

**Government Operations Committee**  
**Monday, October 20, 2014**  
*(Immediately Following the Finance Committee Meeting)*  
**City Council Chambers**

**AGENDA**

**1. Retirement of and Request to Transfer Ownership of Police Canine Havoc to Officer Kim Donnell.**

See attached background information from Chief Hathaway.

**2. Request to Apply for 2014 Assistance to Fire Fighter Grant Program funds to replace Breathing Apparatus Bottles.**

See attached memorandum from Assistant Fire Chief Tom Higgins.

**3. Request to Establish No Parking Zone – 375 Mount Hope Avenue.**

See attached background information from Public Works Director Dana Wardwell.

**4. Request to Establish Three-Two Hour Time Limited Parking Spaces on State Street, between Newbury Street and State Street Avenue.**

See attached background information from Public Works Director Dana Wardwell.

**5. Establishment of Short Term Drop-Off Parking Spaces on Bass Park Boulevard adjacent to the Cross Insurance Center.**

See attached memorandum from Public Works Director Dana Wardwell.

**6. Request to Consider Amending the City Code of Ethics – Conflicts of Interest Involving City Councilors.**

See attached memorandum from City Solicitor Norman Heitmann and background information from resident Larry Willey.



# BANGOR POLICE DEPARTMENT

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

**TO: Government Operations Committee**

**FR: Mark Hathaway**

**RE: Police Canine Retirement and Replacement Request**

**DT: October 14, 2014**

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The police department is seeking permission to retire an active, but poorly performing, patrol canine and begin the process of replacement.

Canine Havoc, a department owned canine for the past five years, has proven to be a challenge to control, train or utilize in a law enforcement environment. Over the past several months we have conducted a series of training and performance tests to include the assistance and advice of outside experts and dog trainers. The results indicate that Havoc is a good canine but simply not suited for demanding training requirements or the constant use expected of a police canine. A recent examination by a Certified Professional Dog Trainer (CPDT) resulted in a finding that Havoc is unable to retain the training necessary to be an effective police canine.

We are requesting to retire Havoc and transfer ownership, responsibility and liability to his current handler, Officer Kim Donnell. A plan to replace Havoc will be presented to the Finance Committee during the month of November.

Item No. \_\_\_\_\_

Date: September 26, 2014

**Item/Subject: Order – Authorizing the City Manager to transfer ownership, responsibility and liability of Canine Havoc to Officer Kim Donnell**

**Responsible Department: Police**

**Commentary:**

The police department is retiring Canine Havoc from active duty due to persistent issues associated with performance and training concerns. Canine Havoc has been an active patrol canine for the past five years. The police department is seeking permission to retire Havoc from active duty and transfer ownership, responsibility and liability to his current handler, Officer Kim Donnell.

Mark Hathaway

**Manager's Comments:**

City Manager

**Associated Information:**

**Budget Approval:**

Finance Director

**Legal Approval:**

City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral



# CITY OF BANGOR

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**(TITLE.) ORDER, Authorizing the Police Department to transfer ownership of Canine Havoc to Officer Kim Donnell**

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

**ORDERED,**

THAT, the Police Department be authorized to transfer ownership, responsibility and liability of Canine Havoc to Officer Kim Donnell.

**TO: Government Operations Committee**

**FR: Tom Higgins, Assistant Fire Chief**

**DT: October 15, 2014**

**RE: Assistance to Firefighter Grant Application**

The Fire Department is seeking authorization to submit an application to the 2014 Assistance to Firefighter Grant (AFG) program. Although the specific application period has not been announced, the 30 day submission time should be opened in early November.

The application will be for 55 replacement air bottles used on self contained breathing apparatus (SCBA). SCBAs are used by firefighters use in smoke and other hazardous environments. Air bottles have a service life of 15 years and these 55 bottles will expire for use in 2015. The estimated replacement cost is \$50,000 and a grant award will require a 10% local match. Staff will be prepared on Monday to identify a source of funding for the local match of \$5,000.

The Fire Department has been very successful with this program in the past, receiving awards for three fire trucks, 30 SCBA, fire alarm systems, sprinkler systems, and fitness equipment.

Fire Department staff will be at the meeting to answer questions or concerns.



530 MAINE AVE.  
BANGOR, MAINE 04401  
TEL: 207/992-4501

PUBLIC SERVICES DEPARTMENT – OPERATION and MAINTENANCE

Dana R. Wardwell, Director

To: Government Operations Committee  
From: Dana Wardwell  
Subject: Proposed change in Parking on Mount Hope Avenue  
Date: October 20, 2014

**BACKGROUND**

Bud Butterfield Pastor of the Pilgrim Orthodox Presbyterian Church at 375 Mt. Hope Avenue, contacted me to request that the area between the two driveways to the church be posted as no parking. He states that when cars are parked between the driveways it reduces visibility for vehicles leaving the church parking lot entering Mt. Hope Avenue. Letters notifying adjacent property owners of this public meeting have been mailed.

**RECOMMENDATION**

Staff recommends posting the 60 foot area between the driveways of 375 Mt Hope Avenue as no parking between signs.



KIRA  
DRIVE

VANCE

HOPE

MOUNT

No Parking Between Signs

No Parking Between Signs (60 feet)

Pilgrim Orthodox Presbyterian Church 375 Mt Hope Avenue



530 MAINE AVE.  
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TEL: 207/992-4501

PUBLIC SERVICES DEPARTMENT – OPERATION and MAINTENANCE

Dana R. Wardwell, Director

To: Government Operations Committee  
From: Dana Wardwell  
Subject: Proposed change in Parking State Street  
Date: October 20, 2014

**BACKGROUND**

Terry Martini who owns a business at 229 State Street, contacted me to request that the area between Newbury Street and State Street Avenue on the south side of State Street be designated as 2 hour parking. She states that many of her clients have some difficulty walking and the current spaces are frequently occupied, making it more difficult for her clients to have to park away from her business. Letters notifying adjacent property owners of this public meeting have been mailed.

**RECOMMENDATION**

Staff recommends creating 3 2 hour parking spaces on the south side of State Street in the area 30 feet east of State Street Court and 50 feet west of Newbury Street.



PALM ST

STREET

STATE

NEWBURY

ROAD-LOCAL

US-2

Existing Handicap Parking Space

3 New 2 hour parking spaces

No parking here to corner sign (30 Feet)

No parking here to corner sign (30 feet)



048-252

054-022

048-263

048-262

048-256

055-048

055-010

055-001

048-281

048-280

048-270

055-002

055-009

055-008

055-007

055-049



530 MAINE AVE.  
BANGOR, MAINE 04401  
TEL: 207/992-4501

PUBLIC SERVICES DEPARTMENT – OPERATION and MAINTENANCE

Dana R. Wardwell, Director

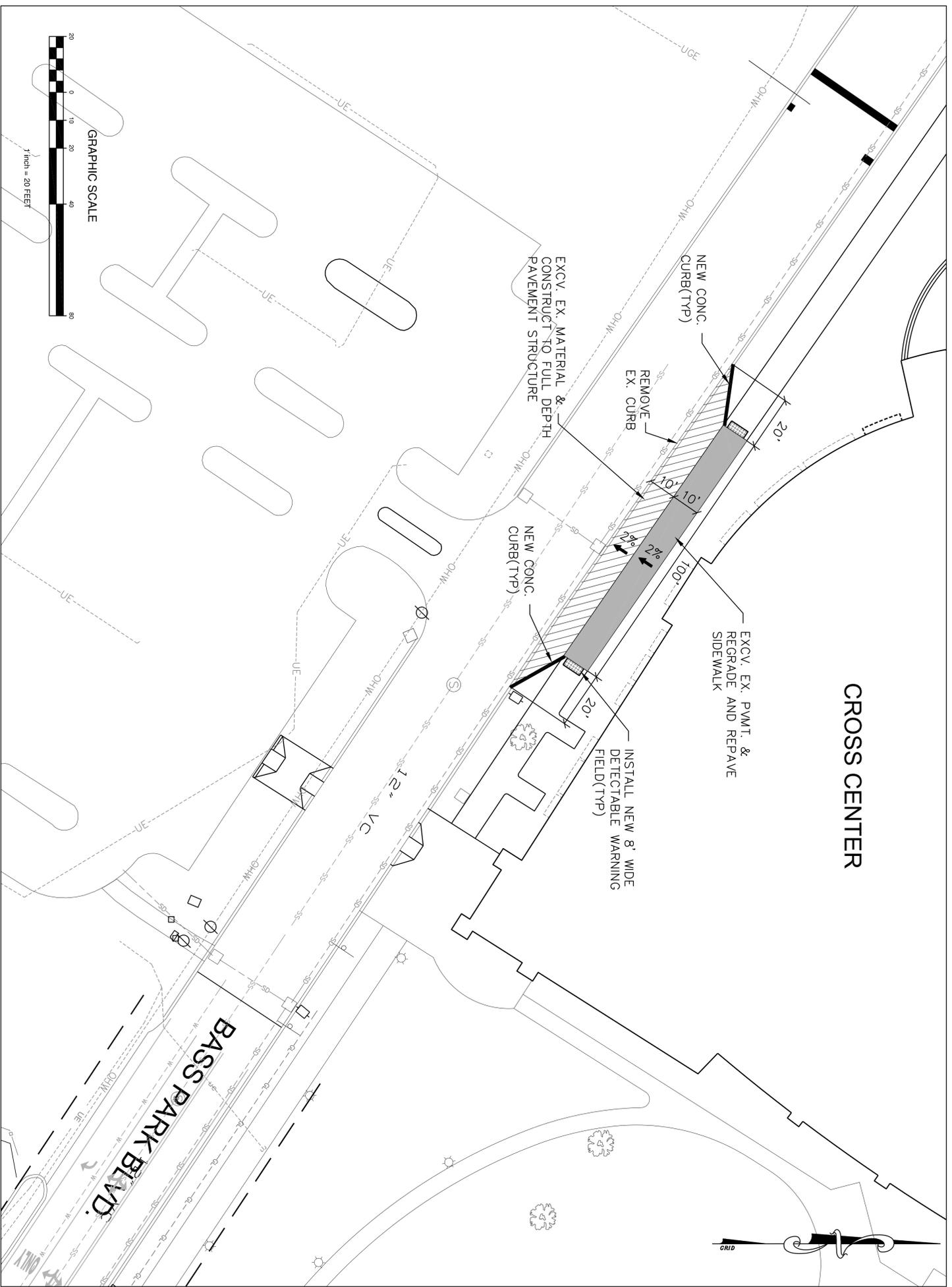
To: Government Operations Committee  
From: Dana Wardwell  
Subject: CIC 15 minute parking area  
Date: October 20, 2014

**BACKGROUND**

The Public Works Department is constructing a 100 foot long drop off area on Bass Park Boulevard near the Cross Insurance Center entrance. Please see the attached sketch for details. This area will be utilized during regular business hours for patrons to park while buying tickets. During events it will be utilized as a drop off area.

**RECOMMENDATION**

Staff recommends designating this area as 15 minute parking.

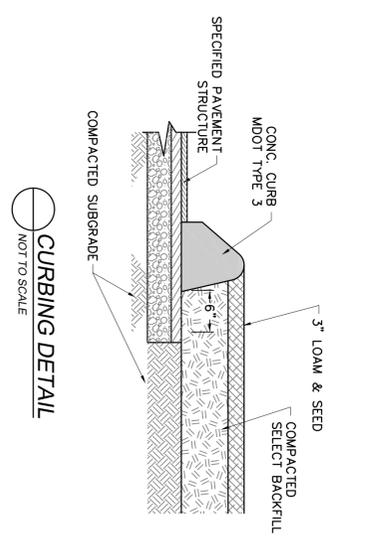
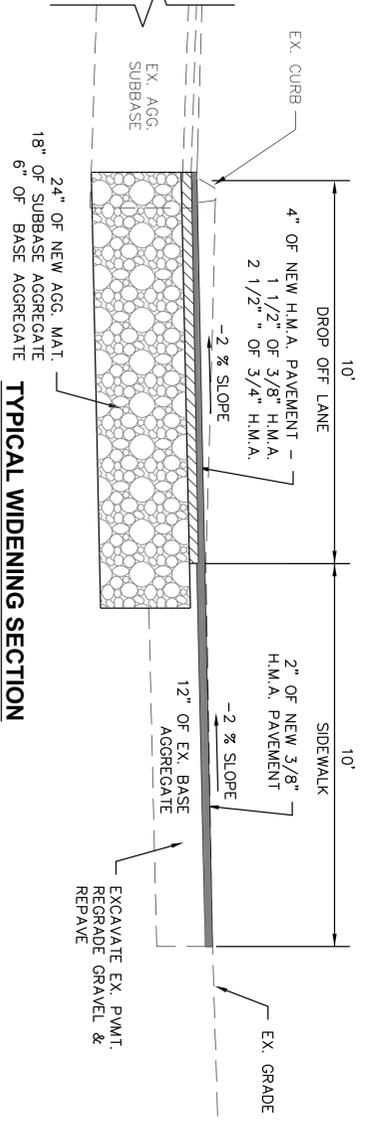


**CROSS CENTER**



**CONSTRUCTION NOTES:**

1. UTILITIES INVOLVED IN THIS CONTRACT ARE: EMERMAINE, FAIRPOINT COMMUNICATIONS, TIME WARNER CABLE, BANGOR PUBLIC WORKS DEPT., BANGOR SEWER DEPARTMENT, BANGOR WATER DISTRICT AND BANGOR GAS.
2. ALL UNDERGROUND UTILITIES SHOWN ON PLANS ARE APPROXIMATE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY AND MAINTAIN THESE UTILITIES DURING CONSTRUCTION.
3. ALL CONSTRUCTION ACTIVITIES CONTEMPLATED UNDER THIS CONTRACT SHALL BE GOVERNED BY AND BE IN CONFORMITY WITH THE CITY OF BANGOR'S STANDARD SPECIFICATIONS, EXCEPT AS MODIFIED BY THE PLANS OR PROJECT MANUAL.
4. NO EXISTING DRAINAGE SHALL BE ABANDONED, REMOVED OR PLUGGED WITHOUT PRIOR APPROVAL OF THE ENGINEER.
5. EXCAVATION ACCOMPLISHED AS PART OF THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH OSHA SUBPART P OF 29 CFR PART 126.50-52 (CONSTRUCTION STANDARD FOR EXCAVATIONS).
6. ANY DAMAGE TO THE SIDE SLOPES OR AREAS OUTSIDE THE WORK LIMITS CAUSED BY THE CONTRACTOR DURING CONSTRUCTION SHALL BE REPAIRED TO THE SATISFACTION OF THE ENGINEER.
7. TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CURRENT MAINE DEPARTMENT OF TRANSPORTATION MANUAL, BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL, JANUARY 2000 AND SHALL REMAIN IN PLACE UNTIL SUCH TIME THAT ADEQUATE VEGETATION IS ESTABLISHED.
8. LOAM SHALL BE PLACED TO A NOMINAL DEPTH OF 3" ON ALL LAWN AND SIDE SLOPE AREAS OR AS DIRECTED BY THE ENGINEER.
9. UNLESS OTHERWISE NOTED, SEEDING METHOD NO. 1 SHALL BE UTILIZED ON ALL LAWN AND DEVELOPED AREAS. MULCH SHALL BE APPLIED IN AREAS SEEDING BY METHODS NOS. 1.
10. ALL WASTE MATERIAL NOT USED ON THE PROJECT SHALL BE DISPOSED OF OFF THE PROJECT IN WASTE AREAS APPROVED BY THE ENGINEER.



**NOTES:**  
AGGREGATE TO BE PLACED IN 8" LIFTS AND COMPACTED TO AT LEAST 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557 AT 1/2% OF OPTIMUM MOISTURE.  
CONSTRUCTION REQUIREMENTS SHALL BE IN ACCORDANCE WITH SPECIAL PROVISION SECTIONS 401 AND 403, AS PER THE STATE OF MAINE DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES", LATEST REVISION.

**BASS PARK BOULEVARD DROP OFF AREA**  
BANGOR, MAINE

**PLAN VIEW**

DESIGNED BY:	TCT	
DRAWN BY:	TCT	
CHECKED BY:		
APPROVED BY:		
Date:	9/29/14	
SCALE:	1" = 30'	
No.	Date	Revision

Signed \_\_\_\_\_ Date \_\_\_\_\_

**City of Bangor Maine**  
www.bangormaine.gov  
**ENGINEERING DEPARTMENT**  
Bangor, Maine 04401  
Tel: (207)945-4400  
Fax: (207)945-4449

## MEMORANDUM

To: Government Operations Committee  
From: Norman S. Heitmann, III, City Solicitor  
Date: October 8, 2014  
Re: Request to Amend City's Code of Ethics

We have received a request that the Council amend the City's Code of Ethics. The attached letter from Larry Willey is self-explanatory as to the reasons behind the request. Also attached is a copy of the relevant provisions of the Code requested to be amended with the proposed changes underlined. I also have attached a copy of 30-A M.R.S.A. §2605.

I would suggest that if there is interest at the Committee level for consideration of possible amendments to the City's Code of Ethics it first be reviewed by the Ethics Committee and that they make a recommendation(s) to the Committee and Council.

## §33-2 Definitions

**Special Interest.** A direct or indirect interest for or against, including as a party or representing a party in litigation or involving the City of Bangor, or a city department, or an employee thereof, whether civil, criminal, administrative or otherwise having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the passage or denial of any order, ordinance, resolution, or City budget or City bonds, or the approval/disapproval thereof, or use of confidential information by the City Council, Board or Commission and which interest is not shared by the general public.

§33- 10 (B) No City Councilor shall either appear on behalf of any third party interest before any City agency, or represent a third party interest in any action, proceeding, or litigation in which the city or one of its agencies, or departments or employees, is a party or witness, or in which the City Councilor as a client has a special interest. Nothing herein shall prohibit a Councilor, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or any Councilor, on behalf of his or her personal interest, from appearing before a City agency.

§33-11 (A) Deliberation and Vote Prohibited. No City Councilor, Board Member or Commission Member shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before his or her collective body in which he or she or a member of his or her immediate family has a financial or special interest, other than an interest held by the public generally, or involving a client in which a vote might benefit that client or his financial interest.

§33-11 (B) Disclosure of Conflict. Any City Councilor, Board Member or Commission Member who believes that he or she or a member of his or her immediate family, or a client, has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body, shall disclose the nature and extent of such interest and the City Clerk or his designee shall make a record of such disclosure.

N. Laurence Willey, Jr.  
Marie E. Hansen  
Ezra A. R. Willey

**WILLEY LAW OFFICES**  
*Attorneys at Law*

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P. O. BOX 924  
BANGOR, MAINE 04402-0924  
TELEPHONE 207-262-6222  
800-427-4666 (MAINE ONLY)  
FAX 207-262-6041

[lwilley@midmaine.com](mailto:lwilley@midmaine.com)

August 22, 2014

Norman S. Heitmann, III, Esq.  
Legal Department  
Bangor City Hall  
73 Harlow Street  
Bangor, ME 04401

Re: Ethics Ordinance

Dear Norman:

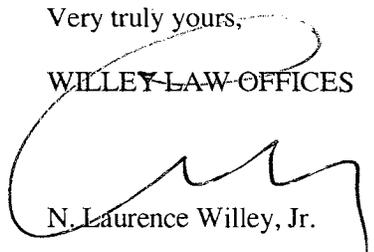
A number of issues have been brought to my attention recently regarding the necessity of amending Bangor's ethics ordinance. I have spoke to several councilors about the issues. I am enclosing a copy of the ordinance with potential changes under the definition of Special Interest, Representing Third Party Interest Before City Agencies, and Conflicts of Interest. I am available to speak on these issues if the necessity arises. I believe Pauline Civiello may be the point person for sponsoring an ordinance change.

We are particularly concerned about lawyer city councilors involving themselves in criminal defense involving Bangor Police Department officers and investigators; votes on city budget and bond issues for financial planners/stock brokers; votes on real estate related issues for real estate development/broker type councilors, among a number of other issues. While the ordinance probably is broad enough when read in conjunction with Title 30-A §2605, there should be no room for misunderstanding, thus the reason for this modification.

Please advise if I can provide any other information or clarification on the proposed changes that are printed on the enclosed documents.

Very truly yours,

WILLEY-LAW-OFFICES



N. Laurence Willey, Jr.

NLWJr./tb

Enclosure

cc: Pauline Civiello, via email only  
Joe Baldacci, via email only  
Ben Sprague, via email only

**Maine Revised Statutes**  
**Title 30-A: MUNICIPALITIES AND COUNTIES**  
**HEADING: PL 1987, c. 737, Pt. A, §2 (new)**  
**Chapter 123: MUNICIPAL OFFICIALS**  
**HEADING: PL 1987, c. 737, Pt. A, §2 (new)**

**§2605. CONFLICTS OF INTEREST**

Certain proceedings of municipalities, counties and quasi-municipal corporations and their officials are voidable and actionable according to the following provisions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Voting.** The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Contracts.** A contract, other than a contract obtained through properly advertised bid procedures, made by a municipality, county or quasi-municipal corporation during the term of an official of a body of the municipality, county or quasi-municipal corporation involved in the negotiation or award of the contract who has a direct or an indirect pecuniary interest in it is voidable, except as provided in subsection 4.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Restrain proceedings.** The Superior Court may restrain proceedings in violation of this section on the application of at least 10 residents of the municipality, county or area served by the quasi-municipal corporation.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**4. Direct or indirect pecuniary interest.** In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.