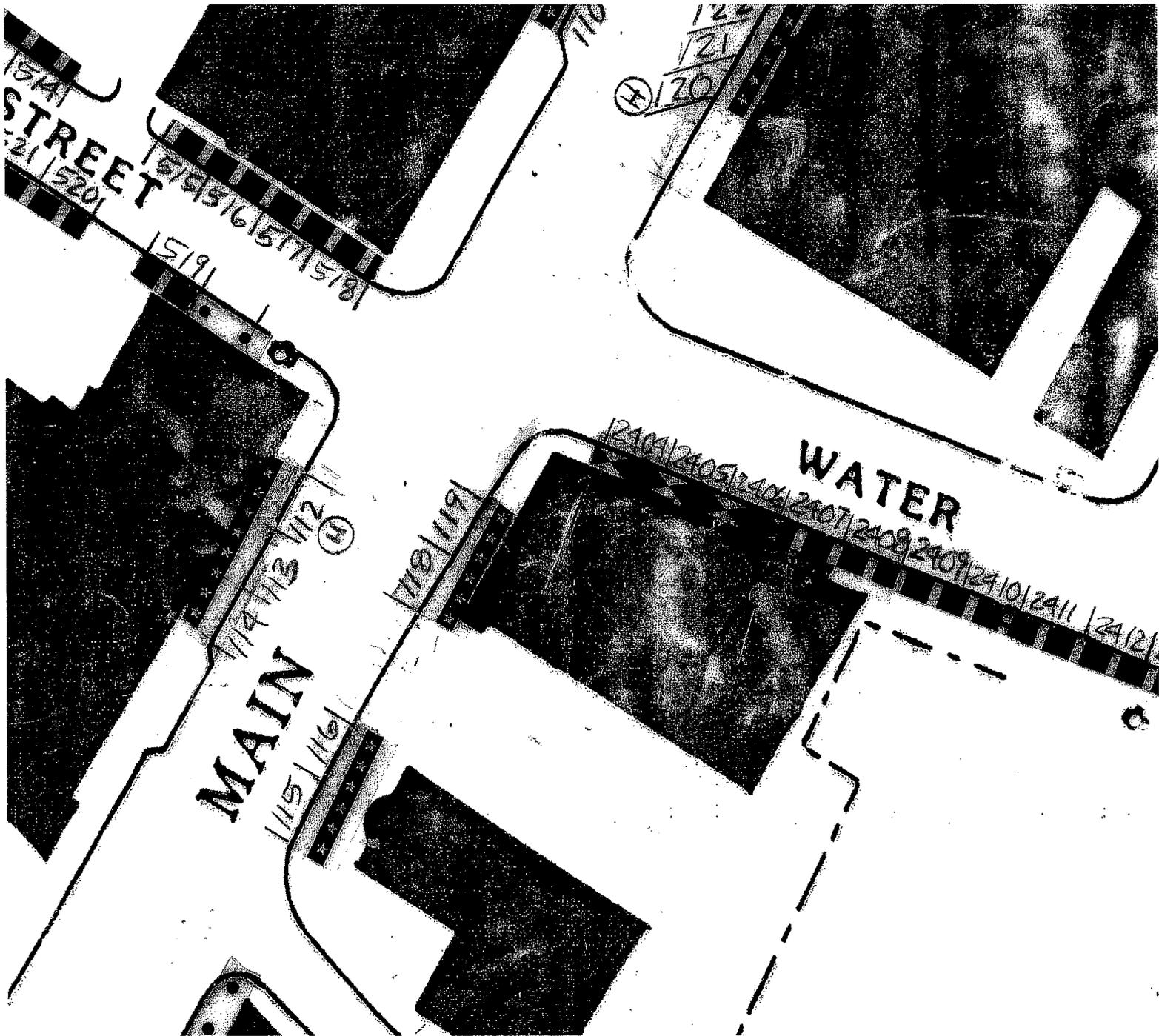


CITY OF BANGOR

ORDINANCE, Amending Map Entitled "Downtown Parking Management District" By Eliminating Two Spaces on Main Street

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

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 spaces 118 and 119.



COUNCIL ACTION

Item No. 16-315

Date: August 8, 2016

Item/Subject: Ordinance, Amending Chapter 231 of the Code of the City of Bangor – Smoking Prohibited in Certain Public Parks

Responsible Department: Legal

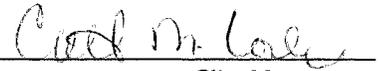
Commentary:

This Ordinance will ban smoking in public parks that have amenities such as pools, playgrounds, and athletic facilities that are intended to be used by minors.

Many of the public parks in the City of Bangor include amenities such as pools, playgrounds, and athletic facilities that are intended to be used by minors. It is well recognized that exposure to secondhand smoke is a health hazard. If approved, this ordinance takes appropriate measures to prevent minors from being exposed to secondhand smoke in public park spaces that are heavily used by minors. This item was reviewed at a Government Operations Committee.

Department Head

Manager's Comments:



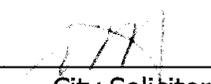
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) Ordinance, Amending Chapter 231 of the Code of the City of Bangor – Smoking Prohibited in Certain Public Parks

WHEREAS, many of the public parks of the City of Bangor include amenities such as pools, playgrounds, and athletic facilities that are intended to be used by minors; and

WHEREAS, exposure to secondhand smoke is a health hazard; and

WHEREAS, it is in the best interest of the citizens of Bangor that minor not be exposed to secondhand smoke in places that they tend to gather.

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

Chapter 231 of the Code of the City of Bangor is amended as follows:

§231-7 Alcoholic beverages; smoking; fires; use of closed areas

A. Intoxicating beverages.

(1) Liquor defined. For purposes of this subsection, "liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.

(2) Prohibition. No person in a public park, as defined by section 231-2 of the Code of the City of Bangor, shall have brought liquor, nor shall any person drink liquor at any time, in any parking area.

(3) Exceptions. At the Municipal Golf Course, Bass Park and West Market Square, concession and license privileges may include the sale of liquor by such concessionaire or licensee under strict regulation and control of the City Council. Sales of liquor at such locations shall be made only in individual drinks (not in bulk), and liquor shall be served only for consumption on the immediate premises of the concession and in such other areas as the City Council may direct. In addition, in accordance with the applicable provisions of state law, alcohol may be served at locations throughout the Municipal Golf Course under terms and conditions established by the Director of Parks and Recreation.

B. Smoking

(1) Smoking defined. "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

(2) Prohibition. Smoking in a public park that has amenities specifically constructed for use by children, including, but not limited to, playgrounds, swimming pools, sporting fields and buildings shall be prohibited. This shall include Hayford's Park, Bangor Garden Playground, Broadway Park, Coe Park, Chapin Park, Fairmount Park, Hayford's Field, Little City Park, J.J. Williams Park, Second Street Playground, Essex Street Recreation Area (Penjajawoc Park), Stillwater Park Playground, and Union Street Recreational Area.

BC. Fires. No person in a park shall build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

ED. Closed areas. No person in a park shall enter an area posted as "Closed to the Public," nor shall any person use or let the use of any area in violation of posted notices.

Additions are underlined. Deletions are ~~struck through~~.

COUNCIL ACTION

Item No. 16-316

Date: August 8, 2016

Item/Subject: Resolve, Appropriating \$150,000 of Airport Reserves to Fund Relocation of Aircraft Deicing Operations and Appropriating the Proceeds from the Sale of Aircraft Parts to Reimburse the Airport Reserves

Responsible Department: Airport

Commentary: The airport is in the process of moving personnel and equipment to accommodate C&L Aero's recent leasing of the additional hangar to support their latest expansion. Originally, the airport was working in phases to relocate the aircraft deice fluid tanks and equipment, and budget accordingly with minimal disruption to C&L and to our winter operations. However, through recent developments, the site determined to relocate the tanks and equipment has become available now. By relocating the tanks and equipment now, the airport will save time and resources, and will be operational prior to our winter season. The scope of work needed to relocate the tanks/equipment and make modifications to an existing facility includes installing a heat system, installing overheads doors, running a water line, electrical upgrades and general building modifications.

This Resolve will authorize the appropriation of Airport Reserves to fund relocation of its deicing operations and appropriate the proceeds from the sale of aircraft parts and equipment to reimburse the reserve account at Bangor International Airport (BGR).

This item was reviewed and recommended for approval by the Finance Committee on August 1, 2016.

Tony Caruso
Department Head

Manager's Comments:

Carl M. Loren
City Manager

Associated Information: Resolve

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, Appropriating \$150,000 of Airport Reserves to Fund Relocation of Aircraft Deicing Operations and Appropriating the Proceeds from the Sale of Aircraft Parts to Reimburse the Airport Reserves

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

The City Finance Director is hereby authorized to appropriate \$150,000 of Airport Reserves to fund relocation of aircraft deicing operations and appropriate the proceeds from the sale of aircraft parts to reimburse the Airport Reserves.

COUNCIL ACTION

Item No. 16-317

Date: August 8, 2016

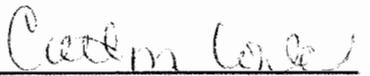
Item/Subject: Resolve, Accepting and appropriating a grant in the amount of \$1,763,719 from the Federal Aviation Administration and \$97,984 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 70 at Bangor International Airport (BGR).

Responsible Department: Airport

Commentary: This Resolve will accept and appropriate a grant in the amount of \$1,763,719 from the Federal Aviation Administration (FAA) and \$97,984 from the Maine DOT under the Airport Improvement Plan (AIP) program, grant # 70. If approved, this grant will be used for the installation of a passenger boarding bridge and expansion of the terminal hold (waiting) area. This boarding bridge will be able to serve all domestic aircraft that currently fly in to the airport and as such will be available for any airline use. The objective of this project is to meet increased demand. This project is included in BGR's FAA approved 5-year Capital Improvement Plan (CIP). This grant will fund 90% of the project with the additional 5% coming from the State and 5% coming from the airport.

Tony Caruso
Department Head

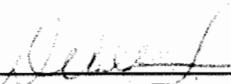
Manager's Comments:



City Manager

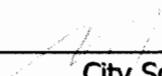
Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral – Finance Committee on August 15, 2016.

ASSIGNED TO COUNCILOR NEALLEY



CITY OF BANGOR

(TITLE): Resolve, Accepting and appropriating a grant in the amount of \$1,763,719 from the Federal Aviation Administration and \$97,984 from the Maine Department of Transportation under the Airport Improvement Plan (AIP) program, grant # 70 at Bangor International Airport (BGR).

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

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

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

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

The City Manager is hereby authorized to accept the grants from the Federal Aviation Administration and the Maine Department of Transportation in the amount of \$ 1,861,703 under the Airport Improvement Plan (AIP) program, grant # 70 for passenger boarding bridge and gate area expansion project at Bangor International Airport (BGR); and

BE IT FURTHER RESOLVED THAT

There is hereby appropriated within the Airport Fund the amount of \$1,861,703 recognizing this grant fund to be used for this project. The City Finance Director is hereby authorized to place this amount within the appropriate accounts.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 16-284

Date: July 25, 2016

Item/Subject: Order, Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For

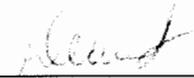
Responsible Department: Finance

Commentary: The attached Order would authorize the issuance of \$1,000,000 in general obligation bonds for the following purposes: \$668,000 for Cameron Stadium Improvements and \$332,000 for school building improvements.

In May 2013, Council Order 13-157 authorized the issuance of \$1.2 million in general obligation bonds for improvements at Cameron Stadium. At that time, the School Department presented an initial plan to significantly improve the facilities at Cameron Stadium. The plan included replacement of the bleachers, lighting system, new locker rooms and restrooms and equipment storage, expansion of the track and the installation of turf. The bond proceeds were used to replace the bleachers, lighting and construct restroom facilities.

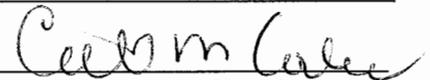
The City's Charter requires that the issuance of general obligation bonds for a single capital improvement be approved by voters if it exceeds a certain dollar threshold and does not meet one of the defined exceptions. Both the bleachers and lighting portions of the project were deemed a life safety issue that needed to be addressed as an emergency. The bleachers were unsafe and likely to be put out of service and the lighting system was a hazard to participants and patrons alike. As there was no plan to issue additional bonds for this project, the bond order did not include the specific language citing the findings in support of the exception. Therefore, this Order would also amend Council Order 13-157 to state the emergency nature of the bonds for the bleacher and lighting upgrades.

These projects were discussed during the recently completed FY 2017 budget process. In addition, this Order will require a Public Hearing at the August 8th City Council Meeting



Department Head

Manager's Comments:

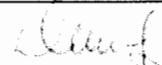


City Manager

Associated Information:

Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral – Finance Committee of 8/1/16

Page __ of __

Assigned to Councilor Perry



CITY OF BANGOR

(TITLE.) Order, Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For.

WHEREAS, on May 29, 2013, the Bangor City Council adopted Order #13-157 authorizing the issuance of the City's general obligation bonds in an amount not to exceed \$1,200,000 to provide funds to replace bleachers, construct restroom and cold storage facilities and upgrade the electrical system / lights at Cameron Stadium (the "Original Cameron Stadium Improvements");

WHEREAS, the amount of bonds authorized by Order #13-157 (\$1,200,000) fell below the then-applicable referendum threshold (\$1,231,000) established under Article VIII, Section 19(a) of the City's Charter; and

WHEREAS, at the time Order #13-157 was adopted, the City Council anticipated that certain related additional Cameron Stadium improvements, including but not limited to locker rooms (the "Additional Cameron Stadium Improvements"), would be funded through private fund raising efforts; and

WHEREAS, because the anticipated fund raising efforts have not come to fruition, the City Council now desires to authorize additional general obligation bonds for Additional Cameron Stadium Improvements (\$668,000) and for improvements to 14th Street School (\$332,000); and

WHEREAS, there is a possibility that the Original Cameron Stadium Improvements and the Additional Cameron Stadium Improvements (referred to as the "Combined Cameron Stadium Improvements") could be treated as a single capital improvement under Article VIII, Section 19(a) of the Charter, which combined authorized amount of bonds for the Combined Cameron Stadium Improvements (\$1,868,000) would exceed the Charter's current referendum threshold (\$1,271,850); and

WHEREAS, certain portions of the Original Cameron Stadium Improvements were necessary for the preservation of public health or safety and could have been excepted from the Charter referendum requirement by the City Council under Article VIII, Section 19(b)(vi) of the Charter; and

WHEREAS, the City Council now desires to amend Order #13-157 to retroactively incorporate an emergency declaration therein and to authorize additional general obligation bonds for the Additional Cameron Stadium improvements;

NOW THEREFORE, following a public hearing held upon due notice posted and published pursuant to Article VIII, Section 13 of the Charter, by the City Council of the City of Bangor, **BE IT HEREBY ORDERED**:

THAT pursuant to 30-A M.R.S.A. §5772, Section 13 of Article VIII of the Charter (Private and Special Laws of 1931, Chapter 54 and all amendments thereof and acts additional thereto), and all other authority thereto enabling, there is hereby authorized and approved the issue and sale of the City's general obligation bonds in an amount not to exceed the aggregate principal amount of One Million Dollars (\$1,000,000). The proceeds derived from the sale of said bonds, including premium, if any, and any investment earnings thereon shall be used and are hereby appropriated to pay a portion of the costs (as herein defined) of the following improvements (the "Projects")

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Cameron Stadium Locker Rooms	\$668,000	15 years
14 th Street School – roof repair / replacement	\$332,000	20 years

BE IT FURTHER ORDERED:

THAT the City Council finds, determines and declares, with respect to the Original Cameron Stadium Improvements, that an emergency existed and continues to exist with respect to the need to acquire, install, replace and improve the bleachers and electrical system / lights portions of such Original Cameron Stadium Improvements within the meaning of Article VIII, Section 19(b)(vi) of the Charter as follows:

- Cameron Stadium was built in the early 1940's and suffered from the following issues: moisture infiltration had jeopardized the integrity of the walls; the structural beams did not meet current capacity codes; the metal decking consisted of lead paint, was flaking and was extremely slippery when wet; and the seating section was not ADA compliant.
- The bleachers in Cameron Stadium being replaced were unsafe and were beyond the end of their useful life;
- The electrical lighting system in Cameron Stadium was unsafe in that the wiring which fed the various light poles was buried but not encased in conduit leading to three instances where spectators and an employee received a shock attributable to the deficient wiring and therefore needed to be replaced;

- These circumstances create an unacceptable risk to the health and safety of the residents of the City;
- There was and is therefore a substantial public exigency to speedily acquire, install, replace and improve the bleachers and electrical system / lights, portions of Cameron Stadium in order to meet the needs of the residents of the City;
- Because there was and is an urgent and unavoidable need for these portions of the Original Cameron Stadium Improvements, the City Council finds, determines and declares that emergency circumstances exist under Article VIII, Section 19(b)(vi) of the City Charter requiring approval of the bonds issued or to be issued for such improvements without referendum approval, which would put timely completion of the Combined Cameron Stadium Improvements at risk.

BE IT FURTHER ORDERED:

THAT in the event the above-retroactive declaration of an emergency with respect to the Original Cameron Stadium Improvements is found to be defective in any manner, the City Council finds, determines and declares with respect to the Additional Cameron Stadium Improvements, that an emergency exists with respect to the need to acquire, install, replace and improve the Additional Cameron Stadium Improvements within the meaning of Article VIII, Section 19(b)(vi) of the Charter as follows:

- At the time Order #13-157 was adopted, the City Council could have found and declared that an emergency existed with respect to the need to acquire, install, replace and improve the bleachers and electrical system / lights portions of the Original Cameron Stadium Improvements within the meaning of Article VIII, Section 19(b)(vi) of the Charter
- It is important for the Combined Cameron Stadium Improvements be completed in a timely fashion.
- These circumstances create an unacceptable delay in the completion of the Combined Cameron Stadium Improvements;
- There is a substantial public need to speedily complete the Combined Cameron Stadium Improvements in order to meet the needs of the residents of the City;
- The City Council finds, determines and declares that emergency circumstances exist under Article VIII, Section 19(b)(vi) of the City Charter requiring approval of the bonds authorized hereby for such improvements without referendum approval, which would put timely completion of the Combined Cameron Stadium Improvements at risk.

BE IT FURTHER ORDERED:

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

THAT the Finance Director, with the approval of the Finance Committee, be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, at one time, or from time to time, as one or more separate bond issues, and to determine the date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award, such approval to be conclusively evidenced by the execution thereof.

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

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

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

THAT said bonds and notes in anticipation thereof shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

THAT the Finance Director be, and hereby is, authorized and empowered in the name of and on behalf of the City to execute and deliver all such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, in connection with the financing of the Projects and the sale, execution, issuance, and delivery by the City of the bonds and notes.

THAT the Finance Director be and hereby is authorized to select the underwriter, registrar, paying agent and transfer agent for the bonds or notes heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

THAT the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the bonds or notes for sale be and hereby is approved.

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

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

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

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

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

THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on

behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder and not part of the Projects shall be used directly or indirectly in any manner that would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

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

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

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

THAT the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (1) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

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

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

THAT if the actual cost of any Project differs from the estimated cost set forth herein, whether due to completion, delay or abandonment of the Project for any other reason, the Finance Director is authorized, in her discretion to reallocate proceeds of the bonds to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT the Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in the name of and on behalf of the City to do or cause to be done all such acts and things as may be necessary or advisable, with the advice of counsel for the City, in order to effect the sale, issuance, execution, and delivery by the City of the bonds and notes.

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

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

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing, with the approval of the Finance Committee.

THAT during the term any of the bonds are outstanding, the Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and

16-284
JULY 25, 2016

to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds including the form and manner of their sale and award. The Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

THAT it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.

COUNCIL ACTION

Item No. 16-285

Date: July 25, 2016

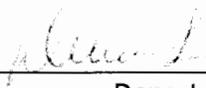
Item/Subject: Order, Authorizing Issuance of \$7,003,000 of the City's General Obligation Bonds and a Tax Levy There For

Responsible Department: Finance

Commentary:

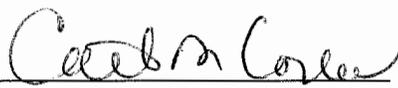
The attached Order would authorize the issuance of \$7,003,000 in general obligation bonds for the following purposes: \$330,000 for equipment replacement, \$1,808,000 for streets and sidewalks, \$1,650,000 for street/retaining wall; \$1,200,000 for Fire apparatus, \$160,000 for building improvements, \$750,000 for Penobscot River remediation, and \$1,105,000 for WWTP infrastructure improvements. These projects were discussed during the recently completed FY 2017 budget process.

This Order will require a Public Hearing at the August 8th City Council Meeting



Department Head

Manager's Comments:

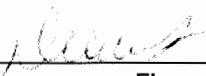


City Manager

Associated Information:

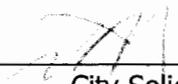
Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral – Finance Committee of 8/1/16

Page __ of __

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) Order, Authorizing Issuance of \$7,003,000 of the City's General Obligation Bonds and a Tax Levy There For.

FOLLOWING a public hearing held upon due notice posted and published pursuant to Article VIII, Section 13 of the City Charter, by the City Council of the City of Bangor, be it hereby ORDERED:

THAT pursuant to 30-A M.R.S.A. §5772, Section 13 of Article VIII of the City Charter (Private and Special Laws of 1931, Chapter 54 and all amendments thereof and acts additional thereto), and all other authority thereto enabling, there is hereby authorized and approved the issue and sale of the City's general obligation bonds in an amount not to exceed the aggregate principal amount of Seven Million Three Thousand Dollars (\$7,003,000). The proceeds derived from the sale of said bonds, including premium, if any, and any investment earnings thereon shall be used and are hereby appropriated to pay a portion of the costs (as herein defined) of the following Projects.

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Streets & Sidewalks	\$1,808,000	15 years
Street/Retaining Wall	\$1,650,000	20 years
Fire Apparatus	\$1,200,000	15 years
Equipment (includes plow trucks, boards & glass)	\$330,000	15 years
Building Improvements	\$160,000	20 years
Penobscot River Remediation	\$750,000	12 years
WWTP Infrastructure	\$1,105,000	20 years

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

THAT the Finance Director, with the approval of the Finance Committee, be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, at one time, or from time to time, as one or more separate bond issues, and to determine the

date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award, such approval to be conclusively evidenced by the execution thereof.

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

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

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

THAT said bonds and notes in anticipation thereof shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

THAT the Finance Director be, and hereby is, authorized and empowered in the name of and on behalf of the City to execute and deliver all such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, in connection with the financing of the Projects and the sale, execution, issuance, and delivery by the City of the bonds and notes.

THAT the Finance Director be and hereby is authorized to select the underwriter, registrar, paying agent and transfer agent for the bonds or notes heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

THAT the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the

Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the bonds or notes for sale be and hereby is approved.

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

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

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

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

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

THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder and not part of the Projects shall be used directly or indirectly in any manner that would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

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

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

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

THAT the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

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

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

3. To pay debt service on the bonds.

THAT if the actual cost of any Project differs from the estimated cost set forth herein, whether due to completion, delay or abandonment of the Project for any other reason, the Finance Director is authorized, in her discretion to reallocate proceeds of the bonds to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT the Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in the name of and on behalf of the City to do or cause to be done all such acts and things as may be necessary or advisable, with the advice of counsel for the City, in order to effect the sale, issuance, execution, and delivery by the City of the bonds and notes.

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

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

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing, with the approval of the Finance Committee.

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

16-285
JULY 25, 2016

THAT it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.

COUNCIL ACTION

Item No. 16-286

Date: July 25, 2016

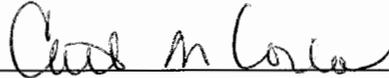
Item/Subject: RESOLVE, Accepting and Appropriating \$149,979 for the Supplemental Nutrition Education Grant Program

Responsible Department: Health & Community Services

Commentary: This resolve will accept and appropriate \$149,979 for the Supplemental Nutrition Education Grant Program (SNAP ED) through the River Coalition. This will be the fifth year of the grant for the purpose of providing nutrition education to people who are eligible for Supplemental Nutrition Assistance Program in the Greater Bangor area. The grant term is 10/1/2016 to 9/30/2017. This was reviewed and recommended for approval at the July 18, 2016 Government Operations Committee meeting.

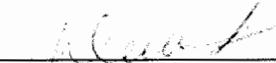
Department Head

Manager's Comments:

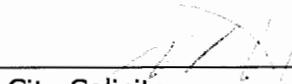

City Manager

Associated Information: Resolve

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral



Assigned to Councilor Plourde

CITY OF BANGOR

RESOLVE, Accepting and Appropriating \$149,979 for the Supplemental Nutrition Education Grant Program

By the City Council of the City of Bangor:

RESOLVED, THAT \$149,979 is hereby accepted and appropriated for the Supplemental Nutrition Education Program for the period October 1, 2016 – September 30, 2017

COUNCIL ACTION

Item No. 16-287

Date: July 25, 2016

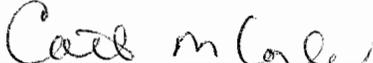
Item/Subject: RESOLVE, Authorizing the City Manager to Accept and Appropriate \$190,507.00 in Homeland Security Grant Funding from the Maine Emergency Management Agency (MEMA)

Responsible Department: Fire.

Commentary: This Resolve will accept and appropriate \$190,507 in FY 2016, Homeland Security Grant Funding from the Maine Emergency Management Agency to improve Police and Fire preparedness and response capabilities for Homeland Security related events. This funding will be utilized for the purpose of providing enhanced training in various disciplines for police and fire department personnel. Funding will also be used to purchase equipment and to maintain/upgrade current equipment. A plan outlining the various anticipated projects and expenditures is attached to the Resolve. This list may not represent the exact final expenditures, as priorities and needs may change during the grant period. This item was reviewed and recommended for approval at the Government Operations Committee Meeting on July 18, 2016.

Department Head

Manager's Comments:


City Manager

Associated Information: Resolve, Proposed Project List

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Nichols



CITY OF BANGOR

(TITLE.) Resolve , Authorizing the City Manager to Accept and Appropriate \$190,507.00 in FY 2016 Homeland Security Grant Funding from the Maine Emergency Management Agency (MEMA)

By the City Council of the City of Bangor:

RESOLVED that \$190,507.00 in FY 2016 Homeland Security Grant Funds from the Maine Emergency Management Agency (MEMA) to improve Police and Fire Department preparedness and response capabilities for Homeland Security related events is hereby accepted and appropriated.

And Be it Further Resolved that the Finance Director is authorized to establish such financial accounts as may be necessary to accept and disperse such funds in accordance with Homeland Security and MEMA requirements.

TO: Government Operations Committee
FR: Tom Higgins, Fire Chief / Mark Hathaway, Chief of Police
DT: July 12, 2016
RE: Homeland Security Grant Funding

The Police & Fire Departments have been notified of our annual Homeland Security Grant Funding from Maine Emergency Management Agency (MEMA). The award for FY2016 is \$190,507. These funds are awarded to better prepare our response capabilities. The funding also allows enhanced training opportunities and to purchase and/or maintain current equipment.

The preliminary budget being submitted to MEMA for approval includes:

Special Teams (EOD, SRT, MCV, Tech Res)	\$70,000
MDTs replacement/support	\$40,000
PD SUV	\$45,000
Active Shooter Training	\$15,000
Portacount Compliance Fit Tester	\$11,000
NIMS Training	\$ 2,500
Program administration	\$ 2,007
Evidence Equipment	\$ 5,000
Total	\$190,507

Staff will attend the meeting to answer any questions.

COUNCIL ACTION

Item No. 16- 288

Date: July 25, 2016

Item/Subject: Resolve, Accepting and Appropriating a \$102,627 Grant from the Maine Department of Health & Human Services to support an In Home Asthma Education Program.

Responsible Department: Public Health & Community Services

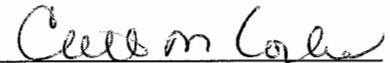
Commentary: This resolve will accept and appropriate \$102,627 from the Maine Department of Health and Human Services (DHHS), Center for Disease Control and Prevention (CDC) for Asthma Home Visiting and Educational Services. The term is September 1, 2016 to August 31, 2017. This is the second year of a five-year grant that is expected to continue until August 31, 2020.

The program provides direct services to patients with poorly controlled asthma in the home environment with a focus on education about asthma management. This includes identifying asthma triggers in the home environment and providing suggestions to mitigate exposure. The program is expected to decrease direct health care costs associated with asthma by preventing hospitalizations and emergency/urgent care visits; and to reduce the number of lost work days for adults and lost education days for children.

The program serves persons of all ages in the communities of Bangor, Bradley, Brewer, Carmel, Clifton, Dedham, Eddington, Frankfort, Glenburn, Hampden, Hermon, Holden, Indian Island, Kenduskeag, Levant, Milford, Newburg, Old Town, Orono, Orrington, Veazie, and Winterport. This item will be reviewed at the August 1 meeting of the Government Operations Committee.

Department Head

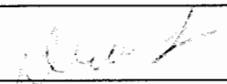
Manager's Comments:



City Manager

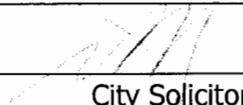
Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to Gov't Operations—8-1-16

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating a \$102,627 grant from the Maine Department of Health and Human Services to Support an In-Home Asthma Education Program

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, that a Grant in the amount of \$102,627 grant from the ME DHHS, Center for Disease Control and Prevention (CDC) for Asthma Home Visiting and Educational Services is hereby accepted and appropriated for the period September 1, 2016 to August 31, 2017.

COUNCIL ACTION

Item No. 16-290

Date: August 1, 2016

Item/Subject: **ORDER,** Approving Application of Metro Treatment of Maine, LP d/b/a Penobscot County Metro Treatment Center to Increase from 300 to 500 the Number of Patients it may Treat

Responsible Department: Legal

Commentary:

Metro Treatment of Maine, LP, d/b/a Penobscot County Metro Treatment Center has an existing facility for methadone treatment located at 659 Hogan Road Bangor. It is currently licensed to treat 300 methadone patients. Penobscot Metro has applied to increase from 300 to 500 the number of patients that it may treat.

Section 93 of the Code of the City of Bangor provides that an existing facility in Bangor providing methadone services must apply to the City for a license to increase the number of patients that it may treat.

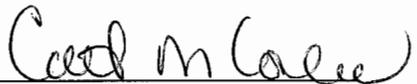
In addition, the Code requires that the City Council hold a public hearing prior to voting whether to grant an increase in the number of patients that may be treated.

This Order, if approved, will grant the request of Metro Treatment of Maine, LP, d/b/a Penobscot County Metro Treatment Center to increase the number of patients that it can treat from 300 to 500.

The Council needs hold the public hearing prior to any Council discussion or action on the Order.

Department Head

Manager's Comments:



City Manager

Associated Information: Order

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) **Order,** Approving Application of Metro Treatment of Maine, LP d/b/a Penobscot County Metro Treatment Center to Increase from 300 to 500 the Number of Patients it may Treat

WHEREAS, Metro Treatment of Maine, LP, d/b/a Penobscot County Metro Treatment Center (Penobscot Metro) has an existing facility for methadone treatment located at 659 Hogan Road Bangor; and

WHEREAS, Penobscot Metro is currently licensed to treat 300 methadone patients; and

WHEREAS, Penobscot Metro has applied to increase from 300 to 500 the number of patients that it may treat; and

WHEREAS, Section 93 of the Code of the City of Bangor provides that an existing facility in Bangor providing methadone services must apply to the City for a license to increase the number of patients that it may treat; and

WHEREAS, prior to granting an increase in the number of patients that may be treated the City Council shall hold a public hearing.

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

The application of Metro Treatment of Maine, LP, d/b/a Penobscot County Metro Treatment Center to increase from 300 to 500 the number of patients it may treat at its existing facility in Bangor, Maine is hereby approved.



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 16-318

Date: August 8, 2016

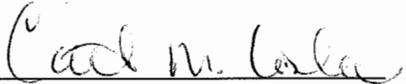
Item/Subject: ORDER, Approving a Community Development Business Development Loan to Wayfair (102-006)

Responsible Department: Community and Economic Development

Commentary: This Order will authorize the approval of a Business Development Loan with Wayfair. Wayfair is expanding their business with a lease on a property at 690 Maine Avenue (102-006), in a City-owned building formerly occupied by LL Bean. They have asked the City for a loan from the City's Community Development Business Development Loan Program in the amount of \$200,000. This loan will assist with the financing of the expansion by providing capital to make building improvements, train workforce, and for operating capital. The yearly loan payments may be forgivable provided that Wayfair creates a total of 20 full time positions, with at least 51% of those new positions filled by individuals from low-moderate income backgrounds, by the end of the seven year term of the loan. This item was reviewed by the Business & Economic Development Committee in Executive Session on December 22, 2015.

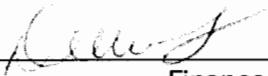
Tanya L. Emery
Department Head

Manager's Comments:

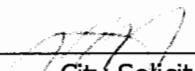

City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) ORDER, Approving a Community Development Business Development Loan to Wayfair (102-006)

WHEREAS, Wayfair is expanding to Bangor, thereby providing quality new employment opportunities; and

WHEREAS, the new employment to be created by Wayfair makes it eligible for assistance under the City's Community Development Business Development Loan Program; and

WHEREAS, the number of new jobs and investment created by Wayfair will provide a substantial public benefit:

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

the City Manager is authorized to execute any and all documents necessary to make available to Wayfair a Community Development Business Development Loan in an amount not to exceed \$200,000. Said loan shall be forgivable under certain terms and conditions, including the creation of at least twenty (20) new employment opportunities. Said loan shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.