Government Operations Committee
Monday, July 18, 2016
Immediately Following the Finance Committee
City Council Chambers

AGENDA

CONSENT AGENDA

1. Resolve, Accepting and Appropriating $149,979 for the Supplemental Nutrition Education Grant Program (SNAP-ED)

    - Please see the attached draft Council Action page and Council Resolve

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

    - Please see the attached draft Council Action Page and Council Order

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

    - Please see the attached draft Council Action Page and Council Order

4. Election ballot for Maine Municipal Association positions of Vice President and Executive Committee members

    - Please see the attached background information. The proposed slate contains the exact number of candidates for the vacancies to be filled. As such, the slate of nominees can be adopted as presented.

REGULAR AGENDA

5. 2016 Byrne Memorial/ Justice Assistance Grant Funding

    - Please see attached memorandum from Deputy Police Chief Johnston

6. Resolve, Authorizing the City Manager to Accept and Appropriate $190,507 in Homeland Security Grant Funding from the Maine Emergency Management Association (MEMA)

    - Please see the attached memo from Fire Chief Higgins and the draft Council Action Page and Council Resolve

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

    - Please see the attached memorandum from Parks and Recreation Director Willette

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

    - Please see that attached information from City Solicitor Heitmann

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

    - Please see the attached background information. LPC members are either appointed and / or elected by Senate district. As you are aware, the Senate District comprises Bangor and Hermon. Due to its population, Bangor is entitled to directly appoint one member to the LPC. The City may also vote on the election of a second member from the District. Regarding Bangor's appointee, that individual must either be a Councilor or member of a Board, Commission or Committee appointed by the City Council during the LPC term for which he / she is serving. Councilor Durgin has served on the LPC as Bangor's appointee, and has expressed interest in continuing. Regarding the election of an LPC member from the District, Roger Raymond of Hermon has been nominated and is on the ballot for consideration.

_____COUNCIL ACTION_____

Item No. 16-

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.

Department Head

Manager's Comments:

City Manager

Associated Information: Resolve

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

___ Passage

_x_First Reading

___ Referral

16-
, 2016

Assigned to Councilor

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.

Date: July 25, 2016

Item/Subject: 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

Responsible Department: Health and Community Services

Commentary: This Order will enable the City Manager to extend the sub recipient agreement on behalf of the City with Katahdin Shared Services, the fiscal agent for Partnership for a Healthy Northern Penobscot (PHNP) and increase the contract amount from $166,667 to $216,727. PHNP is one of two supporting Healthy Maine Partnerships in the Penquis Public Health District and the state of Maine requires a sub-recipient agreement for this contract, because it exceeds their $5,000 threshold.

The Maine CDC is extending all Healthy Maine Partnership contracts by three months, and the accompanying MOUs need to be extended as well. The extension funding was reviewed and approved by the city council in May 2016. The original MOU was approved by the city council in August 2015.

_____
Department Head

Manager's Comments:

_____
City Manager

Associated Information: Order

Budget Approval:

_____
Finance Director

Legal Approval:

_____
City Solicitor

Introduced for
_x_ Passage
___First Reading
__ Referral

Page __ of ___

Assigned to

CITY OF BANGOR

(TITLE.) 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

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to extend the existing sub-recipient agreement with Katahdin Shared Services as the fiscal agent for Partnership for a Healthy Northern Penobscot from an original term of one year (7-1-15 to 6-30-16) to a term of fifteen months (7-1-15 to 9-30-16).

Katahdin Shared Services
Agreement for Fund for a Healthy Maine Services - Amendment

THIS AGREEMENT, made this 1st day of July is by and between the City of Bangor, hereinafter called "Contractor" and **Katahdin Shared Services**, hereinafter called "Provider," is hereby amended as follows:

1. The termination date is extended from June 30, 2016 to September 30, 2016. Reason: To extend the end date to allow for RFP#201602047, Prevention Services for Maine's Public Health Districts to be awarded
2. The dollar amount of the agreement is increased by $50,243 from $166,667 to $206,931. Reason: The present contract is extended 3 months. The dollar amount is a pro-ration of the 12 month FHM Programming ($30,000) & PFS ($12,849) contracts and additional Expanded Services funds ($7,394).
3. The Scope of Services is amended and can be found in Attachment A
4. Agreement Amendment Summary:

Original Agreement		**$166,667**
Increased funding		**$50,243**
• FHM Programming	$30,000	
• Partnership for Success	$12,849	
• Expanded Services	$7,394	
Revised Total		**$216,910**

All other terms and conditions of the original Agreement dated 7/1/2015 remain in full force and effect.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Contractor, the Provider hereby agrees with the Contractor to furnish all qualified personnel, facilities, materials and services and in consultation with the Contractor, to perform the services, study or projects described, and under the terms of this Agreement.

The following Riders and Attachments from the Lead HMP contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

Attachment A – Provider will follow all terms and conditions required of Contractor, a copy of which can be found in Attachment A (Note: Totals in *Agreement Amounts and sources of funds*, *pages 7-8* are those awarded to the City of Bangor for entire contract).

CITY OF BANGOR

By:_____
Cathy Conlow, City Manager

AND
KATAHDIN SHARED SERVICES

By:_____
Robert Peterson, President

_____COUNCIL ACTION_____

Item No.

Date: July 25, 2016

Item/Subject: ORDER, Authorizing the City Manager to Extend the Sub Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for Piscataquis Public Health Coalition from a Twelve Month Contract to a Fifteen Month Contract ending September 30, 2016

Responsible Department: Health and Community Services

Commentary: This Order will enable the City Manager to extend the sub recipient agreement on behalf of the City with Mayo Regional Hospital, the fiscal agent for Piscataquis Public Health Council (PPHC) and increase the contract amount from $166,667 to $186,910. PPHC is one of two supporting Healthy Maine Partnerships in the Penquis Public Health District and the state of Maine requires a sub-recipient agreement for this contract, because it exceeds their $5,000 threshold.

The Maine CDC is extending all Healthy Maine Partnership contracts by three months, and the accompanying MOUs need to be extended as well. The extension funds were reviewed and approved by the city council in May 2016. The original MOU was approved by the city council in August 2015.

_____
Department Head

Manager's Comments:

_____
City Manager

Associated Information: Order

Budget Approval:

_____
Finance Director

Legal Approval:

_____
City Solicitor

Introduced for
_x_ Passage
___First Reading
__ Referral

Page __ of ___

Assigned to

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Extend the Sub Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for Piscataquis Public Health Coalition from a Twelve Month Contract to a Fifteen Month Contract, ending September 30, 2016

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to extend the existing sub-recipient agreement with Mayo Regional Hospital as the fiscal agent for Piscataquis Public Health Coalition from a term of one year (7-1-15 to 6-30-16) to a term of fifteen months (7-1-15 to 9-30-16).

Mayo Regional Hospital
Agreement for Fund for a Healthy Maine Services - Amendment

THIS AGREEMENT, made this 1st day of July is by and between the City of Bangor, hereinafter called "Contractor" and **Mayo Regional Hospital**, hereinafter called "Provider," is hereby amended as follows:

1. The termination date is extended from June 30, 2016 to September 30, 2016. Reason: To extend the end date to allow for RFP#201602047, Prevention Services for Maine's Public Health Districts to be awarded
2. The dollar amount of the agreement is increased by $20,243 from $166.667 to $186,910. Reason: The present contract is extended 3 months. The dollar amount is a pro-ration of the 12 month PFS ($12,849) contracts and additional Expanded Services funds ($7,394).
3. The Scope of Services is amended and can be found in Attachment A
4. Agreement Amendment Summary:

Original Agreement		**$166,667**
Increased funding		**$20,243**
• Partnership for Success	$12,849	
• Expanded Services	$7,394	
Revised Total		**$186,910**

All other terms and conditions of the original Agreement dated 7/1/2015 remain in full force and effect.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Contractor, the Provider hereby agrees with the Contractor to furnish all qualified personnel, facilities, materials and services and in consultation with the Contractor, to perform the services, study or projects described, and under the terms of this Agreement.

The following Riders and Attachments from the Lead HMP contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

Attachment A – Provider will follow all terms and conditions required of Contractor, a copy of which can be found in Attachment A (Note: Totals in *Agreement Amounts and sources of funds*, *pages 7-8* are those awarded to the City of Bangor for entire contract).

CITY OF BANGOR

By:_____
Cathy Conlow, City Manager

AND
KATAHDIN SHARED SERVICES

By:_____
Marie Vienneau, President and CEO

Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations
FROM: Stephen W. Gove, MMA Executive Director
DATE: July 5, 2016
SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 12, 2016 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2017 to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Friday, July 1, by 4:30 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for "*Write-in Candidates*" since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers **or** a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 12. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Stephan Bunker.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 12, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held ***Wednesday, October 5, at the Bangor Cross Insurance Center***. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon and Annual Business Meeting and officially take office on January 1, 2017.

If you have any questions on the Election Process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.

MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of Vice President and Executive Committee Members

Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 12, 2016

VICE-PRESIDENT - 1 YEAR TERM — **Vote for One**

Proposed by MMA Nominating Committee:

Linda Cohen, Councilor, City of South Portland ☐

DIRECTORS - 3 YEAR TERM — **Vote for Three**

Proposed by MMA Nominating Committee:

James Gardner, Jr., Town Manager, Town of Easton ☐

Christine Landes, Town Manager, Town of Bethel ☐

Mary Sabins, Town Manager, Town of Vassalboro ☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____ Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers **Current # of Municipal Officers:** _____

Print Names: Signatures:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Return To:

MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358 or 626-5947
Email: *tchavarie@memun.org*

MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE

BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2017

MMA VICE PRESIDENT
(1-Year Term)

LINDA COHEN, COUNCILOR, CITY OF SOUTH PORTLAND

Professional & Municipal Experience:

- City of South Portland, Maine – City Council (December 2012 – present; Mayor 2014-2015)
- City of Portland, Maine – City Clerk (June 2001 – January 2011)
- City of South Portland, Maine – City Clerk (January 1989 – June 2001)
- Cross Country Mortgage, Mortgage Loan Originator (PT) (January 2016 – present)
- Bangor Savings Bank, Assistant Vice President (December 2014 – January 2016)
- Learning Works, Director of Development (January 2013 – December 2014)
- PMAC Lending Services, Mortgage Loan Originator (PT) (August 2011 – December 2014)
- City of Auburn, Consultant/City Clerk Hiring Committee (October 2011 – July 2012)

Education:

- University of Southern Maine – BS, Business Administration
- Southern Maine Vocational Technical Institute, Associate Degree, Law Enforcement
- Master Municipal Clerk – International Institute of Municipal Clerks
- Certified Clerk of Maine – Maine Town & City Clerks Association
- Maine Notary Public
- Maine Dedimus Justice
- Licensed Maine Mortgage Loan Originator

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Executive Committee (April 2013 – present)
  Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2013 – present)
- Member, Maine Municipal Association Workers Compensation Board of Trustees, (2013 – present)
- Member, MMA Nominating Committee (2013)
- Member or Alternate, Maine Municipal Association Legislative Policy Committee (1989 – 2011)
- Member, Maine Town & City Clerks Association (Served as President two terms and as Chair of the Legislative Policy Committee) (January 1989 – present)
- Member, New England Association of City & Town Clerks (Former President; served on Budget Committee, Legislative Committee, Two New England Conference Planning Committees) (1989 – 2015)

Awards and Certifications:

- Maine Town & City Clerks Association, Ethelyn Stuart Marthia Award – 2011
- Maine Legislative Sentiment – 1999 and 2011
- Maine Town & City Clerks Association, Maine Clerk of the Year – 1999
- Maine Town & City Clerks Association, Lorraine Fleury Award - 1995

MMA EXECUTIVE COMMITTEE MEMBERS
(Three 3-Year Terms)

JAMES GARDNER, JR, TOWN MANAGER, TOWN OF EASTON

Professional & Municipal Experience:

- Town of Easton, Maine, Manager (2011 – present)
- Town of Ashland, Maine, Manager (2005 – 2010)
- Town of Washburn, Maine, Manager (1999 – 2005)
- City of Presque Isle, Maine – Code Enforcement Officer (1994 – 1999)
- Department of Defense, Loring Airforce Base, Civil Service (1983 – 1994)

Education:

- Ricker College, Small Business Administration – one year
- Unity College, Business Law, one year
- Northern Maine Technical College, Business Administration, two years
- Department of Defense, Non-Commission Officer Primary Leadership graduate
- Certified State of Maine Code Enforcement Officer
- Certified State of Maine Local Plumbing Inspector
- Certified State of Maine CDBG Grant
- Writer/Administrator/Technician
- HUD Certification in Community Development Housing Rehabilitation and Construction

Other Experience, Committees and Affiliations:

- President, Aroostook Managers Association
- Member, Executive Board of Directors, Northern Maine Development Commission
- Member, Maine Community Development Association
- Member, Maine Town, City & County Management Association
- Member, Maine Town & City Clerks Association

Awards and Certifications:

- Department of Defense, Civilian of the Year Award
- Loring Airforce Base, Superior Performance Award

CHRISTINE LANDES, TOWN MANAGER, TOWN OF BETHEL

Professional & Municipal Experience:

- Town of Bethel, Maine – Town Manager (November 2014 – present)
- City of Brewer, Maine – Deputy City Clerk (December 2012 – May 2014)
- Town of Veazie, Maine – Deputy Town Clerk (September 2012 – December 2012)
- Orange Park, Florida – Clay County Deputy Tax Collector/Clerk (July 2010 – September 2012)
- Town of Warren, Maine – Town Clerk (August 1998 – June 2010)
- The Waldoboro Bank, Rockland Maine – Branch Manager (September 1990 – August 1998)

Education:

- Southern New Hampshire University – Enrolled in MPA/Public Administration Program
- University of Southern Maine/Muskie School Policy, Planning and Management (Fall 2015)
- University of Maine at Augusta, BA Public Administration, Cum Laude Graduate (2015)
- Florida State College, Jacksonville – Associate of Arts (2012)
- Thomas College Waterville, Maine – Banking Course

Other Experience, Committees and Affiliations:

- Member, Oxford County Emergency Communications Governing Board
- Member, International City Management Association
- Member, Maine Town, City & County Management Association
- Member, Alder River Grange in East Bethel
- Ex-Officio Member, Mahoosuc Pathways Board of Directors
- Manager, Bethel Regional Airport

MARY SABINS, TOWN MANAGER, TOWN OF VASSALBORO

Professional & Municipal Experience:

- Town of Vassalboro, Maine – Town Manager/Treasurer/Tax Collector (June 2008 – present)
- Town of Chelsea, Maine – Town Manager/ Treasurer/Tax Collector/General Assistance Administrator/Road Commissioner (July 2006 – June 2007)
- Maine School Administrative District #40, Warren, Maine – Facilities Director/Food Service Director (March 2005 – June 2006)
- Town of Windsor, Maine – Town Manager/Treasurer/Tax Collector/General Assistance Administrator (April 2001 – March 2005)
- Town of Hope, Maine – Town Administrator/Treasurer/General Assistance Administrator (July 1997 – April 2001)

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Executive Committee (2014 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2014 – present)
- Chairperson, Maine Municipal Association Strategic & Finance Committee (2016)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2014 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees, (2014 – present)
- Member, Appointed by MMA Executive Committee to serve on MMEHT Selection Committee (2015-2016)
- Member, Maine Town, City & County Municipal Management Association
- Member of Communications Committee, Maine Town, City & County Municipal Management Association (2015)
- Director, Board of Kennebec Valley Council of Government
- City of Augusta, Maine – Internship with City Manager (September 2000 – December 2000)
- Town of Union, Maine – Certified Town Clerk/Tax Collector/Occasional Acting Town Manager (May 1988 – June 1997)
- As the wife of a volunteer firefighter and EMS worker, I have volunteered often in support of our hometown fire and ambulance services.

Education:

- BS in Business Administration with Management Major from University of Maine at Augusta.

Awards and Certifications:

- Qualified as a Certified Public Manager, Maine Town, City & County Management Association (2016)

Bangor Police Department

240 Main Street
Bangor, Maine 04401
207-947-7382
Fax 207-945-6824

TO: ***Government Operations Committee***

FR: ***Deputy Chief Brad Johnston***

RE: ***July 15, 2016,***

DT: ***2016 Byrne Memorial/ Justice Assistance Grant Funding***

The Penobscot County Sheriff's Department and the Bangor Police Department have received notification that $23,968.00 is available through the Edward Byrne Memorial Grant Program. This grant requires that these two agencies share the grant. The police department's portion of this grant will be $13,260.00. The Bangor Police Department intends to use the entire amount in order to purchase the upgraded Tasers. There is no match required.

The Police Department is requesting permission to apply for, accept, and appropriate funding from this grant.

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.

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 $190,507.00 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.

Department Head

Manager's Comments:

City Manager

Associated Information: Resolve, Proposed Project List

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

___ Passage
_X_ First Reading
___ Referral

July 25, 2016

Assigned to Councilor

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 prepardeness and response capabilities for Homeland Security related events is hereby accepted and appropriated.

And Be it Further Resolved that the Finanace 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.

MEMORANDUM

To: Government Operations Committee
From: Norman S. Heitmann, III, City Solicitor
Re: Smoking in Public Parks
Date: July 8, 2016

At an earlier Government Operations Committee meeting Councilors expressed an interest in prohibiting smoking in City parks and at bus stops.

Attached is a draft ordinance amendment that would prohibit smoking in public parks with the exception of the Municipal Golf Course and West Market Square. Because of the nature and use of these two parks the Council may wish to exclude them from the prohibition against smoking, just as they are excluded from the prohibition against alcohol in parks.

City bus stops are not on City property and, therefore, the City is not able to prohibit smoking at the bus stop with the exception of inside any enclosure. Such a prohibition already exists.

I have also attached the list of public parks as defined in the City Code.

Parks and Recreation Director Willette and I will be at the meeting to answer any questions.

§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, as defined by section 231-2 of the Code of the City of Bangor shall be prohibited.

(3) Exceptions. Smoking shall be permitted at the Municipal Golf Course and West Market Square.

~~B~~C. 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.

~~C~~D. 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.

Chapter 231. Public Parks

§231-2. Word usage and definitions.

A.
When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B.
For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

CITY

The City of Bangor.

DIRECTOR

The Parks and Recreation Director appointed pursuant to Chapter **28**, Article **XI**, §**28-49**, of the Code of the City of Bangor.

PARK

Shall be limited to the areas within the boundaries, as described in the records of the City of Bangor Assessor, of the following City-owned recreational properties and facilities:

Name	Assessor's Map and Lot Numbers	
Hayford's Park	22	36
Bangor Gardens Playground	K42	106
	K42	24
Broadway Park	47	34A
	47	34B
Coe Park	32	178
	33	77
	33	76A
	33	76B
Chapin Park	48	132A
Dakin Park	46	58A
Davenport Park	42	44
Fairmount Park	7	61B
Municipal Golf Course	R27	1
	R27	4

Name	Assessor's Map and Lot Numbers	
Grotto Cascade Park	R63	7
Hayford's Field	22	36A
Little City Park	38	32
J.J. Williams Park	55	52
Norumbega Mall	41	70
	41	71
Old Cemetery Lot Park	15	122
Pierce Park	41	98
Prentiss Woods	R40	11
Second Street Playground	35	169
Summit Park	31	1
Whitney Park	22	46
Essex Street Recreation Area (Penjajawoc Park)	R48	7
Municipal Dock (Lower Broad Street)	43	33
Stillwater Park Playground	51	205
Broad Street Park (Fountain Park, West Market Square)	42	237
Bass Park (Paul Bunyan Area)	26	1
Bridge Lot Park (including the covered bridge structure and appurtenances thereto)	40	1E
Kenduskeag Plaza East	42	236
Kenduskeag Plaza West	42	199A
Union Street Recreational Area	R15	15B
Kenduskeag Stream Park (including park easement areas as shown on a plan entitled "Kenduskeag Stream Park, Phase I," dated November 3, 1975, consisting of 4 sheets on file in the office of the City Engineer, City Hall, Bangor)	19	1
	19	1A
	19	7B
	19	7A
	31	10A
	31	58
	31	75
	31	91
	32	162
	32	179
	32	180

Name	Assessor's Map and Lot Numbers	
	40	1
	40	1A
	40	1D
	40	1E
	40	3
	41	47
	41	53
	41	54
	41	55
	41	58
	41	59
	41	60
	41	72
	41	75
	R34	12
	R35	54D
	R35	57
	R35	58
Hamlin Mall (part of Norumbega Mall)	41	71
Brown Woods	R14	8
City Forest Preserve	R65	2
	R66	1 to 5
	R67	5 and 6
	R73	7

VEHICLE

Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles, golf carts used at the Municipal Golf Course, vehicles used in conjunction with harness racing

MEMORANDUM

TO: Government Operations Committee

FROM: Tracy Willette, Director
Parks and Recreation

SUBJ: Skatepark Re-Location

DATE: July 13, 2016

The City first opened a skatepark in May of 2001 and it was located in front of the former Bangor Auditorium. The opening concluded a two year effort with a majority of that time spent on determining a location. At that time, neighborhood meetings were held, businesses contacted along with a large amount of research. At that time factors that were considered included visibility, proximity to bus routes, residential neighborhoods, and other amenities such as restrooms and convenience stores. Ultimately, the best location was determined to be in front of the Bangor Auditorium.

In 2011, construction began on the Cross Insurance Center which meant the skatepark would need to be re-located. Like the initial location selection, several potential sites were considered. Staff narrowed potential sites to a parcel of City owned property behind Parks and Recreation and a City owned parcel on Maine Avenue. The Maine Avenue parcel had a pre-existing concrete slab which was adequate which was approximately the same dimensions as the previous location. The condition of the slab was also adequate for use. Given the impending construction schedule of the Cross Insurance Center, the parcel on Maine Avenue was selected. The same considerations were given to location selection process.

We are now once again looking at the potential of re-locating the skatepark. I have prepared a presentation for your meeting which reviews sites we have considered previously. At this point, staff has focused on the parcel of City owned property behind Parks and Recreation as a potential location.

As I mentioned, I will be at your meeting to discuss this further and answer any questions.

MEMORANDUM

To: Government Operations Committee
From: Norman S. Heitmann, III, City Solicitor
Re: Abandoned Shopping Carts
Date: July 13, 2016

In May the Government Operations Committee discussed the issue of abandoned shopping carts. The Committee asked that staff return with a draft ordinance. During the discussion the Committee appeared to favor the San Jose, California approach. Attached is a draft ordinance consistent with the San Jose ordinance. As with San Jose, the draft provides for an inventory of the carts, an abandoned cart prevention plan, loss prevention measures, and fees. In addition, failure to comply with a city ordinance can result in a fine.

There will be costs for the City associated with such an ordinance, including staff time and equipment to pick up abandoned shopping carts.

I would note that staff's research showed that most abandoned shopping cart ordinances are in larger cities. San Jose, for example, has a population of 1 million and reported in 2001 that they were collecting about 1,400 carts per month. The ordinance also affected more than 4,000 businesses.

Portland considered an ordinance to address the issue of abandoned shopping cars, but took no action. Portland will pick up abandoned carts under its "garbage, trash, and junk" ordinance. At one time they would return the carts to the stores, but I understand that is no longer the case. Currently Portland disposes of abandoned carts in the metal recycling or trash.

The Council has several options. First, of course, it could take no action. Second, The Council could do have a public outreach program to work with businesses and the community to look into ways to reduce the number of carts removed from store premises. Finally, the Council could enact some version of the attached ordinance.

Staff will be at the Committee meeting to answer any questions.

Chapter _____ - PREVENTION OF ABANDONED CARTS

Part 1 - DEFINITIONS

_____ - Definitions.

The definitions set forth in this part shall govern the application and interpretation of this chapter.

_____ - Abandoned cart.

"Abandoned cart" means any cart that has been removed, without written consent of the owner, from the owner's business premises and is located on either public or private property.

_____ - Abandoned cart prevention plan.

"Abandoned cart prevention plan" means a document submitted by the owner of the cart pursuant to Section 9.60.330 of this chapter.

_____ - Agent.

"Agent" means the person or persons designated in the abandoned cart prevention plan who the owner of the cart authorizes as the person(s) to perform or provide retrieval services on behalf of the owner. The agent may be the owner if so designated in the city approved abandoned cart prevention plan.

_____ - Cart.

"Cart" means a basket which is mounted on wheels or a similar device generally used in a retail or commercial establishment by a customer for the purpose of transporting goods of any kind.

_____ - City Enforcement Officer.

"City Enforcement Officer" means the City Manager of the City of Bangor, or such other person designated by the city manager to administer this chapter.

_____ - Owner.

"Owner" means any person or entity, who in connection with the conduct of a business, owns, leases, possesses, or makes a cart available to customers or the public. For purposes of this chapter, owner shall also include the owner's designated agent.

_____ - Premises.

Premises means the entire area owned, occupied, and/or utilized by an owner which provides carts for use by customers or other persons, including any parking lot or other property provided by or on behalf of the owner for customer parking or use.

Part 2 - PURPOSE

_____ - Findings and purpose.

A. Abandoned carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic. The accumulation of wrecked and dismantled abandoned carts on public property tends to create conditions that reduce property values, and promote blight and deterioration.

B. The intent of this chapter is to insure that measures are taken by owners to prevent the removal of carts from a business premises, to make removal of carts a violation of this Code, and to facilitate the retrieval of abandoned carts in a manner consistent with state law.

_____ - Applicability.

This chapter shall apply to all owners of a business establishment or other commercial services within the City of Bangor that provide [number] or more carts for customer use or the public.

Part 3 - REGULATIONS

_____ - Abandonment prohibited.

It shall be unlawful for any person to cause or permit any cart to be abandoned on or upon any sidewalk, street or other public area, other than the premises of the owner of such cart.

_____ - Cart identification required.

A. Every cart owned or provided by any owner must have a sign permanently affixed to the cart that contains all of the following information:

1. Identity of owner, business establishment, or both.

2. Notification to the public that the removal of the cart from the premises is a violation of state law.

3. The address or phone number of the owner of the business establishment for cart return.

B. Any cart found abandoned on public property that does not have the identification and information required by this section may be removed from such public property and disposed of by the city in accordance with state law.

_____ - Unauthorized removal prohibited.

It shall be unlawful for any person, either temporarily or permanently, to remove a cart from a premises or be in possession of a cart that has been removed from a premises which is properly marked in conformity with this chapter without the written consent of the owner. This section shall not apply to carts removed as authorized by the owner for the purposes of repair, maintenance or disposal.

_____ - Mandatory abandoned cart prevention plan.

Every owner who provides twenty-six or more carts who allows or intends to allow the use of carts shall develop, implement and comply with the terms and conditions of an abandoned cart prevention plan to prevent the unauthorized removal by any person of any carts from the owner's premises and, if removed, to retrieve the cart within twenty-four hours of the removal or notice of the removal. The abandoned cart prevention plan shall include the following elements:

A. Name of Business/Owner. The name of the owner and the business name, the physical address where the business is conducted, name, address and phone number(s) of the on-site and off-site owner if different.

B. Inventory of Carts. A complete list of all carts maintained on or in the premises.

C. Community Outreach. A description of a community outreach process under which the owner shall cause notice to be provided to customers that the removal of carts from the premises is prohibited and is a violation of state and local law. This notice may include, but is not limited to, flyers distributed at the premises, warnings on shopping bags, signs posted in prominent places near door and parking lot exits, direct mail, announcements using intercom systems at the premises, web site or other means demonstrated to be effective to the reasonable satisfaction of the City Enforcement Officer. Any and all posting of signs shall comply with the provisions of the Code of the City of Bangor.

D. Cart Identification. Signs and cart identification requirements.

E. Loss prevention measures. A description of the specific measures that the owner shall implement to prevent cart removal from the premises. These measures may include, but are not limited to, electronic or other disabling devices on the carts so they cannot be removed from the premises, effective management practices, use of courtesy clerks to accompany customers and return the carts to the store, use of security personnel to prevent removal, security deposit for use

of cart, or other demonstrable measures acceptable to the City Enforcement Officer that are likely to prevent cart removal from the premises.

F. Employee Training. A description of an ongoing employee training program that shall be implemented by the owner and that shall be designed to educate new and existing employees on the abandoned cart prevention plan and conditions contained therein no less frequently than annually.

G. Mandatory Cart Retrieval. A plan for retrieval of abandoned carts by the owner within twenty-four hours.

_____ - Fees.

Every owner who is required to submit an abandoned cart prevention plan or an application for a modification of an abandoned cart prevention plan pursuant to this chapter shall submit with the plan or plan modification, a fee for the City Enforcement Officer's review the plan or plan modification in the amount set forth in the schedule of fees established by resolution of the city council.

_____ - Plan approval or denial and penalties.

A. Each owner shall submit an abandoned cart prevention plan in compliance with Section _____ to the City Enforcement Officer on an annual basis. In implementing this chapter, for the period from _____, 2016 through _____, 2017, the City Enforcement Officer shall provide not less than sixty days' written notice to each owner of the date that the owner's initial abandoned cart prevention plan is due. The City Enforcement Officer may approve or deny the proposed plan and notify the owner of such decision within thirty days of receipt. If approved, the abandoned cart prevention plan shall be implemented by the owner no later than thirty days from the date of approval. After _____, 2017, owner is obligated to comply with the provisions of this chapter regardless of receipt of written notice from the City Enforcement Officer.

B. The City Enforcement Officer may deny a plan based upon any of the following grounds:

1. Implementation of the plan violates any provision of the building, zoning, health, safety, fire, police or other provision of this Code or any county, state or federal law which substantially affects public health, welfare, or safety;

2. The plan fails to include all of the information required by this chapter;

3. The plan is insufficient or inadequate to prevent removal of carts from the premises;

4. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts.

5. Implementation of the plan violates a term or condition of a plan or other requirement of this title;

6. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.

C. If the plan is rejected as incomplete or inadequate, the City Enforcement Officer shall indicate areas of incompleteness or inadequacy, and the owner shall have an additional thirty days in which to resubmit a complete and adequate plan.

D. An owner who fails to submit a complete plan to the satisfaction of the City Enforcement Officer, or fails to implement approved plan measures or fails to comply with the approved plan measures will be subject to enforcement of these requirements through any lawful means available to the city.

E. The City Enforcement Officer's decision to deny a plan shall be final.

_____ - Plan modification.

At any time after the City Enforcement Officer's approval of any abandoned cart plan, the owner may submit to the City Enforcement Officer a modification of the previously approved plan to address a change in circumstances, address an unanticipated physical or economic impact of the plan or modify an inadequate or ineffective plan.

_____ - Exemption from mandatory plan.

A. Any owner may request an exemption on an annual basis from the requirements of this chapter if the owner provides written documentation and demonstrates to the satisfaction of the City Enforcement Officer that the owner has a physical device or mechanism in place or a management practice currently implemented that prevents the unauthorized removal of carts from the owner's premises and that none of the owner's carts have been found abandoned during the period of six continuous months immediately preceding the date the application for an exemption is submitted to the City Enforcement Officer.

B. A written application for the exemption shall include all of the following:

1. The name of the owner and the name of the business, the physical address where the business is conducted, and the name, address and phone number of the on-site and off-site owner.

2. The method, management practice or physical device that will ensure that the carts will not leave the premises.

C. Any exemption granted to an owner shall be void upon the sale or transfer of ownership of a business.

_____ - Renewal of exemption.

Any owner granted an exemption from the abandoned cart prevention plan shall file with the City Enforcement Officer a written application for a one year renewal of the exemption annually in accordance with the provisions of Section _____. The written application for a renewal of the exemption shall include the information required to be submitted in the initial application for the exemption in accordance with the provisions of Section _____.

_____ - Denial or revocation of a renewal of an exemption.

An application for a renewal of an exemption may be denied or revoked by the City Enforcement Officer upon any of the following grounds:

A. Any of the owner's carts is or has been abandoned on public property or in a right of way for longer than three business days after notification by the city on three occasions in any six-month period.

B. The owner has failed to comply with any of the provisions of this chapter.

C. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the exemption, or in any amendment or report or other information required to be made.

Part 4 - HEARING AND APPEAL PROCEDURE FOR RENEWAL OF EXEMPTIONS

_____ - Notice of intended decision.

A. Upon determining the existence of any of the grounds for denial or revocation of a renewal of an exemption in accordance with Section _____, the City Enforcement Officer may issue to the owner a notice of intended decision to deny or revoke the exemption.

B. The notice of intended decision shall state all the grounds upon which the denial or revocation of the renewal application for an exemption is based.

C. The notice of intended decision shall advise the owner that the denial or revocation shall become final unless the owner files a written request for hearing before the City Enforcement

Officer within ten calendar days of the date of service of the notice of intended decision to deny or revoke the renewal of the exemption.

D. The notice of intended decision shall specify the effective date of the denial or revocation of such exemption.

_____ - Procedure for hearing before the City Enforcement Officer.

A. The written request for a hearing before the City Enforcement Officer must be received by the City Enforcement Officer within ten calendar days of the date of the notice of intended decision to deny or revoke the renewal of the exemption.

B. Upon timely receipt of a written request for a hearing, the City Enforcement Officer shall schedule a hearing which shall be held no later than thirty calendar days after receipt of a timely request for hearing.

C. The City Enforcement Officer shall serve a notice of hearing on the owner at least ten calendar days prior to the scheduled date of the hearing.

D. At the hearing before the City Enforcement Officer, the owner shall be given the opportunity to present witnesses and relevant documentary evidence.

E. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any and all evidence which the City Enforcement Officer deems reliable, relevant and not unduly repetitious may be considered.

_____ - Decision of the City Enforcement Officer.

A. Within twenty calendar days after the hearing, the City Enforcement Officer shall serve on the owner a written decision sustaining, reversing or modifying the City Enforcement Officer's original decision.

B. The decision by the City Enforcement Officer after hearing shall become final unless the owner files an appeal before the City of Bangor Board of Appeals within the time period specified in Section _____.

_____ - Appeal to Board of Appeals.

A. If an owner is dissatisfied with the written decision of the City Enforcement Officer, the owner may file an appeal to the City of Bangor Board of Appeals.

B. The appeal must be in writing on a form provided by the Board of Appeals and must be received by the Board of Appeals within fifteen calendar days of the date of the City Enforcement Officer's decision.

C. The appeal hearing shall be conducted in accordance with the rules and regulations of the Board of Appeals.

Part 5 - ENFORCEMENT

_____ - Civil enforcement.

Every owner shall comply with the provisions of this chapter and every provision of the owner's approved abandoned cart prevention plan.

Any owner who violates any provision of this chapter or any provision of the owner's approved abandoned cart prevention plan shall be subject to enforcement procedures for each violation through any lawful means available to the city.

_____ - Retrieval notification.

The city shall notify the owner of an abandoned cart as identified on the signage information permanently affixed to the cart. The city notification shall be documented and provided either by telephone or by written notice. The notification shall require that the identified cart(s) be retrieved pursuant to the conditions for retrieval as set forth in the owner's abandoned cart

Maine Municipal Association
60 COMMUNITY DRIVE
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www.memun.org

June 28, 2016

Catherine Conlow
City Manager – City of Bangor
73 Harlow St.
Bangor, ME 04401

Dear Cathy,

Ballots have been mailed to MMA's member municipalities to elect members of the 2016-2018 Legislative Policy Committee (LPC). Because Bangor includes such a large portion of the State Senate District, your Council is allowed to directly appoint one representative to the LPC. (The other LPC representative in your district is elected.) The appointee must be an elected or appointed municipal official who is currently serving in office. For more information about the LPC, a copy of the current *LPC Handbook* is enclosed.

When making this appointment, it is important for the Council to consider the level of commitment necessary to represent your municipality on the LPC. During each legislative session (e.g., January through May), the LPC meets once a month in Augusta. Outside of the legislative session, the LPC meets at least once or twice a year in the fall or early winter for the purpose of developing the Association's legislative agenda. In addition, LPC members are occasionally asked and often encouraged to participate in advocacy efforts in other ways, such as by participating in a public hearing or contributing to an editorial submission, to the extent they feel comfortable.

A brainstorming process will begin shortly after the election of the new LPC that will conclude with the development of MMA's legislative agenda for the 2017-2018 biennium. With input from your community's LPC member, any number of emerging (or perhaps long-neglected) issues could rise to top priority positions in the Association's legislative platform. For example, past Legislative Policy Committees have developed legislative agendas that focused on protecting municipal revenue sharing, eliminating or mitigating unwelcome state mandates, addressing taxation policy inequities and overbroad tax exemptions, and enhancing property tax relief programs. In addition to potentially significant or sweeping public policy proposals, it is often the case that the LPC agenda includes technical bills correcting or updating current state law to assist municipal officials in the work they do. Whatever the upcoming municipal priorities may be, it is very important that the interests of your community are well represented.

Please notify us in writing as soon as possible when the City of Bangor has made its appointment, providing us with the appointee's contact information. If you would like to designate an alternate at this time, please provide the contact information for that person. If you have any questions, please call MMA's State and Federal Relations staff at 1-800-452-8786.

Sincerely,

Stephan Bunker fe

Stephan Bunker
President, MMA

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The LPC Handbook: MMA's Legislative Policy Committee

The Legislative Policy Committee (LPC) is a representative body made up of 70 members plus MMA's Vice President, who serves as the Chair. The primary role of the Chair is to call and facilitate all LPC meetings, moderate LPC discussions, and ensure the proper application of all the procedures established in this *Handbook*. The Chair is not a voting member of the LPC, except to break a tie. As described in detail below, all members of the LPC are elected or appointed municipal officials who, with the exception of the Chair, are elected to the position of LPC Representative by the municipal officers within their district.

Role of the LPC. MMA's 12-member Executive Committee is the Board of Directors of the Association and is responsible for its control and management. In the 1970's, the Executive Committee created the Legislative Policy Committee (LPC). The LPC serves a critical function as the advocacy arm of the Maine Municipal Association. The purpose of the LPC is to define municipal interests and to maximize those interests through effective participation in the legislative process. Specifically, in consultation with the Executive Committee, the LPC is responsible for:

- Developing and coordinating MMA's legislative policy process;
- Identifying MMA's advocacy priorities and developing a legislative program;
- Providing direction on legislative strategy to achieve these objectives; and
- Taking positions on legislative proposals affecting municipalities.

In addition, LPC Representatives are expected to assist MMA staff by acting as municipal advocates at the local level. LPC members are expected to:

- Establish ongoing communication with legislators in their Senate districts and inform those legislators about LPC positions;
- Act as liaisons with municipal officials in their districts; and
- Keep MMA staff informed of issues of concern.

Districts. Representation on the LPC is based on the State Senate districts. Two members are elected from each of the 35 State Senate Districts.

In districts where a municipality represents more than half of the district's population, the municipal officers of that municipality are allowed to appoint one member to the LPC, and the remaining LPC Representative shall be elected by all the municipalities in the district. In Senate districts located entirely within one municipality, the municipal officers of that municipality appoint its two LPC Representatives.

Nominations. A new LPC is elected every two years. Elections are held the same year as legislative elections (even-numbered years), although months earlier than the statewide election in November. Shortly after the conclusion of the second session of the Legislature (in April or May of the even-numbered years) an announcement is sent to the Key Municipal Official in all municipalities, informing them of the LPC election and asking for nominations of a candidate from their municipality or any other municipality within their district.

Elections. Once nominations are received, ballots containing the names of all nominees received by the specified deadline are mailed to all municipalities. The ballot also contains a space for write-in candidates. The boards of selectmen or councils of each municipality within the Senate district make their preference known on the ballot and return it to the Maine Municipal Association by a date certain. The nominees or write-in candidates receiving the most votes are elected to the Legislative Policy Committee and so-notified.

In the case of a tie vote, the Chair shall contact the winning candidates and attempt to obtain a negotiated resolution. The negotiated resolution could involve establishing: (1) a run-off election; (2) an agreement among the winning candidates to share the position by serving as each other's alternate for the duration of the term, or (3) some other mutually agreeable solution. In the event a negotiated resolution to the tie vote cannot be obtained, the MMA President is authorized to resolve a tie vote by appointment.

Terms. The LPC members serve for a two-year term, running from July 1st of each even-numbered year to June 30th of the next subsequent even-numbered year.

Alternates. Each LPC member may designate one or more alternates who can serve in the place of that LPC member at any meeting of the LPC. The designation must be submitted in writing to the Executive Director for filing at the MMA offices. An alternate may participate as a member at any LPC meeting only in the absence of the elected LPC member.

Vacancies. Vacancies occur when an LPC member resigns, is no longer qualified to serve because he or she is no longer a local official in his or her district, or when the member (or the member's designee) fails to attend three consecutive meetings.
If a member or the member's designee does not attend the LPC for three consecutive meetings, the Executive Director must contact the member to find out if he or she wants to continue to serve on the LPC. If the member resigns or fails to attend the next LPC meeting, the Executive Director then notifies the President that a vacancy exists.

In the case of any vacancy which occurs in a district falling entirely within a single municipality (see *Districts*, above), the President or the President's designee shall notify the Key Municipal Official of that municipality and the municipal officers of that municipality may appoint a new LPC Representative. In the case of any vacancy that occurs in a multi-municipal LPC district, the President is authorized to appoint a replacement, with consideration given to the criteria provided herein.

Criteria for Appointment. In the event of a vacancy with respect to which the President is authorized to appoint a replacement, the President shall consider the following equally-weighted criteria before making the appointment:

- The level of interest in the position that might be held by those municipal officials on that district's ballot at the immediately previous LPC election;
- In the case of vacancies created because the former LPC member is no longer qualified to serve in that district, the level of interest in the position that might be held by the municipal official immediately filling the office formerly held by the LPC member;
- The demographic and geographic representational needs of the district created by the vacancy; and
- Any recommendations or nominations offered by municipal officers or the remaining LPC member within the district.

Without exception the replacement must be from the district. Upon making the appointment and so-notifying the appointee, the President or the President's designee shall notify the Chair of the LPC.

Meetings

Calling a meeting. LPC meetings are called by the Chair on an as-needed basis. During the summer and fall of the even-numbered years, the LPC shall convene for the purpose of developing, in consultation with the Executive Committee, the Association's legislative strategy for the first legislative session. During the legislative session, the LPC meets an average of once a month.

Quorum. At least one-third of the full membership must be present in order to conduct any formal business of the LPC.

Subcommittees. For any reason deemed necessary, the Chair may appoint, or the LPC may direct the Chair to appoint, one or more subcommittees. Each subcommittee shall carry out the charge provided to it by the Chair or the LPC, as the case may be, and report the results of its efforts back to the full LPC in the form of a recommendation. Every subcommittee shall serve only for the duration necessary to fulfill the charge given to it by the Chair or LPC. Each subcommittee shall be dissolved upon transmitting its final report or recommendation to the LPC.

Participation. LPC meetings are open to all municipal officials and others who may be interested in observing the LPC's deliberative process. The several Presidents of MMA's affiliate groups (assessors, tax collectors, clerks, welfare directors, etc.) are provided notice of all LPC meetings.

That being said, the LPC is a deliberative body and its meetings are organized and conducted so that the LPC members may discuss the various issues affecting municipal government among themselves and act upon them accordingly. In order to maintain the integrity of the LPC's deliberative process, the Chair will take whatever actions are necessary to ensure that all persons attending a meeting who are not LPC members (or alternates authorized to act as members) are distinguished from the voting members and prohibited from voting, and otherwise informed that their right to attend the LPC meeting is not an entitlement to participate.

Subject to any direction provided by the LPC pursuant to its rules of procedure, the Chair may take any action to reasonably restrict or control the active participation of non-members during LPC meetings.

Agenda and Minutes. The Chair shall call each LPC meeting by issuing the notice and agenda of that meeting at least a week before its scheduled date. The Chair shall endeavor to prepare the agenda so that the issues placed before the LPC for consideration are matters: (1) that are of a legislative or regulatory nature and timely or immediate in that regard; (2) possessing a direct and significant relationship to the operation of municipal government; (3) of statewide concern or, there being no objection in writing in advance or at the meeting, of significant regional concern; and (4) positioned on the agenda insofar as possible according to a priority of LPC action. Each agenda shall provide as an initial order of business an opportunity for the full LPC to make such deletions, additions, or adjustments to the agenda as it feels necessary. Each agenda shall also enclose the minutes of the previous meeting, as recorded by MMA staff, so that the LPC will have a record of its previous actions.

Rules of Procedure. With regard to any issue that comes before it, the LPC may act by consensus and forego a formal vote when no formal motion or voting process appears necessary. The Chair or any designee of the Chair will articulate the proposed consensus position and the full LPC will be provided an opportunity for debate. During the period of discussion with respect to the proposed consensus position, any LPC Representative may move an alternative position. If no such alternative position is moved, and absent any objection by any member, the Chair will declare the position to have been taken by the LPC "by consensus." Any motion made by any member of the LPC shall be addressed according to the rules of procedure adopted by the LPC. With regard to all procedural matters not specifically addressed in the *Handbook*, the LPC shall operate according to the rules of procedure established by MMA's *Maine Moderator's Manual*.

Amendments to the Handbook. The LPC, by majority vote, may make any amendments to this *Handbook* as it believes are warranted, except that no vote on an amendment to the *Handbook* may be taken unless the actual proposed amendment has been given proper notice by being included as an agenda item and distributed at least a week before the scheduled LPC meeting. Each newly constituted LPC shall review the Handbook at its initial convention and adopt it with or without amendments, as that LPC feels necessary.

Published by: **Maine Municipal Association, 60 Community Drive, Augusta, ME, 04330,** 2/98.

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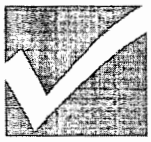
www.memun.org

Memorandum

To: Key Municipal Officials of MMA's Member Municipalities
From: Stephan Bunker, President, Maine Municipal Association
Date: June 23, 2016
Re: Ballots for Election to MMA'S Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2016-2018 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the Committee. The election ballot is enclosed. The ballot must be completed by the Board of Selectmen or Town or City Council of your municipality.

Number of votes

Most municipalities are asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. ***You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.***

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Feel free, also, to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name you write in. The write-in candidate need not be from your municipality, but must be an elected or appointed official from a municipality in your Senate/LPC district. *Check to be sure the write-in candidate is willing to serve if elected!* Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote if you know of someone who is willing to serve.

Deadline for returning ballot

Return ballot by 5:00 p.m. on **August 5, 2016** to:

State and Federal Relations Dept.
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Your participation is important – Thank You!

OFFICIAL BALLOT – District 9

Maine Municipal Association's Legislative Policy Committee
July 1, 2016 – June 30, 2018

VOTE FOR ONE *(Bangor appoints 1 LPC Member)*:

☐ Roger Raymond, Manager, Town of Hermon

☐ _____ (✎ write in)
(name) (position) (municipality)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____

✍ BY SELECTMEN/COUNCILORS:

_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name
_____ signature	_____ print name

Return by 5:00 p.m., August 5, 2016 to:

Laura Ellis, Maine Municipal Association
60 Community Drive, Augusta, ME 04330
Fax: 624-0129

(over)

LPC Senate District 9 *(Bangor appoints 1 LPC Member)*

Bangor Hermon

Candidate Profile:

Roger Raymond has served municipal government as manager for the past 41 years, serving in Eagle Lake from 1975-1984 and in Bucksport from 1985 to 2012, as well as interim town manager in the towns of Milo and Hermon, until accepting the full-time position as manager in Hermon in September of 2012. He has also served on numerous boards and committees related to municipal government and has testified at the Legislature on behalf of municipal government on topics including but not limited to transportation funding, tax incremental financing, personal property and excise tax exemptions, school funding and DEP wastewater funding. He also served on the Legislature's Mandate Working Group. Mr. Raymond has served on the LPC from 1978-1980 and again during these past two terms. He would like the opportunity to continue his service to gain better understanding of proposed legislation that pertains to municipalities.