



CITY COUNCIL AGENDA



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REGULAR MEETING BANGOR CITY COUNCIL – JUNE 26, 2023

PLEDGE OF ALLEGIANCE

Currently, the public has the choice to participate in meetings in person at City Hall or remotely through Zoom, Facebook, television, and the City’s website. Public comment, whether in person or through Zoom requires a person to state their name and address, any inappropriate or offensive remarks may be removed, and the Council Chair will have discretion over the time allowed for comment. On Zoom, the public may be recognized to speak by the hand wave function or, on a phone, by pressing *9.

PUBLIC COMMENT

CONSENT AGENDA ITEM NO.

ASSIGNED TO COUNCILOR

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

MINUTES OF: **Bangor City Council Regular Meeting of June 12, 2023, and
Government Operations Committee Meetings January 4, 2023**

LIQUOR LICENSE RENEWALS:

**Application for Liquor License Renewal Malt, Wine,
Spirits of Bangor Grande Aviators, LLC d/b/a Blue
Sky Lounge, 357 Odlin Road** **HAWES**

**Application for Liquor License Renewal Malt, Wine,
Spirits of Seadog Ventures, Inc d/b/a Seadog
Ventures, Inc., 26 Front Street** **HAWES**

**Application for Liquor License Renewal Spirits of
New Waverly Restaurant, Inc d/b/a New Waverly
Restaurant, Inc., 36 Merchants Plaza** **HAWES**

**Application for Liquor License Renewal Malt, Wine
of Seven Below, LLC d/b/a Moe’s Original BBQ, 650
Broadway** **HAWES**

LIQUOR LICENSE NEW:

**Application for Liquor License New Malt, Wine,
Spirits of Bryson Holdings, LLC d/b/a Pepinos, 49
Park Street** **HAWES**

23-197 ORDER **Authorizing the Execution of a Municipal Quitclaim
Deed for Real Estate Located at 26 Edgewood Court** **YACOUBAGHA**

Executive Summary: This Order will authorize the execution of a municipal quitclaim deed for real estate located at 26 Edgewood Court. Stormwater liens have matured on the property owned by Wells Fargo Bank, National Association, at 26 Edgewood Court. The outstanding charges due the City have been paid, and there are no known code violations on the property. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property.

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**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**23-198 ORDER **Authorizing the Purchase of an Emergency Services
Robot for the Police Department from ICOR
Technology in the Amount of \$219,725** **HAWES****

Executive Summary: This Order will authorize the purchase of an Emergency Service Robot for the Bangor Police Department which will be utilized by the Bomb Squad, Special Response Team and the Hostage/Crisis Negotiation Team.

The current robot was purchased in 2003 and refurbished in 2015 but is prone to persistent mechanical failures and repair parts are difficult to find.

Over the past 12 months, Police staff has researched various models and conferred with the State Police and Portland Police as the only other bomb squad units in the State. As a result, staff is recommending purchasing an Emergency Services Robot from ICOR Technology for \$219,725 which will include a warranty and on-site training.

Funding for the purchase will come from savings in the Fiscal Year 2023 budget. This item was reviewed and approved at the Finance Committee meeting on June 21, 2023.

23-199 ORDER **Authorizing the Fire Department to Contract with PL **DAVITT
Custom to Refurbish an Ambulance in the Amount of
\$170,453****

Executive Summary: This Order will authorize the Fire Department to contract with PL Custom to refurbish an ambulance at a cost of \$170,453.

The Fire Department requested to waive the bid process and work directly with PL Custom of New Jersey as they built all five current ambulance units. The refurbishment work includes remounting the body on a new chassis and repainting the entire unit, which extends the useful life. This would be a significant cost savings, as a new ambulance; currently costs over \$250,000.

The Fire Department budgeted \$150,000 for the refurbishment, as part of their Fiscal Year (FY) 23 Capital Plan. The remaining cost of \$20,453 will be covered with savings from the FY203 operating budget. This item was reviewed and recommended for approval by the Finance Committee at its meeting on June 21, 2023.

23-200 ORDER **Authorizing the City Manager to Accept \$171,284.19 **TREMBLE
in Funds as Result of a Federal Criminal Forfeiture
(Mardigan)****

Executive Summary: This Order will authorize the City Manager to accept \$171,284.19 in funds as a result of a Federal Criminal Forfeiture (Mardigan). Member(s) of the Police Department, assigned to the Criminal Investigation Division, were involved in an investigation that led to the seizure of cash and property. This case was investigated by the FBI - Southern Maine Gang Task Force, with assistance from several police agencies to include the Bangor Police Department.

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**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

23-201 ORDER Authorizing the City Manager to Execute an Agreement with the Maine Department of Transportation for WIN #026930.00 Resurfacing Portion of Union Street

SCHAEFER

Executive Summary: This Order will authorize the City Manager to enter into an agreement with Maine Department of Transportation for the resurfacing of a portion of Union Street. The project is for the preservation paving of 1.5 miles of Union Street, consisting of mill and fill starting at Davis Road continuing to Griffin Road. MaineDOT project estimate is \$2,027,000. State Share of \$202,700.00 or 10%, and Local City Share of \$202,700.00 or 10%. This item was unanimously recommended by the Infrastructure Committee on June 21, 2023.

23-202 ORDER Authorizing the City Manager to Execute an Agreement with the Maine Department of Transportation for WIN #026932.00 for Outer Hammond Street Resurfacing

LEONARD

Executive Summary: This Order will authorize the City Manager to enter into an agreement with Maine Department of Transportation for Outer Hammond Street resurfacing. The project is for the preservation paving of 0.44 mile of Outer Hammond Street (Route 2) consisting of mill and fill starting at the Hermon town line, continuing to Hammond Street Extension. MaineDOT project estimate is \$445,300. State Share of \$44,530.00 or 10%, and Local City Share of \$44,530.00 or 10%. This item was unanimously recommended by the Infrastructure Committee on June 21, 2023.

23-203 ORDER Authorizing the City Manager to Execute a Contract with Precision Trucking Inc for Sidewalk Paving on the Hammond Street Resurfacing Project, MaineDOT WIN 025033.01 in the amount of \$116,292

DAVITT

Executive Summary: This Order would authorize the City Manager to execute a contract with Precision Trucking Inc. for sidewalk paving on the Hammond Street resurfacing Project, MaineDOT WIN 025033.01 in the amount of \$116,292. This item was reviewed and approved at the Finance Committee meeting on June 21, 2023.

23-204 Authorizing Transfer of \$128,500 of General Fund Debt Service Appropriation to Capital Fund Transfer Appropriation in FY 2023

HAWES

Executive Summary: This Order would authorize the reallocation of FY 2023 appropriations within the General Fund. The adopted FY 2023 budget assumed the City would issue general obligation bonds for certain approved capital projects during the fiscal year. The issue did not occur, therefore, the amounts appropriated to pay the principal and interest on the debt were not expended for this purpose. As the appropriation crosses operating divisions, the City Council must take action to approve the transfer of the appropriation from Debt Service to Capital Fund Transfer within the General Fund

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**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

The intent of the transfer is to fund the difference between the capital budgeted amount and the awarded bid for the replacement of the roof at the Central Fire Station. This item was reviewed and approved at the May 22, 2023 Finance Committee meeting.

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

**ASSIGNED TO
COUNCILOR**

23-205 ORDINANCE Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 364 State Street from Neighborhood Service District (NSD) to Urban Service District (USD), and a Portion of the Property Located at 410 State Street from Contract Government and Institutional Service District (G&ISD) to Urban Service District (USD) (First Reading and Referral to Planning Board Meeting of July 11, 2023)

SCHAEFER

Executive Summary: This Ordinance would amend Chapter 165 of the Land Development Code, District Map to re-zone property located at 364 State Street from Neighborhood Service District (NSD) to Urban Service District (USD), and a portion of the property located at 410 State Street from Contract Government and Institutional Service District (G&ISD) to Urban Service District (USD).

The applicant is seeking a zone change for the property at 364 State Street, Map-Lot 054-223, from NSD to USD and for a portion of the property at 410 State Street, Map-Lot 054-224-C, from G&ISD to USD. The total area requested to be changed is 0.5 acres and is shown in the attached exhibit and described in the attached description.

The change to the USD district would allow for a greater variety of commercial uses on this lot, such as drive-in businesses, animal clinics, and restaurants. The change would also remove the contract conditions from the portion of property at 410 State Street, which currently limit the property to be used only for employee parking and prevents a curb cut onto Otis Street.

The neighborhood has a mix of differently zoned lots. The 2012 Comprehensive Plan showed this area as commercial and institutional and the 2022 Comprehensive Plan shows this as having limited commercial and institutional uses that are complementary to the surrounding area.

23-206 RESOLVE Authorizing the City Manager to Accept and Appropriate \$100,000 for a Two-Year Maine Health Access Foundation Systems Improvement and Innovation Responsive Implementation (First Reading and Referral to Government Operations Committee Meeting of July 3, 2023)

PELLETIER

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

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Resolve authorizes the City Manager to accept and appropriate a two-year implementation grant in the amount of \$100,000 from the Maine Health Access Foundation (MeHAF). Bangor Public Health and Community Services received a one-year MeHAF planning grant from June 1, 2022 to May 30, 2023 to engage partner organizations and people who use drugs to identify sustainable communication and relationship building strategies in order to more effectively engage and empower people who use drugs in initiatives addressing substance use disorder in the Bangor community.

This two-year implementation grant will use the information gathered during the planning phase to implement systems changes to authentically engage people who use drugs in the planning of the systems that serve them. These funds will be received in increments of \$50,000 per year for two years. The project period of performance is from June 1, 2023 to May 30, 2025.

23-207 RESOLVE **Authorizing the City Manager to Accept and Appropriate \$1,151,932 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) (First Reading and Referral to Government Operations Committee Meeting on July 3, 2023) **LEONARD****

Executive Summary: This Resolve authorizes the City Manager to accept and appropriate \$1,151,932 McKinney-Vento Homeless Assistance funds from HUD for the period of April 1, 2023 to November 30, 2024. There are four (4) grants in the total amount of \$1,151,932 to provide Shelter Plus Care Rental Assistance to qualified individuals and families to live in Bangor and other communities in Penobscot County. Shelter Plus Care promotes housing stability by paying rent for homeless individuals and families. Participants needing case management services are assisted by the Shelter Plus Care Housing Specialist through referrals for life skills such as healthy living, financial literacy, and employment. These funds are granted through the Maine Continuum of Care selective competition process. The four grants are summarized below:

Grant: Consolidated 8714-A

- Operating year: 04/01/23 to 03/31/24

- Amount: \$440,709

- Number of apartments in grant agreement: 42 households: 21 one bedroom apartments, 4 two bedroom apartments (for families with children), and 17 efficiency apartments

Grant: TRA Consolidated 8715

- Operating year: 09/01/23 to 08/31/24

- Amount: \$490,714

- Number of apartments in grant agreement: 51 households: 10 one-bedroom apartments, 41 efficiency apartments

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

**ASSIGNED TO
COUNCILOR**

Grant: TRA 8716

- Operating year: 12/01/23 to 11/30/24

- Amount: \$147,679

- Number of apartments in grant agreement: 16 households; 16 efficiency apartments

Grant: TRA 8719

- Operating year: 8/1/23 to 7/31/24

- Amount: \$72,830

- Number of apartments in grant agreement: 6 households: 2 2-bedroom apartments, 4 1-bedroom apartments

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**23-177 ORDINANCE Amending Chapter 165, Land Development Code,
Article VI-A, Erosion and Sediment Control, by
Updating References to Erosion and Sediment Control
Standards from the Maine Department of
Environmental Protection**

DAVITT

Executive Summary: This Ordinance will amend Chapter 165, Land Development Code, by updating a reference to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection.

The City discharges stormwater in accordance with the Municipal Separate Storm Sewer System (MS4) Permit issued to it by the Maine DEP. The MS4 Permit requires that the City must have an ordinance or other regulatory mechanism that requires the use of erosion and sediment control Best Management Practices (BMP) at construction sites consistent with the minimum standards outlined in Appendix C, Erosion and Sedimentation Control, Inspections and Maintenance and Housekeeping of the MS4 Permit dated October 15, 2020. The current ordinance does not meet this requirement as it currently references the Maine Erosion and Sediment Control BMPs, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, March 2003 Edition.

This Ordinance amendment will update the reference in order to keep the City in Compliance with the MS4 Permit.

This item was reviewed and unanimously recommended for approval by the Planning Board at its meeting on June 20, 2023.

**23-178 ORDINANCE Amending Chapter 268, Stormwater, to Require
Owners of Stormwater Management Structures to
Address Deficiencies Within 60 Days as Required by
the Maine Department of Environmental Protection
(DEP) Municipal Separate Storm Sewer (MS4) Permit
Issued to the City**

SCHAEFER

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Ordinance will amend Chapter 268, Stormwater, by specifying a time frame of 60 days for owners of stormwater management structures to make needed repairs and submit evidence of the repairs to the City.

The City discharges stormwater in accordance with the MS4 Permit issued to it by the Maine DEP. The Permit dated October 15, 2020 requires that owners of stormwater management structures repair deficiencies and provide a record of the repairs to the City within 60 days. The current ordinance does not meet this requirement as it states that the owner of the stormwater structure must take corrective actions to address deficiencies but does not specify a time limit as to when that action must be completed nor does it require a record of the deficiency and corrective action to be submitted to the City. Amending Chapter 268 will keep the City in compliance with the MS4 Permit.

This item was reviewed and unanimously recommended for passage by the Infrastructure Committee at its meeting on June 20, 2023.

23-179 RESOLVE **Authorizing the City Manager to Accept and Appropriate a Grant Amendment in the Amount of \$459,704 to the Women, Infants, and Children (WIC) Nutrition Program from the Maine Department of Health and Human Services **LEONARD****

Executive Summary: This Resolve will authorize a grant amendment for additional funding in the amount of \$459,704 for the WIC nutrition program from the Maine Department of Health and Human Services.

On April 25, 2022, Resolve 22-168 was passed to accept and appropriate grant funds in the amount of \$3,460,873 for the WIC Program from the Maine Department of Health and Human Services. This Resolve will allow an amendment for additional funds in the amount of \$459,704. These additional funds are for personnel related expenses (\$80,327) and pass through food dollar funds (\$379,377). This item was reviewed and recommended for approval at the Government Operations Committee meeting on June 5, 2023.

23-180 RESOLVE **Accepting and Appropriating \$897,850 in Environmental Protection Agency (EPA) for Brownfields Cleanup Grant Funds for Building #610 at Bangor International Airport **SPRAGUE****

Executive Summary: This Resolve will accept and appropriate \$897,850 in EPA Brownfields Cleanup Grant Funds to address the remediation of building #610 (aka the Alert Building) at Bangor International Airport.

The grant funds in this award will facilitate the safe and expedient demolition and remediation of the site resulting in an ideal site the Airport could utilize in the future for potential freight or warehouse needs as identified within the recently completed Airport master plan. This grant does not require a local match. This item was reviewed and unanimously recommended for approval by the Business & Economic Development Committee on June 21, 2023.

REGULAR MEETING BANGOR CITY COUNCIL – JUNE 26, 2023

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

23-181 RESOLVE Making an Appropriation for the Total School Budget for the Bangor School Department as Required by 20-A MRSA Section 15690 (4)(A) YACOUBAGHA

Executive Summary: This Resolve will appropriate the total school budget in the amount of \$56,499,152 as required by 20-A MRSA, Section 15690(4)(A). This appropriation represents the total annual budget for funding public education from Pre-K to grade 12. This article does not provide money unless the other articles are approved.

23-182 RESOLVE Approving School Department Estimates of Revenue and Budget - Trust and Agency Fund TREMBLE

Executive Summary: This Resolve will approve the School Department's Trust and Agency Budget in the amount of \$3,412,483.

23-183 RESOLVE Approving School Department Estimates of Revenue from State Sources and Budget-Enterprise Fund PELLETER

Executive Summary: This Resolve will approve the School Department's Enterprise Fund Budget in the amount of \$2,169,446 for the period of July 1, 2023 to June 30, 2024. If approved, the fund includes \$2,126,991 for the food services programs and \$42,455 for Adult Ed Enrichment.

23-184 RESOLVE Approving School Department Estimates of Revenue from State Sources and Budget-Special Revenue Fund SPRAGUE

Executive Summary: This Resolve will approve the School Department's Special Revenue Fund in the amount of \$3,267,496. These special revenues are used to support a variety of educational activities as detailed in the Resolve.

23-185 RESOLVE Making an Appropriation of \$400,030 for Adult Education for the Bangor School Department as Required by 20-A MRSA Section 8603-A (1) SCHAEFER

Executive Summary: This Resolve will appropriate funding for adult education in the amount of \$400,030, the local share of which is \$230,000.

23-186 RESOLVE Vocational Education Region #4 Appropriation Pursuant to Title 20-A, Chapter 606, 15601-15619, Maine Revised Statutes Annotated DAVITT

Executive Summary: This Resolve will approve expenditures as required by Title 20-A MRSA for the Vocational Education Region #4 operating budget in the amount of \$4,159,421.61, and the local share for Adult Education of \$18,022.96.

REGULAR MEETING BANGOR CITY COUNCIL – JUNE 26, 2023

UNFINISHED BUSINESS ITEM NO.	ASSIGNED TO COUNCILOR
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<u>23-187</u>	<u>RESOLVE</u>	Making an Appropriation of \$1,980,000 for Non-State Funded Debt Service Allocation for the Bangor School Department as Required by 20-A MRSA Section 15690 (2)(A)	LEONARD
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Executive Summary: This Resolve will appropriate the non-state funded debt service allocation in the amount of \$1,980,000. Non-state funded debt service is the amount of money needed for the payments of school department long term debt for major capital construction projects and/or minor capital renovation projects that are not approved for state subsidy. The issuance of this long-term debt was previously approved by the Bangor City Council.

<u>23-188</u>	<u>RESOLVE</u>	Making an Appropriation for the Bangor School Department in Excess of the Minimum Spending Target Established by 20-A MRSA Section 15671(A)(4)	HAWES
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Executive Summary: This Resolve will authorize the appropriation of local funds in excess of the minimum spending target limit in the amount of \$7,877,730. The Bangor School Committee recommends \$7,877,730 of additional funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$7,877,730: Special Education \$2,998,068; Transportation \$419,589; Co and extracurricular activities \$1,219,397; Technology \$602,771; and Employee Benefits \$2,637,905.

<u>23-189</u>	<u>RESOLVE</u>	Making an Appropriation of \$19,327,229 for the School District Contribution to the Total Cost of Funding Public Education from Pre-K to Grade 12 as Required by 20-A MRSA Section 15690(1)(A)(B)	YACIOUBAGHA
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Executive Summary: This Resolve will appropriate the local share of the total costs of the Essential Programs and Services funding model in the amount of \$19,327,229.

<u>23-190</u>	<u>RESOLVE</u>	Appropriation for Municipal Year 2024	HAWES
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Executive Summary: This amended Resolve will appropriate funding for the for the Fiscal Year 2024 Municipal budget. This amendment includes all changes recommended by the City Council and City Manager since the submission of the City Manager's recommended budget. The budget needs to be amended by substitution to reflect council requested changes made since April.

<u>23-191</u>	<u>RESOLVE</u>	Making an Appropriation for Various Capital Purposes Utilizing Various Reserves, Trust and Agency Accounts and Other Funds for Expenditures to be Made During Fiscal Year 2024	TREMBLE
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**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This Resolve will make appropriations from various sources to fund programs or purchases identified in the FY 2024 proposed budget. Over the past two months, the City Council has reviewed all requests for various capital and operational needs. The attachment identifies the purchases and the funding source to be used. The following summarizes the recommended appropriations and the source from which they are to come:

SOURCE	APPROPRIATION
State LRAP Funding	\$ 350,000
Local Seizure Account	98,000
Fire Equipment Reserve	150,000
Energy Efficiency Reserve	100,000
Equipment Reserve	535,000
Benefit Reserve	145,000
Unassigned Fund Balance	1,950,000
Improvement Reserve	913,000
TOTAL	\$ 4,241,000

This item is being amended by substitution so that the capital and new program request attachment reflects all City Council recommended changes.

**23-192 RESOLVE Making an Appropriation of Downtown TIF Funds PELLETIER
for Expenditures to be Made in Fiscal Year 2024**

Executive Summary: This amended Resolve will appropriate \$3,842,971 in funds for expenditures to be made from the Downtown TIF program. During the FY 2024 budget process, the City Council reviewed all requests for various capital and operational needs, some of which were recommended for funding from the Downtown Development District TIF funds. These funds may only be expended for purposes identified within the TIF application as previously approved by the City Council and the Maine Department of Economic and Community Development. Allowable projects include those related to downtown and parking, the waterfront, downtown infrastructure improvements (i.e. sidewalks, sewers, streets, parks, etc), Cross Insurance Center debt services, clean-up of the Penobscot River and allowable Tier III costs. This resolve was reviewed by the Council as part of the budget review process. This item will need to be amended by substitution.

**23-193 RESOLVE Appropriating \$817,546 of Fiscal Year 2023 SPRAGUE
Community Development Block Grant Funding and
\$250,000 in Anticipated Program Income**

Executive Summary: This Resolve will appropriate \$817,546 in Community Development Block Grant Funds for Federal fiscal year 2023 (City fiscal year 2024) awarded through the U. S. Department of Housing and Urban Development, as well as \$250,000 in program income from anticipated loan repayments.

REGULAR MEETING BANGOR CITY COUNCIL – JUNE 26, 2023

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
<u>PUBLIC HEARING</u>	Application for Special Amusement License New of The Main Tavern, Inc d/b/a The Main Tavern, Inc., 152 Main Street	HAWES
<u>PUBLIC HEARING</u>	Application for Special Amusement License Renewal of Bangor Grande Aviators, LLC d/b/a Blue Sky Lounge, 357 Odlin Road	HAWES
<u>PUBLIC HEARING</u>	Application for Special Amusement License Renewal of Seadog Ventures, Inc. d/b/a Seadog Ventures, Inc, 26 Front Street	HAWES
<u>23-208</u> <u>ORDER</u>	Authorizing the City Manager to Execute an Amendment to the Management Agreement with Oak View Group for Management of the Cross Insurance Center	YACOUBAGHA

Executive Summary: This Order would authorize an amendment to the management agreement between the City and Oak View Group previously known as Global Spectrum, L.P., Spectra Venue Management or Spectra, for the Cross Insurance Center. It would extend the agreement for three years, and amend the management fees the City pays to Oak View Group.

Since 2011, the City has contracted management of the Cross Center to Oak View Group or its predecessor. In general, operational successes for the Center have met and/or exceeded early financial and event projections. The venue has played host to an extensive variety of entertainment events appealing to a broad range of interests.

At present, the agreement between the City and Spectra expires on June 30, 2023, with a City option to extend the term for three years. This amendment would authorize a three-year extension through June 30, 2026.

As the facility returns to pre-pandemic operations and staffing levels, Oak View is seeking to support the facility's return to operational success. Oak View Group has offered the City \$105,000 to invest in revenue generating or operating expense reducing enhancements as the facility reaches its 10-year anniversary.

Additionally, the contract fixes a management fee of \$138,000 which is subject to annual increases in the CPI. Oak View Group would be further eligible to earn incentives based on operating results, concert attendance and customer satisfaction as outlined in the contract. If approved by the Council, the final form of the contract would be subject to review and approval of the City Solicitor.

This item was reviewed in Executive Session on June 20, 2023.



CONSENT AGENDA

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JUNE 12, 2023

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-166</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute Easement with Versant Power - Pine Grove Cemetery</i>	YACOUBAGHA
	<i>Action:</i>	<i>Passed</i>	
<u>23-167</u>	<u>ORDER</u>	<i>Authorizing the Assignment and Extension of a Lease at 1286 Union Street from Michael J. Fiori and Ronald J. LaVallee to Tristan Thomas</i>	DAVITT
	<i>Action:</i>	<i>Passed</i>	
<u>23-168</u>	<u>ORDER</u>	<i>Authorizing Execution of a Lease with Industrial Scientific Corporation in the Amount of \$128,076 for Gas Meters</i>	PELLETIER
	<i>Action:</i>	<i>Passed</i>	
<u>23-169</u>	<u>ORDER</u>	<i>Amending the Schedule of Fees - Adding a Fee for Medical Marijuana Establishment License</i>	LEONARD
	<i>Action:</i>	<i>Passed</i>	
<u>23-170</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Contract with Northeast Paving for Construction Services on the Oak Street Resurfacing Project, MaineDOT WIN 025379.00 in the Amount of \$523,457.75</i>	HAWES
	<i>Action:</i>	<i>Passed</i>	
<u>23-171</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute Contracts with Northeast Paving for Construction Paving Services and Desuilt Contractors for Site Work for the Hammond Street MPI Project - MaineDOT WIN 25033.01, and for the State Street MPI Project - MaineDOT WIN 25033.02</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	
<u>23-172</u>	<u>ORDER</u>	<i>Authorizing the Purchase of 2017 Global De-Ice Truck from Global Ground Support in the Amount of \$149,000</i>	HAWES
	<i>Action:</i>	<i>Passed</i>	
<u>23-173</u>	<u>ORDER</u>	<i>Authorizing a Contract with GR Roofing, LLC in the Amount of \$400,000 for the Replacement of the Hanger 1 Roof at the Bangor International Airport</i>	PELLETIER
	<i>Action:</i>	<i>Passed</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JUNE 12, 2023

CONSENT AGENDA ITEM NO.		ASSIGNED TO COUNCILOR
<u>23-174</u>	<u>ORDER</u> <i>Authorizing the City Manager to Execute a Memorandum of Understanding with the Downtown Business Partnership for the Installation, Maintenance and Seasonal Removal of an Art Installation</i>	SCHAEFER
	<i>Action: Passed</i>	
<u>23-175</u>	<u>ORDER</u> <i>Authorizing a Commission on Cultural Development Grant of \$6,031.25 to Bangor Beautiful, Inc. Maine Academy of Modern Music and Artist Linda Packard to Support Art Projects in Bangor</i>	TREMBLE
	<i>Action: Passed</i>	
<u>23-176</u>	<u>ORDER</u> <i>Authorizing the City Manager to Execute a Temporary Lease Agreement with Waterfront Concerts, LLC to Expand the Lease Area to Encompass Emergency Access on Railroad Street</i>	DAVITT
	<i>Action: Passed</i>	

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.		ASSIGNED TO COUNCILOR
<u>23-177</u>	<u>ORDINANCE</u> <i>Amending Chapter 165, Land Development Code, Article VI-A, Erosion and Sediment Control, by Updating References to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection</i>	DAVITT
	<i>Action: First Reading and Referral to Planning Board Meeting of June 20, 2023</i>	
<u>23-178</u>	<u>ORDINANCE</u> <i>Amending Chapter 268, Stormwater, to Require Owners of Stormwater Management Structures to Address Deficiencies Within 60 Days as Required by the Maine Department of Environmental Protection (DEP) Municipal Separate Storm Sewer (MS4) Permit Issued to the City</i>	SCHAEFER
	<i>Action: First Reading and Referral to Infrastructure Committee Meeting of June 20, 2023</i>	
<u>23-179</u>	<u>RESOLVE</u> <i>Authorizing the City Manager to Accept and Appropriate a Grant Amendment in the Amount of \$459,704 to the Women, Infants, and Children (WIC) Nutrition Program from the Maine Department of Health and Human Services</i>	LEONARD
	<i>Action: First Reading</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JUNE 12, 2023

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.		ASSIGNED TO COUNCILOR	
<u>23-180</u>	<u>RESOLVE</u>	<i>Accepting and Appropriating \$897,850 in Environmental Protection Agency (EPA) for Brownfields Cleanup Grant Funds for Building #610 at Bangor International Airport</i>	SPRAGUE
	Action:	<i>First Reading and Referral to Business and Economic Development Committee Meeting of June 20, 2023</i>	
<u>23-181</u>	<u>RESOLVE</u>	<i>Making an Appropriation for the Total School Budget for the Bangor School Department as Required by 20-A MRSA Section 15690 (4)(A)</i>	YACIOUBAGHA
	Action:	<i>First Reading</i>	
<u>23-182</u>	<u>RESOLVE</u>	<i>Approving School Department Estimates of Revenue and Budget - Trust and Agency Fund</i>	TREMBLE
	Action:	<i>First Reading</i>	
<u>23-183</u>	<u>RESOLVE</u>	<i>Approving School Department Estimates of Revenue from State Sources and Budget-Enterprise Fund</i>	PELLETER
	Action:	<i>First Reading</i>	
<u>23-184</u>	<u>RESOLVE</u>	<i>Approving School Department Estimates of Revenue from State Sources and Budget-Special Revenue Fund</i>	SPRAGUE
	Action:	<i>First Reading</i>	
<u>23-185</u>	<u>RESOLVE</u>	<i>Making an Appropriation of \$400,030 for Adult Education for the Bangor School Department as Required by 20-A MRSA Section 8603-A (1)</i>	SCHAEFER
	Action:	<i>First Reading</i>	
<u>23-186</u>	<u>RESOLVE</u>	<i>Vocational Education Region #4 Appropriation Pursuant to Title 20-A, Chapter 606, 15601-15619, Maine Revised Statutes Annotated</i>	DAVITT
	Action:	<i>First Reading</i>	
<u>23-187</u>	<u>RESOLVE</u>	<i>Making an Appropriation of \$1,980,000 for Non-State Funded Debt Service Allocation for the Bangor School Department as Required by 20-A MRSA Section 15690 (2)(A)</i>	LEONARD
	Action:	<i>First Reading</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JUNE 12, 2023

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.	ASSIGNED TO COUNCILOR
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<u>23-188</u> <u>RESOLVE</u> <i>Making an Appropriation for the Bangor School Department in Excess of the Minimum Spending Target Established by 20-A MRSA Section 15671(A)(4)</i>	HAWES
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Action: First Reading

<u>23-189</u> <u>RESOLVE</u> <i>Making an Appropriation of \$19,327,229 for the School District Contribution to the Total Cost of Funding Public Education from Pre-K to Grade 12 as Required by 20-A MRSA Section 15690(1)(A)(B)</i>	YACOUBAGHA
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Action: First Reading

<u>23-190</u> <u>RESOLVE</u> <i>Appropriation for Municipal Year 2024</i>	HAWES
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Action: First Reading

<u>23-191</u> <u>RESOLVE</u> <i>Making an Appropriation for Various Capital Purposes Utilizing Various Reserves, Trust and Agency Accounts and Other Funds for Expenditures to be Made During Fiscal Year 2024</i>	TREMBLE
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Action: First Reading

<u>23-192</u> <u>RESOLVE</u> <i>Making an Appropriation of Downtown TIF Funds for Expenditures to be Made in Fiscal Year 2024</i>	PELLETIER
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Action: First Reading

<u>23-193</u> <u>RESOLVE</u> <i>Appropriating \$817,546 of Fiscal Year 2023 Community Development Block Grant Funding and \$250,000 in Anticipated Program Income</i>	SPRAGUE
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Action: First Reading

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JUNE 12, 2023

UNFINISHED BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR	
<u>23-154</u>	<u>ORDINANCE</u>	Revising and Updating the Ordinances of the City of Bangor	YACOUBAGHA
	Action: Motion made and seconded for Passage Motion made and seconded to Amend by Substitution Vote: 9 - 0 Councilors Voting Yes: Davitt, Hawes, Leonard, Pelletier, Schaefer, Sprague, Tremble, Yacoubagha, Fournier Councilors Voting No: None Amendment Passed Motion made and seconded for Passage as Amended Vote: 9 - 0 Councilors Voting Yes: Davitt, Hawes, Leonard, Pelletier, Schaefer, Sprague, Tremble, Yacoubagha, Fournier Councilors Voting No: None Passed as Amended		
<u>23-155</u>	<u>ORDINANCE</u>	Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at Map-Lot R68-008 from Rural Residence and Agricultural District (RR&A) to General Commercial and Service District (GC&S)	TREMBLE
	Action: Motion made and seconded for Passage Vote: 0 -9 Councilors Voting Yes: None Councilors Voting No: Davitt, Hawes, Leonard, Pelletier, Schaefer, Sprague, Tremble, Yacoubagha, Fournier Failed		
<u>23-156</u>	<u>ORDINANCE</u>	Amending Chapter 165, Land Development Code, by Adding Multi-family Detached Dwellings and Mixed Commercial- Residential Uses as Permitted by Right in the S&PS and GC&S Zones	SCHAEFER
	Action: Motion made and seconded for Passage Vote: 9 - 0 Councilors Voting Yes: Davitt, Hawes, Leonard, Pelletier, Schaefer, Sprague, Tremble, Yacoubagha, Fournier Councilors Voting No: None Passed		
<u>23-157</u>	<u>RESOLVE</u>	Appropriating Special Assessment Funds for Bangor Center Development District Expenditures to be Made in Fiscal Year 2024	LEONARD
	Action: Motion made and seconded for Passage Passed		

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JUNE 12, 2023

UNFINISHED BUSINESS			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-158</u>	<u>RESOLVE</u>	<i>Authorizing the City Manager to Accept and Execute a Grant Amendment with the State of Maine in the Amount of \$48,609 for the Overdose Prevention and Naloxone Distribution Program</i>	SPRAGUE
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	
<u>23-159</u>	<u>RESOLVE</u>	<i>Authorizing the City Manager to Accept and Appropriate \$2,083,130.43 from the State of Maine Department of Health and Human Services to Support an Overdose Prevention and Naloxone Distribution Program</i>	PELLETIER
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	
NEW BUSINESS			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>23-194</u>	<u>ORDER</u>	<i>Amending the Schedule of Fees by Amending Sewer Rates Starting July 1, 2023</i>	HAWES
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	
<u>23-195</u>	<u>ORDER</u>	<i>Amending the Schedule of Fees - Adding Fees Which Were Moved to Schedule of Fees by Update to Code of Ordinances</i>	TREMBLE
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	
<u>23-196</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Enter into a Contract with Bangor Center Management Corporation, Doing Business as Downtown Bangor Partnership</i>	DAVITT
	<i>Action:</i>	<i>Motion made and seconded for Passage Passed</i>	



Lisa J. Goodwin, MMC, City Clerk

Government Operations Committee Minutes

Wednesday, January 4, 2023

Councilors in Attendance: Tremble (Chair), Leonard, Sprague, Pelletier, Hawes

Non-Committee Member Councilors: Fournier

Staff in Attendance: C. O'Donnell, D. Laurie, P. Hamilton, J. Comstock, R. Carr

The meeting was called to order by Acting Committee Chair Tremble at 5:15 pm.

1. Public Health Grant Overview

Public Health Director Patty Hamilton provided a high-level review of grants received and administered by Public Health not related to health promotions. She spoke to how some programs don't appear related to the continuum of care for substance use disorder but supplemental nutrition assistance program (SNAP) is an example of preventative service. Public health is one of two public health agencies in the state and have held many of the grants for programs for the greater Bangor area (extending in to multiple other counties) for a long time. Public Health Promotions Manager Jamie Comstock and Robin Carr explained other grants related to substance use disorder and the opioid crisis and passed out a handout. They described how gaps are identified and the work that goes into helping to filling them and plug resources where they are needed, as well as shared information about how when a person starts using, it tends to be a 10-year cycle.

Public Health works closely with many other agencies and always seek to collaborate in ways that make sense. There was a lot of discussion and some questions answered.

With no further business, the meeting was adjourned at approximately 5:40pm.



CITY COUNCIL ACTION

06/26/2023 23-197

Council Meeting Date: 06/26/2023

Item No: 23-197

Responsible Dept: Legal



Requested Action: Order



Map/Lot: R45-022



Title, Order

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 26 Edgewood Court

Summary

This Order will authorize the execution of a municipal quitclaim deed for real estate located at 26 Edgewood Court. Stormwater liens have matured on the property owned by Wells Fargo Bank, National Association, at 26 Edgewood Court. The outstanding charges due the City have been paid, and there are no known code violations on the property. Because the liens matured, a municipal quitclaim deed is required to release the City's interest in the property.

Committee Action

Committee:

Meeting Date: 06/26/2023

Action: Recommend for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent





CITY OF BANGOR ORDER

06/26/2023 23-197

Date: 06/26/2023

Item No: 23-197

Assigned to Councilor: Yacoubagha

Authorizing the Execution of a Municipal Quitclaim Deed for Real Estate Located at 26 Edgewood Court

Be it Ordered by the City Council of the City of Bangor that, David W. Little, Finance Director, is hereby authorized, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of stormwater liens recorded in the Penobscot County Registry of Deeds in Book 16657, Page 166; Book 16314, Page 228; Book 16057, Page 47; Book 15789, Page 201; and Book 15616, Page 250. Said deed shall be directed to Wells Fargo Bank, National Association, and shall be in final form approved by the City Solicitor.



CITY OF BANGOR ORDER

06/26/2023 23-198

Date: 06/26/2023

Item No: 23-198

Assigned to Councilor: Hawes

Authorizing the Purchase of an Emergency Services Robot for the Police Department from ICOR Technology in the Amount of \$219,725

Whereas, the Bangor Police Department utilizes an Emergency Service Robot for the Bomb Squad, Special Response Team and the Hostage/Crisis Negotiation Team, and

Whereas, the current robot, purchased in 2003 and refurbished in 2015 has persistent operational failures and repair parts are difficult to find, and

Whereas, over the past twelve (12) months, staff has reviewed various models and conferred with other agencies to determine the best robot for Bangor's needs.

Be it Ordered by the City Council of the City of Bangor that, the purchase of an Emergency Services Robot for the amount of \$219,725 is hereby awarded to ICOR Technology.



CITY COUNCIL ACTION

06/26/2023 23-199

Council Meeting Date: 06/26/2023

Item No: 23-199

Responsible Dept: Fire

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the Fire Department to Contract with PL Custom to Refurbish an Ambulance in the Amount of \$170,453

Summary

This Order would authorize the Fire Department to contract with PL Custom to refurbish an ambulance for a cost of \$170,453.

The Fire Department requested to waive the bid process and work directly with PL Custom of New Jersey as they built all five current ambulance units. The refurbishment work includes remounting the body on a new chassis and repainting of the entire unit which extends the useful life, at a significant cost savings versus a new ambulance; currently costing over \$250,000.

The Fire Department budgeted \$150,000 for the refurbishment, as part of their FY23 Capital Plan. The remaining cost of \$20,453 will be covered with savings from the operating budget.

Committee Action

Committee: Finance Committee
Action: Recommend for passage

Meeting Date: 06/21/2023
For: Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

06/26/2023 23-199

Date: 06/26/2023

Item No: 23-199

Assigned to Councilor: Davitt

Authorizing the Fire Department to Contract with PL Custom to Refurbish an Ambulance in the Amount of \$170,453

Whereas the City Fire Department maintains a fleet for five ambulances for emergency services and,

Whereas the cost to refurbish an ambulance to extend its useful life is a significant cost savings versus purchasing a new ambulance,

Be it Ordered by the City Council of the City of Bangor that, Fire Department staff are hereby authorized to contract with PL Custom to refurbish an ambulance in the amount of \$170,453.



CITY COUNCIL ACTION

06/26/2023 23-200

Council Meeting Date: 06/26/2023

Item No: 23-200

Responsible Dept: Police

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the City Manager to Accept \$171,284.19 in funds as result of a Federal Criminal Forfeiture (Mardigan)

Summary

Member(s) of the police department, assigned to the Criminal Investigation Division, were involved in an investigation that led to the seizure of cash and property.

This case was investigated by the FBI - Southern Maine Gang Task Force, with assistance from several police agencies to include the Bangor Police Department.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

06/26/2023 23-200

Date: 06/26/2023

Item No: 23-200

Assigned to Councilor: Tremble

Authorizing the City Manager to Accept \$171,284.19 in funds as result of a Federal Criminal Forfeiture (Mardigan)

Be it Ordered by the City Council of the City of Bangor that, the City Manager be authorized to accept \$171,284.19 as result of a federal criminal forfeiture. The money will be deposited in the police department federal forfeiture account.



CITY OF BANGOR ORDER

06/26/2023 23-201

Date: 06/26/2023

Item No: 23-201

Assigned to Councilor: Schaefer

Authorizing the City Manager to Execute an Agreement with the Maine Department of Transportation for WIN #026930.00 Resurfacing Portion of Union Street

Be it Ordered by the City Council of the City of Bangor that,

The City Manager is hereby authorized to execute an agreement with Maine Department of Transportation for WIN #026930.00 Resurfacing a Portion of Union Street, from Davis Road to Griffin Road.



<i>MaineDOT use only</i>	
AMS ID:	_____
CSN:	_____
PROGRAM:	Multimodal Program

MAINE DEPARTMENT OF TRANSPORTATION
Agreement for a Federally Funded Locally Administered Project
 With the
City of Bangor
 Regarding
Resurfacing of a Portion of Union Street

<i>Locally Administered Project – Federal Funds (Payable)</i>	
Total Amount: \$2,027,000.00	MaineDOT WIN: 026930.00
Federal Share: \$1,621,600.00	Federal Project #: 2693000
State Share: \$202,700.00	State Vendor ID: VC1000007010
Local Match: \$202,700.00	SAM Unique Entity ID: MLLMBKS2LVQ5
Agreement Begin: _____	Federal Assistance Listing #: 20.205
Agreement End: 12/31/2028	

This subaward agreement for a federal-aid project (the **Agreement**) is between the Maine Department of Transportation (**MaineDOT**), an agency of state government with its headquarters at 24 Child Street in Augusta, Maine, and a mailing address of 16 SHS, Augusta, ME 04333-0016; and the City of Bangor (the **City**), a municipal corporation organized and existing under the laws of the State of Maine, with its principal administrative offices at 40 Harlow St., in Bangor, Maine, and a mailing address of the same. (MaineDOT and the City are referred to collectively as the Parties and individually as a Party.)

RECITALS

- A. **SCOPE OF WORK.** This Agreement shall apply to preservation paving of 1.5 miles of Union Street, consisting of a mill-and-fill starting Davis Road and continuing to Griffin Road (the **Project**); and
- B. **ROLE OF THE MPO.** The Bangor Area Comprehensive Transportation System , the metropolitan planning organization for the Bangor Urbanized Area (the **MPO**), programmed the Project for inclusion in the MaineDOT Work Plan for calendar years 2023 through 2025 with the City’s support as a member of the MPO; and
- C. **ROLE OF THE CITY.** The City shall carry out the work as a Locally Administered Project (LAP) subject to MaineDOT’s oversight under Title 23 USC §106(g)(4) and Title 23 CFR Part 635.105 to ensure that all requirements of this Agreement are met.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing statements, the Parties agree to the following:

1. APPENDIX

- Federal Title VI Assurances.

2. PROJECT MANAGEMENT

- 2.1 The City shall place in responsible charge of the Project a full-time employee with Local Project Administration (LPA) certification and appropriate qualifications, as set out in Chapter 1 of the MaineDOT LPA Manual. The Local Project Administrator shall abide by the provisions of this Agreement and the policies and procedures in the LPA Manual. The City shall notify MaineDOT if this person ceases to oversee the Project. The Local Project Administrator is the following:
- Ted Trembley, Project Engineer
Email: ted.trembley@bangormaine.gov; Phone: 207-992-4251
- 2.2 MaineDOT will assign a Project Manager to carry out MaineDOT's responsibilities under this Agreement. The Project Manager or a designee will have the authority to request design changes to meet applicable laws, regulations and design standards; accept and reject invoices; inspect construction activities; and take all other action necessary to assure the proper performance of this Agreement. MaineDOT's Project Manager is the following:
- Dan Loring, Multimodal Program
Email: Daniel.M.Loring@maine.gov; Phone: 207-624-3451

3. FINANCIAL OBLIGATIONS

- 3.1 AUTHORIZATION. MaineDOT's financial participation in the Project will begin upon the full execution of this Agreement (the Effective Date).
- 3.2 COST-SHARING. The MPO programmed for the Project a total of **\$2,027,000.00**, which the Parties shall share as set out below. Costs eligible for federal/state participation shall not exceed this amount without written approval from the MPO. Upon receiving such approval, the Parties shall modify this Agreement.
- a. MAINEDOT SHARE. MaineDOT, using federal and state funds programmed by the MPO from its allocation, will share in cost of the Project at the rate of 90 percent, up to **\$1,824,300.00**.
 - b. LOCAL MATCH. The City shall share in the cost of the Project at the rate of 10 percent, for an estimated contribution of **\$202,700.00** that is not from other federally assisted programs. Additionally, the City shall be fully responsible for:
 - i. All costs exceeding \$2,027,000.00, unless otherwise approved by the MPO in writing;
 - ii. All costs incurred before the effective date of this Agreement; and
 - iii. All costs determined to be federally non-participating.
- 3.3 FINANCIAL UPDATES. The Parties shall review the estimated cost of the Project at the milestones of Preliminary Design Report (PDR) and final Plans, Specifications & Estimate (PS&E). After each review, each Party shall work with the MPO to appropriate the funds needed to meet the latest estimate.
- 3.4 REIMBURSEMENT. The City shall pay Project costs as they occur and request periodic reimbursement from MaineDOT for the federal and state shares. Invoices shall be submitted not less than *every six months* in the format of Letter 4 from the LPA Manual, as follows:
- a. Each invoice shall include a progress report for the service period of the invoice;

- b. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager;
- c. Each invoice shall show MaineDOT's and the City's portions of Project costs, including a running total of costs invoiced to date;
- d. The City must certify that amounts claimed are correct and not claimed previously;
- e. Upon completion of the Project and payment in full of all contracted parties, the City shall submit to MaineDOT a final invoice modeled after Letter 20 from the LPA Manual. Payment shall be contingent on a passing inspection of the Project by MaineDOT and receipt by MaineDOT of a completed consultant evaluation, contractor evaluation and as-built plans (if applicable) from the City.

3.5 **MAINEDOT COSTS**. MaineDOT will charge to the Project its costs for services performed on the Project. The City shall share in these costs commensurate with its share percentage of the Project. MaineDOT, at a minimum, will reconcile these costs upon completion of the Project and deduct the City's share percentage from the final invoice payment under 3.4(e) above.

3.6 **REMAINING FUNDS**. MaineDOT will transfer into the holding WIN assigned to the MPO any federal/state funds remaining in the Project once MaineDOT has paid the final invoice from the City under 3.4(e) above. Any federal/state funds repaid to MaineDOT by the City also shall be placed in the MPO holding WIN, which is **014272.40**.

4. PROJECT DEVELOPMENT

4.1 **KICKOFF**. The Parties shall hold a Project Kickoff meeting to go over the scope of work, budget, schedule and legal requirements for the Project before reimbursable work may begin.

4.2 **PROGRESS UPDATES**. The City shall provide MaineDOT with written progress updates upon request. If the City fails to respond to repeated requests for such updates, MaineDOT reserves the right to declare the City to be in default of this Agreement.

4.3 **ENGINEERING SERVICES**. A professional engineer licensed in Maine shall supervise all design work on the Project. If the City intends to hire a consultant to serve as the required engineer of record, the City shall use a qualifications-based selection in accordance with 23 CFR part 172 and with Chapter 2 of the LPA Manual (Hiring Consultants), as follows.

- a. Using price as a ranking factor shall make consultant work ineligible for reimbursement.
- b. The City shall obtain MaineDOT's written approval of any contract or contract modification. Work performed without such approval shall be ineligible for reimbursement.
- c. The City shall incorporate by reference the terms and conditions of MaineDOT's Consultant General Conditions into its contracts for consultant services.
- d. The City shall fill out a consultant evaluation upon completion of its contract with any consultant. A copy of the completed form shall be provided to MaineDOT.

4.4 **SURVEY**. Unless MaineDOT approves otherwise, MaineDOT shall be responsible for all survey work on the state highway system. The City shall be responsible for all such survey work off the state system.

- 4.5 **DESIGN WORK.** The City, in coordination with its contracted consultant (if applicable), shall prepare all design plans, specifications, estimates and contract documents for the Project. The design of the Project shall comply with the Americans with Disabilities Act (ADA), as well as all other applicable engineering standards, laws and regulatory requirements.
- a. The City shall submit the following to MaineDOT for review and comment:
 - i. Preliminary design report;
 - ii. Design plan impacts (if right-of-way mapping will be required); and
 - iii. Final plans, specifications and estimate package (PS&E).
 - b. The bid documents shall reference MaineDOT's Standard Specifications and contain all applicable special provisions and federal requirements – including Davis-Bacon wage rates and Form FHWA-1273– as set out in Chapter 7 of the LPA Manual (Final PS&E Package).
 - c. Electronic design files provided for the use of MaineDOT staff in the right-of-way process shall conform to MaineDOT's policy on Electronic Exchange of CADD Data, found online: <http://www.maine.gov/mdot/caddsupport/>.
 - d. MaineDOT will enforce all applicable engineering standards, laws and regulatory requirements and will require changes if they are not met.
 - e. MaineDOT will give the City written construction authorization once MaineDOT accepts the final PS&E package as complete. Receipt of such authorization shall not relieve the City and its consultant (if applicable) of responsibility for meeting all engineering standards and regulatory requirements that apply to the Project.
- 4.6 **PUBLIC PARTICIPATION.** During preliminary design, the City shall conduct a public process appropriate for the scope of work and acceptable to MaineDOT's Project Manager. The City shall provide MaineDOT with a signed public process certification modeled after Letter 10 from the LPA Manual, as part of the Project's environmental package.
- 4.7 **ENVIRONMENTAL REQUIREMENTS.** MaineDOT will carry out the National Environmental Policy Act (NEPA) process. The City shall provide MaineDOT with signed Letter 11 from the LPA Manual and the completed NEPA Documentation Checklist. Additionally:
- a. The City shall be responsible for obtaining all environmental approvals, permits and licenses for the Project – outside of the NEPA process; and
 - b. The City shall provide MaineDOT with a signed environmental certification modeled after Letter 12 from the LPA Manual, as part of the final PS&E package for the Project.
- 4.8 **UTILITY COORDINATION.** The City shall identify all utilities and any railroad affected by the Project and shall coordinate any facility relocations in accordance with Chapter 5 of the LPA Manual (Utility Coordination). The City shall provide MaineDOT with a signed certification modeled after Letter 13 from the LPA Manual, as part of the final PS&E package.
- 4.9 **RIGHT-OF-WAY.** The Parties will coordinate the right-of-way process, if necessary, as follows:
- a. MaineDOT will carry out the right-of-way process for any section of the Project located on the state highway system (the state system).

- b. The City, at the discretion of MaineDOT, may be required to participate in the right-of-way process, including acquisition, for any section of the Project located off the state system.
- c. The Parties shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (the Uniform Act) and abide by the policies and procedures set out in the MaineDOT Right of Way Manual.
- d. One certified appraiser shall perform the appraisals for all parcels, and a second certified appraiser shall carry out the required appraisal reviews.
- e. MaineDOT will participate financially in right-of-way settlements up to 110 percent of the Determination of Just Compensation for each parcel. MaineDOT's participation in any settlement exceeding this amount shall require MaineDOT's approval.
- f. The City shall dedicate to the Project for public use into perpetuity any municipal property needed for the Project.

4.10 ADVERTISING FOR BIDS. Unless MaineDOT approves otherwise in writing, the City shall use competitive bidding to hire a construction contractor upon receiving MaineDOT's written authorization to do so. The City shall abide by Section 102 of MaineDOT's Standard Specifications (Bidding) and Chapter 8 of the LPA Manual (Advertise & Award). *Advertising without authorization shall result in the loss of all federal funds for the Project.*

4.11 AWARDING A CONTRACT. Upon receiving written approval from MaineDOT, the City shall award a contract to the lowest responsive/responsible bidder in accordance with Section 103 of MaineDOT's Standard Specifications (Award and Contracting), as follows:

- a. Negotiation with any bidder, after bids are opened and before a contract is awarded, is prohibited by the federal regulations found in 23 CFR §635.113. Any such negotiation shall give MaineDOT just cause to find the City to be in default of this Agreement.
- b. The City shall administer the construction contract for the duration of the Project.

4.12 CONSTRUCTION OVERSIGHT. During construction of the Project, the City shall be responsible for carrying out the following tasks:

- a. Provide a resident inspector who is either a municipal employee with the appropriate qualifications or a consultant hired through a qualifications-based selection.
- b. Hold a pre-construction meeting and, if applicable, a separate pre-pave meeting.
- c. Provide a paving inspector and a concrete technician with required professional certifications to be on site for paving and concrete work. *(One person may perform both roles, if certified.)*
- d. Coordinate materials testing as necessary to comply with the Minimum Testing Requirements that MaineDOT will establish for the Project, as follows:
 - i. An independent, accredited laboratory shall be used to test all aggregates, if applicable;
 - ii. Pavement and concrete samples shall be taken MaineDOT's lab in Bangor for testing.
- e. Submit proposed contract modifications (change orders) to MaineDOT for review and concurrence. MaineDOT may deny reimbursement to the City for work performed under a modification executed without MaineDOT's concurrence.

- f. Obtain MaineDOT's approval of changes to the approved PS&E design plans proposed during construction. If a change made in the field without MaineDOT's prior approval is found to be non-compliant with the ADA or any applicable design standard, MaineDOT will require the City to make corrections at its own expense, without reimbursement for the work.

4.13 **FINAL INSPECTION.** MaineDOT will inspect the completed Project for compliance with the design plans, specifications and provisions of the construction contract. MaineDOT reserves the right not to reimburse the City for work determined to be out of compliance.

5. MAINTENANCE RESPONSIBILITY

If applicable, the City shall have maintenance responsibility for any portion of the completed Project inside an Urban Compact Area, in accordance with Maine law: Title 23 MRSA, §754, "Town maintenance in compact areas." *This Section 5 shall survive the expiration of this Agreement.*

6. RECORDS AND AUDITS

- 6.1 Project Records, whether printed or electronic, shall include all plans, specifications, contracts, reports, notes, or other documents prepared by or for the City. The City shall retain all Project Records for at least **3 years** from the date of MaineDOT's acceptance of the final invoice for the Project or the termination of this Agreement, whichever is sooner. If any litigation, claim, negotiation or audit has begun before the end of this retention period, all Project Records shall be kept for at least 3 years after the litigation, claim, negotiation or audit is resolved.
- 6.2 The City and any contracted party working on its behalf shall allow representatives of the Federal Government and the State of Maine to inspect and audit Project Records at any time, at no cost.
- 6.3 Audits shall be conducted in accordance with Title 2 in the Code of Federal regulations (2 CFR), subpart F, §200.500 through §200.512, "Audit Requirements."

Section 6 shall survive the termination or expiration of this Agreement.

7. DEBARMENT

- 7.1 By signing this Agreement, the City certifies that, for the term of the Project, it shall not permit any consultant, contractor, subcontractor or any other third party to work on any aspect of the Project if that entity or its principals has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency. If the City cannot certify to this statement, it shall attach an explanation to this Agreement.
- 7.2 If the City contracts with any third party pursuant to this Agreement, the City shall require that party and its principals to certify that they:
 - a. Have not within a 3-year period preceding the date of any contract for the Project been convicted of a crime or had a civil judgment rendered against them for any of the following:
 - i. Obtaining, attempting to obtain, or performing a federal, state or, local public transaction or contract under a public transaction;
 - ii. Violating federal or state antitrust statutes;

- iii. Committing embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property.
- b. Are not under indictment for or otherwise criminally or civilly charged by a federal, state, or local agency with commission of any offense enumerated above; and
- c. Have not within a 3-year period preceding this Agreement had one or more federal, state, or local public transactions terminated for cause or default.

8. CONFLICT OF INTEREST

- 8.1 No municipal official or employee with a direct or indirect financial or other personal interest in any contract or subcontract for the Project shall negotiate, make, accept or approve any such contract or subcontract.
- 8.2 No professional performing services for the City on the Project shall have a direct or indirect financial or other personal interest in any contract or subcontract for the Project, other than the person's employment or retention by the City. No officer or employee of any professional retained by the City to work on the Project shall have a direct or indirect financial or other personal interest in real property acquired for the Project unless the interest is disclosed in the public record and such officer or employee has not participated in such acquisition for and on behalf of the City.
- 8.3 No person or entity entering into a contract for services for the Project shall have a direct or indirect financial or other personal interest in the Project or in its outcome, other than the performance of the contract. This prohibition covers the following:
 - 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; and
 - b. Any agreement providing incentives or guarantees of future work; and
 - c. Any interest in real property acquired for the Project unless such real property interest is openly disclosed before the person or entity enters into the contract.

9. GENERAL PROVISIONS

- 9.1 LEGAL COMPLIANCE. This Agreement shall be construed under the laws of the State of Maine. During the performance of this Agreement, the Parties agree to comply with and abide by all applicable federal, state and local laws, statutes, rules, regulations, standards and guidelines; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achieving the intent of this Agreement.
- 9.2 INDEMNIFICATION. To the extent permitted by law, the City shall indemnify and hold harmless the State of Maine, its agents, employees and contractors from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the City and its consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S., §8101 et seq.) or any other privileges or immunities provided by law. *This section shall survive the termination or expiration of this Agreement.*
- 9.3 CONFIDENTIALITY. Information pertaining to detailed construction cost estimates shall be kept confidential pursuant to state law: 23 M.R.S.A., §63.

- 9.4 STATE OF MAINE'S RIGHTS OF SET-OFF. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for purposes of set-off monies due the City under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State for any reason. MaineDOT shall exercise its set-off rights in accordance with standard state practices including, in cases of set-off pursuant to an audit, the finalization of the audit. *MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the City for purposes of set-off to recover the amount owed.*
- 9.5 NON-APPROPRIATION. Notwithstanding anything herein to the contrary, the City acknowledges and agrees that although the execution of this Agreement manifests MaineDOT's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, any such obligations by law are subject to available budgetary appropriations by the Federal Government and the Maine Legislature. This Agreement creates no obligation on behalf of MaineDOT exceeding such appropriations.
- 9.6 LOBBYING. By signing this Agreement, the undersigned municipal representative certifies that no appropriated federal funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- 9.7 EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement:
- a. The City shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to an actual occupational qualification. The City shall take affirmative action to assure that applicants are employed, and that employees are treated during their employment, without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation. The City agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this section.
 - b. The City – in all solicitations or advertising for employees placed by or on behalf of the City relating to this Agreement – shall state that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.
 - c. The City shall cause the foregoing provisions to be inserted into any contract for work covered by this Agreement so that such provisions shall be binding upon each contractor, except for contracts or subcontracts for standard commercial supplies or raw materials.
- 9.8 FLOW DOWN. Contracts between the City and all third parties shall contain or incorporate by reference applicable provisions of this Agreement.

- 9.9 ASSIGNMENT. No assignment of this Agreement is contemplated, and in no event shall any assignment be made without MaineDOT's express written permission.
- 9.10 AMENDMENT AND MODIFICATION. This Agreement may only be modified or amended in writing and signed by duly authorized representatives of both Parties.
- 9.11 BINDING EFFECT. The Parties shall be bound by the terms of this Agreement. This requirement shall apply to its executors, their successors, administrators and legal representatives.
- 9.12 INDEPENDENT CAPACITY. The City, its employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- 9.13 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.
- 9.14 ELECTRONIC SIGNATURES. Each Party agrees that this Agreement may be signed electronically and that all electronic signatures on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility.
- 9.15 NOTICE. Any communications, requests or notices required or appropriate to be given under this Agreement shall be made in writing and may be sent by email, which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving Party. Communications also may be sent by U.S. Mail – certified or registered, return receipt requested – or by a recognized commercial carrier that requires a return receipt to be delivered to the sending party. Such communications, requests or notices shall be sent to the City's Local Project Administrator and MaineDOT's Project Manager.

10. DEFAULT AND TERMINATION

- 10.1 MaineDOT shall have just cause to terminate this Agreement upon or after the occurrence of one or more of the events below, which shall constitute default of this Agreement by the City:
- a. The City withdraws from the Project, resulting in cancellation of the Project;
 - b. The City fails to make a good-faith effort to advertise the Project within 3 years of the execution date of this Agreement;
 - c. The City makes no effort to respond to requests for progress updates;
 - d. The City takes any action, without approval from MaineDOT, that results in federal non-participation in the Project;
 - e. The City misrepresents or falsifies any claim for reimbursement;
 - f. The City uses Project funds for a purpose not authorized by this Agreement; and
 - g. The City fails to meet the standards of performance set out in this Agreement.
- 10.2 In the event of a default, MaineDOT will afford the City a cure period of 14 calendar days, effective on the City's receipt of Notice of Default. If the City fails to address all grounds for default within this cure period or any longer period as MaineDOT may authorize, MaineDOT may terminate this Agreement for cause, with the following conditions:

- a. MaineDOT, at its discretion, may require the City to return all payments from MaineDOT toward the Project and to reimburse MaineDOT for its internal costs associated with the Project – if the default results in federal non-participation; and
- b. All funds recovered from the City shall be put in the MPO’s holding WIN: **014272.40**.

10.3 The Parties may terminate this Agreement for convenience by mutual consent for any reason not defined as default. MaineDOT may reimburse the City for eligible work performed under this Agreement until the effective date of termination for convenience, in accordance with section 3.4 above, “Reimbursement.”

11. TERM AND EXPIRATION

All provisions of this Agreement – *except for those that by their very nature are intended to survive* – shall expire upon payment by MaineDOT of the final invoice from the City under section 3.4(e) above or **December 31, 2028** (Expiration Date), whichever occurs first. The City shall submit any request for a time extension to MaineDOT in writing before the Expiration Date.

12. MUNICIPAL APPROVAL

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

IN WITNESS, WHEREOF, the duly authorized representatives of the Parties have executed this Agreement effective on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Debbie Laurie, City Manager *

By: _____
Todd Pelletier, P.E., Director *
Bureau of Project Development

Date: _____

Date: _____

** Pursuant to 10 M.R.S.A. §9502, et seq., I certify that the foregoing electronic signature: (a) is intended to have the same force as my manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*

U.S. Department of Transportation (USDOT)

Federal Highway Administration – Standard Title VI / Nondiscrimination Assurances

DOT Order No. 1050.2A

The **City of Bangor** AGREES THAT, as a condition of receiving Federal financial assistance from the U.S. Department of Transportation (USDOT) 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), which prohibits discrimination based on 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 are referred to hereinafter as the “Acts” and the “Regulations” respectively.

General Assurances

In accordance with the Acts, the Regulations and other pertinent directives, circulars, policy memoranda or guidance, the City of Bangor gives assurance that it promptly will take measures necessary to assure 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 City of Bangor receives Federal financial assistance from the USDOT, including the FHWA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress regarding 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 City of Bangor, so long as any portion of the program is federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the City of Bangor agrees with and gives the following Assurances with respect to its federally assisted highway projects:

1. The City of Bangor 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 (regarding an “activity” facilitated), or will be (regarding a “facility” operated), or will be (regarding a “program” conducted) in compliance with all requirements imposed by, or pursuant to, the Acts and the Regulations.
2. The City of Bangor 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 regarding all federal-aid 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 assure that in 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 City of Bangor 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 City of Bangor 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.
5. That where the City of Bangor 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 City of Bangor 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 City of Bangor will include the clauses 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 City of Bangor 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 City of Bangor 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 City of Bangor, 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 City of Bangor retains ownership or possession of the property.
9. The City of Bangor 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 City of Bangor agrees that the United States has a right to seek judicial enforcement regarding any matter arising under the Acts, the Regulations, and this Assurance.

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

The City of Bangor gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal and Federal financial assistance extended after the date hereof by the USDOT under the Federal-Aid Highway Program. This ASSURANCE is binding on the City of Bangor, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-Aid Highway Program.

The person signing below is authorized to sign this ASSURANCE on behalf of the City of Bangor.

City of Bangor

By: _____
Debbie Laurie, City Manager

DATED: _____

Encl.: Appendix A through Appendix E

APPENDIX A PERFORMANCE REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) 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 (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, 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 contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor 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 City of Bangor or the FHWA, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the City of Bangor or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the City of Bangor will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will act with respect to any subcontract or procurement as the City of Bangor or the FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the City of Bangor to enter into any litigation to protect the interests of the City of Bangor. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

If applicable, the following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation (USDOT) as authorized by law and upon the condition that the City of Bangor will accept title to the lands and maintain the project constructed thereon in accordance with 49 U.S. Code §5334, the Regulations for the Administration of the Federal Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration (FHWA) of the USDOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, non-discrimination in federally assisted programs of the USDOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Bangor all the right, title and interest of the USDOT in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Bangor and its successors forever, subject to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Bangor, its successors and assigns.

The City of Bangor, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

- (1) no person will 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 regarding any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]*
- (2) that the City of Bangor will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [i and
- (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the USDOT will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the USDOT and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

If applicable, the following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Bangor pursuant to the provisions of Assurance 7(a):

- A. The City of Bangor, for itself, its assignees, and successors in interest, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, the City of Bangor will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the City of Bangor will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Bangor and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

If applicable, the following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Bangor pursuant to the provisions of Assurance 7(b):

- A. The City of Bangor, for itself, its assignees, and successors in interest, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the City of Bangor will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, the City of Bangor will thereupon revert to and vest in and become the absolute property of the City of Bangor and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause IS necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) 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 based on 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 programs and projects);
- Federal Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination based on sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination based on disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination based on 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 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 based on 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 based on race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-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 assure compliance with Title VI, you must take reasonable steps to assure 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.).



CITY OF BANGOR ORDER

06/26/2023 23-202

Date: 06/26/2023

Item No: 23-202

Assigned to Councilor: Leonard

Authorizing the City Manager to Execute an Agreement with the Maine Department of Transportation for WIN #026932.00 for Outer Hammond Street Resurfacing

Be it Ordered by the City Council of the City of Bangor that,

The City Manager is hereby authorized to execute an agreement with Maine Department of Transportation for WIN #026932.00 Outer Hammond Street Resurfacing Project, from Hermon town line to Hammond Street Extension.



<i>MaineDOT use only</i>	
AMS ID:	_____
CSN:	_____
PROGRAM:	Multimodal Program

MAINE DEPARTMENT OF TRANSPORTATION
Agreement for a Federally Funded Locally Administered Project
 With the
City of Bangor
 Regarding
Highway Resurfacing of Outer Hammond Street

<i>Locally Administered Project – Federal Funds (Payable)</i>	
Total Amount: \$445,300.00	MaineDOT WIN: 026932.00
Federal Share: \$356,240.00	Federal-aid Project #: 2693200
State Share: \$44,530.00	State Vendor ID: VC1000007010
Local Match: \$44,530.00	SAM Unique Entity ID: MLLMBKS2LVQ5
Agreement Begin: _____	Federal Assistance Listing #: 20.205
Agreement End: 12/31/2028	

This subaward agreement for a federal-aid project (the **Agreement**) is between the Maine Department of Transportation (**MaineDOT**), an agency of state government with its headquarters at 24 Child Street in Augusta, Maine, and a mailing address of 16 SHS, Augusta, ME 04333-0016; and the City of Bangor (the **City**), a municipal corporation organized and existing under the laws of the State of Maine, with its principal administrative offices at 40 Harlow St., in Bangor, Maine, and a mailing address of the same. (MaineDOT and the City are referred to collectively as the Parties and individually as a Party.)

RECITALS

- A. **SCOPE OF WORK**. This Agreement shall apply to preservation paving of 0.44 mile of Outer Hammond Street (U.S. Route 2), consisting of a mill-and-fill treatment starting at the Hermon town line and continuing to Hammond Street Extension (the **Project**); and
- B. **ROLE OF THE MPO**. The Bangor Area Comprehensive Transportation System, the metropolitan planning organization for the Bangor Urbanized Area (the **MPO**), programmed the Project for inclusion in the MaineDOT Work Plan for calendar years 2023 through 2025 with the City’s support as a member of the MPO; and
- C. **ROLE OF THE CITY**. The City shall carry out the work as a Locally Administered Project (LAP) subject to MaineDOT’s oversight under Title 23 USC §106(g)(4) and Title 23 CFR Part 635.105 to ensure that all requirements of this Agreement are met.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing statements, the Parties agree to the following:

1. APPENDIX

- Federal Title VI Assurances.

2. PROJECT MANAGEMENT

- 2.1 The City shall place in responsible charge of the Project a full-time employee with Local Project Administration (LPA) certification and appropriate qualifications, as set out in Chapter 1 of the MaineDOT LPA Manual. The Local Project Administrator shall abide by the provisions of this Agreement and the policies and procedures in the LPA Manual. The City shall notify MaineDOT if this person ceases to oversee the Project. The Local Project Administrator is the following:
- Ted Trembley, Project Engineer
Email: ted.trembley@bangormaine.gov; Phone: 207-992-4251
- 2.2 MaineDOT will assign a Project Manager to carry out MaineDOT's responsibilities under this Agreement. The Project Manager or a designee will have the authority to request design changes to meet applicable laws, regulations and design standards; accept and reject invoices; inspect construction activities; and take all other action necessary to assure the proper performance of this Agreement. MaineDOT's Project Manager is the following:
- Dan Loring, Multimodal Program
Email: Daniel.M.Loring@maine.gov; Phone: 207-624-3451

3. FINANCIAL OBLIGATIONS

- 3.1 AUTHORIZATION. MaineDOT's financial participation in the Project will begin upon the full execution of this Agreement (the Effective Date).
- 3.2 COST-SHARING. The MPO programmed for the Project a total of **\$445,300.00**, which the Parties shall share as set out below. Costs eligible for federal/state participation shall not exceed this amount without written approval from the MPO. Upon receiving such approval, the Parties shall modify this Agreement.
- a. MAINEDOT SHARE. MaineDOT, using federal and state funds programmed by the MPO from its allocation, will share in cost of the Project at the rate of 90 percent, up to **\$400,770.00**.
 - b. LOCAL MATCH. The City shall share in the cost of the Project at the rate of 10 percent, for an estimated contribution of **\$44,530.00** that is not from other federally assisted programs. Additionally, the City shall be fully responsible for:
 - i. All costs exceeding \$445,300.00, unless otherwise approved by the MPO in writing;
 - ii. All costs incurred before the effective date of this Agreement; and
 - iii. All costs determined to be federally non-participating.
- 3.3 FINANCIAL UPDATES. The Parties shall review the estimated cost of the Project at the milestones of Preliminary Design Report (PDR) and final Plans, Specifications & Estimate (PS&E). After each review, each Party shall work with the MPO to appropriate the funds needed to meet the latest estimate.
- 3.4 REIMBURSEMENT. The City shall pay Project costs as they occur and request periodic reimbursement from MaineDOT for the federal and state shares. Invoices shall be submitted not less than *every six months* in the format of Letter 4 from the LPA Manual, as follows:
- a. Each invoice shall include a progress report for the service period of the invoice;

- b. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager;
 - c. Each invoice shall show MaineDOT's and the City's portions of Project costs, including a running total of costs invoiced to date;
 - d. The City must certify that amounts claimed are correct and not claimed previously;
 - e. Upon completion of the Project and payment in full of all contracted parties, the City shall submit to MaineDOT a final invoice modeled after Letter 20 from the LPA Manual. Payment shall be contingent on a passing inspection of the Project by MaineDOT and receipt by MaineDOT of a completed consultant evaluation, contractor evaluation and as-built plans (if applicable) from the City.
- 3.5 **MAINEDOT COSTS**. MaineDOT will charge to the Project its costs for services performed on the Project. The City shall share in these costs commensurate with its share percentage of the Project. MaineDOT, at a minimum, will reconcile these costs upon completion of the Project and deduct the City's share percentage from the final invoice payment under 3.4(e) above.
- 3.6 **REMAINING FUNDS**. MaineDOT will transfer into the holding WIN assigned to the MPO any federal/state funds remaining in the Project once MaineDOT has paid the final invoice from the City under 3.4(e) above. Any federal/state funds repaid to MaineDOT by the City also shall be placed in the MPO holding WIN, which is **014272.40**.

4. PROJECT DEVELOPMENT

- 4.1 **KICKOFF**. The Parties shall hold a Project Kickoff meeting to go over the scope of work, budget, schedule and legal requirements for the Project before reimbursable work may begin.
- 4.2 **PROGRESS UPDATES**. The City shall provide MaineDOT with written progress updates upon request. If the City fails to respond to repeated requests for such updates, MaineDOT reserves the right to declare the City to be in default of this Agreement.
- 4.3 **ENGINEERING SERVICES**. A professional engineer licensed in Maine shall supervise all design work on the Project. If the City intends to hire a consultant to serve as the required engineer of record, the City shall use a qualifications-based selection in accordance with 23 CFR part 172 and with Chapter 2 of the LPA Manual (Hiring Consultants), as follows.
- a. Using price as a ranking factor shall make consultant work ineligible for reimbursement.
 - b. The City shall obtain MaineDOT's written approval of any contract or contract modification. Work performed without such approval shall be ineligible for reimbursement.
 - c. The City shall incorporate by reference the terms and conditions of MaineDOT's Consultant General Conditions into its contracts for consultant services.
 - d. The City shall fill out a consultant evaluation upon completion of its contract with any consultant. A copy of the completed form shall be provided to MaineDOT.
- 4.4 **SURVEY**. Unless MaineDOT approves otherwise, MaineDOT shall be responsible for all survey work on the state highway system. The City shall be responsible for all such survey work off the state system.

- 4.5 **DESIGN WORK**. The City, in coordination with its contracted consultant (if applicable), shall prepare all design plans, specifications, estimates and contract documents for the Project. The design of the Project shall comply with the Americans with Disabilities Act (ADA), as well as all other applicable engineering standards, laws and regulatory requirements.
- a. The City shall submit the following to MaineDOT for review and comment:
 - i. Preliminary design report;
 - ii. Design plan impacts (if right-of-way mapping will be required); and
 - iii. Final plans, specifications and estimate package (PS&E).
 - b. The bid documents shall reference MaineDOT's Standard Specifications and contain all applicable special provisions and federal requirements – including Davis-Bacon wage rates and Form FHWA-1273– as set out in Chapter 7 of the LPA Manual (Final PS&E Package).
 - c. Electronic design files provided for the use of MaineDOT staff in the right-of-way process shall conform to MaineDOT's policy on Electronic Exchange of CADD Data, found online: <http://www.maine.gov/mdot/caddsupport/>.
 - d. MaineDOT will enforce all applicable engineering standards, laws and regulatory requirements and will require changes if they are not met.
 - e. MaineDOT will give the City written construction authorization once MaineDOT accepts the final PS&E package as complete. Receipt of such authorization shall not relieve the City and its consultant (if applicable) of responsibility for meeting all engineering standards and regulatory requirements that apply to the Project.
- 4.6 **PUBLIC PARTICIPATION**. During preliminary design, the City shall conduct a public process appropriate for the scope of work and acceptable to MaineDOT's Project Manager. The City shall provide MaineDOT with a signed public process certification modeled after Letter 10 from the LPA Manual, as part of the Project's environmental package.
- 4.7 **ENVIRONMENTAL REQUIREMENTS**. MaineDOT will carry out the National Environmental Policy Act (NEPA) process. The City shall provide MaineDOT with signed Letter 11 from the LPA Manual and the completed NEPA Documentation Checklist. Additionally:
- a. The City shall be responsible for obtaining all environmental approvals, permits and licenses for the Project – outside of the NEPA process; and
 - b. The City shall provide MaineDOT with a signed environmental certification modeled after Letter 12 from the LPA Manual, as part of the final PS&E package for the Project.
- 4.8 **UTILITY COORDINATION**. The City shall identify all utilities and any railroad affected by the Project and shall coordinate any facility relocations in accordance with Chapter 5 of the LPA Manual (Utility Coordination). The City shall provide MaineDOT with a signed certification modeled after Letter 13 from the LPA Manual, as part of the final PS&E package.
- 4.9 **RIGHT-OF-WAY**. The Parties will coordinate the right-of-way process, if necessary, as follows:
- a. MaineDOT will carry out the right-of-way process for any section of the Project located on the state highway system (the state system).

- b. The City, at the discretion of MaineDOT, may be required to participate in the right-of-way process, including acquisition, for any section of the Project located off the state system.
- c. The Parties shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (the Uniform Act) and abide by the standards set out in the MaineDOT Right of Way Manual.
- d. One certified appraiser shall perform the appraisals for all parcels, and a second certified appraiser shall carry out the required appraisal reviews.
- e. MaineDOT will participate financially in right-of-way settlements up to 110 percent of the Determination of Just Compensation for each parcel. MaineDOT's participation in any settlement exceeding this amount shall require MaineDOT's approval.
- f. The City shall dedicate to the Project for public use into perpetuity any municipal property needed for the Project.

4.10 ADVERTISING FOR BIDS. Unless MaineDOT approves otherwise in writing, the City shall use competitive bidding to hire a construction contractor upon receiving MaineDOT's written authorization to do so. The City shall abide by Section 102 of MaineDOT's Standard Specifications (Bidding) and Chapter 8 of the LPA Manual (Advertise & Award). *Advertising without authorization shall result in the loss of all federal funds for the Project.*

4.11 AWARDING A CONTRACT. Upon receiving written approval from MaineDOT, the City shall award a contract to the lowest responsive/responsible bidder in accordance with Section 103 of MaineDOT's Standard Specifications (Award and Contracting), as follows:

- a. Negotiation with any bidder, after bids are opened and before a contract is awarded, is prohibited by the federal regulations found in 23 CFR §635.113. Any such negotiation shall give MaineDOT just cause to find the City to be in default of this Agreement.
- b. The City shall administer the construction contract for the duration of the Project.

4.12 CONSTRUCTION OVERSIGHT. During construction of the Project, the City shall be responsible for carrying out the following tasks:

- a. Provide a resident inspector who is either a municipal employee with the appropriate qualifications or a consultant hired through a qualifications-based selection.
- b. Hold a pre-construction meeting and, if applicable, a separate pre-pave meeting.
- c. Provide a paving inspector and a concrete technician with required professional certifications to be on site for paving and concrete work. *(One person may perform both roles, if certified.)*
- d. Coordinate materials testing as necessary to comply with the Minimum Testing Requirements that MaineDOT will establish for the Project, as follows:
 - i. An independent, accredited laboratory shall be used to test all aggregates, if applicable;
 - ii. Pavement and concrete samples shall be taken MaineDOT's lab in Bangor for testing.
- e. Submit proposed contract modifications (change orders) to MaineDOT for review and concurrence. MaineDOT may deny reimbursement to the City for work performed under a modification executed without MaineDOT's concurrence.

- f. Obtain MaineDOT's approval of changes to the approved PS&E design plans proposed during construction. If a change made in the field without MaineDOT's prior approval is found to be non-compliant with the ADA or any applicable design standard, MaineDOT will require the City to make corrections at its own expense, without reimbursement for the work.

4.13 **FINAL INSPECTION.** MaineDOT will inspect the completed Project for compliance with the design plans, specifications and provisions of the construction contract. MaineDOT reserves the right not to reimburse the City for work determined to be out of compliance.

5. MAINTENANCE RESPONSIBILITY

If applicable, the City shall have maintenance responsibility for any portion of the completed Project inside an Urban Compact Area, in accordance with Maine law: Title 23 MRSA, §754, "Town maintenance in compact areas." *This Section 5 shall survive the expiration of this Agreement.*

6. RECORDS AND AUDITS

- 6.1 Project Records, whether printed or electronic, shall include all plans, specifications, contracts, reports, notes, or other documents prepared by or for the City. The City shall retain all Project Records for at least **3 years** from the date of MaineDOT's acceptance of the final invoice for the Project or the termination of this Agreement, whichever is sooner. If any litigation, claim, negotiation or audit has begun before the end of this retention period, all Project Records shall be kept for at least 3 years after the litigation, claim, negotiation or audit is resolved.
- 6.2 The City and any contracted party working on its behalf shall allow representatives of the Federal Government and the State of Maine to inspect and audit Project Records at any time, at no cost.
- 6.3 Audits shall be conducted in accordance with Title 2 in the Code of Federal regulations (2 CFR), subpart F, §200.500 through §200.512, "Audit Requirements."

Section 6 shall survive the termination or expiration of this Agreement.

7. DEBARMENT

- 7.1 By signing this Agreement, the City certifies that, for the term of the Project, it shall not permit any consultant, contractor, subcontractor or any other third party to work on any aspect of the Project if that entity or its principals has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency. If the City cannot certify to this statement, it shall attach an explanation to this Agreement.
- 7.2 If the City contracts with any third party pursuant to this Agreement, the City shall require that party and its principals to certify that they:
 - a. Have not within a 3-year period preceding the date of any contract for the Project been convicted of a crime or had a civil judgment rendered against them for any of the following:
 - i. Obtaining, attempting to obtain, or performing a federal, state or, local public transaction or contract under a public transaction;
 - ii. Violating federal or state antitrust statutes;

- iii. Committing embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property.
- b. Are not under indictment for or otherwise criminally or civilly charged by a federal, state, or local agency with commission of any offense enumerated above; and
- c. Have not within a 3-year period preceding this Agreement had one or more federal, state, or local public transactions terminated for cause or default.

8. CONFLICT OF INTEREST

- 8.1 No municipal official or employee with a direct or indirect financial or other personal interest in any contract or subcontract for the Project shall negotiate, make, accept or approve any such contract or subcontract.
- 8.2 No professional performing services for the City on the Project shall have a direct or indirect financial or other personal interest in any contract or subcontract for the Project, other than the person's employment or retention by the City. No officer or employee of any professional retained by the City to work on the Project shall have a direct or indirect financial or other personal interest in real property acquired for the Project unless the interest is disclosed in the public record and such officer or employee has not participated in such acquisition for and on behalf of the City.
- 8.3 No person or entity entering into a contract for services for the Project shall have a direct or indirect financial or other personal interest in the Project or in its outcome, other than the performance of the contract. This prohibition covers the following:
 - 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; and
 - b. Any agreement providing incentives or guarantees of future work; and
 - c. Any interest in real property acquired for the Project unless such real property interest is openly disclosed before the person or entity enters into the contract.

9. GENERAL PROVISIONS

- 9.1 LEGAL COMPLIANCE. This Agreement shall be construed under the laws of the State of Maine. During the performance of this Agreement, the Parties agree to comply with and abide by all applicable federal, state and local laws, statutes, rules, regulations, standards and guidelines; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achieving the intent of this Agreement.
- 9.2 INDEMNIFICATION. To the extent permitted by law, the City shall indemnify and hold harmless the State of Maine, its agents, employees and contractors from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the City and its consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S., §8101 et seq.) or any other privileges or immunities provided by law. *This section shall survive the termination or expiration of this Agreement.*
- 9.3 CONFIDENTIALITY. Information pertaining to detailed construction cost estimates shall be kept confidential pursuant to state law: 23 M.R.S.A., §63.

- 9.4 STATE OF MAINE'S RIGHTS OF SET-OFF. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for purposes of set-off monies due the City under a specific project contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State for any reason. MaineDOT shall exercise its set-off rights in accordance with standard state practices including, in cases of set-off pursuant to an audit, the finalization of the audit. *MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the City for purposes of set-off to recover the amount owed.*
- 9.5 NON-APPROPRIATION. Notwithstanding anything herein to the contrary, the City acknowledges and agrees that although the execution of this Agreement manifests MaineDOT's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, any such obligations by law are subject to available budgetary appropriations by the Federal Government and the Maine Legislature. This Agreement creates no obligation on behalf of MaineDOT exceeding such appropriations.
- 9.6 LOBBYING. By signing this Agreement, the undersigned municipal representative certifies that no appropriated federal funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- 9.7 EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement:
- a. The City shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to an actual occupational qualification. The City shall take affirmative action to assure that applicants are employed, and that employees are treated during their employment, without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation. The City agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this section.
 - b. The City – in all solicitations or advertising for employees placed by or on behalf of the City relating to this Agreement – shall state that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.
 - c. The City shall cause the foregoing provisions to be inserted into any contract for work covered by this Agreement so that such provisions shall be binding upon each contractor, except for contracts or subcontracts for standard commercial supplies or raw materials.
- 9.8 FLOW DOWN. Contracts between the City and all third parties shall contain or incorporate by reference applicable provisions of this Agreement.

- 9.9 ASSIGNMENT. No assignment of this Agreement is contemplated, and in no event shall any assignment be made without MaineDOT's express written permission.
- 9.10 AMENDMENT AND MODIFICATION. This Agreement may only be modified or amended in writing and signed by duly authorized representatives of both Parties.
- 9.11 BINDING EFFECT. The Parties shall be bound by the terms of this Agreement. This requirement shall apply to its executors, their successors, administrators and legal representatives.
- 9.12 INDEPENDENT CAPACITY. The City, its employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.
- 9.13 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.
- 9.14 ELECTRONIC SIGNATURES. Each Party agrees that this Agreement may be signed electronically and that all electronic signatures on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility.
- 9.15 NOTICE. Any communications, requests or notices required or appropriate to be given under this Agreement shall be made in writing and may be sent by email, which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving Party. Communications also may be sent by U.S. Mail – certified or registered, return receipt requested – or by a recognized commercial carrier that requires a return receipt to be delivered to the sending party. Such communications, requests or notices shall be sent to the City's Local Project Administrator and MaineDOT's Project Manager.

10. DEFAULT AND TERMINATION

- 10.1 MaineDOT shall have just cause to terminate this Agreement upon or after the occurrence of one or more of the events below, which shall constitute default of this Agreement by the City:
- a. The City withdraws from the Project, resulting in cancellation of the Project;
 - b. The City fails to make a good-faith effort to advertise the Project within 3 years of the execution date of this Agreement;
 - c. The City makes no effort to respond to requests for progress updates;
 - d. The City takes any action, without approval from MaineDOT, that results in federal non-participation in the Project;
 - e. The City misrepresents or falsifies any claim for reimbursement;
 - f. The City uses Project funds for a purpose not authorized by this Agreement; and
 - g. The City fails to meet the standards of performance set out in this Agreement.
- 10.2 In the event of a default, MaineDOT will afford the City a cure period of 14 calendar days, effective on the City's receipt of Notice of Default. If the City fails to address all grounds for default within this cure period or any longer period as MaineDOT may authorize, MaineDOT may terminate this Agreement for cause, with the following conditions:

- a. MaineDOT, at its discretion, may require the City to return all payments from MaineDOT toward the Project and to reimburse MaineDOT for its internal costs associated with the Project – if the default results in federal non-participation; and
- b. All funds recovered from the City shall be put in the MPO’s holding WIN: **014272.40**.

10.3 The Parties may terminate this Agreement for convenience by mutual consent for any reason not defined as default. MaineDOT may reimburse the City for eligible work performed under this Agreement until the effective date of termination for convenience, in accordance with section 3.4 above, “Reimbursement.”

11. TERM AND EXPIRATION

All provisions of this Agreement – *except for those that by their very nature are intended to survive* – shall expire upon payment by MaineDOT of the final invoice from the City under section 3.4(e) above or **December 31, 2028** (Expiration Date), whichever occurs first. The City shall submit any request for a time extension to MaineDOT in writing before the Expiration Date.

12. MUNICIPAL APPROVAL

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

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have executed this Agreement effective on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Debbie Laurie, City Manager *

By: _____
Todd Pelletier, P.E., Director *
Bureau of Project Development

Date: _____

Date: _____

** Pursuant to 10 M.R.S.A. §9502, et seq., I certify that the foregoing electronic signature: (a) is intended to have the same force as my manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*

U.S. Department of Transportation (USDOT)

Federal Highway Administration – Standard Title VI / Nondiscrimination Assurances

DOT Order No. 1050.2A

The **City of Bangor** AGREES THAT, as a condition of receiving Federal financial assistance from the U.S. Department of Transportation (USDOT) 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), which prohibits discrimination based on 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 are referred to hereinafter as the “Acts” and the “Regulations” respectively.

General Assurances

In accordance with the Acts, the Regulations and other pertinent directives, circulars, policy memoranda or guidance, the City of Bangor gives assurance that it promptly will take measures necessary to assure 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 City of Bangor receives Federal financial assistance from the USDOT, including the FHWA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress regarding 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 City of Bangor, so long as any portion of the program is federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the City of Bangor agrees with and gives the following Assurances with respect to its federally assisted highway projects:

1. The City of Bangor 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 (regarding an “activity” facilitated), or will be (regarding a “facility” operated), or will be (regarding a “program” conducted) in compliance with all requirements imposed by, or pursuant to, the Acts and the Regulations.
2. The City of Bangor 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 regarding all federal-aid 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 assure that in 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 City of Bangor 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 City of Bangor 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.
5. That where the City of Bangor 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 City of Bangor 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 City of Bangor will include the clauses 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 City of Bangor 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 City of Bangor 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 City of Bangor, 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 City of Bangor retains ownership or possession of the property.
9. The City of Bangor 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 City of Bangor agrees that the United States has a right to seek judicial enforcement regarding any matter arising under the Acts, the Regulations, and this Assurance.

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

The City of Bangor gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal and Federal financial assistance extended after the date hereof by the USDOT under the Federal-Aid Highway Program. This ASSURANCE is binding on the City of Bangor, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-Aid Highway Program.

The person signing below is authorized to sign this ASSURANCE on behalf of the City of Bangor.

City of Bangor

By: _____
Debbie Laurie, City Manager

DATED: _____

Encl.: Appendix A through Appendix E

APPENDIX A PERFORMANCE REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) 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 (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, 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 contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor 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 City of Bangor or the FHWA, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the City of Bangor or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the City of Bangor will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will act with respect to any subcontract or procurement as the City of Bangor or the FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the City of Bangor to enter into any litigation to protect the interests of the City of Bangor. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

If applicable, the following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation (USDOT) as authorized by law and upon the condition that the City of Bangor will accept title to the lands and maintain the project constructed thereon in accordance with 49 U.S. Code §5334, the Regulations for the Administration of the Federal Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration (FHWA) of the USDOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, non-discrimination in federally assisted programs of the USDOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Bangor all the right, title and interest of the USDOT in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Bangor and its successors forever, subject to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Bangor, its successors and assigns.

The City of Bangor, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

- (1) no person will 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 regarding any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]*
- (2) that the City of Bangor will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [i and
- (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the USDOT will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the USDOT and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

If applicable, the following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Bangor pursuant to the provisions of Assurance 7(a):

- A. The City of Bangor, for itself, its assignees, and successors in interest, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, the City of Bangor will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the City of Bangor will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Bangor and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

If applicable, the following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Bangor pursuant to the provisions of Assurance 7(b):

- A. The City of Bangor, for itself, its assignees, and successors in interest, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the City of Bangor will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, the City of Bangor will thereupon revert to and vest in and become the absolute property of the City of Bangor and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause IS necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) 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 based on 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 programs and projects);
- Federal Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination based on sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination based on disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination based on 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 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 based on 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 based on race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-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 assure compliance with Title VI, you must take reasonable steps to assure 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.).



CITY OF BANGOR ORDER

06/26/2023 23-203

Date: 06/26/2023

Item No: 23-203

Assigned to Councilor: Davitt

Authorizing the City Manager to Execute a Contract with Precision Trucking Inc for Sidewalk Paving on the Hammond Street Resurfacing Project, MaineDOT WIN 025033.01 in the amount of \$116,292

WHEREAS, The City of Bangor has a MaineDOT project to resurface a portion of Hammond Street and,

WHEREAS, The City received competitive construction quotes for the sidewalk paving portion of the project and,

WHEREAS, Precision Trucking Inc. provided the low quote for the construction services,

Be it Ordered by the City Council of the City of Bangor that,

The City Manager is hereby authorized to Execute a Contract with Precision Trucking Inc. for Sidewalk Paving Services for the Hammond Street Resurfacing Project, MaineDOT WIN 025033.01 in the amount of \$116,292.00.



CITY COUNCIL ACTION

06/26/2023 23-204

Council Meeting Date: 06/26/2023

Item No: 23-204

Responsible Dept: Finance

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing Transfer of \$128,500 of General Fund Debt Service Appropriation to Capital Fund Transfer Appropriation in FY 2023

Summary

This Order would authorize the reallocation of FY 2023 appropriations within the General Fund. The adopted FY 2023 budget, assumed the City would issue general obligation bonds for certain approved capital projects during the fiscal year. The issue did not occur, therefore, the amounts appropriated to pay the principal and interest on the debt were not expended for this purpose. As the appropriation crosses operating divisions, the City Council must take action to approve the transfer of the appropriation from Debt Service to Capital Fund Transfer within the General Fund

The intent of the transfer is to fund the difference between the capital budgeted amount and the awarded bid for the replacement of the roof at the Central Fire Station.

This item was reviewed and approved at the May 22, 2023 Finance Committee meeting.

Committee Action

Committee: Finance Committee
Action: Recommend for passage

Meeting Date: 05/22/2023
For: 5 Against: 0

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

06/26/2023 23-204

Date: 06/26/2023

Item No: 23-204

Assigned to Councilor: Hawes

Authorizing Transfer of \$128,500 of General Fund Debt Service Appropriation to Capital Fund Transfer Appropriation in FY 2023

Be it Ordered by the City Council of the City of Bangor that, an Appropriation Transfer in the of \$128,500 from the General Fund Debt Service division to the General Fund Capital Fund Transfer division for FY 2023 is hereby approved.



REFERRALS TO
COMMITTEES
& FIRST READING



CITY COUNCIL ACTION

Council Meeting Date: June 26, 2023

Item No: 23-205

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: 054-223, 054-224-C

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 364 State Street from Neighborhood Service District (NSD) to Urban Service District (USD), and a Portion of the Property Located at 410 State Street from Contract Government and Institutional Service District (G&ISD) to Urban Service District (USD).

Summary

The applicant is seeking a zone change for the property at 364 State Street, Map-Lot 054-223, from the Neighborhood Service District (NSD) to Urban Service District (USD) and for a portion of the property at 410 State Street, Map-Lot 054-224-C, from Contract Government and Institutional Service District (G&ISD) to Urban Service District (USD). The total area requested to be changed is 0.5 acres and is shown in the attached exhibit and described in the attached description.

The change to the USD district would allow for a greater variety of commercial uses on this lot, such as drive-in businesses, animal clinics, and restaurants. The change would also remove the contract conditions from the portion of property at 410 State Street, which currently limit the property to be used only for employee parking and prevents a curb cut onto Otis Street.

The neighborhood has a mix of G&ISD, NSD, M&SD, URD-1, and URD-2 lots. The 2012 Comprehensive Plan showed this area as commercial and institutional and the 2022 Comprehensive Plan shows this as having limited commercial and institutional uses that are complementary to the surrounding area.

Committee Action

Committee: Planning Board

Meeting Date: July 11, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: June 26, 2023

Assigned to Councilor: Schaefer

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone Property Located at 364 State Street from Neighborhood Service District (NSD) to Urban Service District (USD), and a Portion of the Property Located at 410 State Street from Contract Government and Institutional Service District (G&ISD) to Urban Service District (USD).

WHEREAS, at present, the zoning of the property restricts the site to certain contract conditions and more limited commercial uses and government and institutional uses and this zone change would allow for a greater variety of commercial uses;

WHEREAS, the 2012 Comprehensive Plan showed this area as commercial and institutional and the 2022 Comprehensive Plan shows this as having limited commercial and institutional uses that are complementary to the surrounding area;

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

Chapter 165 of the Code of the City of Bangor District Map is amended to reclassify the property addressed at 364 State Street, Map-Lot 054-223, from the Neighborhood Service District (NSD) to Urban Service District (USD) and for a portion of the property at 410 State Street, Map-Lot 054-224-C, from Contract Government and Institutional Service District (G&ISD) to Urban Service District (USD). The total area requested to be changed is 0.5 acres and is shown in the attached exhibit titled "Proposed Zoning Change Sketch – Northern Light Health – 364 State Street, Bangor, Maine", and is described in the attached description titled "Exhibit A – Proposed Zone Change Parcel".

Exhibit A
Proposed Zone Change Parcel

A certain lot or parcel of land and any improvements thereon located on the north side of State Street and on the east side of Otis Street, City of Bangor, County of Penobscot, State of Maine, bounded and described as follows:

BEGINNING at the intersection of the north line of State Street with the East Line of Otis Street;

THENCE N10°43'33"W along said East line of Otis Street two hundred seven and eighty-four hundredths (207.84) feet;

THENCE N79°35'09"E a distance of thirty-three and thirty-one hundredths (33.31) feet;

THENCE S70°37'53"E a distance of fifteen and ninety-two hundredths (15.92) feet;

THENCE N79°10'48"E a distance of forty-three and seventy-five hundredths (43.75) feet to the point of curvature of a tangent curve to the right, said curve having a radius of twenty-eight and zero hundredths (28.00) feet;

THENCE easterly, southeasterly and southerly along said curve an arc distance of forty-three and ninety-eight (43.98) feet to a point of tangency;

THENCE S10°49'12"E a distance of one hundred thirty-seven and thirty-four hundredths (137.34) feet to said north line of State Street;

THENCE S63°08'33"W along said north line of State Street one hundred twenty-four and zero hundredths (124.00) feet to THE POINT OF BEGINNING.

Containing one-half acre, more or less.

MEANING AND INTENDING to describe all of the land described in a Certificate and Abstract of the Estate of David Bruce Lawler recorded in the Penobscot County Registry of Deeds in Book 14846, Page 335, with reference made to a deed to David Lawler recorded in Book 4918, Page 126, a portion of the land described in a deed from Wing Park Partnership to Eastern Maine Medical Center dated September 21, 1983 and recorded in Book 3447, Page 258, and a portion of the land described in a deed from Jay A. Smith to Eastern Maine Medical Center dated April 14, 1989 and recorded in Book 4420, Page 362.

This description was prepared by Plisga & Day Land Surveyors and is based on Survey work performed for Northern Light Health, dated June 15, 2023, Project No. 23175. Bearings reference NAD83(2011) Maine East Zone.



Grid North
NAD83(2011)

N/F
Eastern Maine Medical Center
Book 4662, Page 44
Tax Map 054 Lot 221

N/F
Eastern Maine Medical Center
Book 3447, Page 258 (1st Parcel)
Book 4420, Page 362

Tax Map 054
Lot 224-C

208

N79° 35' 09"E 33.31'
15.92'
N79° 10' 48"E 43.75'
S70° 37' 53"E

R=28.00'
L=43.98'

207

OTIS STREET
Bangor Road Book 2, Page 352

Proposed
Zone Change
0.5 Acres

S10° 49' 12"E 137.34'

206

N/F
Pratt & Lawler
Book 14846, Page 335
(ref. Book 4918, Page 126)
Tax Map 054 Lot 223

N10° 43' 33"W 207.84'

205

S63° 08' 33"W 124.00'

204

STATE STREET
Bangor Road Book 1, Page 89

Map 059
Lot 025

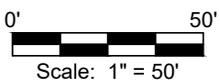


HANCOCK
STREET

225

Lot numbers refer to Tax
Map 054 unless noted.

No monuments set.

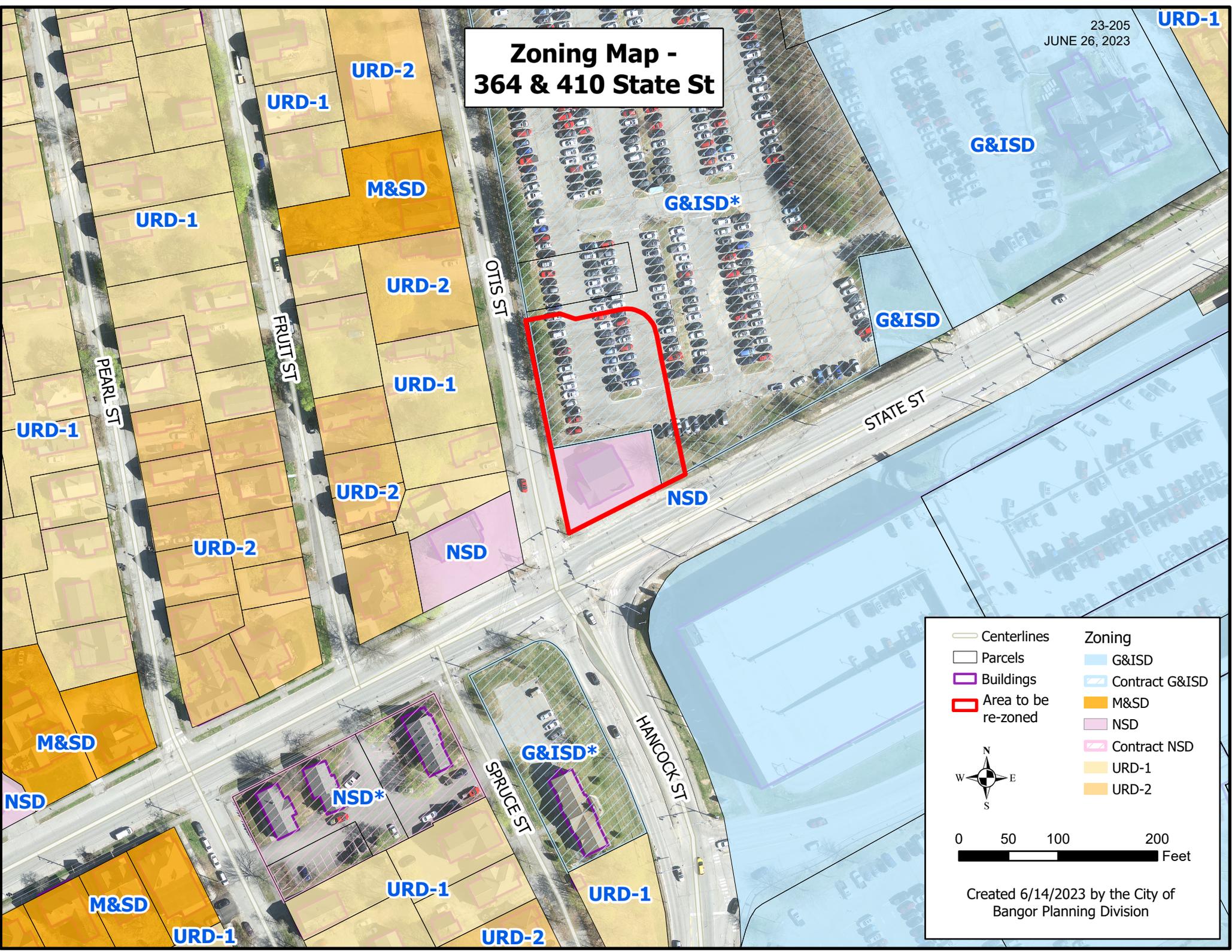


Proj# 23175
Date: 06/15/2023

Proposed Zoning Change Sketch
Northern Light Health
364 State Street, Bangor, Maine

PLISGA & DAY
Land Surveyors
72 Main Street
Bangor, ME 04401
(207) 947-0019
www.wemapit.com

Zoning Map - 364 & 410 State St



	Centerlines		G&ISD
	Parcels		Contract G&ISD
	Buildings		M&SD
	Area to be re-zoned		NSD
			Contract NSD
			URD-1
			URD-2

N
W E
S

0 50 100 200
Feet

Created 6/14/2023 by the City of Bangor Planning Division



CITY COUNCIL ACTION

06/26/2023 23-206

Council Meeting Date: 06/26/2023

Item No: 23-206

Responsible Dept: Health & Community Services

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Authorizing the City Manager to Accept and Appropriate \$100,000 for a Two-Year Maine Health Access Foundation Systems Improvement and Innovation Responsive Implementation

Summary

This Resolve authorizes the City Manager to accept and appropriate a two-year implementation grant in the amount of \$100,000 from the Maine Health Access Foundation (MeHAF).

Bangor Public Health and Community Services received a one-year MeHAF planning grant from June 1, 2022 to May 30, 2023 to engage partner organizations and people who use drugs to identify sustainable communication and relationship building strategies in order to to more effectively engage and empower people who use drugs in initiatives addressing substance use disorder in the Bangor community.

This two-year implementation grant will use the information gathered during the planning phase to implement systems changes to authentically engage people who use drugs in the planning of the systems that serve them. These funds will be received in increments of \$50,000 per year for two years. The project period of performance is from June 1, 2023 to May 30, 2025.

Committee Action

Committee: Government Operations Committee
Action:

Meeting Date: 07/03/2023
For: Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading & Referral

Government Operations Committee

07/03/2023



CITY OF BANGOR RESOLVE

06/26/2023 23-206

Date: 06/26/2023

Item No: 23-206

Assigned to Councilor: Pelletier

Authorizing the City Manager to Accept and Appropriate \$100,000 for a Two-Year Maine Health Access Foundation Systems Improvement and Innovation Responsive Implementation

Be it Resolved by the City Council of the City of Bangor that, the City Manager is authorized to accept and appropriate \$100,000 in funding from the Maine Health Access Foundation to more effectively engage and empower people who use drugs in initiatives addressing substance use disorder in the Bangor community.



CITY COUNCIL ACTION

06/26/2023 23-207

Council Meeting Date: 06/26/2023

Item No: 23-207

Responsible Dept: Health & Community Services

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Authorizing the City Manager to Accept and Appropriate \$1,151,932 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD)

Summary

This Resolve authorizes the City Manager to accept and appropriate \$1,151,932 McKinney-Vento Homeless Assistance funds from HUD for the period of April 1, 2023 to November 30, 2024. There are four (4) grants in the total amount of \$1,151,932 to provide Shelter Plus Care Rental Assistance to qualified individuals and families to live in Bangor and other communities in Penobscot County. Shelter Plus Care promotes housing stability by paying rent for homeless individuals and families. Participants needing case management services are assisted by the Shelter Plus Care Housing Specialist through referrals for life skills such as healthy living, financial literacy, and employment. These funds are granted through the Maine Continuum of Care selective competition process. The four grants are summarized below:

Grant: Consolidated 8714-A

- Operating year: 04/01/23 to 03/31/24

- Amount: \$440,709

- Number of apartments in grant agreement: 42 households: 21 one bedroom apartments, 4 two bedroom apartments (for families with children), and 17 efficiency apartments

Grant: TRA Consolidated 8715

- Operating year: 09/01/23 to 08/31/24

- Amount: \$490,714

- Number of apartments in grant agreement: 51 households: 10 one-bedroom apartments, 41 efficiency apartments

Grant: TRA 8716

- Operating year: 12/01/23 to 11/30/24

- Amount: \$147,679

- Number of apartments in grant agreement: 16 households; 16 efficiency apartments

Grant: TRA 8719

- Operating year: 8/1/23 to 7/31/24

- Amount: \$72,830

- Number of apartments in grant agreement: 6 households: 2 2-bedroom apartments, 4 1-bedroom apartments

Committee Action

Committee: Government Operations Committee

Meeting Date: 07/03/2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading & Referral

Government Operations Committee

07/03/2023



CITY OF BANGOR RESOLVE

06/26/2023 23-207

Date: 06/26/2023

Item No: 23-207

Assigned to Councilor: Leonard

Authorizing the City Manager to Accept and Appropriate \$1,151,932 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD)

Be it Resolved by the City Council of the City of Bangor that, the City Manager is authorized to accept and appropriate \$1,151,932 McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD)



UNFINISHED
BUSINESS



CITY COUNCIL ACTION

Council Meeting Date: June 12, 2023

Item No: 23-177

Responsible Dept: Engineering

Action Requested: Ordinance

Map/Lot: n/a

Title, Ordinance

Amending Chapter 165, Land Development Code, Article VI-A, Erosion and Sediment Control, by Updating References to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection

Summary

This Ordinance will amend Chapter 165, Land Development Code, by updating a reference to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection.

The City discharges stormwater in accordance with the Municipal Separate Storm Sewer System (MS4) Permit issued to it by the Maine DEP. The MS4 Permit requires that the City must have an ordinance or other regulatory mechanism that requires the use of erosion and sediment control BMPs at construction sites consistent with the minimum standards outlined in Appendix C, Erosion and Sedimentation Control, Inspections and Maintenance and Housekeeping of the MS4 Permit dated October 15, 2020. The current ordinance does not meet this requirement as it currently references the Maine Erosion and Sediment Control BMPs, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, March 2003 Edition.

This Ordinance amendment will update the reference in order to keep the City in Compliance with the MS4 Permit.

Committee Action

Committee: Planning Board

Meeting Date: June 20, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager
Director

City Solicitor

Finance

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: June 12, 2023

Assigned to Councilor: Davitt

ORDINANCE, Amending Chapter 165, Land Development Code, Article VIA, Erosion and Sediment Control, by updating references to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection.

WHEREAS, Chapter 165 refers to standards in the Maine Erosion and Sediment Control BMPs, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, March 2003 Edition,

WHEREAS, the requirements of the MS4 permit include the City to have an ordinance or other regulatory mechanism that requires the use of erosion and sediment control BMPs at construction sites consistent with the minimum standards outlined in Appendix C, Erosion and Sedimentation Control, Inspections and Maintenance and Housekeeping, of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4), published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, Dated October 15, 2020.

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

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

§ 165-33.1. Best management practices.

- A. Any person who conducts, or causes to be conducted, an activity that involves filling, displacing, or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into any portion of a stormwater conveyance system or into a protected natural resource as defined in § 38 M.R.S.A. § 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken and the site must be maintained to prevent unreasonable erosion and sedimentation.
- B. A person who owns property that is subject to erosion because of a human activity that has occurred before the adoption of this section and that involved filling, displacing, or exposing soil or other earthen materials shall take measures within 90 days to prevent further unreasonable erosion of soil or sediment. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation.

- C. In accordance with 30-A M.R.S.A. § 3003, as the same may be amended from time to time, ~~the Maine Erosion and Sediment Control BMPs, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, March 2003 Edition Appendix C, *Erosion and Sedimentation Control, Inspections, Maintenance and Housekeeping, of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4), published by the Maine Department of Environmental Protection, Bureau of Water Quality, Dated October 15, 2020,*~~ is hereby adopted and incorporated by reference herein as the minimum standards for erosion and sedimentation control to be utilized in conjunction with all building permits issued in the City of Bangor.
- D. This section does not apply to agricultural fields.
- E. Penalties. Penalties for violations of this section shall be imposed in accordance with 30-A M.R.S.A. § 4452. Each day such a violation is permitted to exist, after notification by the Code Enforcement Officer, shall constitute a separate offense.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Deb Laurie, City Manager

From: Anja Collette, Planning Analyst

Date: June 21, 2023

CC: Courtney O'Donnell, Assistant City Manager
David Szewczyk, City Solicitor
Anne Krieg AICP – Director of Community & Economic Development

Re: Planning Board Recommendation June 20, 2023
Amending Chapter 165, Land Development Code, Article VI-A, Erosion and Sediment Control, by Updating References to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on June 20, 2023.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were the Chair Reese Perkins, Vice Chair Ted Brush, and Members Don Meagher, Trish Hayes, Mike Bazinet, Ken Huhn, and Jonathan Boucher. Also in attendance was Alternate Member Joshua Saucier.

Stormwater Utility Technician Rich May reviewed the new text with the Board.

From the staff memo:

- A. In your packets is the proposed language for this amendment, which proposes to update a reference to Erosion and Sediment Control Standards from the Maine Department of Environmental Protection. This text change was requested by the City's Engineering Department in order to keep the City in compliance with its MS4 permit.
- B. The City discharges stormwater in accordance with the Municipal Separate Storm Sewer System (MS4) Permit issued to it by the Maine DEP. The MS4 Permit requires that the City must have an ordinance or other regulatory mechanism that requires the use of erosion and sediment control BMPs at construction sites consistent with the minimum standards outlined in Appendix C, Erosion and Sedimentation Control, Inspections and Maintenance and Housekeeping of the MS4 Permit dated October 15, 2020. The current ordinance does not meet this requirement as it currently references the Maine Erosion and Sediment Control BMPs, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, March 2003 Edition.

CITY OF BANGOR PLANNING DIVISION
PLANNING BOARD RECOMMENDATION TO CITY COUNCIL 6.20.23
Land Development Code – Erosion and Sediment Control

There were no comments or questions from the Board or the public.

Member Meagher made a motion to recommend to the City Council that the amendment to Chapter 165 to update a reference to erosion and sediment control standards ought to pass. Member Brush seconded the motion. The motion passed 7:0 with all members voting to approve.

Anja Collette



CITY COUNCIL ACTION

Council Meeting Date: June 12, 2023

Item No: 23-178

Responsible Dept: Engineering

Action Requested: Ordinance

Map/Lot: n/a

Title, Ordinance

Amending Chapter 268, Stormwater, to Require Owners of Stormwater Management Structures to Address Deficiencies Within 60 Days as Required by the Maine Department of Environmental Protection (DEP) Municipal Separate Storm Sewer (MS4) Permit Issued to the City

Summary

This Ordinance will amend Chapter 268, Stormwater, by specifying a time frame of 60 days for owners of stormwater management structures to make needed repairs and submit evidence of the repairs to the City.

The City discharges stormwater in accordance with the MS4 Permit issued to it by the Maine DEP. The Permit dated October 15, 2020 requires that owners of stormwater management structures repair deficiencies within 60 days and provide a record of the repairs to the City within 60 days. The current ordinance does not meet this requirement as it states that the owner of the stormwater structure must take corrective actions to address deficiencies, but does not specify a time limit as to when that action must be completed, nor does it require a record of the deficiency and corrective action to be submitted to the City. Amending Chapter 268 will keep the City in compliance with the MS4 Permit.

Committee Action

Committee: Infrastructure

Meeting Date: June 20, 2023

Action:

For:

Against:

Staff Comments & Approvals

City Manager
Director

City Solicitor

Finance

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: June 12, 2023

Assigned to Councilor: Schaefer

ORDINANCE, Amending Chapter 268, Stormwater, to require owners of stormwater management structures to address deficiencies within 60 days as required by the Maine Department of Environmental Protection (DEP) Municipal Separate Storm Sewer (MS4) Permit issued to the City.

WHEREAS, the City is required by MS4 permit from the Maine DEP to have an ordinance or other regulatory mechanism that requires owners of stormwater management structures to address deficiencies and provide a report of the deficiency and the corrective action taken to repair the deficiency within 60 days of the date the deficiency was identified,

WHEREAS, the current ordinance does not specify a period of time within which owners of stormwater structures must address deficiencies, nor does it require reporting deficiencies and repairs to the City,

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

Chapter 268 of the Code of the City of Bangor is amended as follows:

§ 268-7 Post-construction stormwater maintenance plan compliance.

A. General Requirements

...

(2)

...

(c) If the stormwater management structures require maintenance and/or cleaning to function as intended, the person shall take corrective action(s) to address any deficiencies and the person must provide to the City, a record of the deficiency and corrective action(s) taken in no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the person must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken which shall be submitted to the City no later than 60 days following the date the deficiency was identified; and

(d)...



CITY COUNCIL ACTION

06/12/2023 23-179

Council Meeting Date: 06/12/2023

Item No: 23-179

Responsible Dept: Health & Community Services

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Authorizing the City Manager to Accept and Appropriate a Grant Amendment in the Amount of \$459,704 to the Women, Infants, and Children (WIC) Nutrition Program from the Maine Department of Health and Human Services

Summary

This Resolve will authorize a grant amendment for additional funding in the amount of \$459,704 for the WIC nutrition program from the Maine Depart. of Health and Human Service.

On April 25, 2022, Resolve 22-168 was passed to accept and appropriate grant funds in the amount of \$3,460,873 for the WIC Program from the Maine Department of Health and Human Services. This Resolve will allow an amendment for additional funds in the amount of \$459,704. These additional funds are for personnel related expenses (\$80,327) and pass through food dollar funds (\$379,377).

Committee Action

Committee: Government Operations Committee
Action: Recommend for passage

Meeting Date: 06/05/2023
For: Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-179

Date: 06/12/2023

Item No: 23-179

Assigned to Councilor: Leonard

Authorizing the City Manager to Accept and Appropriate a Grant Amendment in the Amount of \$459,704 to the Women, Infants, and Children (WIC) Nutrition Program from the Maine Department of Health and Human Services

Be it Resolved by the City Council of the City of Bangor that, the City Manager is authorized to accept and appropriate funding through a grant amendment with the Department of Health and Human Services in the amount of \$459,704 for the Women, Infants, and Children Nutrition Program.



CITY COUNCIL ACTION

06/12/2023 23-180

Council Meeting Date: 06/12/2023

Item No: 23-180

Responsible Dept: Community & Economic Development

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Accepting and Appropriating \$897,850 in Environmental Protection Agency (EPA) for Brownfields Cleanup Grant Funds for Building #610 at Bangor International Airport

Summary

If approved, this Resolve will accept and appropriate \$897,850 in EPA Brownfields Cleanup Grant Funds to address the remediation of building #610 (aka the Alert Building) at Bangor International Airport.

The grant funds in this award will facilitate the safe and expedient demolition and remediation of the site. Resulting in an ideal site the Airport could utilize in the future for potential freight or warehouse needs as identified within the recently completed Airport master plan.

This grant does not require a local match.

Committee Action

Committee:

Meeting Date:

Action:

For:

Against:

Staff Comments & Approvals

Submission of this grant application was authorized by Council Order 23-003

City Manager

City Solicitor

Finance Director

Introduced for: First Reading & Referral

Business & Economic Development Committee

06/20/2023



CITY OF BANGOR RESOLVE

06/12/2023 23-180

Date: 06/12/2023

Item No: 23-180

Assigned to Councilor: Sprague

Accepting and Appropriating \$897,850 in Environmental Protection Agency (EPA) for Brownfields Cleanup Grant Funds for Building #610 at Bangor International Airport

Be it Resolved by the City Council of the City of Bangor that, the amount of \$897,850 in Environmental Protection Agency Brownfields Cleanup grant funds are hereby accepted and appropriated for the demolition and remediation of building #610 at Bangor International Airport.



CITY COUNCIL ACTION

06/12/2023 23-181

Council Meeting Date: 06/12/2023

Item No: 23-181

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

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

Summary

This Resolve will appropriate the total school budget in the amount of \$56,499,152 as required by 20-A MRSA, Section 15690(4)(A). This appropriation represents the total annual budget for funding public education from Pre-K to grade 12. This article does not provide money unless the other articles are approved.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals


City Manager


City Solicitor


Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-181

Date: 06/12/2023

Item No: 23-181

Assigned to Councilor: Yacoubagha

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

Be it Resolved by the City Council of the City of Bangor that,

In accordance with 20-A MRSA Section 15690(4)(A), an appropriation authorizing a total FY2024 School Department budget in the amount of \$56,499,152 for the total cost of Pre-K to grade 12 education as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools, are hereby approved.



CITY COUNCIL ACTION

06/12/2023 23-182

Council Meeting Date: 06/12/2023

Item No: 23-182

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Approving School Department Estimates of Revenue and Budget - Trust and Agency Fund

Summary

This Resolve will approve the School Department's Trust and Agency Budget in the amount \$3,412,483.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-182

Date: 06/12/2023

Item No: 23-182

Assigned to Councilor: Tremble

Approving School Department Estimates of Revenue and Budget - Trust and Agency Fund

Be it Resolved by the City Council of the City of Bangor that,

the Bangor School Department Trust and Agency Fund budget for July 1, 2023 to June 30, 2024 to be approved in the amount of \$3,412,483

Division Name	Estimated Amount to be Received
9010 Bangor Regional Program Multi-handicapped	\$ 444,714
9030 Bangor Regional Program Acadia Hospital	\$ 317,051
9040 Bangor Regional Program Day Treatment	\$ 2,402,513
9050 Bangor Regional Program Multi-handicapped Summer	\$ 18,000
9080 Bangor Regional Program Summer	\$ 30,000
9100 Gifts & Donations	\$ 15,000
6750 Southern Penobscot Regional Program for Children with Exceptionalities-ESC	\$ 185,205
	TOTAL \$ 3,412,483



CITY COUNCIL ACTION

06/12/2023 23-183

Council Meeting Date: 06/12/2023

Item No: 23-183

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Approving School Department Estimates of Revenue from State Sources and Budget-Enterprise Fund

Summary

This Resolve will approve the School Department's Enterprise Fund Budget in the amount of \$2,169,446 for the period of July 1, 2023 to June 30, 2024. If approved, the fund includes \$2,126,991 for the food services programs and \$42,455 for Adult Ed Enrichment.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-183

Date: 06/12/2023

Item No: 23-183

Assigned to Councilor: Pelletier

Approving School Department Estimates of Revenue from State Sources and Budget-Enterprise Fund

Be it Resolved by the City Council of the City of Bangor that,

The City of Bangor accept the following categories of funding as provided by the Maine State Legislature for the year beginning July 1, 2023 and ending June 30, 2024, and approve them as the Bangor School Department's Enterprise Fund Budget for the same fiscal period.

Be it further resolved that,

The Bangor School Department's Enterprise Fund for the period of July 1, 2023 to June 30, 2024 is hereby approved as follows in the amount of \$2,169,446

Division Name	Estimated Amount to be Received
6000 Food Services Program	\$ 2,126,991
6150 Adult Ed Enrichment/General Evening	\$ 42,455
	TOTAL \$ 2,169,446



CITY COUNCIL ACTION

06/12/2023 23-184

Council Meeting Date: 06/12/2023

Item No: 23-184

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Approving School Department Estimates of Revenue from State Sources and Budget-Special Revenue Fund

Summary

This Resolve will approve the School Department's Special Revenue Fund in the amount of \$3,267,496. These special revenues are used to support a variety of educational activities as detailed in the resolve.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-184

Date: 06/12/2023

Item No: 23-184

Assigned to Councilor: Sprague

Approving School Department Estimates of Revenue from State Sources and Budget-Special Revenue Fund

Be it Resolved by the City Council of the City of Bangor that,

The City of Bangor accept and authorize the School Committee to expend the following categories of funding as provided by the Maine State Legislature for the year beginning July 1, 2023 and ending June 30, 2024 in the amount of \$3,267,496

Division Name	Estimated Amount to be Received
2010 Elizabeth Means	\$ 15,000
2215 College Transition	\$ 34,000
2300 Title 1A	\$ 1,590,895
2470 IDEA Part B (Local Entitlement)	\$ 1,026,610
2510 Local Entitlement Pre School	\$ 23,645
2700 Title IIA (Teacher Quality)	\$ 255,215
2950 Adult Basic Ed	\$ 53,000
2630 21st Century Grant	\$ 269,131
	TOTAL \$ 3,267,496

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

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



CITY COUNCIL ACTION

06/12/2023 23-185

Council Meeting Date: 06/12/2023

Item No: 23-185

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation of \$400,030 for Adult Education for the Bangor School Department as Required by 20-A MRSA Section 8603(A)(1)

Summary

This Resolve will appropriate funding for adult education in the amount of \$400,030, the local share of which is \$230,000.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

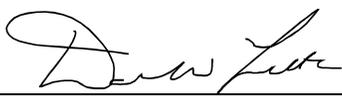
Meeting Date:
For:

Against:

Staff Comments & Approvals


City Manager


City Solicitor


Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-185

Date: 06/12/2023

Item No: 23-185

Assigned to Councilor: Schaefer

Making an Appropriation of \$400,030 for Adult Education for the Bangor School Department as Required by 20-A MRSA Section 8603(A)(1)

Be it Resolved by the City Council of the City of Bangor that,

In accordance with 20-A MRSA Section 8603(A)(1), a total FY2024 Adult Education budget in the amount of \$400,030 is hereby approved.

Be it Further Resolved by the City Council of the City of Bangor that,

The local share of \$230,000 is hereby authorized for the purposes of expending any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the Adult Education Program.



CITY COUNCIL ACTION

06/12/2023 23-186

Council Meeting Date: 06/12/2023

Item No: 23-186

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

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

Summary

This Resolve will approve expenditures as required by Title 20-A MRSA for the Vocational Education Region #4 operating budget in the amount of \$4,159,421.61, and the local share for Adult Education of \$18,022.96.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-186

Date: 06/12/2023

Item No: 23-186

Assigned to Councilor: Davitt

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

Be it Resolved by the City Council of the City of Bangor that,

the United Technologies Center Region #4 budget for 2023-2024 as approved by the Cooperative Board be approved in the amount of \$4,159,421.61 (Bangor's 2023-2024 assessment will be \$0.00 for operating costs).

Be it further resolved, that the United Technologies Center Region #4 budget for Adult Education for 2023-2024 as approved by the Cooperative Board be approved in the amount of \$318,528.80 (Bangor's 2023-2024 assessment for Adult Education will be \$18,022.96).



CITY COUNCIL ACTION

06/12/2023 23-187

Council Meeting Date: 06/12/2023

Item No: 23-187

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation of \$1,980,000 for Non-State Funded Debt Service Allocation for the Bangor School Department as Required by 20-A MRSA Section 15690(2)(A)

Summary

This Resolve will appropriate the non-state funded debt service allocation in the amount of \$1,980,000. Non-state funded debt service is the amount of money needed for the payments of school department long term debt for major capital construction projects and or minor capital renovation projects that are not approved for state subsidy. The issuance of this long term debt was previously approved by the Bangor City Council.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-187

Date: 06/12/2023

Item No: 23-187

Assigned to Councilor: Leonard

Making an Appropriation of \$1,980,000 for Non-State Funded Debt Service Allocation for the Bangor School Department as Required by 20-A MRSA Section 15690(2)(A)

Be it Resolved by the City Council of the City of Bangor that,

In accordance with 20-A MRSA Section 15690(2)(A), there is hereby approved the following separate school budget article raising and appropriating \$1,980,000 in local funds for annual payments on debt service for non-state funded portions of School construction projects and minor capital projects.

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



CITY COUNCIL ACTION

06/12/2023 23-188

Council Meeting Date: 06/12/2023

Item No: 23-188

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

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

Summary

This Resolve will authorize the appropriation of local funds in excess of the minimum spending target limit in the amount of \$7,877,730. The Bangor School Committee recommends \$7,877,730 of additional funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$7,877,730: Special Education \$2,998,068; Transportation \$419,589; Co and extracurricular activities \$1,219,397; Technology \$602,771; and Employee Benefits \$2,637,905.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-188

Date: 06/12/2023

Item No: 23-188

Assigned to Councilor: Hawes

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

Be it Resolved by the City Council of the City of Bangor that,

In accordance with 20-A MRSA Section 15671(A)(4), an appropriation of \$7,877,730 of local funds in excess of the minimum spending target is hereby approved for the following purposes: Special Education \$2,998,068; Transportation \$419,589; Co and extracurricular activities \$1,219,397; Technology \$602,771; and Employee Benefits \$2,637,905.



CITY COUNCIL ACTION

06/12/2023 23-189

Council Meeting Date: 06/12/2023

Item No: 23-189

Responsible Dept: School Department

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation of \$19,327,229 for the School District Contribution to the Total Cost of Funding Public Education from Pre-K to Grade 12 as Required by 20-A MRSA Section 15690(1)(A)(B)

Summary

This Resolve will appropriate the local share of the total costs of the Essential Programs and Services funding model in the amount of \$19,327,229.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-189

Date: 06/12/2023

Item No: 23-189

Assigned to Councilor: Yacoubagha

Making an Appropriation of \$19,327,229 for the School District Contribution to the Total Cost of Funding Public Education from Pre-K to Grade 12 as Required by 20-A MRSA Section 15690(1)(A)(B)

Be it Resolved by the City Council of the City of Bangor that,

In accordance with 20-A MRSA Section 15690(1)(A)(B), an appropriation of \$19,327,229 as the City's contribution to the total cost of funding public education from Pre-K to grade 12 is hereby approved.



CITY OF BANGOR RESOLVE

06/12/2023 23-190, As Am

Date: 06/12/2023

Item No: 23-190, As Amended

Assigned to Councilor:

Appropriation for Municipal Year 2024

Be it Resolved by the City Council of the City of Bangor that,

THAT the sum of one hundred twenty-three million, two hundred thirty-nine thousand, eight hundred thirty dollars (\$123,239,830) is hereby appropriated in the General Fund for the Municipal Year 2024 in accordance with the schedule of appropriations attached hereto; and

BE IT FURTHER RESOLVED THAT in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of sixty-five million, one hundred nine thousand, seven hundred seventy-seven dollars (\$65,109,777) be raised by assessment upon the estates of the inhabitants of the City of Bangor and upon the estates of non-resident proprietors within said City for the present Municipal Year; and

BE IT FURTHER RESOLVED THAT the list of tax assessment upon the estates in Bangor for all City taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax, in the amount of four million, six hundred seven thousand, nine hundred fifty-four dollars (\$4,607,954) for the period of July 1, 2023 through June 30, 2024, shall be committed by the Assessor to the Tax Collector and one-half of said taxes shall be due and payable on the 15th day of September, 2023 with the remaining one-half of said taxes due and payable on the 15th day of March, 2024; and

BE IT FURTHER RESOLVED THAT interest at the maximum State approved rate of 8% per annum for 2023 shall be collected on the first half of said taxes from September 16, 2023, if not voluntarily paid to the Finance Director on or before September 15, 2023; and

BE IT FURTHER RESOLVED THAT interest at the maximum State approved rate of 8% per annum for 2023 shall be collected on the second half of said taxes from March 16, 2024, if not voluntarily paid to the Finance Director on or before March 15, 2024; and

BE IT FURTHER RESOLVED THAT in each case, said interest shall be added to and become a part of said taxes; and

BE IT FURTHER RESOLVED THAT interest at the maximum State approved rate of 8% per annum for 2023 shall be collected on any sewer/stormwater charges billed July 1, 2023 to June 30, 2024, if not voluntarily paid to the Finance Director on or before the due date for each respective billing; and

BE IT FURTHER RESOLVED THAT in the event a taxpayer/owner pays an amount in excess of that finally assessed or billed, the overpayment shall be repaid to the taxpayer/owner with interest from the date of the payment to the date of the refund at an interest rate of 4.00%; provided that, however, the Tax Collector is authorized to apply any overpayment as prepayment of taxes or sewer/stormwater charges not yet committed or billed with an interest rate of 0.00% on the prepayment; and

BE IT FURTHER RESOLVED THAT the Tax Collector shall apply all tax payments to the oldest balance due on that account and all sewer/stormwater payments to the oldest stormwater balance due on that account first and then to the oldest sewer balance due on that account regardless of any instructions the taxpayer/owner may give. If, however, a tax, sewer or stormwater lien has matured, the Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Committee of the Council to accept payment or the taxpayer or owner signs a partial payment waiver form. If a taxpayer/owner has more than one tax account, any payment shall be applied to the oldest balance due unless the taxpayer/owner specifies the account against which the payment is to be applied; and

BE IT FURTHER RESOLVED THAT the Appropriation for Municipal Year 2024 for the following Enterprise Funds is hereby authorized and approved by the Bangor City Council in accordance with the schedule of appropriations and revenues attached hereto: the Airport Fund, the Sewer Fund, the Storm Water Utility Fund, the Bass Park Fund, the Parking Fund, the Golf Course, and the Economic Development Fund; and

BE IT FURTHER RESOLVED THAT the Council hereby formally appropriates any cash contributions received during this budget year to the appropriate Department and purpose for which such contribution has been made and, where such contribution is equal to or less than \$10,000, such appropriation will become effective upon formal Council action to accept such contribution; and

BE IT FURTHER RESOLVED THAT the Council hereby authorizes the City Manager to implement a four percent (4.00%) general pay adjustment to the City Pay Plan for eligible non-unionized employees effective for the first full pay period ending July 8, 2023; and

BE IT FURTHER RESOLVED THAT the Council hereby formally appropriates any grants from the State of Maine or the Government of the United States of America received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

BE IT FURTHER RESOLVED THAT the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate Department for the purpose of repairing or replacing the damaged property, said appropriation to become effective upon receipt of funds; and

BE IT FURTHER RESOLVED THAT \$25,000 of unexpended funds remaining within the Planning Department FY 2023 budget are hereby carried forward to FY 2024 to fund Historic Survey Phase III in FY 2024; and

BE IT FURTHER RESOLVED THAT \$5,000 of unexpended funds remaining within the City Manager Department FY 2024 budget are hereby carried forward to FY 2024 to fund educational or programmatic opportunities; and

BE IT FURTHER RESOLVED THAT \$45,262 of unexpended funds to support the Greater Bangor Convention and Visitors Bureau are hereby carried forward to FY 2024 to fund marketing, tourism or other initiatives approved by City Council; and

BE IT FURTHER RESOLVED THAT \$75,000 of unexpended funds to remaining within the Economic Development Department FY 2023 budget are hereby carried forward to FY 2024 to fund economic development initiatives approved by City Council.

**Estimated General Fund
Municipal Property Tax Rate Calculation
2023 and 2024**

	Adopted FY 23	Proposed FY 24	\$ Change	% Change
City Expenses				
Operating Expenses	56,024,939	58,207,112	2,182,173	3.9%
Capital Expenses	1,035,999	1,118,850	82,851	8.0%
Debt Service/TIF	3,993,909	4,132,650	138,741	3.5%
Pension Obligation Debt Service	2,738,013	2,830,417	92,404	3.4%
Voter Approved Debt Service	207,000	203,626	(3,374)	-1.6%
Total City Expenses	63,999,860	66,492,655	2,492,795	3.9%
School Expenses				
Operating Expenses	51,511,347	54,767,175	3,255,828	6.3%
Debt Service	1,780,000	1,980,000	200,000	11.2%
Total School Expenses	53,291,347	56,747,175	3,455,828	6.5%
Total Expenses	117,291,207	123,239,830	5,948,623	5.1%
Less: Non- Tax Revenues				
City	35,882,902	37,541,709	1,658,807	4.6%
School	27,484,603	29,294,193	1,809,590	6.6%
Total Non-Tax Revenues	63,367,505	66,835,902	3,468,397	5.5%
Proposed Tax Levy				
City	28,116,958	28,950,946	833,988	3.0%
School	25,806,744	27,452,982	1,646,238	6.4%
County	4,430,604	4,607,954	177,350	4.0%
Overlay	400,000	330,000	(70,000)	-17.5%
Total Tax Levy	58,754,306	61,341,882	2,587,576	4.4%
Total Assessed Value	3,358,952,500	3,680,372,400	321,419,900	9.6%
Less Downtown DD	183,466,100	196,756,900	13,290,800	7.2%
Less Homestead	131,726,600	130,369,400	(1,357,200)	-1.0%
Less BETE Exempt	164,231,600	149,618,300	(14,613,300)	-8.9%
Net Available Taxable Assessed Value	2,879,528,200	3,203,627,800	324,099,600	11.3%
Proposed Tax Rate				
City (Including Overlay)	9.90	9.14	(0.76)	-7.7%
School	8.96	8.57	(0.39)	-4.4%
County	1.54	1.44	(0.10)	-6.5%
Total	20.40	19.15	(1.25)	-6.1%

EXPENDITURE SUMMARY

		FY 23	FY 24
City			
	Operating	56,024,939	58,207,112
	Capital	1,035,999	1,118,850
	Debt Service/TIF	3,993,909	4,132,650
	Pension Obligation Debt	2,738,013	2,830,417
	Voter Approved Debt Service	207,000	203,626
	Subtotal	63,999,860	66,492,655
School			
	Operating	51,511,347	54,767,175
	Debt Service	1,780,000	1,980,000
	Subtotal	53,291,347	56,747,175
Enterprise Funds			
	Airport	23,101,425	24,049,699
	Sewer	10,038,432	11,341,114
	Stormwater	1,324,567	1,509,831
	Bass Park	5,851,033	6,421,204
	Parking	892,676	1,016,404
	Golf Course	818,093	895,142
	Economic Development	600,407	376,488
	Subtotal	42,626,633	45,609,882
County		4,430,604	4,607,954
	Total	164,348,444	173,457,666

LD 1 Limit Calculation - FY 2024

2022-2023 Base Municipal Commitment

2022-2023 Tax for Commitment	27,654,408
2022-2023 County Tax	4,430,604
2022-2023 TIF Financing Plan Amount	462,550
2022-2023 School Appropriations	25,806,744
2022-2023 Overlay	400,000
	<u>58,754,306</u>
<u>FY2022-23 Base Municipal Commitment</u>	<u>27,654,408</u>

Calculate Growth Limitation Factor

Total Taxable Value First Assessed on 4/1/2022	21,145,300
Total Taxable Valuation (less Homestead/BETE Exemption)	3,062,193,100
Property Growth Factor	0.0069
Average Real Personal Income Growth	0.0431
<u>Growth Limitation Factor</u>	<u>1.0500</u>

Calculate Net New State Funds

FY2021-22 Municipal Revenue Sharing	8,073,245
Multiply by Growth Limitation Factor	8,476,950
FY2022-23 Estimated Municipal Revenue Sharing	9,000,000
Enter Any Necessary Adjustments due to Last Year's Net New Fund Calc	N/A
(If Revenue Sharing allocation were 5% per statute, there are no new state funds)	
<u>Net New State Funds</u>	<u>-</u>

Calculate Base Municipal Commitment Limit

<u>FY2022-23 Base Limit x Growth Limitation Factor</u>	<u>(a)</u>	<u>37,726,876</u>
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Levy Limit Proof

Base Municipal Commitment	(b)	29,984,907
2022-2023 TIF Financing Plan Amount (included in base)		519,053
		<u>30,503,960</u>

<u>Over/(Under) Levy Limit</u>	<u>(b) - (a)</u>	<u>(7,222,916)</u>
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GENERAL FUND

TITLE	2023	2024
ESTIMATED REVENUE		
REAL PROPERTY TAXES	59,026,578	61,287,466
PERSONAL PROPERTY TAXES	3,470,436	3,822,311
OVERLAY	(400,000)	(330,000)
DOWNTOWN DD TIF	(3,742,708)	(3,767,895)
PROPERTY TAXES	58,354,306	61,011,882
PAYMENT IN LIEU OF TAXES	307,617	343,170
PENALTIES & INT ON TAXES	200,000	200,000
AUTO EXCISE TAX	6,700,000	6,900,000
BOAT EXCISE TAX	15,000	15,000
AIRPLANE EXCISE TAX	1,000	1,000
OTHER TAXES & PENALTIES	7,223,617	7,459,170
VICTUALERS	73,000	73,000
LIQUOR LICENSES	10,000	10,000
INNKEEPERS	14,500	14,500
MOBILE HOME LICENSES	1,900	1,500
SECOND HAND DEALERS	4,000	4,000
DEALERS OLD GOLD & SILVER	600	600
TAXI DRIVERS	8,000	8,000
TAXI CABS	6,500	5,000
EXPLOSIVES & FLAMMABLE MATERIALS	7,000	7,000
BOWLING	375	400
THEATRE	1,050	2,000
AMUSEMENT - DEVICES & PERMITS	7,000	8,000
DANCING	1,100	800
MARIJUANA	3,600	3,600
MARRIAGE LICENSE	9,000	9,000
BUILDING PERMITS	390,000	331,000
PLUMBING PERMITS	17,000	17,000
ELECTRICAL PERMITS	82,000	98,000
OIL BURNER PERMITS	9,600	6,000
MISCELLANEOUS PERMITS	32,000	20,000
MISCELLANEOUS LICENSES	25,000	25,000
STREET OPENING PERMITS	10,500	10,500
LICENSES & PERMITS	713,725	654,900

GENERAL FUND

TITLE	2023	2024
DOG IMPOUND FEES	4,500	4,500
ORDINANCE FINES	500	500
FALSE ALARM FEES	15,000	15,000
MISCELLANEOUS	2,000	2,000
FINES,FORFEITS & PENALTIES	22,000	22,000
RENTS	317,000	422,500
FRANCHISE FEES	350,000	350,000
CONCESSIONS	500	-
TOWING CONTRACT	22,300	23,890
INTEREST ON INVESTMENT	400,000	400,000
NSF FEES	500	500
USE OF MONEY & PROPERTY	1,090,300	1,196,890
OPERATING INDIRECT	1,720,788	1,910,000
PREVENT MAIN INDIRECT	500,000	400,000
OPERATING DIRECT	101,109	101,109
HEALTH NURSING SUBSIDY	141,300	178,588
REVENUE SHARING	8,525,000	9,966,150
SNOWMOBILE REGISTRATION	3,000	3,000
GENERAL ASSISTANCE	1,183,000	1,693,020
HOMESTEAD EXEMPTION	1,961,600	1,908,522
BETE EXEMPT REIMBURSEMENT	2,039,200	1,718,426
FEMA REIMBURSEMENTS	-	273,021
OTHER STATE	26,200	49,500
INTERGOVERNMENTAL	24,291,603	26,063,193
HAMPDEN	162,286	170,425
BREWER	317,686	386,878
VOOT	520,308	552,696
INTERGOVERNMENTAL	41,493,080	45,374,528
RECORDING DOCUMENTS	1,200	1,200
VITAL STATISTICS	105,000	105,000
NOTARY & DEDIMUS	5,000	6,000
COPYING	12,000	12,000
SAFETY	1,000	1,000
SALE OF LOTS	3,900	3,900

GENERAL FUND

TITLE	2023	2024
BURIALS	12,350	12,350
AMBULANCE	2,000,000	2,300,000
FARES	465,000	475,000
ADVERTISING	72,500	90,000
DOG LICENSE FEES	9,000	9,000
HUNT & FISH LICENSE FEES	1,000	800
QUITCLAIM FEES	2,500	2,500
IFW AGENT FEES	1,700	1,700
AUTO REGISTRATION FEES	68,000	70,000
FINGERPRINTING FEES	700	-
WITNESS FEES	6,500	6,500
ZONING LETTER FEES	2,000	4,000
CLINIC FEES	65,000	65,000
INSPECTION FEES	500	500
LICENSING FEES COMMERCIAL	1,140	1,140
SOLID WASTE DISPOSAL FEE	1,468,990	258,195
MAINTENANCE FEES	10,050	10,251
REIMBURSEMENTS	326,527	128,291
PROCESSING FEES	40,000	40,000
CITY WIDE OVERHEAD	82,000	82,000
REFUNDS	72,500	72,500
CHARGES FOR SERVICES - SOFTBALL	34,000	34,000
CHARGES FOR SERVICES - CANOE RACE	27,000	27,000
CHARGES FOR SERVICES - FATHER/DAUGHTER DANCE	12,800	14,000
CHARGES FOR SERVICES - SOCCER	14,000	15,000
DAILY ADMISSIONS	32,000	40,000
SEASON PASSES	2,400	2,400
SWIM LESSONS	7,400	5,400
HOURLY RENTALS	1,200	1,200
KIDS CAVE	355,000	380,000
CHARGES FOR SERVICES	2,068,000	2,141,000
CHARGES FOR SERVICES - BANGOR HOUSING AUTHORITY	50,086	50,086
CHARGES FOR SERVICES - MDEA	253,200	253,200
MISCELLANEOUS	165,950	188,880
OUTSIDE ASSIGNMENTS	353,318	336,448
SERVICES DOWNTOWN DEVELOPMENT	10,000	-
WARRANTY PAYMENTS	2,500	2,500
SERVICE CHARGES - AIRPORT	426,936	449,626

GENERAL FUND

TITLE	2023	2024
SERVICE CHARGES - SEWER	168,611	183,508
SERVICE CHARGES - GOLF	30,450	32,627
SWEEPING CHARGES - SEWER	35,647	35,647
SWEEPING CHARGES - STORMWATER	72,375	72,375
COMMUNITY DEVELOPMENT BLOCK GRANT	53,314	52,549
GRANTS	276,100	308,945
CAPITAL IMPROVEMENT FUND	718,700	802,464
AIRPORT	609,608	652,206
SEWER	284,618	289,411
STORMWATER UTILITY	30,440	28,280
BASS PARK	76,000	75,000
PARKING	39,268	37,212
GOLF COURSE	45,414	44,636
ECONOMIC DEVELOPMENT FUND	1,487	1,487
CHARGES FOR SERVICES	11,093,879	10,315,914
TRANSFER FROM UNDESIGNATED FUND BALANCE	107,000	-
TRANSFER FROM PERPETUAL CARE FEES	20,000	-
TRANSFER FROM ADOPT A PARK	7,000	7,000
TRANSFER FROM LOCAL SEIZURES	32,500	-
OPERATING TRANSFERS	166,500	7,000
TRANSFER FROM BUS FUND BALANCE	81,930	-
TRANSFER FROM ASSIGNED FUND BALANCE	1,398,974	1,697,000
DESIGNATED FUND BALANCE	1,480,904	1,697,000
CONTRIBUTIONS	2,500	2,500
INSURANCE SETTLEMENTS	50,000	65,000
SALE OF ASSETS	25,000	35,000
SALE OF SALVAGE	6,000	6,000
OTHER	83,500	108,500
TOTAL ESTIMATED REVENUE	121,721,811	127,847,784

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	20,101	20,101
SUPPLIES	4,150	4,150
CONTRACTUAL SERVICES	7,360	7,860
INTERFUND CHARGE/TRANSF	2,900	2,550
CITY COUNCIL	<u>34,511</u>	<u>34,661</u>
SALARIES & FRINGES	360,675	416,243
SUPPLIES	2,610	2,605
CONTRACTUAL SERVICES	45,520	35,595
INTERFUND CHARGE/TRANSF	4,000	3,500
OUTLAY	200	450
CITY CLERK	<u>413,005</u>	<u>458,393</u>
SALARIES & FRINGES	40,811	77,413
SUPPLIES	2,100	2,450
CONTRACTUAL SERVICES	26,850	27,650
INTERFUND CHARGE/TRANSF	15,500	27,300
OUTLAY	2,300	-
ELECTIONS	<u>87,561</u>	<u>134,813</u>
SALARIES & FRINGES	261,357	289,312
SUPPLIES	7,500	15,900
CONTRACTUAL SERVICES	120,984	125,287
INTERFUND CHARGE/TRANSF	8,000	8,000
MISCELLANEOUS	20,000	20,000
CREDITS	(15,000)	(15,000)
TREASURY	<u>402,841</u>	<u>443,499</u>
SALARIES & FRINGES	386,580	398,543
SUPPLIES	3,947	3,807
CONTRACTUAL SERVICES	55,381	25,672
INTERFUND CHARGE/TRANSF	2,700	2,980
ASSESSING	<u>448,608</u>	<u>431,002</u>
SALARIES & FRINGES	283,564	333,472
SUPPLIES	7,500	2,500
CONTRACTUAL SERVICES	13,850	13,700

GENERAL FUND

TITLE	2023	2024
INTERFUND CHARGE/TRANSF	1,000	750
MISCELLANEOUS	500	1,000
LEGAL	306,414	351,422
GOVERNANCE	1,692,940	1,853,790
SALARIES & FRINGES	419,806	566,220
SUPPLIES	2,000	2,450
CONTRACTUAL SERVICES	18,252	21,052
INTERFUND CHARGE/TRANSF	1,200	500
CITY MANAGER	441,258	590,222
SALARIES & FRINGES	306,028	322,486
SUPPLIES	52,250	62,750
CONTRACTUAL SERVICES	595,725	591,700
INTERFUND CHARGE/TRANSF	500	500
MISCELLANEOUS	70,400	30,000
OUTLAY	-	2,000
CREDITS	(875,753)	(842,509)
WORKER'S COMPENSATION	149,150	166,927
INSURANCE	208,850	224,927
SALARIES & FRINGES	261,047	261,607
SUPPLIES	2,050	3,950
CONTRACTUAL SERVICES	16,479	23,642
INTERFUND CHARGE/TRANSF	3,250	3,650
OUTLAY	1,500	500
HUMAN RESOURCES	284,326	293,349
SALARIES & FRINGES	2,763,485	3,026,552
SUPPLIES	40,700	47,200
CONTRACTUAL SERVICES	205,821	317,546
UTILITIES	29,000	39,500
INTERFUND CHARGE/TRANSF	1,430,638	1,504,025
MISCELLANEOUS	200	500
DEBT SERVICE	68,597	70,656
OUTLAY	7,000	6,500

GENERAL FUND

TITLE	2023	2024
CREDITS	(128,292)	(163,776)
COMMUNITY CONNECTOR	<u>4,417,149</u>	<u>4,848,703</u>
SALARIES & FRINGES	103,767	76,688
CONTRACTUAL SERVICES	5,696	8,385
INTERFUND CHARGE/TRANSF	32,400	28,500
DEBT SERVICE	2,859	2,944
CREDITS	28,991	37,010
BLACK BEAR EXPRESS	<u>173,713</u>	<u>153,527</u>
SALARIES & FRINGES	370,142	465,782
SUPPLIES	1,000	1,000
CONTRACTUAL SERVICES	15,776	23,341
INTERFUND CHARGE/TRANSF	43,100	41,000
OUTLAY	1,000	1,000
CREDITS	99,301	126,766
ADA PARATRANSIT	<u>530,319</u>	<u>658,889</u>
EXECUTIVE	<u>6,204,765</u>	<u>6,936,544</u>
SALARIES & FRINGES	584,155	558,292
SUPPLIES	3,500	5,000
CONTRACTUAL SERVICES	39,161	36,453
INTERFUND CHARGE/TRANSF	3,345	2,230
FINANCIAL SERVICES	<u>630,161</u>	<u>601,975</u>
SALARIES & FRINGES	73,860	74,156
SUPPLIES	8,100	8,100
CONTRACTUAL SERVICES	109,222	114,463
UTILITIES	100,250	111,916
INTERFUND CHARGE/TRANSF	6,000	-
MISCELLANEOUS	200	200
CREDITS	(28,090)	(28,090)
CITY HALL	<u>269,542</u>	<u>280,745</u>
SALARIES & FRINGES	97,314	97,153
SUPPLIES	27,850	29,320
CONTRACTUAL SERVICES	18,055	22,205
CREDITS	(95,000)	(95,000)
CENTRAL SERVICES	<u>48,219</u>	<u>53,678</u>

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	524,160	518,005
SUPPLIES	14,300	14,400
CONTRACTUAL SERVICES	301,600	324,750
INTERFUND CHARGE/TRANSF	425	450
INFORMATION SERVICES	<u>840,485</u>	<u>857,605</u>
FINANCE	<u>1,788,407</u>	<u>1,794,003</u>
SALARIES & FRINGES	224,757	239,716
SUPPLIES	3,500	3,500
CONTRACTUAL SERVICES	42,766	42,094
INTERFUND CHARGE/TRANSF	4,000	4,000
PLANNING	<u>275,023</u>	<u>289,310</u>
SALARIES & FRINGES	353,430	331,309
SUPPLIES	2,000	2,500
CONTRACTUAL SERVICES	94,000	100,902
INTERFUND CHARGE/TRANSF	1,000	1,000
ECONOMIC DEVELOPMENT	<u>450,430</u>	<u>435,711</u>
SALARIES & FRINGES	733,592	762,940
SUPPLIES	8,000	7,500
CONTRACTUAL SERVICES	17,350	20,350
INTERFUND CHARGE/TRANSF	30,500	27,000
CODE ENFORCEMENT	<u>789,442</u>	<u>817,790</u>
BUSINESS & ECONOMIC DEVELOPMENT	<u>1,514,895</u>	<u>1,542,811</u>
SALARIES & FRINGES	379,401	411,738
SUPPLIES	975	1,455
CONTRACTUAL SERVICES	17,632	18,462
INTERFUND CHARGE/TRANSF	350	350
ADMINISTRATION	<u>398,358</u>	<u>432,005</u>
SALARIES & FRINGES	118,803	120,626
SUPPLIES	21,200	23,470
CONTRACTUAL SERVICES	48,221	51,721
UTILITIES	122,501	122,656
INTERFUND CHARGE/TRANSF	4,500	4,500
BUILDING OPERATIONS & MAINTENANCE	<u>315,225</u>	<u>322,973</u>
SALARIES & FRINGES	5,810,614	6,235,665

GENERAL FUND

TITLE	2023	2024
SUPPLIES	96,505	105,735
CONTRACTUAL SERVICES	237,665	247,175
UTILITIES	500	500
INTERFUND CHARGE/TRANSF	279,415	250,810
OUTLAY	6,900	6,900
CREDITS	(37,500)	(37,500)
PATROL	6,394,099	6,809,285
SALARIES & FRINGES	90,465	101,634
SUPPLIES	450	450
CONTRACTUAL SERVICES	82,800	86,152
ANIMAL CONTROL	173,715	188,236
SALARIES & FRINGES	1,901,903	1,734,198
SUPPLIES	6,500	6,600
CONTRACTUAL SERVICES	73,977	78,371
UTILITIES	200	200
INTERFUND CHARGE/TRANSF	59,678	59,040
MISCELLANEOUS	2,550	2,550
DETECTIVE/IDENTIFICATION	2,044,808	1,880,959
SALARIES & FRINGES	2,534,079	2,789,606
SUPPLIES	54,950	57,300
CONTRACTUAL SERVICES	172,087	192,232
INTERFUND CHARGE/TRANSF	43,195	38,550
SERVICES	2,804,311	3,077,688
POLICE	12,130,516	12,711,146
SALARIES & FRINGES	428,463	627,367
SUPPLIES	11,000	14,200
CONTRACTUAL SERVICES	124,650	166,950
INTERFUND CHARGE/TRANSF	2,500	2,500
OUTLAY	-	5,000
ADMINISTRATION	566,613	816,017
SUPPLIES	12,500	15,500
CONTRACTUAL SERVICES	54,600	72,000
UTILITIES	130,370	141,076
INTERFUND CHARGE/TRANSF	5,000	10,000
MISCELLANEOUS	500	500
OUTLAY	12,000	22,000
BUILDING MAINTENANCE	214,970	261,076

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	8,964,798	8,574,851
SUPPLIES	200,300	310,500
CONTRACTUAL SERVICES	1,322,455	1,467,375
UTILITIES	500	500
INTERFUND CHARGE/TRANSF	2,300	5,800
MISCELLANEOUS	1,000	1,000
FIRE FIGHTING	10,491,353	10,360,026
SALARIES & FRINGES	82,791	93,091
SUPPLIES	96,000	125,000
CONTRACTUAL SERVICES	50,200	73,000
UTILITIES	50,000	60,000
INTERFUND CHARGE/TRANSF	61,974	68,500
EQUIPMENT OPERATIONS & MAINTENANCE	340,965	419,591
SALARIES & FRINGES	267,258	164,349
SUPPLIES	8,300	13,300
CONTRACTUAL SERVICES	6,700	8,000
INTERFUND CHARGE/TRANSF	2,000	2,000
FIRE PREVENTION	284,258	187,649
FIRE	11,898,159	12,044,359
SALARIES & FRINGES	672,629	686,427
SUPPLIES	9,200	13,400
CONTRACTUAL SERVICES	99,880	114,638
INTERFUND CHARGE/TRANSF	3,900	2,900
OUTLAY	2,500	5,000
ADMINISTRATION	788,109	822,365
SUPPLIES	272,500	272,500
CONTRACTUAL SERVICES	1,393,500	2,124,100
UTILITIES	24,000	22,000
GENERAL ASSISTANCE	1,690,000	2,418,600
SALARIES & FRINGES	352,805	363,304
SUPPLIES	1,800	2,600
CONTRACTUAL SERVICES	20,519	20,760
INTERFUND CHARGE/TRANSF	200	180
OUTLAY	500	500
PUBLIC HEALTH NURSING	375,824	387,344

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	182,648	185,372
SUPPLIES	11,500	11,650
CONTRACTUAL SERVICES	19,125	14,840
INTERFUND CHARGE/TRANSF	250	500
MISCELLANEOUS	200	200
IMMUNIZATION	213,723	212,562
HEALTH & COMMUNITY SERVICES	3,067,656	3,840,871
SALARIES & FRINGES	214,479	203,128
SUPPLIES	2,200	2,200
CONTRACTUAL SERVICES	11,450	12,200
INTERFUND CHARGE/TRANSF	1,200	1,200
ADMINISTRATION	229,329	218,728
SALARIES & FRINGES	286,331	303,167
SUPPLIES	43,150	50,200
CONTRACTUAL SERVICES	133,410	148,660
UTILITIES	35,575	35,845
INTERFUND CHARGE/TRANSF	2,400	2,400
RECREATION GENERAL	500,866	540,272
SALARIES & FRINGES	101,662	111,961
SUPPLIES	12,700	12,700
CONTRACTUAL SERVICES	5,000	5,000
UTILITIES	28,523	33,750
INTERFUND CHARGE/TRANSF	1,000	1,000
SWIMMING POOLS	148,885	164,411
SALARIES & FRINGES	138,576	150,819
SUPPLIES	14,300	11,500
CONTRACTUAL SERVICES	14,500	18,000
SUMMER RECREATION	167,376	180,319
SALARIES & FRINGES	17,634	18,795
SUPPLIES	10,000	10,000
CONTRACTUAL SERVICES	39,620	44,150
UTILITIES	17,495	29,406
INTERFUND CHARGE/TRANSF	40,000	40,000
WATERFRONT	124,749	142,351
SALARIES & FRINGES	602,184	803,619
SUPPLIES	91,350	92,850
CONTRACTUAL SERVICES	141,747	146,517

GENERAL FUND

TITLE	2023	2024
UTILITIES	105,603	106,173
INTERFUND CHARGE/TRANSF	101,849	88,712
OUTLAY	-	7,000
CREDITS	(92,400)	(101,400)
PARKS MAINTENANCE	950,333	1,143,471
SALARIES & FRINGES	193,331	183,755
SUPPLIES	12,500	13,500
CONTRACTUAL SERVICES	15,000	17,800
UTILITIES	73,753	73,753
INTERFUND CHARGE/TRANSF	1,800	1,800
CREDITS	(24,000)	(24,000)
SAWYER ARENA	272,384	266,608
SALARIES & FRINGES	27,096	29,212
SUPPLIES	10,500	10,500
CONTRACTUAL SERVICES	11,500	11,500
UTILITIES	36,808	35,658
INTERFUND CHARGE/TRANSF	1,800	1,800
PARKS & REC CENTER	87,704	88,670
SALARIES & FRINGES	202,921	234,102
SUPPLIES	18,250	18,250
CONTRACTUAL SERVICES	37,900	37,900
KIDS CAVE	259,071	290,252
PARKS & RECREATION	2,740,697	3,035,082
SALARIES & FRINGES	813,691	864,030
SUPPLIES	8,850	8,850
CONTRACTUAL SERVICES	14,945	15,885
INTERFUND CHARGE/TRANSF	8,507	6,950
MISCELLANEOUS	36,300	58,400
OUTLAY	16,500	20,000
ENGINEERING	898,793	974,115
SALARIES & FRINGES	1,183,670	1,276,888
SUPPLIES	978,910	1,005,507
CONTRACTUAL SERVICES	286,016	311,216
UTILITIES	1,235,119	1,104,896
INTERFUND CHARGE/TRANSF	6,700	10,700
MISCELLANEOUS	1,050	1,200
OUTLAY	35,000	49,000

GENERAL FUND

TITLE	2023	2024
CREDITS	(3,408,638)	(3,361,936)
FLEET MAINTENANCE	317,827	397,471
SALARIES & FRINGES	547,925	567,420
SUPPLIES	180,923	171,503
CONTRACTUAL SERVICES	39,605	67,410
UTILITIES	222,627	290,280
INTERFUND CHARGE/TRANSF	108,950	108,109
MISCELLANEOUS	900	500
CREDITS	(36,000)	(39,900)
ELECTRICAL	1,064,930	1,165,322
SALARIES & FRINGES	613,986	675,089
SUPPLIES	10,015	10,015
CONTRACTUAL SERVICES	21,142	24,529
UTILITIES	60,552	61,285
INTERFUND CHARGE/TRANSF	12,179	11,580
CREDITS	(10,000)	(12,000)
ADMINISTRATION	707,874	770,498
SALARIES & FRINGES	371,187	349,359
SUPPLIES	12,119	16,019
CONTRACTUAL SERVICES	51,320	63,649
UTILITIES	500	396
INTERFUND CHARGE/TRANSF	78,374	71,388
MISCELLANEOUS	100	200
FORESTRY	513,600	501,011
SALARIES & FRINGES	3,669,666	3,546,972
SUPPLIES	785,750	954,080
CONTRACTUAL SERVICES	324,289	368,784
INTERFUND CHARGE/TRANSF	1,433,683	1,397,879
MISCELLANEOUS	23,857	24,014
CREDITS	(95,500)	(95,500)
HIGHWAY	6,141,745	6,196,229
SALARIES & FRINGES	139,335	150,025
SUPPLIES	5,218	5,413
CONTRACTUAL SERVICES	80,060	78,430
UTILITIES	1,950	2,850
INTERFUND CHARGE/TRANSF	38,701	35,888
CEMETERIES	265,264	272,606

GENERAL FUND

TITLE	2023	2024
CONTRACTUAL SERVICES	3,114,646	1,871,818
INTERFUND CHARGE/TRANSF	58,000	60,000
SANITATION	<u>3,172,646</u>	<u>1,931,818</u>
PUBLIC SERVICES	<u>13,082,679</u>	<u>12,209,070</u>
CONTRACTUAL SERVICES	1,500	1,500
DEBT SERVICE	3,369,144	3,402,450
DEBT SERVICE	<u>3,370,644</u>	<u>3,403,950</u>
INTERFUND CHARGE/TRANSF	352,223	345,572
MISCELLANEOUS	508,485	621,176
TIFS	<u>860,708</u>	<u>966,748</u>
INTERFUND CHARGE/TRANSF	7,653	-
PICKERING SQ TIF	<u>7,653</u>	<u>-</u>
DEBT SERVICE & TIF	<u>4,239,005</u>	<u>4,370,698</u>
PENSION BONDS	<u>2,738,013</u>	<u>2,830,417</u>
GROUP LIFE	<u>36,900</u>	<u>36,900</u>
SALARIES & FRINGES	60,000	60,000
CREDITS	(35,000)	(38,600)
UNEMPLOYMENT	<u>25,000</u>	<u>21,400</u>
FRINGE BENEFITS	<u>2,799,913</u>	<u>2,888,717</u>
TRANSFER TO CAPITAL	<u>950,599</u>	<u>983,000</u>
COUNTY TAX	<u>4,430,604</u>	<u>4,607,954</u>
LIBRARY	<u>1,772,254</u>	<u>1,914,439</u>
CONTRACTUAL SERVICES	39,025	40,125
MISCELLANEOUS	78,350	78,000
OTHER AGENCIES	<u>117,375</u>	<u>118,125</u>
CONTINGENCY	<u>-</u>	<u>250,000</u>
OTHER APPROPRIATIONS	<u>7,270,832</u>	<u>7,873,518</u>

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	42,647,951	44,961,880
SUPPLIES	8,645,373	9,557,272
DEBT SERVICE	1,780,000	1,980,000
SALARIES & FRINGES - ADULT ED	161,013	190,160
SUPPLIES - ADULT ED	57,010	57,863
EDUCATION	53,291,347	56,747,175
TOTAL EXPENDITURES	121,721,811	127,847,784

AIRPORT

TITLE	2023	2024
ESTIMATED REVENUE		
ADMINISTRATION	4,485,529	412,767
SECURITY/COMPLIANCE	28,900	37,000
AIRFIELD/GROUNDS MAINT	1,050,510	1,470,858
PETROLEUM/OILS/LUBRICAN	7,584,672	8,261,163
FACILITIES MAINTENANCE	3,312,257	6,203,589
ADVERTISING	50,000	50,000
BELOW WING-RAMP SERVICE	2,243,540	2,689,400
ABOVE WING-CUSTOMER SER	30,000	15,000
AIRCRAFT MECHANICS	134,000	154,100
EQUIPMENT MAINTENANCE	29,750	65,315
LEASED PROPERTIES	2,126,400	2,050,153
AIRPORT PARKING	2,025,867	2,640,354
TOTAL	23,101,425	24,049,699
EXPENDITURE BUDGET		
SALARIES & FRINGES	948,902	981,288
SUPPLIES	11,700	11,700
CONTRACTUAL SERVICES	439,861	398,701
INTERFUND CHARGE/TRANSF	445,310	453,126
MISCELLANEOUS	46,419	16,684
OUTLAY	16,500	123,000
ADMINISTRATION	1,908,692	1,984,499
SALARIES & FRINGES	556,401	620,032
SUPPLIES	11,700	15,600
CONTRACTUAL SERVICES	53,356	57,844
INTERFUND CHARGE/TRANSF	1,500	500
MISCELLANEOUS	2,400	2,400
OUTLAY	15,000	148,000
SECURITY/COMPLIANCE	640,357	844,376
SALARIES & FRINGES	552,257	551,403
SUPPLIES	2,900	4,700
CONTRACTUAL SERVICES	29,720	36,452
INTERFUND CHARGE/TRANSF	-	1,000
MISCELLANEOUS	-	500
DISPATCH	584,877	594,055

AIRPORT

TITLE	2023	2024
SALARIES & FRINGES	1,359,683	1,533,629
SUPPLIES	470,857	511,074
CONTRACTUAL SERVICES	144,001	172,399
UTILITIES	374,979	387,558
INTERFUND CHARGE/TRANSF	45,300	51,819
MISCELLANEOUS	1,200	350
OUTLAY	1,240,011	710,000
AIRFIELD/GROUND MAINT	3,636,031	3,366,829
SALARIES & FRINGES	349,327	368,723
SUPPLIES	50,600	54,650
CONTRACTUAL SERVICES	90,240	102,352
UTILITIES	71,847	83,151
INTERFUND CHARGE/TRANSF	500	500
OUTLAY	170,000	120,000
PETROLEUM/OILS/LUBRICANTS	732,514	729,376
SALARIES & FRINGES	625,314	613,010
SUPPLIES	170,925	158,500
CONTRACTUAL SERVICES	917,269	993,057
UTILITIES	616,312	625,461
INTERFUND CHARGE/TRANSF	369,981	394,680
MISCELLANEOUS	3,000	2,000
OUTLAY	596,000	2,389,587
FACILITIES MAINTENANCE	3,298,801	5,176,295
SALARIES & FRINGES	252,257	255,005
SUPPLIES	17,500	17,500
CONTRACTUAL SERVICES	548,312	556,572
INTERFUND CHARGE/TRANSF	2,000	1,000
OUTLAY	30,000	50,000
MARKETING	850,069	880,077
SALARIES & FRINGES	2,241,328	2,404,981
SUPPLIES	35,820	52,820
CONTRACTUAL SERVICES	227,678	148,118
UTILITIES	203,198	224,929
INTERFUND CHARGE/TRANSF	6,000	6,000
OUTLAY	2,067,532	553,000
BELOW WING-RAMP SERVICES	4,781,556	3,389,848
SALARIES & FRINGES	970,331	751,562
SUPPLIES	28,575	35,400

AIRPORT

TITLE	2023	2024
CONTRACTUAL SERVICES	95,265	121,010
INTERFUND CHARGE/TRANSF	1,100	1,100
OUTLAY	110,000	-
ABOVE WING-CUSTOMER SERVICE	1,205,271	909,072
SALARIES & FRINGES	383,183	404,713
SUPPLIES	5,235	5,235
CONTRACTUAL SERVICES	31,889	32,623
UTILITIES	1,500	1,500
INTERFUND CHARGE/TRANSF	200	200
AIRCRAFT MECHANICS	422,007	444,271
SALARIES & FRINGES	649,443	560,755
SUPPLIES	151,950	178,950
CONTRACTUAL SERVICES	63,175	74,280
UTILITIES	31,101	36,659
INTERFUND CHARGE/TRANSF	600	6,600
OUTLAY	45,000	65,000
GSE MAINTENANCE	941,269	922,244
SUPPLIES	17,500	34,500
CONTRACTUAL SERVICES	147,563	280,147
UTILITIES	286,186	352,090
INTERFUND CHARGE/TRANSF	35,500	30,519
MISCELLANEOUS	193,349	183,399
OUTLAY	418,750	555,000
LEASED PROPERTIES	1,098,848	1,435,655
DEBT SERVICE	1,114,604	1,114,067
SALARIES & FRINGES	236,854	237,584
SUPPLIES	7,523	7,889
CONTRACTUAL SERVICES	259,237	273,457
UTILITIES	11,844	13,003
INTERFUND CHARGE/TRANSF	1,100	3,600
OUTLAY	130,000	360,000
AIRPORT PARKING	646,558	895,533
SALARIES & FRINGES	515,381	525,139
SUPPLIES	12,500	11,500
CONTRACTUAL SERVICES	42,215	62,979
UTILITIES	12,018	12,500
INTERFUND CHARGE/TRANSF	700	200

AIRPORT

TITLE	2023	2024
OUTLAY	-	75,000
OPERATIONS/DUTY OFFICERS	582,814	687,318
SALARIES & FRINGES	80,136	69,521
SUPPLIES	28,850	34,425
CONTRACTUAL SERVICES	157,599	153,098
UTILITIES	872	1,440
MISCELLANEOUS	4,700	2,700
OUTLAY	385,000	415,000
SAFETY/ENVIRONMENTAL	657,157	676,184
NON OPERATING	6,734,420	7,263,670
TOTAL	29,835,845	31,313,369

WASTEWATER TREATMENT PLANT

TITLE	2023	2024
ESTIMATED REVENUE		
INTEREST INCOME	20,000	20,000
SALE OF SALVAGE	2,500	2,500
DOMESTIC USERS	9,243,717	10,060,136
ABATEMENTS	(70,000)	-
CONTRACTED SERVICES	191,171	147,063
SEWER SURCHARGES	174,600	116,800
OTHER TOWNS/CITIES	151,000	179,550
INTEREST ON ACCT REC	80,000	60,000
REIMBURSED EXPENSES	25,134	-
STREET OPENING PERMITS	6,500	-
CONNECTION FEES	-	10,000
STORMWATER	50,000	-
SALE OF SALVAGE	3,000	3,000
CONTRACTED SERVICES	8,400	-
UNASSIGNED FUND BALANCE	-	941,250
TOTAL	9,886,022	11,540,299
EXPENDITURE BUDGET		
SALARIES & FRINGES	432,599	442,216
SUPPLIES	6,400	4,879
CONTRACTUAL SERVICES	92,298	82,825
INTERFUND CHARGE/TRANSF	180,910	184,508
MISCELLANEOUS	49,180	33,680
OUTLAY	75,000	1,500
ADMINISTRATION	836,387	749,608
SALARIES & FRINGES	1,140,221	1,181,043
SUPPLIES	449,239	535,855
CONTRACTUAL SERVICES	229,171	245,452
UTILITIES	916,690	891,215
INTERFUND CHARGE/TRANSF	17,200	17,002
MISCELLANEOUS	15,245	16,160
OUTLAY	321,000	551,000
STATION & PLANT OPERATION	3,088,766	3,437,727
SALARIES & FRINGES	1,050,528	859,072
SUPPLIES	216,050	174,736
CONTRACTUAL SERVICES	225,750	319,524

WASTEWATER TREATMENT PLANT

TITLE	2023	2024
UTILITIES	7,350	6,350
INTERFUND CHARGE/TRANSF	859,980	1,304,980
OUTLAY	-	697,000
LINE OPERATION & MAINTENANCE	<u>2,359,658</u>	<u>3,361,662</u>
COMPOSTING	<u>712,530</u>	<u>752,280</u>
DEBT SERVICE	<u>2,956,527</u>	<u>2,962,691</u>
SALARIES & FRINGES	74,464	77,146
SUPPLIES	2,600	-
CONTRACTUAL SERVICES	7,500	-
INDUSTRIAL PRETREAT PROGRAM	<u>84,564</u>	<u>77,146</u>
NON OPERATING	<u>1,142,552</u>	<u>1,217,388</u>
TOTAL	<u>11,180,984</u>	<u>12,558,502</u>

STORMWATER

TITLE	2023	2024
ESTIMATED REVENUE		
STORMWATER UTILITY FEE	1,272,000	1,272,000
INTEREST INCOME	35,000	35,000
INTEREST ON ACCT REC	40,000	40,000
TOTAL	1,347,000	1,347,000
EXPENDITURE BUDGET		
SALARIES & FRINGES	98,491	104,946
SUPPLIES	3,850	6,850
CONTRACTUAL SERVICES	87,419	102,419
UTILITIES	100	100
INTERFUND CHARGE/TRANSF	3,350	3,350
MISCELLANEOUS	29,850	29,850
ADMINISTRATION	223,060	247,515
SUPPLIES	1,350	1,350
CONTRACTUAL SERVICES	38,500	48,500
INTERFUND CHARGE/TRANSF	217,000	217,000
MISCELLANEOUS	3,000	3,000
OPERATIONS & MAINT	259,850	269,850
SUPPLIES	500	500
CONTRACTUAL SERVICES	50,000	50,000
OUTLAY	10,000	10,000
MONITOR & DATA ANALYSIS	60,500	60,500
SALARIES & FRINGES	119,817	125,626
SUPPLIES	-	10,000
CONTRACTUAL SERVICES	32,000	32,000
INTERFUND CHARGE/TRANSF	26,500	26,500
OUTLAY	525,000	660,000
IMPROVEMENTS	703,317	854,126
DEBT SERVICE	77,840	77,840
NON OPERATING	16,493	16,493
TOTAL	1,341,060	1,526,324

BASS PARK

TITLE	2023	2024
ESTIMATED REVENUE		
ADVERTISING	148,500	268,125
OFF STREET PARKING	68,274	99,704
TICKET REVENUE	63,381	134,873
DIRECT EVENT	824,992	569,225
ADVERTISING	500,200	540,625
AUDIO/VISUAL	37,059	42,637
CLUB SEAT	18,150	10,313
FACILITY FEE	179,928	229,835
CONVENIENCE FEE	138,112	327,210
FOOD & BEVERAGE	300,195	532,978
NOVELTY	28,459	36,339
CONCESSIONS	610,597	703,289
MISCELLANEOUS	16,500	36,250
RENTAL	125,000	161,655
DOWNTOWN TIF	1,500,000	1,500,000
ADVERTISING	184,000	184,000
ARENA FUND	1,107,686	1,044,146
TOTAL	5,851,033	6,421,204
EXPENDITURE BUDGET		
SALARIES & FRINGES	1,660,216	2,023,572
SUPPLIES	76,170	146,525
CONTRACTUAL SERVICES	671,589	797,370
UTILITIES	480,998	512,900
MISCELLANEOUS	6,843	7,395
CROSS INSURANCE CENTER	2,895,816	3,487,762
OWNER COSTS	97,000	76,503
DEBT SERVICE	2,858,217	2,856,939
NON OPERATING	2,952,508	2,943,965
TOTAL	8,803,541	9,365,169

PARKING

TITLE	2023	2024
ESTIMATED REVENUE		
OFF STREET PARKING	304,266	355,779
LEASED SPACES	53,220	53,220
ABBOTT SQ PERMITS	143,879	177,569
ABBOTT SQ FEES	25,000	25,000
GARAGE PERMITS	250,875	322,908
GARAGE FEES	50,000	50,000
TICKETS	57,936	34,856
INTEREST INCOME	7,500	-
TOTAL	892,676	1,019,332
EXPENDITURE BUDGET		
SALARIES & FRINGES	261,201	285,685
SUPPLIES	7,923	7,674
CONTRACTUAL SERVICES	241,821	233,631
UTILITIES	36,680	37,478
INTERFUND CHARGE/TRANSF	68,000	68,000
DEBT SERVICE	19,651	20,241
OUTLAY	257,400	363,695
PARKING	892,676	1,016,404
NON OPERATING	249,041	177,703
TOTAL	1,141,717	1,194,107

GOLF COURSE

TITLE	2023	2024
ESTIMATED REVENUE		
UNASSIGNED FUND BALANCE	-	40,642
CONCESSIONS	28,500	28,500
RESIDENT MEMBERSHIP	130,000	138,000
NONRESID MEMBERSHIP	95,000	105,000
GREENS FEES	323,000	340,000
GOLF CART FEES	225,000	235,000
INTEREST INCOME	8,000	8,000
TOTAL	<u>809,500</u>	<u>895,142</u>
EXPENDITURE BUDGET		
SALARIES & FRINGES	425,667	473,578
SUPPLIES	75,700	81,450
CONTRACTUAL SERVICES	58,000	57,900
UTILITIES	87,635	94,710
INTERFUND CHARGE/TRANSF	70,125	71,752
DEBT SERVICE	41,886	41,172
OUTLAY	59,080	74,580
GOLF COURSE	<u>818,093</u>	<u>895,142</u>
NON OPERATING	<u>53,124</u>	<u>72,401</u>
TOTAL	<u>871,217</u>	<u>967,543</u>

ECONOMIC DEVELOPMENT

TITLE	2023	2024
ESTIMATED REVENUE		
UNASSIGNED FUND BALANCE	104,476	-
RENTAL	396,801	399,330
MISCELLANEOUS	9,900	9,900
INTEREST INCOME	13,500	14,000
NOTE REPAYMENTS	75,730	-
TOTAL	600,407	423,230
EXPENDITURE BUDGET		
CONTRACTUAL SERVICES	82,422	102,029
UTILITIES	22,894	30,843
MISCELLANEOUS	8,735	10,847
DEBT SERVICE	351,531	196,194
OUTLAY	134,825	36,575
ECONOMIC DEVELOPMENT	600,407	376,488
NON OPERATING	157,012	152,905
TOTAL	757,419	529,393



CITY COUNCIL ACTION

06/12/2023 23-190

Council Meeting Date: 06/12/2023

Item No: 23-190

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Appropriation for Municipal Year 2024

Summary

The appropriation resolve for Municipal Year 2024 is presented at this meeting for First Reading. This Resolve is based on the City Manager's recommended budget as presented to the City Council on April 10, 2023. A number of changes and adjustments may be made prior to final adoption and any and all changes will be incorporated into an Amended FY 2024 Budget Resolve, which is scheduled to be included in the Council Agenda for June 26, 2023.

Committee Action

Committee: Council Workshop
Action:

Meeting Date:
For: Against:

Staff Comments & Approvals

This item will need to be amended by substitution on June 26, 2023 to reflect any changes adopted by the City Council since the initial budget submission.

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



Date: 06/12/2023

Item No: 23-190

Assigned to Councilor: Hawes

Appropriation for Municipal Year 2024

Be it Resolved by the City Council of the City of Bangor that,

THAT the sum of one hundred twenty-three million, eight hundred twenty-five thousand, four hundred thirty-three dollars (\$123,825,433) is hereby appropriated in the General Fund for the Municipal Year 2024 in accordance with the schedule of appropriations attached hereto; and

BE IT FURTHER RESOLVED THAT in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of sixty-six million, two hundred forty-nine thousand, one hundred fifty-five dollars (\$66,249,155) be raised by assessment upon the estates of the inhabitants of the City of Bangor and upon the estates of non-resident proprietors within said City for the present Municipal Year; and

BE IT FURTHER RESOLVED THAT the list of tax assessment upon the estates in Bangor for all City taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax, in the amount of four million, six hundred seven thousand, nine hundred fifty-four dollars (\$4,607,954) for the period of July 1, 2023 through June 30, 2024, shall be committed by the Assessor to the Tax Collector and one-half of said taxes shall be due and payable on the 15th day of September, 2023 with the remaining one-half of said taxes due and payable on the 15th day of March, 2024; and

BE IT FURTHER RESOLVED THAT interest at the maximum State approved rate of 8% per annum for 2023 shall be collected on the first half of said taxes from September 16, 2023, if not voluntarily paid to the Finance Director on or before September 15, 2023; and

BE IT FURTHER RESOLVED THAT interest at the maximum State approved rate of 8% per annum for 2023 shall be collected on the second half of said taxes from March 16, 2024, if not voluntarily paid to the Finance Director on or before March 15, 2024; and

BE IT FURTHER RESOLVED THAT in each case, said interest shall be added to and become a part of said taxes; and

BE IT FURTHER RESOLVED THAT interest at the maximum State approved rate of 8% per annum for 2023 shall be collected on any sewer/stormwater charges billed July 1, 2023 to June 30, 2024, if not voluntarily paid to the Finance Director on or before the due date for each respective billing; and

BE IT FURTHER RESOLVED THAT in the event a taxpayer/owner pays an amount in excess of that finally assessed or billed, the overpayment shall be repaid to the taxpayer/owner with interest from the date of the payment to the date of the refund at an interest rate of 4.00%; provided that, however, the Tax Collector is authorized to apply any overpayment as prepayment of taxes or sewer/stormwater charges not yet committed or billed with an interest rate of 0.00% on the prepayment; and

BE IT FURTHER RESOLVED THAT the Tax Collector shall apply all tax payments to the oldest balance due on that account and all sewer/stormwater payments to the oldest stormwater balance due on that account first and then to the oldest sewer balance due on that account regardless of any instructions the taxpayer/owner may give. If, however, a tax, sewer or stormwater lien has matured, the Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Committee of the Council to accept payment or the taxpayer or owner signs a partial payment waiver form. If a taxpayer/owner has more than one tax account, any payment shall be applied to the oldest balance due unless the taxpayer/owner specifies the account against which the payment is to be applied; and

BE IT FURTHER RESOLVED THAT the Appropriation for Municipal Year 2024 for the following Enterprise Funds is hereby authorized and approved by the Bangor City Council in accordance with the schedule of appropriations and revenues attached hereto: the Airport Fund, the Sewer Fund, the Storm Water Utility Fund, the Bass Park Fund, the Parking Fund, the Golf Course, and the Economic Development Fund; and

BE IT FURTHER RESOLVED THAT the Council hereby formally appropriates any cash contributions received during this budget year to the appropriate Department and purpose for which such contribution has been made and, where such contribution is equal to or less than \$10,000, such appropriation will become effective upon formal Council action to accept such contribution; and

BE IT FURTHER RESOLVED THAT the Council hereby authorizes the City Manager to implement a four percent (4.00%) general pay adjustment to the City Pay Plan for eligible non-unionized employees effective for the first pay date of July 6, 2023; and

BE IT FURTHER RESOLVED THAT the Council hereby formally appropriates any grants from the State of Maine or the Government of the United States of America received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

BE IT FURTHER RESOLVED THAT the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate Department for the purpose of repairing or replacing the damaged property, said appropriation to become effective upon receipt of funds; and

BE IT FURTHER RESOLVED THAT \$25,000 of unexpended funds remaining within the Planning Department FY 2023 budget are hereby carried forward to FY 2024 to fund Historic Survey Phase III in FY 2024.

**Estimated General Fund
Municipal Property Tax Rate Calculation
2023 and 2024**

	Adopted FY 23	Proposed FY 24	\$ Change	% Change
City Expenses				
Operating Expenses	56,024,939	58,762,715	2,737,776	4.9%
Capital Expenses	1,035,999	1,148,850	112,851	10.9%
Debt Service/TIF	3,993,909	4,132,650	138,741	3.5%
Pension Obligation Debt Service	2,738,013	2,830,417	92,404	3.4%
Voter Approved Debt Service	207,000	203,626	(3,374)	-1.6%
Total City Expenses	63,999,860	67,078,258	3,078,398	4.8%
School Expenses				
Operating Expenses	51,511,347	54,767,175	3,255,828	6.3%
Debt Service	1,780,000	1,980,000	200,000	11.2%
Total School Expenses	53,291,347	56,747,175	3,455,828	6.5%
Total Expenses	117,291,207	123,825,433	6,534,226	5.6%
Less: Non- Tax Revenues				
City	35,882,902	37,093,351	1,210,449	3.4%
School	27,484,603	29,294,193	1,809,590	6.6%
Total Non-Tax Revenues	63,367,505	66,387,544	3,020,039	4.8%
Proposed Tax Levy				
City	28,116,958	29,984,907	1,867,949	6.6%
School	25,806,744	27,452,982	1,646,238	6.4%
County	4,430,604	4,607,954	177,350	4.0%
Overlay	400,000	400,000	-	0.0%
Total Tax Levy	58,754,306	62,445,843	3,691,537	6.3%
Total Assessed Value	3,358,952,500	3,617,415,000	258,462,500	7.7%
Less Downtown DD	183,466,100	190,642,200	7,176,100	3.9%
Less Homestead	131,726,600	131,726,600	-	0.0%
Less BETE Exempt	164,231,600	164,231,600	-	0.0%
Net Available Taxable Assessed Value	2,879,528,200	3,130,814,600	251,286,400	8.7%
Proposed Tax Rate				
City (Including Overlay)	9.90	9.71	(0.19)	-1.9%
School	8.96	8.77	(0.19)	-2.2%
County	1.54	1.47	(0.07)	-4.3%
Total	20.40	19.95	(0.45)	-2.2%

EXPENDITURE SUMMARY

	FY 23	FY 24
City		
Operating	56,024,939	58,762,715
Capital	1,035,999	1,148,850
Debt Service/TIF	3,993,909	4,132,650
Pension Obligation Debt	2,738,013	2,830,417
Voter Approved Debt Service	207,000	203,626
	<u>63,999,860</u>	<u>67,078,258</u>
Subtotal		
School		
Operating	51,511,347	54,767,175
Debt Service	1,780,000	1,980,000
	<u>53,291,347</u>	<u>56,747,175</u>
Subtotal		
Enterprise Funds		
Airport	23,101,425	24,041,390
Sewer	10,038,432	11,659,668
Stormwater	1,324,567	1,508,183
Bass Park	5,851,033	6,421,204
Parking	892,676	1,016,404
Golf Course	818,093	884,554
Economic Development	600,407	376,488
	<u>42,626,633</u>	<u>45,907,891</u>
Subtotal		
County	<u>4,430,604</u>	<u>4,607,954</u>
Total	<u>164,348,444</u>	<u>174,341,278</u>

LD 1 Limit Calculation - FY 2024

2022-2023 Base Municipal Commitment

2022-2023 Tax for Commitment	27,654,408
2022-2023 County Tax	4,430,604
2022-2023 TIF Financing Plan Amount	462,550
2022-2023 School Appropriations	25,806,744
2022-2023 Overlay	400,000
	<u>58,754,306</u>

<u>FY2022-23 Base Municipal Commitment</u>	<u>27,654,408</u>
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Calculate Growth Limitation Factor

Total Taxable Value First Assessed on 4/1/2022	21,145,300
Total Taxable Valuation (less Homestead/BETE Exemption)	3,062,193,100
Property Growth Factor	0.0069
Average Real Personal Income Growth	0.0431

<u>Growth Limitation Factor</u>	<u>1.0500</u>
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Calculate Net New State Funds

FY2021-22 Municipal Revenue Sharing	8,073,245
Multiply by Growth Limitation Factor	8,476,950
FY2022-23 Estimated Municipal Revenue Sharing	9,000,000
Enter Any Necessary Adjustments due to Last Year's Net New Fund Calc	N/A
(If Revenue Sharing allocation were 5% per statute, there are no new state funds)	
<u>Net New State Funds</u>	<u>-</u>

Calculate Base Municipal Commitment Limit

<u>FY2022-23 Base Limit x Growth Limitation Factor</u>	<u>(a)</u>	<u>37,726,876</u>
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Levy Limit Proof

Base Municipal Commitment	(b)	29,984,907
2022-2023 TIF Financing Plan Amount (included in base)		519,053

		<u>30,503,960</u>
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<u>Over/(Under) Levy Limit</u>	<u>(b) - (a)</u>	<u>(7,222,916)</u>
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GENERAL FUND

TITLE	2023	2024
ESTIMATED REVENUE		
REAL PROPERTY TAXES	59,026,578	62,267,165
PERSONAL PROPERTY TAXES	3,470,436	3,981,990
OVERLAY	(400,000)	(400,000)
DOWNTOWN DD TIF	(3,742,708)	(3,803,312)
PROPERTY TAXES	58,354,306	62,045,843
PAYMENT IN LIEU OF TAXES	307,617	332,590
PENALTIES & INT ON TAXES	200,000	200,000
AUTO EXCISE TAX	6,700,000	6,850,000
BOAT EXCISE TAX	15,000	15,000
AIRPLANE EXCISE TAX	1,000	1,000
OTHER TAXES & PENALTIES	7,223,617	7,398,590
VICTUALERS	73,000	73,000
LIQUOR LICENSES	10,000	10,000
INNKEEPERS	14,500	14,500
MOBILE HOME LICENSES	1,900	1,500
SECOND HAND DEALERS	4,000	4,000
DEALERS OLD GOLD & SILVER	600	600
TAXI DRIVERS	8,000	8,000
TAXI CABS	6,500	5,000
EXPLOSIVES & FLAMMABLE MATERIALS	7,000	7,000
BOWLING	375	400
THEATRE	1,050	2,000
AMUSEMENT - DEVICES & PERMITS	7,000	8,000
DANCING	1,100	800
MARIJUANA	3,600	3,600
MARRIAGE LICENSE	9,000	9,000
BUILDING PERMITS	390,000	331,000
PLUMBING PERMITS	17,000	17,000
ELECTRICAL PERMITS	82,000	98,000
OIL BURNER PERMITS	9,600	6,000
MISCELLANEOUS PERMITS	32,000	20,000
MISCELLANEOUS LICENSES	25,000	25,000
STREET OPENING PERMITS	10,500	10,500
LICENSES & PERMITS	713,725	654,900

GENERAL FUND

TITLE	2023	2024
DOG IMPOUND FEES	4,500	4,500
ORDINANCE FINES	500	500
FALSE ALARM FEES	15,000	15,000
MISCELLANEOUS	2,000	2,000
FINES,FORFEITS & PENALTIES	22,000	22,000
RENTS	317,000	385,500
FRANCHISE FEES	350,000	350,000
CONCESSIONS	500	-
TOWING CONTRACT	22,300	23,890
INTEREST ON INVESTMENT	400,000	400,000
NSF FEES	500	500
USE OF MONEY & PROPERTY	1,090,300	1,159,890
OPERATING INDIRECT	1,720,788	1,910,000
PREVENT MAIN INDIRECT	500,000	400,000
OPERATING DIRECT	101,109	101,109
HEALTH NURSING SUBSIDY	141,300	178,588
REVENUE SHARING	8,525,000	9,875,000
SNOWMOBILE REGISTRATION	3,000	3,000
GENERAL ASSISTANCE	1,183,000	1,693,020
HOMESTEAD EXEMPTION	1,961,600	1,923,500
BETE EXEMPT REIMBURSEMENT	2,039,200	2,002,200
FEMA REIMBURSEMENTS	-	273,021
OTHER STATE	26,200	43,000
INTERGOVERNMENTAL	24,291,603	26,063,193
HAMPDEN	162,286	170,425
BREWER	317,686	386,878
VOOT	520,308	552,696
INTERGOVERNMENTAL	41,493,080	45,575,630
RECORDING DOCUMENTS	1,200	1,200
VITAL STATISTICS	105,000	105,000
NOTARY & DEDIMUS	5,000	6,000
COPYING	12,000	12,000
SAFETY	1,000	1,000
SALE OF LOTS	3,900	3,900

GENERAL FUND

TITLE	2023	2024
BURIALS	12,350	12,350
AMBULANCE	2,000,000	2,000,000
FARES	465,000	475,000
ADVERTISING	72,500	90,000
DOG LICENSE FEES	9,000	9,000
HUNT & FISH LICENSE FEES	1,000	800
QUITCLAIM FEES	2,500	2,500
IFW AGENT FEES	1,700	1,700
AUTO REGISTRATION FEES	68,000	70,000
FINGERPRINTING FEES	700	-
WITNESS FEES	6,500	6,500
ZONING LETTER FEES	2,000	4,000
CLINIC FEES	65,000	65,000
INSPECTION FEES	500	500
LICENSING FEES COMMERCIAL	1,140	1,140
SOLID WASTE DISPOSAL FEE	1,468,990	258,195
MAINTENANCE FEES	10,050	10,251
REIMBURSEMENTS	326,527	128,291
PROCESSING FEES	40,000	40,000
CITY WIDE OVERHEAD	82,000	82,000
REFUNDS	72,500	72,500
CHARGES FOR SERVICES - SOFTBALL	34,000	34,000
CHARGES FOR SERVICES - CANOE RACE	27,000	27,000
CHARGES FOR SERVICES - FATHER/DAUGHTER DANCE	12,800	14,000
CHARGES FOR SERVICES - SOCCER	14,000	15,000
DAILY ADMISSIONS	32,000	40,000
SEASON PASSES	2,400	2,400
SWIM LESSONS	7,400	5,400
HOURLY RENTALS	1,200	1,200
KIDS CAVE	355,000	355,000
CHARGES FOR SERVICES	2,068,000	2,121,000
CHARGES FOR SERVICES - BANGOR HOUSING AUTHORITY	50,086	50,086
CHARGES FOR SERVICES - MDEA	253,200	253,200
MISCELLANEOUS	165,950	173,850
OUTSIDE ASSIGNMENTS	353,318	336,448
SERVICES DOWNTOWN DEVELOPMENT	10,000	-
WARRANTY PAYMENTS	2,500	2,500
SERVICE CHARGES - AIRPORT	426,936	449,626

GENERAL FUND

TITLE	2023	2024
SERVICE CHARGES - SEWER	168,611	183,508
SERVICE CHARGES - GOLF	30,450	32,627
SWEEPING CHARGES - SEWER	35,647	35,647
SWEEPING CHARGES - STORMWATER	72,375	72,375
COMMUNITY DEVELOPMENT BLOCK GRANT GRANTS	53,314	52,549
CAPITAL IMPROVEMENT FUND	276,100	308,945
AIRPORT	718,700	707,614
SEWER	609,608	652,206
STORMWATER UTILITY	284,618	289,411
BASS PARK	30,440	28,280
PARKING	76,000	75,000
GOLF COURSE	39,268	37,212
ECONOMIC DEVELOPMENT FUND	45,414	44,636
	1,487	1,487
CHARGES FOR SERVICES	11,093,879	9,861,034
TRANSFER FROM UNDESIGNATED FUND BALANCE	107,000	-
TRANSFER FROM PERPETUAL CARE FEES	20,000	-
TRANSFER FROM ADOPT A PARK	7,000	7,000
TRANSFER FROM LOCAL SEIZURES	32,500	-
OPERATING TRANSFERS	166,500	7,000
TRANSFER FROM BUS FUND BALANCE	81,930	-
TRANSFER FROM ASSIGNED FUND BALANCE	1,398,974	1,600,000
DESIGNATED FUND BALANCE	1,480,904	1,600,000
CONTRIBUTIONS	2,500	2,500
INSURANCE SETTLEMENTS	50,000	65,000
SALE OF ASSETS	25,000	35,000
SALE OF SALVAGE	6,000	6,000
OTHER	83,500	108,500
TOTAL ESTIMATED REVENUE	121,721,811	128,433,387

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	20,101	20,101
SUPPLIES	4,150	4,150
CONTRACTUAL SERVICES	7,360	7,860
INTERFUND CHARGE/TRANSF	2,900	2,550
CITY COUNCIL	34,511	34,661
SALARIES & FRINGES	360,675	413,046
SUPPLIES	2,610	2,605
CONTRACTUAL SERVICES	45,520	35,595
INTERFUND CHARGE/TRANSF	4,000	3,500
OUTLAY	200	450
CITY CLERK	413,005	455,196
SALARIES & FRINGES	40,811	77,413
SUPPLIES	2,100	2,450
CONTRACTUAL SERVICES	26,850	27,650
INTERFUND CHARGE/TRANSF	15,500	27,300
OUTLAY	2,300	-
ELECTIONS	87,561	134,813
SALARIES & FRINGES	261,357	260,278
SUPPLIES	7,500	15,900
CONTRACTUAL SERVICES	120,984	125,287
INTERFUND CHARGE/TRANSF	8,000	8,000
MISCELLANEOUS	20,000	20,000
CREDITS	(15,000)	(15,000)
TREASURY	402,841	414,465
SALARIES & FRINGES	386,580	394,996
SUPPLIES	3,947	3,807
CONTRACTUAL SERVICES	55,381	25,672
INTERFUND CHARGE/TRANSF	2,700	2,980
ASSESSING	448,608	427,455
SALARIES & FRINGES	283,564	332,758
SUPPLIES	7,500	2,500
CONTRACTUAL SERVICES	13,850	13,700
INTERFUND CHARGE/TRANSF	1,000	750

GENERAL FUND

TITLE	2023	2024
MISCELLANEOUS	500	1,000
LEGAL	306,414	350,708
GOVERNANCE	1,692,940	1,817,298
SALARIES & FRINGES	419,806	562,480
SUPPLIES	2,000	2,450
CONTRACTUAL SERVICES	18,252	21,052
INTERFUND CHARGE/TRANSF	1,200	500
CITY MANAGER	441,258	586,482
SALARIES & FRINGES	306,028	320,231
SUPPLIES	52,250	62,750
CONTRACTUAL SERVICES	595,725	591,700
INTERFUND CHARGE/TRANSF	500	500
MISCELLANEOUS	70,400	30,000
OUTLAY	-	2,000
CREDITS	(875,753)	(842,509)
WORKER'S COMPENSATION	149,150	164,672
INSURANCE	208,850	224,927
SALARIES & FRINGES	261,047	259,882
SUPPLIES	2,050	3,950
CONTRACTUAL SERVICES	16,479	23,642
INTERFUND CHARGE/TRANSF	3,250	3,650
OUTLAY	1,500	500
HUMAN RESOURCES	284,326	291,624
SALARIES & FRINGES	2,763,485	2,991,828
SUPPLIES	40,700	47,200
CONTRACTUAL SERVICES	205,821	317,546
UTILITIES	29,000	39,500
INTERFUND CHARGE/TRANSF	1,430,638	1,504,025
MISCELLANEOUS	200	500
DEBT SERVICE	68,597	70,656
OUTLAY	7,000	6,500
CREDITS	(128,292)	(163,776)

GENERAL FUND

TITLE	2023	2024
COMMUNITY CONNECTOR	4,417,149	4,813,979
SALARIES & FRINGES	103,767	75,792
CONTRACTUAL SERVICES	5,696	8,385
INTERFUND CHARGE/TRANSF	32,400	28,500
DEBT SERVICE	2,859	2,944
CREDITS	28,991	37,010
BLACK BEAR EXPRESS	173,713	152,631
SALARIES & FRINGES	370,142	456,987
SUPPLIES	1,000	1,000
CONTRACTUAL SERVICES	15,776	23,341
INTERFUND CHARGE/TRANSF	43,100	41,000
OUTLAY	1,000	1,000
CREDITS	99,301	126,766
ADA PARATRANSIT	530,319	650,094
EXECUTIVE	6,204,765	6,884,409
SALARIES & FRINGES	584,155	586,322
SUPPLIES	3,500	5,000
CONTRACTUAL SERVICES	39,161	36,453
INTERFUND CHARGE/TRANSF	3,345	2,230
FINANCIAL SERVICES	630,161	630,005
SALARIES & FRINGES	73,860	73,612
SUPPLIES	8,100	8,100
CONTRACTUAL SERVICES	109,222	114,463
UTILITIES	100,250	111,916
INTERFUND CHARGE/TRANSF	6,000	-
MISCELLANEOUS	200	200
CREDITS	(28,090)	(28,090)
CITY HALL	269,542	280,201
SALARIES & FRINGES	97,314	95,826
SUPPLIES	27,850	29,320
CONTRACTUAL SERVICES	18,055	22,205
CREDITS	(95,000)	(95,000)
CENTRAL SERVICES	48,219	52,351
SALARIES & FRINGES	524,160	514,496

GENERAL FUND

TITLE	2023	2024
SUPPLIES	14,300	14,400
CONTRACTUAL SERVICES	301,600	324,750
INTERFUND CHARGE/TRANSF	425	450
INFORMATION SERVICES	840,485	854,096
FINANCE	1,788,407	1,816,653
SALARIES & FRINGES	224,757	242,280
SUPPLIES	3,500	3,500
CONTRACTUAL SERVICES	42,766	42,094
INTERFUND CHARGE/TRANSF	4,000	4,000
PLANNING	275,023	291,874
SALARIES & FRINGES	353,430	397,068
SUPPLIES	2,000	2,500
CONTRACTUAL SERVICES	94,000	100,902
INTERFUND CHARGE/TRANSF	1,000	1,000
ECONOMIC DEVELOPMENT	450,430	501,470
SALARIES & FRINGES	733,592	754,308
SUPPLIES	8,000	7,500
CONTRACTUAL SERVICES	17,350	20,350
INTERFUND CHARGE/TRANSF	30,500	27,000
CODE ENFORCEMENT	789,442	809,158
BUSINESS & ECONOMIC DEVELOPMENT	1,514,895	1,602,502
SALARIES & FRINGES	379,401	409,857
SUPPLIES	975	1,455
CONTRACTUAL SERVICES	17,632	18,462
INTERFUND CHARGE/TRANSF	350	350
ADMINISTRATION	398,358	430,124
SALARIES & FRINGES	118,803	119,300
SUPPLIES	21,200	23,470
CONTRACTUAL SERVICES	48,221	51,721
UTILITIES	122,501	122,656
INTERFUND CHARGE/TRANSF	4,500	4,500
BUILDING OPERATIONS & MAINTENANCE	315,225	321,647
SALARIES & FRINGES	5,810,614	6,628,218
SUPPLIES	96,505	105,735
CONTRACTUAL SERVICES	237,665	247,175

GENERAL FUND

TITLE	2023	2024
UTILITIES	500	500
INTERFUND CHARGE/TRANSF	279,415	250,810
OUTLAY	6,900	16,900
CREDITS	(37,500)	(37,500)
PATROL	6,394,099	7,211,838
SALARIES & FRINGES	90,465	100,308
SUPPLIES	450	450
CONTRACTUAL SERVICES	82,800	86,152
ANIMAL CONTROL	173,715	186,910
SALARIES & FRINGES	1,901,903	1,722,159
SUPPLIES	6,500	6,600
CONTRACTUAL SERVICES	73,977	78,371
UTILITIES	200	200
INTERFUND CHARGE/TRANSF	59,678	59,040
MISCELLANEOUS	2,550	2,550
DETECTIVE/IDENTIFICATION	2,044,808	1,868,920
SALARIES & FRINGES	2,534,079	2,775,794
SUPPLIES	54,950	57,300
CONTRACTUAL SERVICES	172,087	192,232
INTERFUND CHARGE/TRANSF	43,195	38,550
SERVICES	2,804,311	3,063,876
POLICE	12,130,516	13,083,315
SALARIES & FRINGES	428,463	641,932
SUPPLIES	11,000	14,200
CONTRACTUAL SERVICES	124,650	166,950
INTERFUND CHARGE/TRANSF	2,500	2,500
OUTLAY	-	5,000
ADMINISTRATION	566,613	830,582
SUPPLIES	12,500	15,500
CONTRACTUAL SERVICES	54,600	72,000
UTILITIES	130,370	141,076
INTERFUND CHARGE/TRANSF	5,000	10,000
MISCELLANEOUS	500	500
OUTLAY	12,000	22,000
BUILDING MAINTENANCE	214,970	261,076
SALARIES & FRINGES	8,964,798	8,672,820

GENERAL FUND

TITLE	2023	2024
SUPPLIES	200,300	310,500
CONTRACTUAL SERVICES	1,322,455	1,467,375
UTILITIES	500	500
INTERFUND CHARGE/TRANSF	2,300	5,800
MISCELLANEOUS	1,000	1,000
FIRE FIGHTING	10,491,353	10,457,995
SALARIES & FRINGES	82,791	92,545
SUPPLIES	96,000	125,000
CONTRACTUAL SERVICES	50,200	73,000
UTILITIES	50,000	60,000
INTERFUND CHARGE/TRANSF	61,974	68,500
EQUIPMENT OPERATIONS & MAINTENANCE	340,965	419,045
SALARIES & FRINGES	267,258	163,261
SUPPLIES	8,300	13,300
CONTRACTUAL SERVICES	6,700	8,000
INTERFUND CHARGE/TRANSF	2,000	2,000
FIRE PREVENTION	284,258	186,561
FIRE	11,898,159	12,155,259
SALARIES & FRINGES	672,629	686,437
SUPPLIES	9,200	13,400
CONTRACTUAL SERVICES	99,880	114,638
INTERFUND CHARGE/TRANSF	3,900	2,900
OUTLAY	2,500	5,000
ADMINISTRATION	788,109	822,375
SUPPLIES	272,500	272,500
CONTRACTUAL SERVICES	1,393,500	2,124,100
UTILITIES	24,000	22,000
GENERAL ASSISTANCE	1,690,000	2,418,600
SALARIES & FRINGES	352,805	362,800
SUPPLIES	1,800	2,600
CONTRACTUAL SERVICES	20,519	20,760
INTERFUND CHARGE/TRANSF	200	180
OUTLAY	500	500
PUBLIC HEALTH NURSING	375,824	386,840
SALARIES & FRINGES	182,648	206,235
SUPPLIES	11,500	11,650

GENERAL FUND

TITLE	2023	2024
CONTRACTUAL SERVICES	19,125	14,840
INTERFUND CHARGE/TRANSF	250	500
MISCELLANEOUS	200	200
IMMUNIZATION	213,723	233,425
HEALTH & COMMUNITY SERVICES	3,067,656	3,861,240
SALARIES & FRINGES	214,479	202,587
SUPPLIES	2,200	2,200
CONTRACTUAL SERVICES	11,450	12,200
INTERFUND CHARGE/TRANSF	1,200	1,200
ADMINISTRATION	229,329	218,187
SALARIES & FRINGES	286,331	298,596
SUPPLIES	43,150	50,200
CONTRACTUAL SERVICES	133,410	148,660
UTILITIES	35,575	35,845
INTERFUND CHARGE/TRANSF	2,400	2,400
RECREATION GENERAL	500,866	535,701
SALARIES & FRINGES	101,662	107,653
SUPPLIES	12,700	12,700
CONTRACTUAL SERVICES	5,000	5,000
UTILITIES	28,523	33,750
INTERFUND CHARGE/TRANSF	1,000	1,000
SWIMMING POOLS	148,885	160,103
SALARIES & FRINGES	138,576	145,013
SUPPLIES	14,300	11,500
CONTRACTUAL SERVICES	14,500	18,000
SUMMER RECREATION	167,376	174,513
SALARIES & FRINGES	17,634	18,075
SUPPLIES	10,000	10,000
CONTRACTUAL SERVICES	39,620	44,150
UTILITIES	17,495	29,406
INTERFUND CHARGE/TRANSF	40,000	40,000
WATERFRONT	124,749	141,631
SALARIES & FRINGES	602,184	680,098
SUPPLIES	91,350	92,850
CONTRACTUAL SERVICES	141,747	146,517
UTILITIES	105,603	106,173
INTERFUND CHARGE/TRANSF	101,849	88,712

GENERAL FUND

TITLE	2023	2024
OUTLAY	-	7,000
CREDITS	(92,400)	(101,400)
PARKS MAINTENANCE	950,333	1,019,950
SALARIES & FRINGES	193,331	180,009
SUPPLIES	12,500	13,500
CONTRACTUAL SERVICES	15,000	17,800
UTILITIES	73,753	73,753
INTERFUND CHARGE/TRANSF	1,800	1,800
CREDITS	(24,000)	(24,000)
SAWYER ARENA	272,384	262,862
SALARIES & FRINGES	27,096	28,091
SUPPLIES	10,500	10,500
CONTRACTUAL SERVICES	11,500	11,500
UTILITIES	36,808	35,658
INTERFUND CHARGE/TRANSF	1,800	1,800
PARKS & REC CENTER	87,704	87,549
SALARIES & FRINGES	202,921	227,498
SUPPLIES	18,250	18,250
CONTRACTUAL SERVICES	37,900	37,900
KIDS CAVE	259,071	283,648
PARKS & RECREATION	2,740,697	2,884,144
SALARIES & FRINGES	813,691	859,379
SUPPLIES	8,850	8,850
CONTRACTUAL SERVICES	14,945	15,885
INTERFUND CHARGE/TRANSF	8,507	6,950
MISCELLANEOUS	36,300	58,400
OUTLAY	16,500	20,000
ENGINEERING	898,793	969,464
SALARIES & FRINGES	1,183,670	1,218,004
SUPPLIES	978,910	1,005,507
CONTRACTUAL SERVICES	286,016	311,216
UTILITIES	1,235,119	1,104,896
INTERFUND CHARGE/TRANSF	6,700	10,700
MISCELLANEOUS	1,050	1,200
OUTLAY	35,000	49,000
CREDITS	(3,408,638)	(3,361,936)
FLEET MAINTENANCE	317,827	338,587

GENERAL FUND

TITLE	2023	2024
SALARIES & FRINGES	547,925	581,557
SUPPLIES	180,923	171,503
CONTRACTUAL SERVICES	39,605	67,410
UTILITIES	222,627	410,280
INTERFUND CHARGE/TRANSF	108,950	108,109
MISCELLANEOUS	900	500
CREDITS	(36,000)	(39,900)
ELECTRICAL	1,064,930	1,299,459
SALARIES & FRINGES	613,986	636,660
SUPPLIES	10,015	10,015
CONTRACTUAL SERVICES	21,142	24,529
UTILITIES	60,552	61,285
INTERFUND CHARGE/TRANSF	12,179	11,580
CREDITS	(10,000)	(12,000)
ADMINISTRATION	707,874	732,069
SALARIES & FRINGES	371,187	347,162
SUPPLIES	12,119	16,019
CONTRACTUAL SERVICES	51,320	63,649
UTILITIES	500	396
INTERFUND CHARGE/TRANSF	78,374	71,388
MISCELLANEOUS	100	200
FORESTRY	513,600	498,814
SALARIES & FRINGES	3,669,666	3,718,806
SUPPLIES	785,750	996,080
CONTRACTUAL SERVICES	324,289	368,784
INTERFUND CHARGE/TRANSF	1,433,683	1,397,879
MISCELLANEOUS	23,857	24,014
CREDITS	(95,500)	(95,500)
HIGHWAY	6,141,745	6,410,063
SALARIES & FRINGES	139,335	150,026
SUPPLIES	5,218	5,413
CONTRACTUAL SERVICES	80,060	78,430
UTILITIES	1,950	2,850
INTERFUND CHARGE/TRANSF	38,701	35,888
CEMETERIES	265,264	272,607
CONTRACTUAL SERVICES	3,114,646	1,871,818
INTERFUND CHARGE/TRANSF	58,000	60,000

GENERAL FUND

TITLE	2023	2024
SANITATION	3,172,646	1,931,818
PUBLIC SERVICES	13,082,679	12,452,881
CONTRACTUAL SERVICES	1,500	1,500
DEBT SERVICE	3,369,144	3,402,450
DEBT SERVICE	3,370,644	3,403,950
INTERFUND CHARGE/TRANSF	352,223	389,226
MISCELLANEOUS	508,485	543,100
TIFS	860,708	932,326
INTERFUND CHARGE/TRANSF	7,653	-
PICKERING SQ TIF	7,653	-
DEBT SERVICE & TIF	4,239,005	4,336,276
PENSION BONDS	2,738,013	2,830,417
GROUP LIFE	36,900	36,900
SALARIES & FRINGES	60,000	60,000
CREDITS	(35,000)	(38,600)
UNEMPLOYMENT	25,000	21,400
FRINGE BENEFITS	2,799,913	2,888,717
TRANSFER TO CAPITAL	950,599	1,013,000
COUNTY TAX	4,430,604	4,607,954
LIBRARY	1,772,254	1,914,439
CONTRACTUAL SERVICES	39,025	40,125
MISCELLANEOUS	78,350	78,000
OTHER AGENCIES	117,375	118,125
CONTINGENCY	-	250,000
OTHER APPROPRIATIONS	7,270,832	7,903,518
SALARIES & FRINGES	42,647,951	44,961,880
SUPPLIES	8,645,373	9,557,272

GENERAL FUND

TITLE	2023	2024
DEBT SERVICE	1,780,000	1,980,000
SALARIES & FRINGES - ADULT ED	161,013	190,160
SUPPLIES - ADULT ED	57,010	57,863
EDUCATION	53,291,347	56,747,175
TOTAL EXPENDITURES	121,721,811	128,433,387

AIRPORT

TITLE	2023	2024
ESTIMATED REVENUE		
ADMINISTRATION	4,485,529	412,768
SECURITY/COMPLIANCE	28,900	37,000
AIRFIELD/GROUNDS MAINT	1,050,510	1,533,358
PETROLEUM/OILS/LUBRICAN	7,584,672	8,261,163
FACILITIES MAINTENANCE	3,312,257	6,149,694
ADVERTISING	50,000	50,000
BELOW WING-RAMP SERVICE	2,243,540	2,681,400
ABOVE WING-CUSTOMER SER	30,000	15,000
AIRCRAFT MECHANICS	134,000	154,100
EQUIPMENT MAINTENANCE	29,750	56,400
LEASED PROPERTIES	2,126,400	2,050,153
AIRPORT PARKING	2,025,867	2,640,354
TOTAL	23,101,425	24,041,390
EXPENDITURE BUDGET		
SALARIES & FRINGES	948,902	966,651
SUPPLIES	11,700	11,700
CONTRACTUAL SERVICES	439,861	398,701
INTERFUND CHARGE/TRANSF	445,310	453,126
MISCELLANEOUS	46,419	16,684
OUTLAY	16,500	123,000
ADMINISTRATION	1,908,692	1,969,862
SALARIES & FRINGES	556,401	617,074
SUPPLIES	11,700	15,600
CONTRACTUAL SERVICES	53,356	57,844
INTERFUND CHARGE/TRANSF	1,500	500
MISCELLANEOUS	2,400	2,400
OUTLAY	15,000	148,000
SECURITY/COMPLIANCE	640,357	841,418
SALARIES & FRINGES	552,257	547,855
SUPPLIES	2,900	4,700
CONTRACTUAL SERVICES	29,720	36,452
INTERFUND CHARGE/TRANSF	-	1,000
MISCELLANEOUS	-	500
DISPATCH	584,877	590,507

AIRPORT

TITLE	2023	2024
SALARIES & FRINGES	1,359,683	1,521,318
SUPPLIES	470,857	511,074
CONTRACTUAL SERVICES	144,001	172,399
UTILITIES	374,979	387,558
INTERFUND CHARGE/TRANSF	45,300	51,819
MISCELLANEOUS	1,200	350
OUTLAY	1,240,011	772,500
AIRFIELD/GROUND MAINT	3,636,031	3,417,018
SALARIES & FRINGES	349,327	365,175
SUPPLIES	50,600	54,650
CONTRACTUAL SERVICES	90,240	102,352
UTILITIES	71,847	83,151
INTERFUND CHARGE/TRANSF	500	500
OUTLAY	170,000	120,000
PETROLEUM/OILS/LUBRICANTS	732,514	725,828
SALARIES & FRINGES	625,314	608,596
SUPPLIES	170,925	158,500
CONTRACTUAL SERVICES	917,269	993,057
UTILITIES	616,312	625,461
INTERFUND CHARGE/TRANSF	369,981	394,680
MISCELLANEOUS	3,000	2,000
OUTLAY	596,000	2,389,587
FACILITIES MAINTENANCE	3,298,801	5,171,881
SALARIES & FRINGES	252,257	252,590
SUPPLIES	17,500	17,500
CONTRACTUAL SERVICES	548,312	556,572
INTERFUND CHARGE/TRANSF	2,000	1,000
OUTLAY	30,000	50,000
MARKETING	850,069	877,662
SALARIES & FRINGES	2,241,328	2,387,518
SUPPLIES	35,820	52,820
CONTRACTUAL SERVICES	227,678	148,118
UTILITIES	203,198	224,929
INTERFUND CHARGE/TRANSF	6,000	6,000
OUTLAY	2,067,532	553,000
BELOW WING-RAMP SERVICES	4,781,556	3,372,385
SALARIES & FRINGES	970,331	748,294
SUPPLIES	28,575	35,400

AIRPORT

TITLE	2023	2024
CONTRACTUAL SERVICES	95,265	121,010
INTERFUND CHARGE/TRANSF	1,100	1,100
OUTLAY	110,000	-
ABOVE WING-CUSTOMER SERVICE	1,205,271	905,804
SALARIES & FRINGES	383,183	402,952
SUPPLIES	5,235	5,235
CONTRACTUAL SERVICES	31,889	32,623
UTILITIES	1,500	1,500
INTERFUND CHARGE/TRANSF	200	200
AIRCRAFT MECHANICS	422,007	442,510
SALARIES & FRINGES	649,443	561,686
SUPPLIES	151,950	178,950
CONTRACTUAL SERVICES	63,175	74,280
UTILITIES	31,101	36,659
INTERFUND CHARGE/TRANSF	600	6,600
OUTLAY	45,000	65,000
GSE MAINTENANCE	941,269	923,175
SUPPLIES	17,500	34,500
CONTRACTUAL SERVICES	147,563	280,147
UTILITIES	286,186	352,090
INTERFUND CHARGE/TRANSF	35,500	30,519
MISCELLANEOUS	193,349	183,399
OUTLAY	418,750	555,000
LEASED PROPERTIES	1,098,848	1,435,655
DEBT SERVICE	1,114,604	1,114,067
SALARIES & FRINGES	236,854	237,584
SUPPLIES	7,523	7,889
CONTRACTUAL SERVICES	259,237	273,457
UTILITIES	11,844	13,003
INTERFUND CHARGE/TRANSF	1,100	3,600
OUTLAY	130,000	360,000
AIRPORT PARKING	646,558	895,533
SALARIES & FRINGES	515,381	519,721
SUPPLIES	12,500	11,500
CONTRACTUAL SERVICES	42,215	62,979
UTILITIES	12,018	12,500
INTERFUND CHARGE/TRANSF	700	200

AIRPORT

TITLE	2023	2024
OUTLAY	-	75,000
OPERATIONS/DUTY OFFICERS	582,814	681,900
SALARIES & FRINGES	80,136	69,522
SUPPLIES	28,850	34,425
CONTRACTUAL SERVICES	157,599	153,098
UTILITIES	872	1,440
MISCELLANEOUS	4,700	2,700
OUTLAY	385,000	415,000
SAFETY/ENVIRONMENTAL	657,157	676,185
NON OPERATING	6,734,420	7,263,670
TOTAL	29,835,845	31,305,060

WASTEWATER TREATMENT PLANT

TITLE	2023	2024
ESTIMATED REVENUE		
INTEREST INCOME	20,000	20,000
SALE OF SALVAGE	2,500	2,500
DOMESTIC USERS	9,243,717	10,060,136
ABATEMENTS	(70,000)	-
CONTRACTED SERVICES	191,171	147,063
SEWER SURCHARGES	174,600	116,800
OTHER TOWNS/CITIES	151,000	179,550
INTEREST ON ACCT REC	80,000	60,000
REIMBURSED EXPENSES	25,134	-
STREET OPENING PERMITS	6,500	-
CONNECTION FEES	-	10,000
STORMWATER	50,000	-
SALE OF SALVAGE	3,000	3,000
CONTRACTED SERVICES	8,400	-
UNASSIGNED FUND BALANCE	-	941,250
TOTAL	9,886,022	11,540,299
EXPENDITURE BUDGET		
SALARIES & FRINGES	432,599	437,518
SUPPLIES	6,400	4,879
CONTRACTUAL SERVICES	92,298	82,825
INTERFUND CHARGE/TRANSF	180,910	184,508
MISCELLANEOUS	49,180	33,680
OUTLAY	75,000	1,500
ADMINISTRATION	836,387	744,910
SALARIES & FRINGES	1,140,221	1,169,117
SUPPLIES	449,239	535,855
CONTRACTUAL SERVICES	229,171	245,452
UTILITIES	916,690	891,215
INTERFUND CHARGE/TRANSF	17,200	17,002
MISCELLANEOUS	15,245	16,160
OUTLAY	321,000	551,000
STATION & PLANT OPERATION	3,088,766	3,425,801
SALARIES & FRINGES	1,050,528	849,250
SUPPLIES	216,050	174,736
CONTRACTUAL SERVICES	225,750	319,524

WASTEWATER TREATMENT PLANT

TITLE	2023	2024
UTILITIES	7,350	6,350
INTERFUND CHARGE/TRANSF	859,980	1,304,980
OUTLAY	-	697,000
LINE OPERATION & MAINTENANCE	2,359,658	3,351,840
COMPOSTING	712,530	1,097,280
DEBT SERVICE	2,956,527	2,962,691
SALARIES & FRINGES	74,464	77,146
SUPPLIES	2,600	-
CONTRACTUAL SERVICES	7,500	-
INDUSTRIAL PRETREAT PROGRAM	84,564	77,146
NON OPERATING	1,142,552	1,217,388
TOTAL	11,180,984	12,877,056

STORMWATER

TITLE	2023	2024
ESTIMATED REVENUE		
STORMWATER UTILITY FEE	1,272,000	1,272,000
INTEREST INCOME	35,000	35,000
INTEREST ON ACCT REC	40,000	40,000
TOTAL	1,347,000	1,347,000
EXPENDITURE BUDGET		
SALARIES & FRINGES	98,491	103,961
SUPPLIES	3,850	6,850
CONTRACTUAL SERVICES	87,419	102,419
UTILITIES	100	100
INTERFUND CHARGE/TRANSF	3,350	3,350
MISCELLANEOUS	29,850	29,850
ADMINISTRATION	223,060	246,530
SUPPLIES	1,350	1,350
CONTRACTUAL SERVICES	38,500	48,500
INTERFUND CHARGE/TRANSF	217,000	217,000
MISCELLANEOUS	3,000	3,000
OPERATIONS & MAINT	259,850	269,850
SUPPLIES	500	500
CONTRACTUAL SERVICES	50,000	50,000
OUTLAY	10,000	10,000
MONITOR & DATA ANALYSIS	60,500	60,500
SALARIES & FRINGES	119,817	124,963
SUPPLIES	-	10,000
CONTRACTUAL SERVICES	32,000	32,000
INTERFUND CHARGE/TRANSF	26,500	26,500
OUTLAY	525,000	660,000
IMPROVEMENTS	703,317	853,463
DEBT SERVICE	77,840	77,840
NON OPERATING	16,493	16,493
TOTAL	1,341,060	1,524,676

BASS PARK

TITLE	2023	2024
ESTIMATED REVENUE		
ADVERTISING	148,500	268,125
OFF STREET PARKING	68,274	99,704
TICKET REVENUE	63,381	134,873
DIRECT EVENT	824,992	569,225
ADVERTISING	500,200	540,625
AUDIO/VISUAL	37,059	42,637
CLUB SEAT	18,150	10,313
FACILITY FEE	179,928	229,835
CONVENIENCE FEE	138,112	327,210
FOOD & BEVERAGE	300,195	532,978
NOVELTY	28,459	36,339
CONCESSIONS	610,597	703,289
MISCELLANEOUS	16,500	36,250
RENTAL	125,000	161,655
DOWNTOWN TIF	1,500,000	1,500,000
ADVERTISING	184,000	184,000
ARENA FUND	1,107,686	1,044,146
TOTAL	5,851,033	6,421,204
EXPENDITURE BUDGET		
SALARIES & FRINGES	1,660,216	2,023,572
SUPPLIES	76,170	146,525
CONTRACTUAL SERVICES	671,589	797,370
UTILITIES	480,998	512,900
MISCELLANEOUS	6,843	7,395
CROSS INSURANCE CENTER	2,895,816	3,487,762
OWNER COSTS	97,000	76,503
DEBT SERVICE	2,858,217	2,856,939
NON OPERATING	2,952,508	2,943,965
TOTAL	8,803,541	9,365,169

PARKING

TITLE	2023	2024
ESTIMATED REVENUE		
OFF STREET PARKING	304,266	342,279
LEASED SPACES	53,220	53,220
ABBOTT SQ PERMITS	143,879	177,569
ABBOTT SQ FEES	25,000	25,000
GARAGE PERMITS	250,875	322,908
GARAGE FEES	50,000	50,000
TICKETS	57,936	34,856
INTEREST INCOME	7,500	-
TOTAL	892,676	1,005,832
EXPENDITURE BUDGET		
SALARIES & FRINGES	261,201	285,685
SUPPLIES	7,923	7,674
CONTRACTUAL SERVICES	241,821	233,631
UTILITIES	36,680	37,478
INTERFUND CHARGE/TRANSF	68,000	68,000
DEBT SERVICE	19,651	20,241
OUTLAY	257,400	363,695
PARKING	892,676	1,016,404
NON OPERATING	249,041	177,703
TOTAL	1,141,717	1,194,107

GOLF COURSE

TITLE	2023	2024
ESTIMATED REVENUE		
UNASSIGNED FUND BALANCE	-	30,054
CONCESSIONS	28,500	28,500
RESIDENT MEMBERSHIP	130,000	138,000
NONRESID MEMBERSHIP	95,000	105,000
GREENS FEES	323,000	340,000
GOLF CART FEES	225,000	235,000
INTEREST INCOME	8,000	8,000
TOTAL	809,500	884,554
EXPENDITURE BUDGET		
SALARIES & FRINGES	425,667	462,990
SUPPLIES	75,700	81,450
CONTRACTUAL SERVICES	58,000	57,900
UTILITIES	87,635	94,710
INTERFUND CHARGE/TRANSF	70,125	71,752
DEBT SERVICE	41,886	41,172
OUTLAY	59,080	74,580
GOLF COURSE	818,093	884,554
NON OPERATING	53,124	72,401
TOTAL	871,217	956,955

ECONOMIC DEVELOPMENT

TITLE	2023	2024
ESTIMATED REVENUE		
UNASSIGNED FUND BALANCE	104,476	-
RENTAL	396,801	399,330
MISCELLANEOUS	9,900	9,900
INTEREST INCOME	13,500	14,000
NOTE REPAYMENTS	75,730	-
TOTAL	600,407	423,230
EXPENDITURE BUDGET		
CONTRACTUAL SERVICES	82,422	102,029
UTILITIES	22,894	30,843
MISCELLANEOUS	8,735	10,847
DEBT SERVICE	351,531	196,194
OUTLAY	134,825	36,575
ECONOMIC DEVELOPMENT	600,407	376,488
NON OPERATING	157,012	152,905
TOTAL	757,419	529,393



CITY COUNCIL ACTION

06/12/2023 23-191, As Am

Council Meeting Date: 06/12/2023

Item No: 23-191, As Amended

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation for Various Capital Purposes Utilizing Various Reserves, Trust and Agency Accounts and Other Funds for Expenditures to be Made During Fiscal Year 2024

Summary

This Resolve will make appropriations from various sources to fund programs or purchases identified in the FY 2024 proposed budget. Over the past two months, the City Council has reviewed all requests for various capital and operational needs. The attachment identifies the purchases and the funding source to be used. The following summarizes the recommended appropriations and the source from which they are to come:

SOURCE	APPROPRIATION
State LRAP Funding	\$ 350,000
Local Seizure Account	98,000
Fire Equipment Reserve	150,000
Energy Efficiency Reserve	100,000
Equipment Reserve	535,000
Benefit Reserve	145,000
Unassigned Fund Balance	1,950,000
Improvement Reserve	913,000
TOTAL	\$ 4,241,000

This item is being amended by substitution so that the capital and new program request attachment reflects all City Council recommended changes.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For: Against:

Staff Comments & Approvals

A detailed listing of all new program and capital requests is attached

City Manager

City Solicitor

Finance Director

Introduced for: Unfinished Business



CITY OF BANGOR RESOLVE

06/12/2023 23-191, As Am

Date: 06/12/2023

Item No: 23-191, As Amended

Assigned to Councilor:

Making an Appropriation for Various Capital Purposes Utilizing Various Reserves, Trust and Agency Accounts and Other Funds for Expenditures to be Made During Fiscal Year 2024

Be it Resolved by the City Council of the City of Bangor that, the amount of \$350,000 in State of Maine LRAP Funding is hereby appropriated to partially fund street improvements; and

Be it Further Resolved that the amount of \$98,000 is hereby appropriated from the Seizure account to fund duty weapon replacement/lighting and FARO Crime Scene Documentation System; and

Be it Further Resolved that the amount of \$150,000 is hereby appropriated from the General Fund Fire Equipment Reserve to fund replacement of an ambulance; and

Be it Further Resolved that the amount of \$100,000 is hereby appropriated from the General Fund Energy Efficiency Reserve to provide funding for an upcoming climate action plan; and

Be it Further Resolved that the amount of \$535,000 is hereby appropriated from the General Fund Equipment Reserve to fund capital purchases for the Park Ranger Program, replace Fleet vehicles, Public Services vehicles, front end loaders, and backhoes; and

Be it Further Resolved that the amount of \$145,000 is hereby appropriated from the Benefit Reserve to provide funding for Human Resource Information System, and

Be it Further Resolved that the amount of \$1,950,000 is hereby appropriated from the General Fund Unassigned Fund Balance to fund a City-wide revaluation, staff relocation for City Hall renovations, pre-approved housing plans, and modifying the paving schedule to a calendar year basis; and

Be it Further Resolved That the amount of \$913,000 is hereby appropriated from the General Fund Improvement Reserve to fund various capital purchases and improvements as detailed on the attached.

	Waterfront/Harbor/Park Ranger	110,000	65,000	Y	110,000		65,000	Equipment Reserve
	Sawyer Arena Dasher Footing		40,000	Y	40,000			
	PAL Center Roof Replacement		30,000	Y	30,000			
	Large Area Sweeper/Rake		50,000	Y		50,000		
	Essex Wood Trail Construction		22,000	N				
	Union St Complex/Replace Existing Lights Per Field		300,000	Y			300,000	
	Replace Mobile Stage		105,000	N				
	Zero Turn Mower Replacement		12,000	Y	12,000			
	Resurface Pool Surface Dakin/Pancoe Pool		248,000	Y		248,000		
	Resurface Basketball Courts in City Parks		10,000	Y	10,000			
	Playstructure Improvements		150,000	Y			150,000	Talbot - CDBG
Fleet Maintenance								
	Waste Oil Furnace		20,000	Y	20,000			
	Replace Service Truck		75,000	Y			75,000	Equipment Reserve
	Update car wash		350,000	Y			350,000	
Public Services								
	Admin PT to FT - Free up Dispatcher for Asset Mgmt	34,798		Y	34,798			
	Route Planning GIS Work		25,000	Y	25,000			
	Calendar Year Paving Bid Cycle	800,000		Y			800,000	Unassigned Fund Balance
	Annual Street Paving (minus URIP)		2,250,000	Y		1,500,000	350,000	URIP
	Annual Sidewalk Paving		337,500	Y		337,500		
	Traffic signal upgrades		150,000	Y				
	Plow Trucks		480,000	Y		150,000	480,000	
	Ton Dump Trucks		80,000	Y				80,000
	Light-Duty Pick Up Trucks		100,000	Y				100,000
	Large Front End Loaders & Backhoes		220,000	Y				220,000
	Small Front End Loaders		100,000	Y			100,000	Sale Proceeds \$95k, \$125K Equip
	Sidewalk Plows		200,000	Y			200,000	
	Mt. Hope Cemetery Repairs		15,000	Y	15,000			
	Equipment Trailers		15,000	Y	15,000			
	Large Loader Steel Plow - additional equipment		27,000	Y	27,000			
	Forestry Chipper		90,000	Y			90,000	Equipment Reserve
	Stump grinder attachment - additional equipment		14,000	N				
	Ice Breaker - additional equipment		40,000	N				
	Compressors		30,000	N				
	Snow Blower		175,000	N				
	Leaf Vacuum/Claw		30,000	N				
	Vibratory Roller		55,000	N				
	Small Excavator - additional equipment		100,000	N				
Infrastructure/Other								
	Broadway Corridor Improvements		3,460,000	Y			3,460,000	DOT, MDOT Exist, Sale Proceeds
	Ohio St Bridge Repair		705,000	Y		705,000		
	BACTS Projects (Hammond/Waterfront Trail/Union)		2,936,887	Y		260,066	2,676,821	DOT and Exist Funds
	MDOT MPA Projects (50/50) (Ohio)		2,200,000	Y		1,100,000	1,100,000	MDOT
	Miscellaneous Drainage Improvements		50,000	Y		50,000		
	Finson Road Improvements		775,000	Y		775,000		Potential CDBG
	Asset Management Software		40,000	Y	40,000			
	Climate Action Plan		100,000	Y			100,000	Energy Efficiency Reserve
Downtown TIF								
	Columbia Street Deck Debt Service		53,500	Y			53,500	Downtown TIF
	Arena Debt Service		1,500,000	Y			1,500,000	Downtown TIF
	Downtown TIF Agreements		225,300	Y			225,300	Downtown TIF
	Court St Demo		104,120	Y			104,120	Downtown TIF
	Village Partnership Match		200,000	Y			200,000	Downtown TIF
	Downtown Sidewalks - PW Repairs		200,000	P			100,000	Downtown TIF/Exist Funds 7813
	Downtown Sidewalks - Replacement		200,000	P			100,000	Downtown TIF/Exist Funds 7814
	Downtown Pedestrian Improve		25,000	Y			25,000	Downtown TIF
	Downtown Traffic Signals/Electrical		50,000	Y			50,000	Downtown TIF
	City Waterfront Parcel - Redevelop/Bulkhead		75,000	Y			75,000	Existing Funds 7812
	KD Stream Retaining Walls		300,000	Y			300,000	Downtown TIF
	Broad St Revitalization		200,000	Y			200,000	Downtown TIF
	Economic Development Support		15,000	Y			15,000	Downtown TIF
	Railroad/Front St Light Replacement		115,000	Y			115,000	Downtown TIF

	Lighting Upgrades	50,000	Y		50,000	Downtown TIF
	Penobscot River Remediation	200,000	Y		200,000	Downtown TIF
	Cross Insurance Center Reserve	158,305	Y		158,305	Downtown TIF
	Monument Restoration	15,000	Y		15,000	Downtown TIF
	Kenduskeag Stream Trail/Fence Repair	40,000	Y		40,000	Downtown TIF
	Kenduskeag Stream Trail Lighting	25,000	Y		25,000	Downtown TIF
	Event Street Barricades	193,000	Y		193,000	Downtown TIF
	DBP Partial Position	45,000	P		43,746	Downtown TIF
Other Agencies	Bangor Public Library	1,965,179	Y	1,914,439	50,740	Carryforward from FY21 - Balances Carried
	Tourism or Marketing Support	50,000	Y	50,000		
	4th of July Corp (2025)	5,000	Y	5,000		
	Cultural Commission	20,000	Y	20,000		
	PB Snowmobile Club	3,000	Y	3,000		
	Cultural Event Calendar	60,000	N			
		<u>2,559,298</u>		<u>50,000</u>	<u>39,690,306</u>	<u>3,518,237</u>
				<u>913,000</u>	<u>10,987,566</u>	<u>22,501,047</u>

Y - Funded, N - Not Recommended for Funding, P - Partial Funding, TBD - To be Determined Pending Other Action

Airport	Rehabilitate Runway 15-33 Phase I North End	10,000,000	Y	53,895	9,946,105	FAA, MDOT, MEANG, Fund Balance
	Replace Perimeter Fencing	1,250,000	Y		1,250,000	FAA, MDOT, Fund Balance
	BGR Connector Project	15,667,063	Y		15,667,063	FAA, MDOT, Existing Funds, Fund Balance
	Domestic Arrivals Building - Passenger Movement Area Improvements	2,500,000	Y		2,500,000	PFC Funds
	Air Conditioning Unit for Domestic Terminal	17,500	Y	17,500		
	Window Replacement - DAB Coffee Shop	20,000	Y	20,000		
	Masonry Repairs/Waterproofing at BGR Aviation	80,000	Y	80,000		
	Roof Repairs to AFM Roof	50,000	Y	50,000		
	Buildout Allowance-Nyle Water Heating Systems(690 Main Ave)	175,000	Y	175,000		
	Roof Repairs to Building 195 (State Police Barracks)	50,000	Y	50,000		
	Replace Air Handler - 1st Floor Bldg 115 (Maine Aero)	50,000	Y	50,000		
	Masonry Repairs/Waterproofing Building 96	80,000	Y	80,000		
	Rebuild & Insulate Dock 11 Hangar Door	200,000	Y	200,000		
	Parking Office/Operations Facility	150,000	Y	150,000		
	Airport wide Computer/Monitor/Printer Upgrades	20,000	Y	20,000		
	Replace DSX Network Switches (Yr 1 of 3)	10,000	Y	10,000		
	Replace BGR Dell N2048P Switches (Yr 1 of 3)	20,000	Y	20,000		
	Fiber Optic Install @ BGR	45,000	Y	45,000		
	Optic & Switch Equip for BGR Fiber Campus	10,000	Y	10,000		
	Consulting Services for Door Access & Camera System	20,000	Y	20,000		
	Upgrade & Replace Analog Cameras	57,000	Y	57,000		
	Switch SIDA to Cyber Key System	12,000	Y	12,000		
	Upgrade Camera Server Memory	14,000	Y	14,000		
	Kronos Equipment Rental and Service Agreement	18,000	Y	18,000		
	Lift Pillars for Maintenance on Equipment	65,000	Y	65,000		
	Clean & Paint Tanks at Fill Stand	20,000	Y	20,000		
	Zero Turn Lawn Tractor	10,000	Y	10,000		
	Replace 2006 Mogas/Diesel Refueler	300,000	Y	300,000		
	Replace 2009 TLD Dual Output GPU - 140KVA	93,000	Y	93,000		
	Replace & Install North Pad Actuator & Pump	15,000	Y	15,000		
	Rotary Sign and Groundwork	50,000	Y	50,000		
	IAB - Landside Concrete Curb Replacement	50,000	Y	50,000		
	Replace Fencing along Vermont Ave (Tank Farm)	25,000	Y	25,000		
	Parking lot repairs-Shuttle lot closest to Wayfair(dogleg)	110,000	Y	110,000		
	Parking lot repairs-Rental Car Ready Spots	100,000	Y	100,000		
	Canal Upgrades Phases 3 (Cell 4, V-Notches, Windmills, Cattail Removal)	400,000	Y	400,000		
	Replace 1989 GMC S-15 Reg Cab Pickup/Move to Security/Parking Enforcement	45,000	Y	45,000		
	Replace AFM 459 2008 4x4 Small Dump w/plow and sander	85,000	Y	85,000		
	Replace AFM 457 2008 GMC 2500 4X4 Pickup Truck	75,000	Y	75,000		
	Replace 2007 GMC 3500 Van	60,000	Y	60,000		
	Replace 2014 Ford F250 Crew Cab Pickup Truck	65,000	Y	65,000		
	Replace 1986 Ford F350 Pickup to Mount Custom Trash Compartment	80,000	Y	80,000		
	Replace 1997 GMC K2500 Reg Cab Pickup Truck	65,000	Y	65,000		
	Replace 2019 Chev Tahoe	75,000	Y	75,000		

		-	-	32,303,563	2,940,395	-	-	29,363,168	
WWTP	KPS & WWTP Cranes			80,000	Y	80,000			
	Primary Clarifier Coatings			80,000	Y	80,000			
	Aeration Project			600,000	Y		600,000		
	Disinfection Chemical Storage Relocation			50,000	Y	50,000			
	Wemco Sludge Pump Replacement			26,000	Y	26,000			
	Rehabilitation of 150hp pump units			185,000	Y	185,000			
	RAS/WAS Piping			80,000	Y	80,000			
	LTCP Barkersville Regulator Structure			200,000	Y		200,000		
	Pump Station Force Maine Replacements			250,000	Y	250,000			
	Replace 3/4 Ton w/lift (vehicle 893)			70,000	Y	70,000			
	Flusher Truck Replacement			625,000	Y			625,000	Fund Balance
	AECOM LTCP			40,000	Y	40,000			
	LTCP Meadowbrook Regulator and Separation			1,000,000	Y		1,000,000		SRF Bonds
	Small Projects/Repair			1,000,000	P	800,000			
		-	-	4,286,000		1,661,000	-	1,800,000	625,000
Stormwater	Penjajawoc Watershed			20,000	Y	20,000			
	Birch Stream Watershed			50,000	Y	50,000			
	Geomorphic Restoration			30,000	Y	30,000			
	Geomorphic/Habitat Design			30,000	Y	30,000			
	Shaw Brook Watershed - Cushman Storage culvert			100,000	Y	100,000			
	Aerial Photograph 2024 & Impervious updates			75,000	Y	75,000			
	MS4 - Montgomery Street drainage improvements			85,000	Y	85,000			
	MS4 - Mount Hope Cross Pipe			75,000	Y	75,000			
	MS4 - Meadowbrook Separation			100,000	Y	100,000			
	MS4 - Outer Hammond St (Hildreth to Hermon)			20,000	Y	20,000			
	MS4 - Drainage improvements as needed			75,000	Y	75,000			
		-	-	660,000		660,000	-	-	-
Bass Park	Carpet Replacement			130,000				130,000	CIC Reserve
	Concourse Floor Refinish			20,000	Y			20,000	CIC Reserve
	Daktronics Control Computer Replacement			50,000	Y			50,000	CIC Reserve
	Security Improvements			50,000	Y			50,000	CIC Reserve
	Communication Equipment			15,000	Y			15,000	CIC Reserve
	Cleaning Equipment			10,000	Y			10,000	CIC Reserve
	IT Improvements			73,475	Y			73,475	CIC Reserve
	Building Equipment / Minor Interior Improve			10,000	Y			10,000	CIC Reserve
	LED Lighting Upgrades			10,000	Y			10,000	CIC Reserve
	Building Repairs (Door, Roof, Airwall)			30,000	Y			30,000	CIC Reserve
	Convention Center Upgrades			25,000	Y			25,000	CIC Reserve
	Parking Lot Improvements - Signage and Fence			30,000	Y			30,000	CIC Reserve
	Hussey Seat Replacement			10,000	Y			10,000	CIC Reserve
	Kitchen Equipment			42,500	Y			42,500	CIC Reserve
	Basketball Court Repairs			43,000	Y			43,000	CIC Reserve
		-	-	548,975		-	-	-	548,975
Parking	Pickering Square Garage Repairs			300,000	Y	250,000		50,000	Existing Funds 7801, 7803
	Hammond Street Deck Repairs			55,000	Y			55,000	Downtown TIF
	Columbia Street Lot Retaining Walls			75,000	Y			75,000	Downtown TIF
	New CCTV Cameras/DVR			25,000	Y			25,000	Existing Funds 8251
	Technology Upgrades			20,000	Y	20,000			
	Parking Inventory Study			50,000	Y	50,000			
		-	-	525,000		320,000	-	-	205,000
Golf Course	Zero Turn Mower			12,500	Y	12,500			

Econ Develop

	-	-	12,500	12,500	-	-	-
MBEP: Traffic & Electrical Improvements			10,000	N			
39 Florida Ave. - Hannaford Bros.			36,575	Y	36,575		
50 Cleveland St - Central Kitchen			2,561,600	Y		1,551,600	1,010,000
120 Venture Way - Penquis			400,000	N			
40 Johnson St - Bangor Innovation Center			2,757,001	N			
	-	-	5,765,176		36,575	-	1,551,600
	2,559,298	50,000	83,791,520		9,148,707	913,000	14,339,166
							1,010,000
							54,253,190

Federal Award
 2nd Floor - Await New Lease
 Commercial Kitchen first



CITY COUNCIL ACTION

06/12/2023 23-191

Council Meeting Date: 06/12/2023

Item No: 23-191

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation for Various Capital Purposes Utilizing Various Reserves, Trust and Agency Accounts and Other Funds for Expenditures to be Made During Fiscal Year 2024

Summary

This Resolve will make appropriations from various sources to fund programs or purchases identified in the FY 2024 proposed budget. Over the past two months, the City Council has reviewed all requests for various capital and operational needs. The attachment identifies the purchases and the funding source to be used. The following summarizes the recommended appropriations and the source from which they are to come:

SOURCE	APPROPRIATION
State LRAP Funding	\$ 350,000
Local Seizure Account	98,000
Fire Equipment Reserve	150,000
Energy Efficiency Reserve	100,000
Equipment Reserve	470,000
Improvement Reserve	913,000
TOTAL	\$ 2,081,000

Committee Action

Committee: Council Workshop
Action:

Meeting Date:
For: Against:

Staff Comments & Approvals

This resolve is based on the City Manager's Recommended budget. It may require amendment, if additional changes are made as the budget is finalized.

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-191

Date: 06/12/2023

Item No: 23-191

Assigned to Councilor: Tremble

Making an Appropriation for Various Capital Purposes Utilizing Various Reserves, Trust and Agency Accounts and Other Funds for Expenditures to be Made During Fiscal Year 2024

Be it Resolved by the City Council of the City of Bangor that, the amount of \$350,000 in State of Maine LRAP Funding is hereby appropriated to partially fund street improvements; and

Be it Further Resolved that the amount of \$98,000 is hereby appropriated from the Seizure account to fund duty weapon replacement/lighting and FARO Crime Scene Documentation System; and

Be it Further Resolved that the amount of \$150,000 is hereby appropriated from the General Fund Fire Equipment Reserve to fund replacement of an ambulance; and

Be it Further Resolved that the amount of \$100,000 is hereby appropriated from the General Fund Energy Efficiency Reserve to provide funding for an upcoming climate action plan; and

Be it Further Resolved that the amount of \$470,000 is hereby appropriated from the General Fund Equipment Reserve to replace Fleet vehicles, Public Services vehicles, front end loaders, and backhoes; and

Be it Further Resolved That the amount of \$913,000 is hereby appropriated from the General Fund Improvement Reserve to fund various capital purchases and improvements as detailed on the attached.

FY24 NEW PROGRAM AND CAPITAL REQUESTS

<u>Department</u>	<u>Request</u>	<u>New Program</u>	<u>Other</u>	<u>Capital</u>	<u>Funded</u>	<u>Operating Budget</u>	<u>Improvement Reserve</u>	<u>Bond Issue</u>	<u>Other</u>	<u>Comments</u>
Assessing	City-Wide Revaluation	900,000			TBD					Unassigned Fund Balance
Risk	Environmental & Safety Specialist	84,500			N					
HR	Human Resources Info Sys/Cap Mgmt	100,000		45,000	TBD					Benefit Reserve and Contingency
Comm Connect	Annual Replacemernt Reserve Funding			400,000	N					Use Reserve for local match
	Transit Technology			75,000	Y				75,000	5339 Grant and CC Reserve
	Platform Technology			50,000	Y				50,000	5339 Grant and CC Reserve
	Transit Buses			1,105,640	Y	221,128			884,512	DOT Grant Application 5339
	ADA E-Vans (2)			396,875	Y	3,872			393,003	DOT App and CC Reserve
	Rehab of Cold Bus Barn (1980)			6,475,000	Y	175,000			6,300,000	DOT App and MDOT Grant
City Hall	Repoint City Hall			100,000	Y			100,000		
	1st Floor Furniture			250,000	N					Revisit FY25
	City Hall 1st Floor			4,000,000	TBD					Awaiting Updated Construct Est
	Staff Relocation			150,000	TBD					Unassigned Fund Balance
Info Services	PC Capital Replacements			45,000	Y	45,000				
	Email Server Upgrade to Cloud based			110,000	Y	110,000				
	Citywide Switch Upgrade			50,000	Y	50,000				
	Avigilon Camera Server upgrade & SAN/NAS storage			75,000	Y			75,000		
Planning	Comprehensive Plan Implement/Replace	60,000			Y	60,000				
	Historic Survey Phase III		25,000		Y				25,000	Carryforward from FY23
	Housing Production Plan	60,000			TBD					Unassigned Fund Balance
Code Enforce	Waive permit fees for creation of residential units	250,000			TBD					Unassigned Fund Balance
	Pre-approved affordable housing plan program	100,000			TBD					Unassigned Fund Balance
Police	Patrol Vehicle Replacement			170,000	Y	170,000				
	Detective Vehicle Replacement			84,000	Y	84,000				
	Employee Hiring Program			20,000	N				20,000	Existing Money - 7903
	MDT Replacement/Maintenance			20,000	Y	20,000				
	Radio Infrastructure			100,000	Y			100,000		
	Facility Infrastructure & Equipment Improvement			60,000	N				60,000	Existing Money - 7716
	Facility Safety & Security Upgrades			45,000	N				45,000	Existing Money - 7519
	Duty Weapon Replacement/Lighting			40,000	Y				40,000	Seizure Funds
	Electronic Control Device Replacement			28,000	Y	28,000				
	Robot			73,000	N					
	FARO Crime Scene Documentation System			58,000	Y				58,000	Seizure Funds
	Avigilon Server Replacement (Police & Fire)			30,000	Y	30,000				
Fire	Ambulances			210,000	Y	60,000			150,000	Fire Equipment Reserve
	Public Safety Training Center Improvements			2,000,000	TBD					Awaiting CDS Decision
	Assistant Chief Vehicle			60,000	Y	60,000				
	Engine Replacement			880,000	Y			880,000		

FY24 NEW PROGRAM AND CAPITAL REQUESTS

<u>Department</u>	<u>Request</u>	<u>New Program</u>	<u>Other</u>	<u>Capital</u>	<u>Funded</u>	<u>Operating Budget</u>	<u>Improvement Reserve</u>	<u>Bond Issue</u>	<u>Other</u>	<u>Comments</u>
	Zetron Replacement (Station Alerting System)			100,000	Y	100,000				
	Radio Infrastructure			100,000	Y		100,000			
Parks	Waterfront/Harbor/Park Ranger	110,000		65,000	TBD					
	Sawyer Arena Dasher Footing			40,000	Y	40,000				
	PAL Center Roof Replacement			30,000	Y	30,000				
	Large Area Sweeper/Rake			50,000	Y		50,000			
	Essex Wood Trail Construction			22,000	N					
	Union St Complex/Replace Existing Lights Per Field			300,000	Y			300,000		
	Replace Mobile Stage			105,000	TBD					
	Zero Turn Mower Replacement			12,000	Y	12,000				
	Resurface Pool Surface Dakin/Pancoe Pool			248,000	Y		248,000			
	Resurface Basketball Courts in City Parks			10,000	Y	10,000				
	Playstructure Improvements			150,000	Y				150,000	Talbot - CDBG
Fleet Maintenance	Waste Oil Furnace			20,000	Y	20,000				
	Replace Service Truck			75,000	Y				75,000	Equipment Reserve
	Update car wash			350,000	Y			350,000		
Public Services	Admin PT to FT - Free up Dispatcher for Asset Mgmt	34,798			N					
	Route Planning GIS Work		25,000		Y	25,000				
	Calendar Year Paving Bid Cycle	800,000			TBD					Unassigned Fund Balance
	Annual Street Paving (minus URIP)			2,250,000	P			1,500,000	350,000	URIP
	Annual Sidewalk Paving			337,500	Y			337,500		
	Traffic signal upgrades			150,000	Y		150,000			
	Plow Trucks			480,000	Y			480,000		
	Ton Dump Trucks			80,000	Y				80,000	Equipment Reserve
	Light-Duty Pick Up Trucks			100,000	Y				100,000	Equipment Reserve
	Large Front End Loaders & Backhoes			220,000	Y				220,000	Sale Proceeds \$95k, \$125K Equip
	Small Front End Loaders			100,000	Y			100,000		
	Sidewalk Plows			200,000	Y			200,000		
	Mt. Hope Cemetery Repairs			15,000	Y	15,000				
	Equipment Trailers			15,000	Y	15,000				
	Large Loader Steel Plow - additional equipment			27,000	Y	27,000				
	Forestry Chipper			90,000	Y				90,000	Equipment Reserve
	Stump grinder attachment - additional equipment			14,000	N					
	Ice Breaker - additional equipment			40,000	N					
	Compressors			30,000	N					
	Snow Blower			175,000	N					
	Leaf Vacuum/Claw			30,000	N					
	Vibratory Roller			55,000	N					
	Small Excavator - additional equipment			100,000	N					
Infrastructure/Other	Broadway Corridor Improvements			3,460,000	Y				3,460,000	DOT, MDOT Exist, Sale Proceeds
	Ohio St Bridge Repair			705,000	Y			705,000		
	BACTS Projects (Hammond/Waterfront Trail/Union)			2,936,887	Y			260,066	2,676,821	DOT and Exist Funds
	MDOT MPA Projects (50/50) (Ohio)			2,200,000	Y			1,100,000	1,100,000	MDOT
	Miscellaneous Drainage Improvements			50,000	Y		50,000			
	Finson Road Improvements			775,000	Y			775,000		Potential CDBG
	Asset Management Software			40,000	Y		40,000			
	Climate Action Plan			100,000	Y				100,000	Energy Efficiency Reserve
Downtown TIF	Columbia Street Deck Debt Service			53,500	Y				53,500	Downtown TIF

FY24 NEW PROGRAM AND CAPITAL REQUESTS

Department	Request	New		Capital	Funded	Operating Budget	Improvement Reserve	Bond Issue	Other	Comments
		Program	Other							
	Arena Debt Service			1,500,000	Y				1,500,000	Downtown TIF
	Downtown TIF Agreements			225,300	Y				225,300	Downtown TIF
	Court St Demo			104,120	Y				104,120	Downtown TIF
	Village Partnership Match			200,000	Y				200,000	Downtown TIF
	Downtown Sidewalks - PW Repairs			200,000	P				100,000	Downtown TIF/Exist Funds 7813
	Downtown Sidewalks - Replacement			200,000	P				100,000	Downtown TIF/Exist Funds 7814
	Downtown Pedestrian Improve			25,000	Y				25,000	Downtown TIF
	Downtown Traffic Signals/Electrical			50,000	Y				50,000	Downtown TIF
	City Waterfront Parcel - Redevelop/Bulkhead			75,000	Y				75,000	Existing Funds 7812
	KD Stream Retaining Walls			300,000	Y				300,000	Downtown TIF
	Broad St Revitalization			200,000	Y				200,000	Downtown TIF
	Economic Development Support			15,000	Y				15,000	Downtown TIF
	Railroad/Front St Light Replacement			115,000	Y				115,000	Downtown TIF
	Lighting Upgrades			50,000	Y				50,000	Downtown TIF
	Penobscot River Remediation			200,000	Y				200,000	Downtown TIF
	Cross Insurance Center Reserve			158,305	Y				158,305	Downtown TIF
	Monument Restoration			15,000	Y				15,000	Downtown TIF
	Kenduskeag Stream Trail/Fence Repair			40,000	Y				40,000	Downtown TIF
	Kenduskeag Stream Trail Lighting			25,000	Y				25,000	Downtown TIF
	Event Street Barricades			193,000	Y				193,000	Downtown TIF
	DBP Partial Position			45,500	Y				45,500	Downtown TIF
Other Agencies										
	Bangor Public Library			1,965,179	Y	1,914,439			50,740	Carryforward from FY21 - Balances Carried
	Tourism or Marketing Support			50,000	Y	50,000				
	4th of July Corp (2025)			5,000	Y	5,000				
	Cultural Commission			20,000	Y	20,000				
	PB Snowmobile Club			3,000	Y	3,000				
	Cultural Event Calendar	60,000			N					
		2,559,298	50,000	39,690,806		3,403,439	913,000	6,987,566	20,342,801	

Y - Funded, N - Not Recommended for Funding, P - Partial Funding, TBD - To be Determined Pending Other Action

Department	Request	Capital	Funded	Operating Budget	Improvement Reserve	Bond Issue	Other	Comments
Airport	Rehabilitate Runway 15-33 Phase I North End	10,000,000		53,895			9,946,105	FAA, MDOT, MEANG, Fund Balance
	Replace Perimeter Fencing	1,250,000					1,250,000	FAA, MDOT, Fund Balance
	BGR Connector Project	15,667,063					15,667,063	FAA, MDOT, Existing Funds, Fund Balance
	Domestic Arrivals Building - Passenger Movement Area Improvements	2,500,000	Y				2,500,000	PFC Funds
	Air Conditioning Unit for Domestic Terminal	17,500	Y	17,500				
	Window Replacement - DAB Coffee Shop	20,000	Y	20,000				
	Masonry Repairs/Waterproofing at BGR Aviation	80,000	Y	80,000				
	Roof Repairs to AFM Roof	50,000	Y	50,000				
	Buildout Allowance-Nyle Water Heating Systems(690 Main Ave)	175,000	Y	175,000				
	Roof Repairs to Building 195 (State Police Barracks)	50,000	Y	50,000				
	Replace Air Handler - 1st Floor Bldg 115 (Maine Aero)	50,000	Y	50,000				
	Masonry Repairs/Waterproofing Building 96	80,000	Y	80,000				
	Rebuild & Insulate Dock 11 Hangar Door	200,000	Y	200,000				
	Parking Office/Operations Facility	150,000	Y	150,000				
	Airport wide Computer/Monitor/Printer Upgrades	20,000	Y	20,000				
	Replace DSX Network Switches (Yr 1 of 3)	10,000	Y	10,000				
	Replace BGR Dell N2048P Switches (Yr 1 of 3)	20,000	Y	20,000				
	Fiber Optic Install @ BGR	45,000	Y	45,000				
	Optic & Switch Equip for BGR Fiber Campus	10,000	Y	10,000				
	Consulting Services for Door Access & Camera System	20,000	Y	20,000				
	Upgrade & Replace Analog Cameras	57,000	Y	57,000				
	Switch SIDA to Cyber Key System	12,000	Y	12,000				
	Upgrade Camera Server Memory	14,000	Y	14,000				

FY24 NEW PROGRAM AND CAPITAL REQUESTS

Department	Request	New		Capital	Funded	Operating Budget	Improvement Reserve	Bond Issue	Other	Comments
		Program	Other							
	Carpet Replacement			130,000					130,000	CIC Reserve
	Concourse Floor Refinish			20,000	Y				20,000	CIC Reserve
	Daktronics Control Computer Replacement			50,000	Y				50,000	CIC Reserve
	Security Improvements			50,000	Y				50,000	CIC Reserve
	Communication Equipment			15,000	Y				15,000	CIC Reserve
	Cleaning Equipment			10,000	Y				10,000	CIC Reserve
	IT Improvements			73,475	Y				73,475	CIC Reserve
	Building Equipment / Minor Interior Improve			10,000	Y				10,000	CIC Reserve
	LED Lighting Upgrades			10,000	Y				10,000	CIC Reserve
	Building Repairs (Door, Roof, Airwall)			30,000	Y				30,000	CIC Reserve
	Convention Center Upgrades			25,000	Y				25,000	CIC Reserve
	Parking Lot Improvements - Signage and Fence			30,000	Y				30,000	CIC Reserve
	Hussey Seat Replacement			10,000	Y				10,000	CIC Reserve
	Kitchen Equipment			42,500	Y				42,500	CIC Reserve
	Basketball Court Repairs			43,000	Y				43,000	CIC Reserve
		-	-	548,975		-	-	-	548,975	
Parking	Pickering Square Garage Repairs			300,000	Y	250,000			50,000	Existing Funds 7801, 7803
	Hammond Street Deck Repairs			55,000	Y				55,000	Downtown TIF
	Columbia Street Lot Retaining Walls			75,000	Y				75,000	Downtown TIF
	New CCTV Cameras/DVR			25,000	Y				25,000	Existing Funds 8251
	Technology Upgrades			20,000	Y	20,000				
	Parking Inventory Study			50,000	Y	50,000				
		-	-	525,000		320,000	-	-	205,000	
Golf Course	Zero Turn Mower			12,500	Y	12,500				
		-	-	12,500		12,500	-	-	-	
Econ Develop	MBEP: Traffic & Electrical Improvements			10,000	N					
	39 Florida Ave. - Hannaford Bros.			36,575	Y	36,575				
	50 Cleveland St - Central Kitchen			2,561,600	Y			1,551,600	1,010,000	Federal Award
	120 Venture Way - Penquis			400,000	N					2nd Floor - Await New Lease
	40 Johnson St - Bangor Innovation Center			2,757,001	N					Commercial Kitchen first
		-	-	5,765,176		36,575	-	1,551,600	1,010,000	
		2,559,298	50,000	83,792,020		9,033,909	913,000	10,339,166	52,094,944	



CITY COUNCIL ACTION

06/26/2023 23-192, As Am

Council Meeting Date: 06/26/2023

Item No: 23-192, As Amended

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation of Downtown TIF Funds for Expenditures to be Made in Fiscal Year 2024

Summary

This Resolve will appropriate \$3,842,971 in funds for expenditures to be made from the Downtown TIF program. During the FY 2024 budget process, the City Council reviewed all requests for various capital and operational needs, some of which were recommended for funding from the Downtown Development District TIF funds. These funds may only be expended for purposes identified within the TIF application as previously approved by the City Council and the Maine Department of Economic and Community Development. Allowable projects include those related to downtown and parking, the waterfront, downtown infrastructure improvements (i.e. sidewalks, sewers, streets, parks, etc), Cross Insurance Center debt services, clean-up of the Penobscot River and allowable Tier III costs. This resolve was reviewed by the Council as part of the budget review process.

Committee Action

Committee: Council Workshop
Action: Recommend for passage

Meeting Date:
For: Against:

Staff Comments & Approvals

This item will need to be amended by substitution. The one minor change was to align the partial funding of a downtown partnership employee with the partnership adopted budget.

City Manager

City Solicitor

Finance Director

Introduced for: Unfinished Business



CITY OF BANGOR RESOLVE

06/26/2023 23-192, As Am

Date: 06/26/2023

Item No: 23-192, As Amended

Assigned to Councilor:

Making an Appropriation of Downtown TIF Funds for Expenditures to be Made in Fiscal Year 2024

Be it Resolved by the City Council of the City of Bangor that, there is hereby appropriated the amount of \$3,842,971 from the Downtown Development District TIF funds for the following purposes:

Columbia Street Deck Debt Service	\$ 53,500
Cross Insurance Center Debt Service	\$ 1,500,000
Downtown Agreements	\$ 225,300
Court St Demo	\$ 104,120
Village Partnership Match	\$ 200,000
Downtown Sidewalks - PW Repairs	\$ 100,000
Downtown Sidewalks - Replacement	\$ 100,000
Downtown Pedestrian Improve	\$ 25,000
Downtown Traffic Signals/Electrical	\$ 50,000
KD Stream Retaining Walls	\$ 300,000
Broad St Revitalization	\$ 200,000
Economic Development Support	\$ 15,000
Railroad/Front St Light Replacement	\$ 115,000
Lighting Upgrades	\$ 50,000
Penobscot River Remediation	\$ 200,000
Cross Insurance Center Reserve	\$ 158,305
Monument Restoration	\$ 15,000
Kenduskeag Stream Trail/Fence Repair	\$ 40,000
Kenduskeag Stream Trail Lighting	\$ 25,000
Event Street Barricades	\$ 193,000
DBP Partial Position	\$ 43,746
Hammond Street Deck Repairs	\$ 55,000
Columbia Street Lot Retaining Walls	\$ 75,000



CITY COUNCIL ACTION

06/12/2023 23-192

Council Meeting Date: 06/12/2023

Item No: 23-192

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Making an Appropriation of Downtown TIF Funds for Expenditures to be Made in Fiscal Year 2024

Summary

This Resolve will appropriate \$3,844,725 in funds for expenditures to be made from the Downtown TIF program. During the FY 2024 budget process, the City Council reviewed all requests for various capital and operational needs, some of which were recommended for funding from the Downtown Development District TIF funds. These funds may only be expended for purposes identified within the TIF application as previously approved by the City Council and the Maine Department of Economic and Community Development. Allowable projects include those related to downtown and parking, the waterfront, downtown infrastructure improvements (i.e. sidewalks, sewers, streets, parks, etc), Cross Insurance Center debt services, clean-up of the Penobscot River and allowable Tier III costs. This resolve was reviewed by the Council as part of the budget review process.

Committee Action

Committee: Council Workshop

Meeting Date: 06/12/2023

Action:

For:

Against:

Staff Comments & Approvals

This is based on the City Manager's recommended budget. This resolve may require an amendment if additional changes are made as the budget is finalized.

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-192

Date: 06/12/2023

Item No: 23-192

Assigned to Councilor: Pelletier

Making an Appropriation of Downtown TIF Funds for Expenditures to be Made in Fiscal Year 2024

Be it Resolved by the City Council of the City of Bangor that, there is hereby appropriated the amount of \$3,844,725 from the Downtown Development District TIF funds for the following purposes:

Columbia Street Deck Debt Service	\$ 53,500
Cross Insurance Center Debt Service	\$ 1,500,000
Downtown Agreements	\$ 225,300
Court St Demo	\$ 104,120
Village Partnership Match	\$ 200,000
Downtown Sidewalks - PW Repairs	\$ 100,000
Downtown Sidewalks - Replacement	\$ 100,000
Downtown Pedestrian Improve	\$ 25,000
Downtown Traffic Signals/Electrical	\$ 50,000
KD Stream Retaining Walls	\$ 300,000
Broad St Revitalization	\$ 200,000
Economic Development Support	\$ 15,000
Railroad/Front St Light Replacement	\$ 115,000
Lighting Upgrades	\$ 50,000
Penobscot River Remediation	\$ 200,000
Cross Insurance Center Reserve	\$ 158,305
Monument Restoration	\$ 15,000
Kenduskeag Stream Trail/Fence Repair	\$ 40,000
Kenduskeag Stream Trail Lighting	\$ 25,000
Event Street Barricades	\$ 193,000
DBP Partial Position	\$ 45,500
Hammond Street Deck Repairs	\$ 55,000
Columbia Street Lot Retaining Walls	\$ 75,000



CITY COUNCIL ACTION

06/12/2023 23-193

Council Meeting Date: 06/12/2023

Item No: 23-193

Responsible Dept: Community & Economic Development

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Appropriating \$817,546 of Fiscal Year 2023 Community Development Block Grant Funding and \$250,000 in Anticipated Program Income

Summary

This Resolve will appropriate \$817,546 in Community Development Block Grant Funds for Federal fiscal year 2023 (City fiscal year 2024) awarded through the U. S. Department of Housing and Urban Development, as well as \$250,000 in program income from anticipated loan repayments.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

Requisite public hearings were held at the Business & Economic Development Committee meetings on March 21 and April 4, 2023 and were advertised.

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY OF BANGOR RESOLVE

06/12/2023 23-193

Date: 06/12/2023

Item No: 23-193

Assigned to Councilor: Sprague

Appropriating \$817,546 of Fiscal Year 2023 Community Development Block Grant Funding and \$250,000 in Anticipated Program Income

WHEREAS, the City has applied for and will receive funds from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended, Public Law 93-383; and

Be it Resolved by the City Council of the City of Bangor that,

the City Manager is authorized to appropriate FY23 Community Development Block Grant entitlement funds from the U. S. Department of Housing and Urban Development in the amount of \$817,546 as provided for in Title I of the Housing and Community Development Act of 1974, as amended, a copy of which is on file in the Office of the City Clerk, as well as \$250,000 in anticipated program income.



NEW BUSINESS



CITY COUNCIL ACTION

06/26/2023 23-208

Council Meeting Date: 06/26/2023

Item No: 23-208

Responsible Dept: City Manager

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing the City Manager to Execute an Amendment to the Management Agreement with Oak View Group for Management of the Cross Insurance Center

Summary

This Order would authorize an amendment to the management agreement between the City and Oak View Group previously known as Global Spectrum, L.P., Spectra Venue Management or Spectra, for the Cross Insurance Center. It would extend the agreement for three years, and amend the management fees the City pays to Oak View Group.

Since 2011, the City has contracted management of the Cross Center to Oak View Group or its predecessor. In general, operational successes for the Center have met and/or exceeded early financial and event projections. The venue has played host to an extensive variety of entertainment events appealing to a broad range of interests.

At present, the agreement between the City and Spectra expires on June 30, 2023, with a City option to extend the term for three years. This amendment would authorize a three year extension through June 30, 2026.

As the facility returns to pre-pandemic operations and staffing levels, Oak View is seeking to support the facility's return to operational success. Oak View Group has offered the City \$105,000 to invest in revenue generating or operating expense reducing enhancements as the facility reaches its 10 year anniversary.

Additionally, the contract fixes a management fee of \$138,000 which is subject to annual increases in the CPI. Oak View Group would be further eligible to earn incentives based on operating results, concert attendance and customer satisfaction as outlined in the contract. If approved by the Council, the final form of the contract would be subject to review and approval of the City Solicitor.

This item was reviewed in Executive Session on June 20, 2023.

Committee Action

Committee:

Meeting Date:

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

06/26/2023 23-208

Date: 06/26/2023

Item No: 23-208

Assigned to Councilor: Yacoubagha

Authorizing the City Manager to Execute an Amendment to the Management Agreement with Oak View Group for Management of the Cross Insurance Center

WHEREAS, at present, the agreement between the City and Oak View Group, the successor to Spectra, for management of the Cross Insurance Center expires on June 30, 2023, with a City option to extend the term for three years; and

WHEREAS, under Oak View Group's management, the Cross Center has returned its staffing and event offerings to pre-pandemic levels; and

WHEREAS, Oak View has offered to amend the terms of the current agreement to include a \$105,000 investment in the facility over the three year term; and

WHEREAS, as part of this amendment, Oak View Group has agreed to amend the incentive fee basis from certain operating revenues to net revenues, excluding net sponsorships/premiums;

Be it Ordered by the City Council of the City of Bangor that,

The City Manager is hereby authorized to execute an amendment to its agreement with Oak View Group, previously known as Global Spectrum, L.P., Spectra Venue Management or Spectra, for the management of the Cross Insurance Center. Said amendment shall extend the current term until June 30, 2026; as well as amend the payment terms related to the fixed management and incentive fees. Said amendment shall be in final form as agreed to by the City Solicitor.