

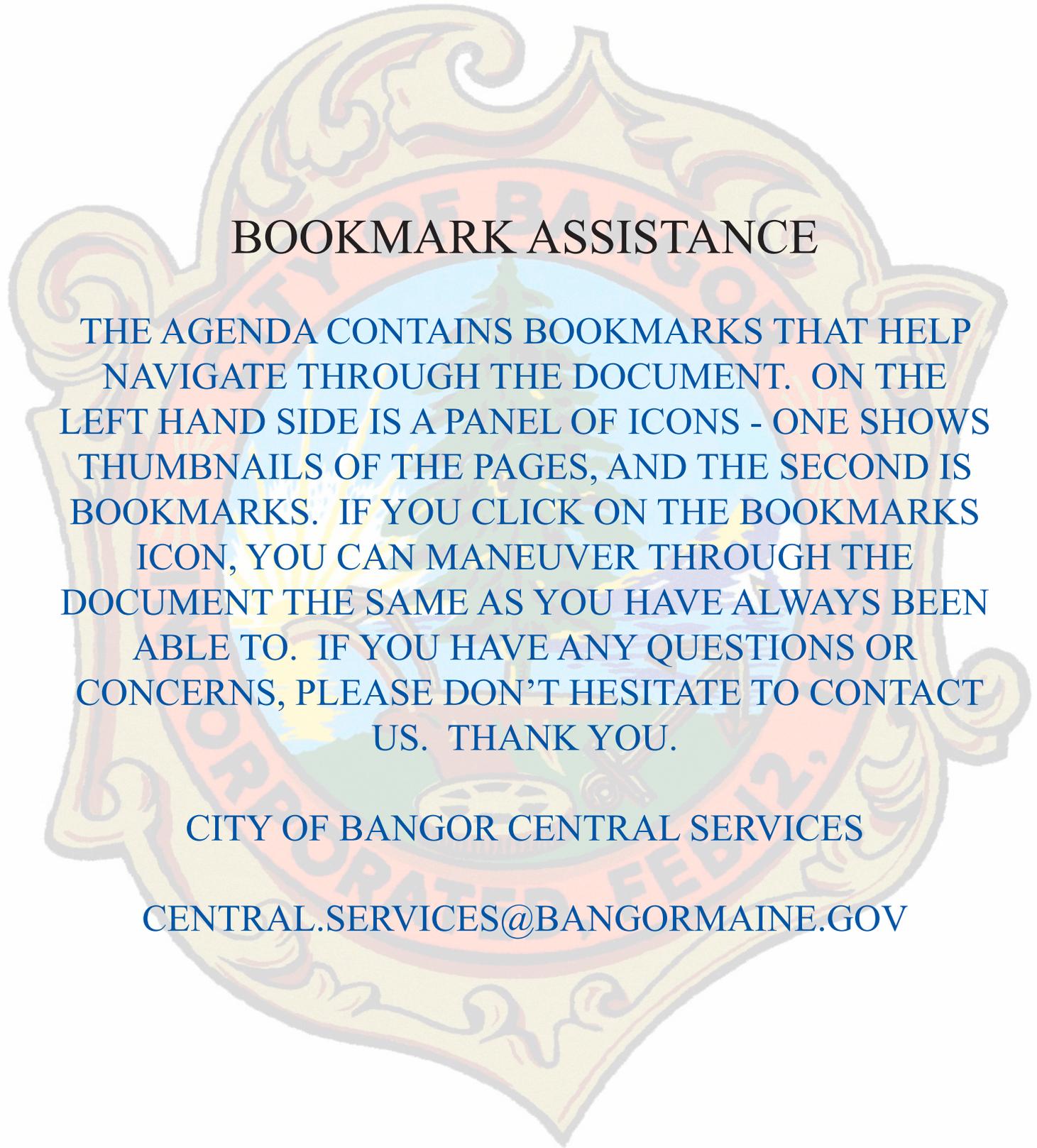
MEDIA
COPY



CITY COUNCIL AGENDA

JANUARY 13, 2014





BOOKMARK ASSISTANCE

THE AGENDA CONTAINS BOOKMARKS THAT HELP NAVIGATE THROUGH THE DOCUMENT. ON THE LEFT HAND SIDE IS A PANEL OF ICONS - ONE SHOWS THUMBNAILS OF THE PAGES, AND THE SECOND IS BOOKMARKS. IF YOU CLICK ON THE BOOKMARKS ICON, YOU CAN MANEUVER THROUGH THE DOCUMENT THE SAME AS YOU HAVE ALWAYS BEEN ABLE TO. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE DON'T HESITATE TO CONTACT US. THANK YOU.

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 13, 2014

PLEDGE ALLEGIANCE TO THE FLAG

Swearing in of new appointees to Sub-Committees

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: Regular City Council Meeting of December 30, 2013,
Airport Committee Meeting of November 26, 2013,
Finance Committee Meetings of August 5, 2013, August
19, 2013 and August 26, 2013, and Business and Economic
Development Committee Meeting of November 26, 2103**

**Liquor License Application for Renewal Liquor License, Malt, Spirituous, GRAHAM
Renewal: Vinous of Hero's Sports Grill LLC d/b/a Hero's Sports
Grill, 41 Washington Street**

**Application for Renewal Liquor License, Malt, Spirituous, GRAHAM
Vinous of PR Mexican Restaurants LLC d/b/a Pepino's
Mexican Restaurant, 570 Stillwater Avenue**

**14-055 ORDER Authorizing the City Manager to Accept \$6,284.00 in U.S. CIVIELLO
Currency, and Property or any Portion Thereof as a Result of a
State Criminal Forfeiture**

Executive Summary: This Order will authorize the acceptance and transfer of \$6,284.00 in State Criminal Forfeiture Funds. Members of the Bangor Police Department were instrumental in an arrest leading to the seizure of cash and property that was subsequently forfeited by the individual who was arrested. As a result, the City is entitled to a portion of the seized funds. Approval is recommended.

**14-056 ORDER Authorizing the City Manager to Apply for a \$400,000 GRAHAM
Environmental Protection Agency Grant for a
Brownfields Assessment Program**

Executive Summary: This Order will authorize the City Manager to submit a grant application in the amount of \$400,000 to the Environmental Protection Agency, Brownfields program. If successful, the funds would be used to voluntarily assess potentially contaminated sites. Testing of sites can spur future redevelopment of underutilized properties and help protect people and the environment from contamination. There is no required cash match as a part of this application. The City will pledge to use staff time and its partner's time as an in-kind match. If the application is successful, the grant will return to Council Committee to review the

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 13, 2014

CONSENT AGENDA ITEM NO.

ASSIGNED TO COUNCILOR

specific requirements and commitments of the program. At that time, the Council would make a final determination as to whether or not the grant should be accepted. This item was reviewed and recommended for approval at the Finance Committee Meeting on January 6, 2014.

14-057 ORDER Authorizing Bid Award in the Amount of \$331,860 to Otis **BLANCHETTE
for Escalator Refurbishment**

Executive Summary: On December 31, 2013, the City received one (1) bid for Escalator Refurbishment in the amount of \$331,860. On January 6, 2014, the Finance Committee approved staff recommendation to award the contract to Otis in the amount of \$331,860. This work represents the first step in the broader domestic terminal renovation project. While multiple vendors attended the pre-bid conference Otis was the only bidder to submit a response. The bid submitted is below the engineer's estimate. The contract award recommendation must be reviewed and approved by the City Council as it is over \$100,000.

14-058 ORDER Authorizing Bid Award in the Amount of \$111,970 to **GALLANT
Frank J. Zamboni Company for Ice Resurfacer**

Executive Summary: On January 3, 2014, the City received two (2) bids for an Ice Resurfacer ranging in amount of \$111,970 - \$151,400. On January 6, 2014, the Finance Committee approved staff recommendation to award the contract to Frank J. Zamboni in the amount of \$111,970. The contract award recommendation must be reviewed and approved by the City Council as it is over \$100,000.

14-059 ORDER Authorizing the City Manager to enter into a lease **DURGIN
renewal agreement with the Transportation Security
Administration (TSA) for space at Bangor International
Airport**

Executive Summary: This Order will authorize the City Manager to enter into a lease renewal agreement with the Transportation Security Administration (TSA). The TSA provides passenger security screening at the airport and desires to renew their lease for the office space that they currently occupy for their administrative and management personnel. The TSA has leased space from the airport since 2001 and the current lease expires this month.

The general terms of the lease will remain unchanged. The TSA will rent 3,185 square feet of office space and thirty (30) employee parking spaces. The TSA also requests a long term lease of ten (10) years, which includes extension periods. The lease term will include an escalator for CPI beginning with Year 2 related to the operating cost of the lease payment.

The lease will be in a standardized format used for all Federal leases and will be reviewed and approved by City Legal. The Finance Committee recommended approval of this order at its January 6, 2014 meeting.

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 13, 2014

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

**ASSIGNED TO
COUNCILOR**

14-060 **ORDINANCE** **Amending Land Development Code – Zone Change – 1732 Ohio Street from a Contract Government and Institutional Service District to a Rural Residence and Agricultural (First Reading and Referral to Planning Board Meeting of January 21, 2014)**

DURGIN

Executive Summary: This proposal will amend the Land Development Code and rezone a property at 1732 Ohio Street from a contract zone to Rural Residence and Agricultural. The applicant, Mark D. Butterfield, is requesting a zone change for a parcel of land located at 1732 Ohio Street containing approximately 4.1 acres from a Contract Government and Institutional Service District to a Rural Residence and Agricultural District. This property was rezoned in 2004 as a potential site for Pilgrim Presbyterian Orthodox Church to relocate their Mount Hope Avenue facility. In 2013, they were able to expand on their Mount Hope property and have sold the Ohio Street property. RR&A will facilitate the site for typical agricultural uses and single family dwellings and is consistent with the neighboring properties.

14-061 **ORDINANCE** **Amending Chapter 291, Vehicles and Traffic, of the Code of the City of Bangor, By Allowing Parking for Small Commercial Vehicles (First Reading)**

GALLANT

Executive Summary: If approved, this ordinance amendment would prohibit vehicles larger than one ton in capacity from parking on residential streets for more than four hours. One ton and smaller vehicles would not be subject to this four hour limit. Moving vehicles and gas, oil, and public utility vehicles would also be exempt from the limit.

The ordinance amendment would restrict larger vehicles, such as tractor-trailer trucks, from creating undue noise and other problems in residential neighborhoods, while allowing small contractors and similar truck owners to park overnight near their homes. This item was reviewed and recommended for approval at the January 6, 2014 Government Operations Committee.

14-062 **ORDINANCE** **Amending the Code of the City of Bangor, Chapter 215, Police Regulations (First Reading and Referral to Government Operations Committee Meeting on January 21, 2013.)**

CIVIELLO

Executive Summary: This Ordinance will amend the City’s ordinance to include the additional limits on sex offender residency approved by the recent amendment to State law. In 2013, the City of Bangor enacted an ordinance to restrict sex offenders from residing close to schools and municipal property where children are the primary users. The ordinance was consistent with 30-A M.R.S.A. §3014, a law permitting the enactment of such an ordinance by municipalities. During the last legislature the law was amended to allow municipalities to, by ordinance, restrict the residency of sex offenders in the vicinity of municipal and state property leased to a nonprofit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. This item was reviewed and recommended for approval by the Government Operations Committee at its January 6, 2014 meeting.



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 23, 2013

NOTE: Regular Meeting of the Bangor City Council scheduled for December 23, 2013 was postponed to December 30, 2013 due to inclement weather.

*Meeting called to order at 7:30 PM on December 30, 2013
Chaired by Councilor
Councilors Absent: Gallant
Meeting Adjourned at 7:53 PM*

PUBLIC COMMENT *None*



MINUTES OF: *Bangor City Council Regular Meeting of December 9, 2013,
Infrastructure Committee Meetings of November 18, 2013 and December
10, 2013 and Bangor Water District Board of Trustees Meeting of
November 19, 2013*

Action: *Accepted and Approved*

Liquor License Renewal: *Application for Liquor License Renewal, Malt, Vinous of Penobscot
Theatre Company d/b/a Penobscot Theatre Company, 131 Main Street* **CIVIELLO**

Action: *Approved*

14-042 ORDER *Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 44 Pier Street* **GALLANT**

Action: *Passed*

14-043 ORDER *Authorizing the City Manager to Accept \$314.00 in U.S. Currency, or a
Portion Thereof, as a result of a State Criminal Forfeiture* **GRAHAM**

Action: *Passed*

14-044 ORDER *Authorizing the City Manager to Accept \$317.00 in U.S. Currency, or
aPortion Thereof, as a result of a State Criminal Forfeiture* **BALDACCI**

Action: *Passed*

14-045 ORDER *Authorizing the City Manager to Execute a Sub Recipient Agreement
with Mayo Regional Hospital as the Fiscal Agent for the Piscataquis
Public Health Council* **BLANCHETTE**

Action: *Passed*

14-046 ORDER *Authorizing Execution of an Easement to C.M.I., Inc. – Hogan Road
Extension* **NEALLEY**

Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 23, 2013

**CONSOLIDATED AGENDA
ITEM NO.**

- 14-047 ORDER *Authorizing the Airport to submit a Passenger Facility Charge (PFC) application to the Federal Aviation Administration (FAA)* **DURGIN****
- Action: Passed*
- 14-048 ORDER *Authorizing Acceptance of Two Pipeline Easements at Bangor International Airport* **CIVIELLO****
- Action: Passed*
- 14-049 ORDER *Authorizing Acceptance of Three Cellometer Easements and a 0.01 Acre Parcel at Bangor International Airport* **NEALLEY****
- Action: Passed*
- 14-050 ORDER *Authorizing the City Manager to Execute a Renewal Agreement with the University of Maine for the Community Connector Fare Free Program* **PLOURDE****
- Action: Passed*

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

- 14-051 ORDINANCE *Amending Land Development Code – Contract Zone Change – Gilman Road from a Rural Residence and Agricultural District to a Contract Shopping and Personal Service District* **DURGIN****
- Action: First Reading and Referral to Planning Board Meeting of January 7, 2014*

**UNFINISHED BUSINESS
ITEM NO.**

- 14-033 ORDER *Accepting and Appropriating \$151,832 for the Supplemental Nutrition Education Grant program* **CIVIELLO****
- Action: Motion made and seconded for Passage
Passed*
- 14-034 ORDINANCE *Amending Chapter 165, Land Development, of the Code of the City of Bangor – Section 165-135. Schedule A - Urban Developed Area Standards* **DURGIN****
- Action: Motion made and Seconded for
Vote: 8 - 0
Councilors Voting Yes: Baldacci, Blanchette, Civiello, Durgin, Graham, Nealley, Plourde, Sprague
Councilors Voting No: None
Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – DECEMBER 23, 2013

NEW BUSINESS ITEM NO.			ASSIGNED COUNCILOR
----------------------------------	--	--	-------------------------------

14-052 ORDER *Authorizing the Execution of an Agreement with the Bangor Band - Amphitheater* **GRAHAM**

Action: *Motion made and seconded for Passage
Passed*

14-053 ORDER *Authorizing Award of Single Stream Recycling Contract to Pine Tree Waste* **PLOURDE**

Action: *Motion made and seconded for Passage
Passed*

Action: *Motion made and seconded to suspend the rules to act on Order 14-054 Directing the City Manager to Take Possession of the Property Located at 324 Union Street (also known as 324 Pond Street)
Passed*

Action: *Motion made and seconded for Passage of
Order 14-054
Passed*



Lisa J. Goodywin, MMC, City Clerk

Meeting Agenda
City of Bangor Airport Committee Meeting
City Council Chambers
3rd Floor
November 26, 2013

The following City Councilors were in attendance: Nelson Durgin, David Nealley, Gibran Graham, and Pauline Civiello. The following City staff was also in attendance, Airport Director, Anthony Caruso, Marketing Manager Risteen Bahr and Assistant Airport Director James Canders. Also in attendance was City Manager Cathy Conlow.

Agenda:

1. Airport overview presentation.

Airport Director Caruso presented the Airport Committee with a power point presentation regarding the Airport overview and business segments. He discussed that we are a small non-hub Commercial Airport with scheduled airline and transit charter traffic, BGR is also a joint use Civilian and Military Airport. We operate as an enterprise fund with ave. \$13 million budget, with 83 full time employees plus part time and seasonal employees. We have US Customs and Border Protection available 24 hrs.' a day. And we own and operate the exclusive FBO. We have the best facilities in the region: excellent all-weather reliability, Cat III approach capability, low airport costs, turn key ground handling and our runway is 11,440 ft. We have commercial domestic service, international charter flights, primarily military transit. We have International General Aviation/corporate, and cargo and military. Our traditional revenue comes from landing fees, airline leases, parking/other concessions, tenant leases/property management. Also we have the FBO, fuel, ground handling, deicing and airline handling services, which contributes to our non-traditional revenue stream. The Airfield Operations consists of airfield and ground maintenance, wildlife controls, airfield lighting, and runway/taxiway maintenance and snow removal. We have three airlines serving Bangor: Delta, US Airways, and Allegiant Air. Our Domestic service includes leases/concessions, landing fees and fuel and ground services. We have exclusive FBO on the field, with the personnel and equipment. We do all the ground handling, our customers love the one call does it all! We have passenger handling service on staff. Through the years Bangor International has sold an average of just under 17 million gallons a year with a high of 31, 156, 60 gallons in 1982 and a low of 9,723,989 in 2002. The Airport owns and operates the fuel farm. The airport sells fuel through two primary methods: as the ground handling agent for a fuel supplier contract and retail to the Airport customer. The Airline leases, we will update after terminal construction project: These have not been not renewed since early 2000's, the car rental leases we will update after construction Our funding for capital projects include the PFC's and the AIP's. Director Caruso described both Federal programs.

Questions/Comments

Councilor Graham asked about the fuel. Caruso responded that we have Jet A and Avgas, the prices will vary. Prices normally change on a weekly basis.

Councilor Civiello asked about the Guard. Caruso responded that we have a partnership with them. We keep the airfield open 24-7.

2. Consent to Assignment in connection with the transfer of Flexjett's activities from Bombardier to Flexjet, LLC

Assistant Airport Director Canders indicated that this amendment is to authorize the consent for assignment with the transfer of Flexjet's activities from Bombardier to Flexjet LLC. This agreement is a standard aircraft handling agreement that this company has with other FBO's which provide service to their aircraft. The initial term for this agreement is two (2) years and shall continue on a month to month basis after the two (2) year anniversary. There are no substantial changes to the terms from the original agreement. This agreement has been reviewed and approved by City Legal. The Airport respectfully submits this amendment for Airport Committee review and recommends approval.

Questions/Comments

Councilor Graham asked how often they come in. Canders that are not on a standard flight schedule but they come in steady.

Councilor Civiello asked about the costs. Canders responded that the rates are listed in the contract.

Moved and seconded.

3. Domestic passenger statistic.

Airport Director Caruso that the numbers were up by 8.4% for the total monthly passengers and the YTD passengers were up by 5.5%. We have strong numbers and the passenger numbers are going in the right direction. The load factors remain strong.

Questions/Comments

Councilor Nealley asked how long has Delta been at the Airport. Director Caruso responded that at least 40 years. He then asked are we confident that what Airlines we have now will stay. Director Caruso indicated that we have strong performance, but there is still uncertainty in the marketplace. We do talk to the Airlines as much as we can.

4. Report on NBAA 2013 conference.

Assistant Airport Director Canders indicated that from October 22 to the 25th he attended the 2013 National Business Aviation Association Business Aviation Convention and Exhibition in Las

Vegas, Nevada. The NBAA convention is an annual gathering of aviation related businesses, aircraft manufacturers and service companies, airports, and flight departments. As in years past, Bangor International Airport set up a booth to facilitate conversions with existing customers and establish new business relationships. We were also able to venture out into the convention halls to create new business opportunities for BGR. Several of our existing customers and vendors were represented at the convention. All our contract fuel vendors were on site and we were able to conduct quite a bit of business with them. One of our customers, UV Air, had a large booth set up and the conclusion of the convention had an awards ceremony where they presented Bangor International Airport with a 2013 Preferred Supplier award. Connie who also attended the conference, and James were also able to create new business relationships while attending the convention. Discussions were made with large companies that frequently travel overseas and already utilize BGR for their flight needs. Based on discussions made, we expect to be drafting more formalized agreements for aircraft services in the near future. We were also able to educate many companies about Bangor International Airport and how we could serve their aircraft needs in the future.

Questions/Comments

None

Meeting Adjourned

FINANCE COMMITTEE

August 5, 2013

7:07PM

MINUTES

Council Members: Sprague, Baldacci, Durgin, Nealley, Blanchette, Civiello, Longo, Gallant

Staff: Cyr, Little, Higgins, Lucas, Caruso, Canders, Kipler, Morgan, Conlow, Bird

1. Consent Agenda

- a. Report of Bids Awarded by Staff – July 2013
- b. Quitclaim Deed – 191 Center Street – Hill

Councilor Baldacci moved, Councilor Sprague seconded, approved.

2. Request from Taxpayer to Accept Partial Payment for Personal Property Taxes Outstanding

****To Be Rescheduled per Taxpayer Request****

Councilor Baldacci moved to reschedule, Councilor Sprague seconded, approved.

3. Bids/Purchasing

- a. Kittredge Road Realignment – Engineering – Lou Silver - \$225,878

Staff recommendation is to award the contract to Lou Silver, the low bidder.

Councilor Baldacci moved, Councilor Sprague seconded, approved.

- b. Radios – Airport – Whitten's 2- Way - \$19,583

Finance Director Cyr stated we received 4 responses with two not meeting specifications and one that raised concerns due to the company being located in Tallahassee, Florida. Staff recommendation is to award the contract to Whitten's 2-Way.

Councilor Gallant moved, Councilor Baldacci seconded, approved.

c. Request for Sole Source Purchase – Fire Department – Fire Engines

Finance Director Cyr stated the Fire Department would like to negotiate with Pierce Manufacturing for the purchase of two new fire engines, this would lead to consistency across the fleet, decrease the lead time for obtaining the equipment and allow staff to negotiate the price based on the established budget.

Councilor Gallant moved, Councilor Baldacci seconded, recommended to the City Council.

Councilor Gallant stated he would like to see a buy back option like we have with Nortrax, etc., to help lower costs.

d. Request for Contract Extension – Parking Management on a month to month basis for up to 3 months.

Councilor Baldacci moved, Councilor Gallant seconded and opened to questions.

Councilors discuss the possibility of meeting with current contract holder, Republic Parking, but Councilor Blanchette felt that was unethical. Councilor Gallant didn't think so since they are currently under contract with us and if we've had complaints about their services, etc. it's our responsibility to meet with them to discuss this.

Recommended to City Council.

4. Update on 11 and 15 Field Street

Finance Director Cyr stated that the ownership of 11 Field Street is murky at best but the City does have a foreclosure notice signed by Mr. Knight's daughter. If acceptable, there will be a motion to take ownership of the property.

Councilor Baldacci moved, Councilor Gallant seconded, recommended to City Council.

Councilor Baldacci moved to correct the issues dealing with notification of 15 Field Street so we can take steps toward taking ownership of the property, seconded by Councilor Gallant, approved.

5. Update on Properties with Matured Tax Liens

Treasurer David Little explained that the City currently has 49 properties that are 5 years or more behind in tax payments. Staff's recommendation is to move forward with the foreclosure process. This will entail a review of the files to ensure all paperwork is complete and appropriate notifications have been made to homeowners and lien holders.

Councilors discussed the whether or not the properties were vacant, in foreclosure or just unkept and whether they are vacant parcels of land or have actual buildings. It was noted by staff that most vacant buildings are residential and most land is business owned.

City Manager Conlow stated that Code Enforcement is currently preparing a vacant property ordinance and that will be presented when Jeremy Martin gets back into the office at the end of August. This will include penalties, etc.

6. Write off of Real Estate Taxes – 13A Pray's Park

Treasurer Little stated this is the trailer that was moved out of the City without the proper notifications. Staff recommendation is that the Committee write off of the \$600 owed instead of paying more to track it down.

Councilor Gallant moved, Councilor Sprague seconded, approved.

7. **Write off of Real Estate Taxes – Lot 286 Cedar Falls*

The Legal Department received a notice from the attorneys of the current owners of a property on the list discussed in the previous item that they have filed a writ of possession against the owner of the mobile home and they intend to take possession of trailer and dispose of it. As a lien holder we can dispute but would have to pay lot rent and pay to dispose of it. Staff recommendation is to write off the \$2,364.72 owed.

Councilor Gallant moved, Councilor Baldacci seconded, approved.

8. Proposed Changes to Vendor Notification of Bid Opportunities

The City's current vendor notification process is cumbersome for our smaller staff. Staff would like to transition to using the eGov notifications.

Durgin asked if there are any statutory regulations. Finance Director Cyr stated not that we are aware of. We just need to make sure that DBE's are put into the vendor database. The vendors that we deal with at this point will be okay with this new system. Vendors like the idea that they can get an electronic copy of the bids instead of having to come in for a plan book.

9. Council Order 13-250, Authorizing Issuance of \$4,740,000 in General Obligation Bonds

Councilor Baldacci moved, Councilor Gallant seconded, recommended to City Council.

10. Council Order 13-251, Authorizing Issuance of \$2,500,000 in State Revolving Loan Fund General Obligation Bonds

Councilor Baldacci moved, Councilor Gallant seconded, recommended to City Council.

Adjourned at 8:04pm.

FINANCE COMMITTEE

August 19, 2013

5:43PM

MINUTES

Council Members: Sprague, Baldacci, Durgin, Nealley, Blanchette, Civiello, Longo

Staff: Cyr, Conlow, Caruso, Lucas, Bird

Other: Kinghorn

1. Consent Agenda

- a. Resolve 13-271, Appropriating \$579,000 in US EDA Grant Funds for Aircraft Paint Facility at BIA
- b. Resolve 13-273, Appropriating \$91,480 in TSA Grant Funds for Pre-Project In-line Baggage Project Costs
- c. Resolve 13-274, Appropriating \$3,200,000 in PFC Funds for Electrical Upgrades and Domestic Terminal Renovations
- d. Resolve 13-275, Appropriating \$1,689,163 in FAA and \$93,843 in MDOT AIP Grant Funds – Canal Fill Wildlife Abatement Project
- e. Resolve 13-276, Appropriating \$,672,307 in FAA and \$37,350 in MDOT AIP Grant Funds – Subsurface Drainage and Runway Guard Lights
- f. Resolve 13-277, Appropriating \$154,668 in FAA and \$8,140 in MDOT AIP Grant Funds – Video Inspection and Design Repairs – Airfield Drainage
- g. Order, Authoring Application for a \$150,000 MDEP Grant – Bio-retention Cell in Sunny Hollow Development
- h. Workout Agreement – 68 Silver Road – Bell
- i. Ratification of Mobile Data Terminal Purchase

Councilor Baldacci moved, Councilor Longo seconded, approved and recommended to City Council.

2. Bids/Purchasing

- a. Rock Salt – Public Works -- International Salt Company - \$262,050

Finance Director Cyr stated that staff recommendation is to award the contract to International Salt Company. While they were not low bidder, the City has had no experience with the low bidder (neither has Brewer) and the salt that was shown was not up to specifications.

Councilor Sprague moved, Councilor Baldacci seconded, recommended to City Council.

b. Energy Supply Contracts

Finance Director Cyr explained the process by which Maine Power Options (MPO) selects a power supplier for a 3 year contract. Since deregulation the City has been able to contract for electricity supply and has MPO for that purpose. MPO negotiates contracts with a supplier and it is fixed pricing for the life of the agreement, which includes all regulatory fees. The City is able to manage peak usage where possible through a notification form MPO. Under this arrangement there are no fees if we close an account. The City currently has 3 contracts; streetlight, medium service and large service accounts. The current contract with MPO is set to expire, while the City could go out to bid for our own service supplier but do not possess the necessary technology knowledge to undertake this on our own. We would recommend hiring a highly experienced 3rd party to represent us and manage the process. For those reasons, staff recommendation is that the City continues to work with MPO for the negotiation of electricity supply contracts.

Councilor Baldacci moved, Councilor Nealley seconded, recommended to City Council.

3. Discussion of Optional Cultural Investment Fund

Vice Chair George Kinghorn of the Commission on Cultural Development stated that this optional investment request certificate will be accompanying the utility/sewer bill in hopes it will help raise additional funds for marketing and other things for cultural events, etc.

Councilor Baldacci suggested that the letter include information as to how donations will be used.

Councilor Nealley suggested that the t levels of donations be named and to include an anonymous option on the form such as a check box.

It was proposed that the letters be sent to anyone who receives sewer and tax bills which is a broader list. Also Councilor Sprague suggested using Downtown Bangor's Facebook page to reach renters who don't receive those bills.

Councilor Blanchette stated that at the end of the form there should be a statement saying "this donation is tax deductible".

Councilor Sprague moved staff recommendation, Councilor Baldacci seconded, recommended to the City Council.

Jason Bird will update the form with the additions from this meeting's discussions.

4. Discussion of City Hall Roof

Finance Director Cyr explained that it has been recently discovered that the roof at City Hall needs to be replaced. The current roof was installed in 1999 and was said to have a 10 year life. Staff recommendation is to replace the roof with a rubber membrane that would have a 30 year life. At this time we do know that the roof needs to be replaced, what is unknown is any other damage that may be found when it is replaced. Based on initial estimates, the cost could range from \$250,000 to \$300,000. While this was not anticipated, the recommendation would be that the project be funded with general obligation bonds.

Councilor Longo asked if there was any other project that we could piggyback with the roof such as windows. Councilors discussed many different options regarding windows. More research needs to be done before we move on the windows. We need to look at the overall building and future plans before we do anymore renovations, etc.

Recommended to the City Council.

Adjourned at 6:30PM

FINANCE COMMITTEE
August 26, 2013
5:00 P.M.
City Hall, Council Chambers

MINUTES

Council Members: Durgin, Blanchette, Gallant, Sprague, Hawes, Civiello, Baldacci, Longo

Staff: Cyr, Morgan, Hathaway, Longo

1. Bids/Purchasing

- a. Mildred/Nason Stormwater – Engineering – Eastwood Contractors - \$179,350

Staff recommendation is to award the contract to Eastwood Contractors, the low bidder, in the amount of \$179,350.

Councilor Sprague moved, Councilor Baldacci seconded, recommended to City Council.

- b. Waive Bid Requirement – Mobile Data Terminal Modems – Police/Fire – Transcor - \$40,846

Staff presented a recommendation to waive the bid requirement for MDT modems. The funding for this purchase will be from Homeland Security Funds.

Councilor Sprague moved, Councilor Baldacci seconded, approved.

- c. Electricity Supply – City Wide – Pricing and Offer Sheet will be Available at Meeting - *Tentative*

Finance Director Cyr stated that the market became volatile due to the tropical storm so there is no recommendation at this time.

Adjourned at 5:04 P.M.

BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, November 26, 2013

City Council Chambers

MINUTES

Attendees: Committee Chair Councilor Durgin, Councilor Civiello, Councilor Blanchette, Councilor Graham, and Councilor Nealley

Staff Present: Tanya Emery, Cathy Conlow, and Norman Heitmann

1. Brief Update – Redevelopment of Freese’s Building

Director Emery introduced Mike Myatt from Bangor Housing Development Corporation who gave an overview of the progress that has been made regarding the Freese’s redevelopment project. Mr. Myatt discussed the proposed changes to the building that were depicted in the handouts provided by Staff. He indicated that their next step is to obtain City Council approval of a development agreement. Once this is approved, they will move forward. The next steps will be to go before the Planning Board for approval (if needed), obtain ownership of the condominium unit, and put the project out to bid.

Director Emery indicated that if the Committee is in agreement then staff would finalize a development agreement to be brought forward to the full Council for approval. The Committee recommendation was to forward this on to the full Council.

2. Design Review – BanRes, LLC Hotel Project

Director Emery introduced Rob Frank, P.E., from WBRC and Attorney Andy Hamilton from Eaton Peabody who are representing BanRes, LLC in their development of a hotel on Bass Park Boulevard. She indicated that this item was basically an update on where the project is in the planning process.

Attorney Hamilton indicated that Dutton Street had been extended and that portion has been renamed Bass Park Boulevard. Also, a contract zone change has been approved for the site. He discussed the hotel facility and the restaurant facility noting that the Site Location of Development Act application will be forwarded to the State and the Site Development Plan will be submitted to the Planning Board for review, after this meeting.

Rob Frank discussed the preliminary site plan elements including the building design, parking, buffers, lighting, signage, screening and layout. He indicated that they are estimating that the project will employ 150 people consisting of

three shifts with 50 employees per shift. He discussed the proposed layout of parking spaces noting that they have designed the parking to make it appear to be a separate parking lot from the Cross Center parking. They are proposing approximately 200 spaces and exceed the minimum of 120 spaces required under the development agreement.

The Committee Members discussed signage. City Manager Conlow indicated that Dana Wardwell, Public Works Director, has been working with Maine Department of Transportation regarding signage on I-395.

Councilor Graham suggested that the plans be posted on the City's website. All agreed.

There being no further discussion, the meeting was adjourned at 5:50 p.m.

COUNCIL ACTION

Item No. 14-055

Date: January 13, 2014

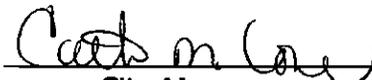
Item/Subject: Order, Authorizing the City Manager to Accept \$6,284.00 in U.S. Currency, and Property or any Portion Thereof as a Result of a State Criminal Forfeiture.

Responsible Department: Legal

Commentary: This Order will authorize the acceptance and transfer of \$6,284.00 in State Criminal Forfeiture Funds. Members of the Bangor Police Department were instrumental in an arrest leading to the seizure of cash and property that was subsequently forfeited by the individual who was arrested. As a result, the City is entitled to a portion of the seized funds.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Accept \$6,284.00 in U.S. Currency and Property, or any Portion Thereof, as a Result of a State Criminal Forfeiture.

By the City Council of the City of Bangor:

ORDERED, THAT the City Manager is authorized to accept \$6,284.00 in U.S. currency and property, or any portion thereof, as a result of a State criminal forfeiture and deposit it in the State Forfeiture Account (60020309050).

ORDERED, THAT the City Clerk is authorized to execute the attached Approval of Transfer.

STATE OF MAINE
Penobscot, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-2012-4704

STATE OF MAINE	}
	}
v.	}
	}
ZANE MICHAEL HARMON,	}
Defendant	}
	}
\$6,284.00 U.S. Currency,	}
Defendant In Rem	}
	}
and	}
	}
One (1) Night Watchman	}
hand held stun gun (Taser)	}
Defendant in Rem	}

Municipality of Bangor
Approval of Transfer
15 M.R.S.A. §5824(3) &
§5822(4)(A)

NOW COMES the city of Bangor, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendants in Rem, namely Six Thousand, Two Hundred Eighty-Four Dollars (\$6,284.00) and one (1) Night Watchman hand held stun gun (Taser), or any portion thereof, on the grounds that the Bangor Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the city of Bangor, Maine does hereby approve of the transfer of the Defendant in Rems, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Bangor municipal legislative body on or about

Dated: _____

Municipal Officer
Bangor, Maine
(Impress municipal legislative body seal here)

COUNCIL ACTION

Item No. 14-056

Date: January 13, 2014

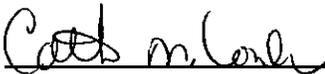
Item/Subject ORDER, Authorizing the City Manager to Apply for a \$400,000 Environmental Protection Agency Grant for a Brownfields Assessment Program

Responsible Department: Community & Economic Development

Commentary: This Order will authorize the City Manager to submit a grant application in the amount of \$400,000 to the Environmental Protection Agency, Brownfields program. If successful, the funds would be used to voluntarily assess potentially contaminated sites. Testing of sites can spur future redevelopment of underutilized properties and help protect people and the environment from contamination. There is no required cash match as a part of this application. The City will pledge to use staff time and its partner's time as an in-kind match. If successful, the work would take place between September of 2014 and August of 2017.

Department Head

Manager's Comments:



City Manager

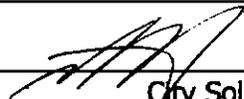
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Apply for a \$400,000 Environmental Protection Agency Grant for a Brownfields Assessment Program

WHEREAS, The Environmental Protection Agency is currently accepting grant proposals of up to \$400,000 for their Brownfields grant program; and

WHEREAS, an application to the program for the assessment and testing of potentially contaminated sites in Bangor area would be competitive; and

WHEREAS, the testing of sites can spur future redevelopment of underutilized properties and help protect people and the environment from contamination;

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

The City Manager is authorized to submit an application to the Environmental Protection Agency's Brownfields Assessment Program for up to \$400,000.

COUNCIL ACTION

Item No. 14-057

Date: January 13, 2014

Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$331,860 to Otis for Escalator Refurbishment

Responsible Department: Airport

Commentary:

On December 31, 2013, the City received one (1) bid for Escalator Refurbishment in the amount of \$331,860 (see attached bid tabulation).

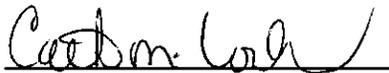
On January 6, 2014, the Finance Committee approved staff recommendation to award the contract to Otis in the amount of \$331,860.

This work represents the first step in the broader domestic terminal renovation project. While multiple vendors attended the pre-bid conference Otis was the only bidder to submit a response. The bid submitted is below the engineer's estimate.

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

Department Head

Manager's Comments:



City Manager

Associated Information:

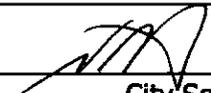
Bid Tabulation

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage - Consent
- First Reading
- Referral

Page __ of __

14-057

JANUARY 13, 2014

Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award in the Amount of \$331,860 to Otis for Escalator Refurbishment

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Otis in the amount of \$331,860 for Escalator Refurbishment.

City of Bangor Bid Tabulation
Escalator Refurbishment
Bid Opening: 12/31/13

			Otis Westbrook, Maine
Item	Description	Quantity	Total Price
1	Base Bid	1	331,860.00
2	Deduct Alternate #1	1	
Total Bid Price:			331,860.00

COUNCIL ACTION

Item No. 14-058

Date: January 13, 2014

Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$111,970 to Frank J. Zamboni Company for Ice Resurfacers

Responsible Department: Parks & Recreation

Commentary:

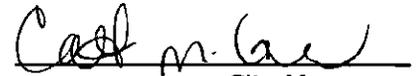
On January 3, 2014, the City received two (2) bids for an Ice Resurfacers ranging in amount of \$111,970 - \$151,400 (see attached bid tabulation).

On January 6, 2014, the Finance Committee approved staff recommendation to award the contract to Frank J. Zamboni in the amount of \$111,970.

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

Department Head

Manager's Comments:

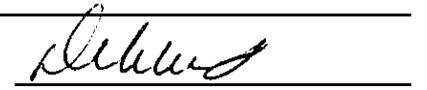


City Manager

Associated Information:

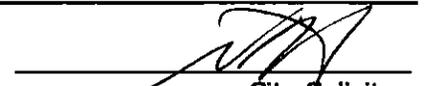
Bid Tabulation

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award in the Amount of \$111,970 to Frank J. Zamboni Company for Ice Resurfacer

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Frank J. Zamboni in the amount of \$111,970 for an ice resurfacer.

City of Bangor Bid Tabulation
 Bid No. B14-016: Ice Resurfacer
 Bid Opening: 1/3/14

14-058
 January 13, 2014

			Frank J. Zamboni & Co. Inc. Paramount, CA	LSK Enterprises, Inc. Vignia Beach, VA
Item	Description	Quantity	Total Price	Total Price
1	Furnish & Deliver Ice Resurfacer	1	125,470.28	159,900.00
2	Less: trade-in for 1998 Zamboni 500 # 6201	1	13,500.00	8,500.00
		Total Bid Price:	111,970.28	151,400.00

COUNCIL ACTION

Item No. 14-059

Date: January 13, 2014

Item/Subject: ORDER, Authorizing the City Manager to enter into a lease renewal agreement with the Transportation Security Administration (TSA) for space at Bangor International Airport.

Responsible Department: Airport

Commentary:

This Order will authorize the City Manager to enter into a lease renewal agreement with the Transportation Security Administration (TSA). The TSA provides passenger security screening at the airport and desires to renew their lease for the office space that they currently occupy for their administrative and management personnel. The TSA has leased space from the airport since 2001 and the current lease expires this month.

The general terms of the lease will remain unchanged. The TSA will rent 3,185 square feet of office space and thirty (30) employee parking spaces to the TSA. TSA also requests a long term lease of ten (10) years, which includes extension periods. The lease term will include an escalator for CPI beginning with Year 2 related to the operating cost of the lease payment.

The lease will be in a standardized format used for all Federal leases and will be reviewed and approved by City Legal.

Tony Caruso
Department Head

Manager's Comments:

This has been reviewed by the Finance Committee on January 6, 2014 and is recommended for approval.

Carol M. Lane
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to enter into a lease renewal agreement with the Transportation Security Administration (TSA) for space at Bangor International Airport.

WHEREAS, the Transportation Security Administration currently leases space in the Terminal Building at Bangor International Airport; and

WHEREAS, the current lease is scheduled to terminate this month and the TSA has expressed an interest in renewing their lease; and

WHEREAS, the terms and conditions are similar to those of the current lease while recognizing necessary lease rate increases associated with higher building occupancy costs; and

WHEREAS, TSA's presence at Bangor International Airport is necessary and essential for the operation of domestic air service; and

WHEREAS, the Airport will recover all costs associated with providing this space to TSA.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR, That the City Manager is authorized to enter into a lease renewal agreement with the Transportation Security Administration (TSA) for space at Bangor International Airport in a form acceptable to the City Solicitor or the Assistant City Solicitor.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 14-060

Date: January 13, 2014

Item/Subject Amending Land Development Code – Zone Change – 1732 Ohio Street from a Contract Government and Institutional Service District to a Rural Residence and Agricultural.

Responsible Department: Planning Division

Commentary: This proposal will amend the Land Development Code and rezone a property at 1732 Ohio Street from a contract zone to Rural Residence and Agricultural. The applicant, Mark D. Butterfield, is requesting a zone change for a parcel of land located at 1732 Ohio Street containing approximately 4.1 acres from a Contract Government and Institutional Service District to a Rural Residence and Agricultural District. This property was rezoned in 2004 as a potential site for Pilgrim Presbyterian Orthodox Church to relocate their Mount Hope Avenue facility. In 2013, they were able to expand on their Mount Hope property and have sold the Ohio Street property. RR&A will facilitate the site for typical agricultural uses and single family dwellings and is consistent with the neighboring properties.

/s/ Tanya L. Emery
Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of January 21, 2014 at 7:00 p.m.

Carl M. Love
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral to Planning Board Meeting of January 21, 2014, 7:00 p.m.



Assigned to Councilor Durgin

CITY OF BANGOR

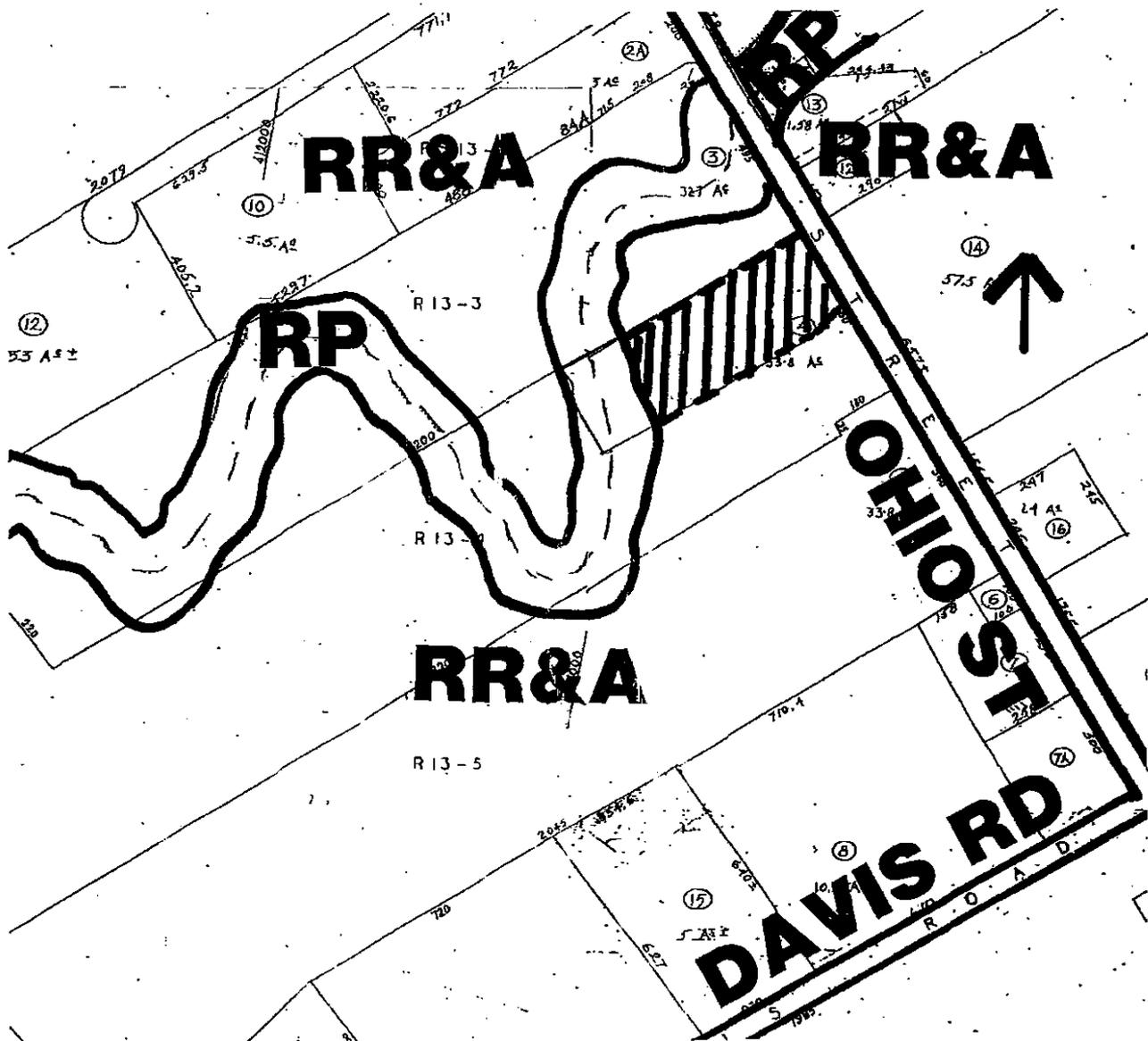
(TITLE.) Ordinance, Amending Land Development Code – Zone Change – 1732 Ohio Street from a Contract Government and Institutional Service District to a Rural Residence and Agricultural District.

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

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

By changing a parcel of land located at 1732 Ohio Street (Tax Map No. R-13, Parcel No. 4-A) from a Contract Government and Institutional Service District to a Rural Residence and Agricultural District. Said parcel of land containing approximately 4.1 acres and being more particularly indicated on the map attached hereto and made a part hereof.

G&ISD Contract to RR&A



7/1/2012

APPLICATION FOR LAND DEVELOPMENT CODE AND MAP AMENDMENT

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

DATE: _____

1. (I/WE) Mark D. Butterfield

2. of PO Box 213 Carmel, ME 04419 207-852-3848
Address City or Post Office Telephone

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

3. ADDRESS OF PROPERTY (if any) at or about 1732 Ohio Street
Total Area (acres or square feet) 4.1 acres

4. PROPERTY LOCATION (General location): Example - South side of Southwest side of Ohio St.
State Street 400 yards. East of Pine Street

5. LEGAL DESCRIPTION OF PROPERTY - Assessors Map No. 213 Parcel 004-A

6. EXISTING USE: none

7. PROPOSED USE: single family dwelling

8. NAME AND ADDRESS OF OWNER OF RECORD: Name Mark D. Butterfield
Address PO Box 213 Carmel, ME

9. NAME AND ADDRESS OF CONTRACT OWNER (if such): N/A

10. SIGNATURE OF OWNER OR CONTRACT OWNER: [Signature]

11. REPRESENTATIVE OF APPLICANT: Name _____
(if applicable) Address _____

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

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

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

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

PLEASE READ PROCESSING PROCEDURE ON REVERSE SIDE

COUNCIL ACTION

Item No. 14-061

Date: January 13, 2013

Item/Subject: **ORDINANCE**, Amending Chapter 291, Vehicles and Traffic, of the Code of the City of Bangor, By Allowing Parking for Small Commercial Vehicles

Responsible Department: Police

Commentary:

If approved, this ordinance amendment would prohibit vehicles larger than one ton in capacity from parking on residential streets for more than four hours. One ton and smaller vehicles would not be subject to this four hour limit. Moving vehicles and gas, oil, and public utility vehicles would also be exempt from the limit.

The ordinance amendment would restrict larger vehicles, such as tractor-trailer trucks, from creating undue noise and other problems in residential neighborhoods, while allowing small contractors and similar truck owners to park overnight near their homes. This item was reviewed and recommended for approval at the January 6, 2014 Government Operations Committee.

Department Head

Manager's Comments:

Carl M. Lundy
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Gallant



CITY OF BANGOR

ORDINANCE, Amending Chapter 291, Vehicles and Traffic, of the Code of the City of Bangor, By Allowing Parking for Small Commercial Vehicles

WHEREAS, large vehicles parked for long periods of times in residential neighborhoods can create public health, safety and welfare problems, including those associated with vehicle noise, exhaust, and sight lines for traffic, and otherwise disturb the quiet enjoyment of residential neighborhoods;

WHEREAS, many small business owners and operators use 1 ton pickup and smaller trucks in the course of business;

WHEREAS, many of these small business owners and operators use these same trucks to commute to and from work;

WHEREAS, a person or household engaged in moving into or out of a building may require more than four hours for the move to be completed; and

WHEREAS, to allow for the preservation of the public health, safety, and welfare, certain vehicles used in servicing heat or public utilities may need to be parked overnight near the homes of those using the vehicles;

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

Chapter 291 of the Code of the City of Bangor be amended as follows:

§ 291-39. Parking prohibited except for limited times.

It shall be unlawful and in violation of this article for any person:

...

E. To stop, stand or park a commercial vehicle greater than one ton in capacity for more than four hours on those streets or portions of streets located in residential districts. This paragraph shall not apply to the following:

- (1) Commercial vehicles used for moving a person or household in or out of a residential building.**
- (2) Commercial vehicles owned or operated by public utilities, gas or oil heat suppliers or gas or oil heat systems maintenance companies, or the agents or employees thereof.**

EE. Handicapped parking. . . .

Additions are underlined, deletions ~~struck through~~.

COUNCIL ACTION

Item No. 14-062

Date: January 13, 2014

Item/Subject: Ordinance, Amending the Code of the City of Bangor, Chapter 215, Police Regulations

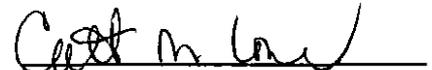
Responsible Department: Legal

Commentary:

This Ordinance will amend the City's ordinance to include the additional limits on sex offender residency approved by the recent amendment to State law. In 2013, the City of Bangor enacted an ordinance to restrict sex offenders from residing close to schools and municipal property where children are the primary users. The ordinance was consistent with 30-A M.R.S.A. §3014, a law permitting the enactment of such an ordinance by municipalities. During the last legislature the law was amended to allow municipalities to, by ordinance, restrict the residency of sex offenders in the vicinity of municipal and state property leased to a nonprofit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. This item was reviewed and recommended for approval by the Government Operations Committee at its January 6, 2014 meeting.

Department Head

Manager's Comments:



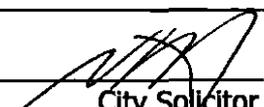
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page _ of _



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) Ordinance, Amending the Code of the City of Bangor, Chapter 215, Police Regulations

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

The Code of the City of Bangor section 215-13 is amended as follows:

§ 215-13. Sex Offender Residency Restrictions

A. Findings and purpose. Unchanged.

B. Authority. Unchanged.

C. Application. Unchanged.

D. Restricted areas.

(1) No sex offender shall reside within 750 feet of the property line of any public or private elementary, middle or secondary school.

(2) No sex offender shall reside within 750 feet of any publicly owned property where children are the primary users. Without limiting the application of this subsection, any public park containing playground equipment or a municipal pool shall be deemed to be municipally owned property where children are the primary users. For the purpose of this section, if the area used by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

(3) No sex offender shall reside within 750 feet surrounding the real property of a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. For the purpose of this section, if the area used by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

(34) For a first offense only of this restriction, a sex offender shall have 25 days following the date of mailing or service as required by Subsection E below to move from the residence to a residence not within the areas restricted by the provisions of this section and by so moving avoid the fines and penalties imposed by Subsection E below.

E. Exemption. Unchanged.

F. Violations and penalties. Unchanged.

G. Effective date. Unchanged.

Note: Additions are underlined and deletions are ~~struck through~~.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 14-051

Date: December 23, 2013

Item/Subject: Ordinance Amending Land Development Code – Contract Zone Change – Gilman Road from a Rural Residence and Agricultural District to a Contract Shopping and Personal Service District.

Responsible Department: Planning Division

Commentary: This ordinance will amend the zoning on 3.7 acres on Gilman Road from Rural Residence and Agricultural District to a Contract Shopping and Personal Service District. Cross Realty, LLC is requesting a contract zone change for two parcels of land located on Gilman Road containing approximately 3.7 acres. While the City's Comprehensive Plan has indicated this area as suited for commercial development, utility service is not presently available. The proposed contract zone is conditioned upon the developer successfully resolving issues of traffic and utility services for the property as well as traffic circulation at the intersection of Gilman Road and Stillwater Avenue.

/s/ Tanya L. Emery
Dept. Head

Manager's Comments:

For Referral to Planning Board Meeting of January 7, 2014 at 7:00 p.m.


City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

Passage

First Reading

Referral to Planning Board Meeting of January 7, 2014, 7:00 p.m.

Page 1 of 1



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) Ordinance , Amending Land Development Code – Contract Zone Change – Gilman Road from a Rural Residence and Agricultural District to a Contract Shopping and Personal Service District.

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

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

By changing two parcels of land located on Gilman Road (Tax Map No. 55, Parcel Nos. 4-A and 4-B) from a Rural Residence and Agricultural District to a Contract Shopping and Personal Service District. Said parcels of land containing approximately 3.7 acres and being more particularly indicated on the map attached hereto and made a part hereof.

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

1. The use and/or operation of the subject premises shall be subject to the following limitations and/or restrictions:
 - A. Prior to site plan review and development of the subject properties, those properties shall be served by both public water and sewer.
 - B. Unless and until amended by the City Council by Council Order, there shall be no "left out" turning movement from the subject properties from Gilman Road onto Stillwater Avenue associated with the properties.
2. Execution by those parties with an interest in the affected property of an agreement providing for the implementation and enforcement of all the terms and conditions set forth above and the recording of said executed agreement in the Penobscot County Registry of Deeds by the property owner, a copy of said agreement being on file in the office of the City Clerk and incorporated herein by reference. In the event that said agreement is not so executed within ninety (90) days from the date of passage hereof, this Ordinance shall become null and void.

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

DATE: October 17, 2013

- 1. I(WE) Cross Realty, LLC
- 2. of P.O. Box 1388, 74 Gilman Rd, Bangor, ME 04401
Address City or Post Office

hereby petition to amend the Land Development Code of the City of Bangor, Maine by reclassifying from Rural Residence & Agricultural district to the Shopping & Personal Services (CONTRACT) district for the property outlined in red on the maps attached hereto, which are part of this application, and described as follows: [*See also Contract Conditions attached*]

- 3. ADDRESS OF PROPERTY (if any) Gilman Road Bangor, ME 04401
Total Area (acres or square feet) 3.70
- 4. PROPERTY LOCATION (General location): Gilman Rd. Across from Cross Insurance Offices at 74 Gilman Road
- 5. LEGAL DESCRIPTION OF PROPERTY - Assessors Map No. 55 Parcel 4-A & 4-B
- 6. EXISTING USE: (Former) Residential
- 7. PROPOSED USE: Commercial Office
- 8. NAME AND ADDRESS OF OWNER OF RECORD:
Name Cross Realty, LLC
Address P.O. Box 1388, 74 Gilman Rd, Bangor, ME 04401
- 9. NAME AND ADDRESS OF CONTRACT OWNER (if such): N/A
- 10. SIGNATURE OF OWNER OR CONTRACT OWNER: N/A
- 11. REPRESENTATIVE OF APPLICANT (if applicable):
Name P. Andrew Hamilton, Esq.
Address P.O. Box 1210, 80 Exchange Street, Bangor, ME 04402-1210
- 12. ATTACH ANY CONDITIONS PROPOSED FOR A CONTRACT ZONE REQUEST.

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

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

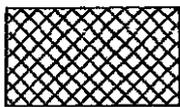
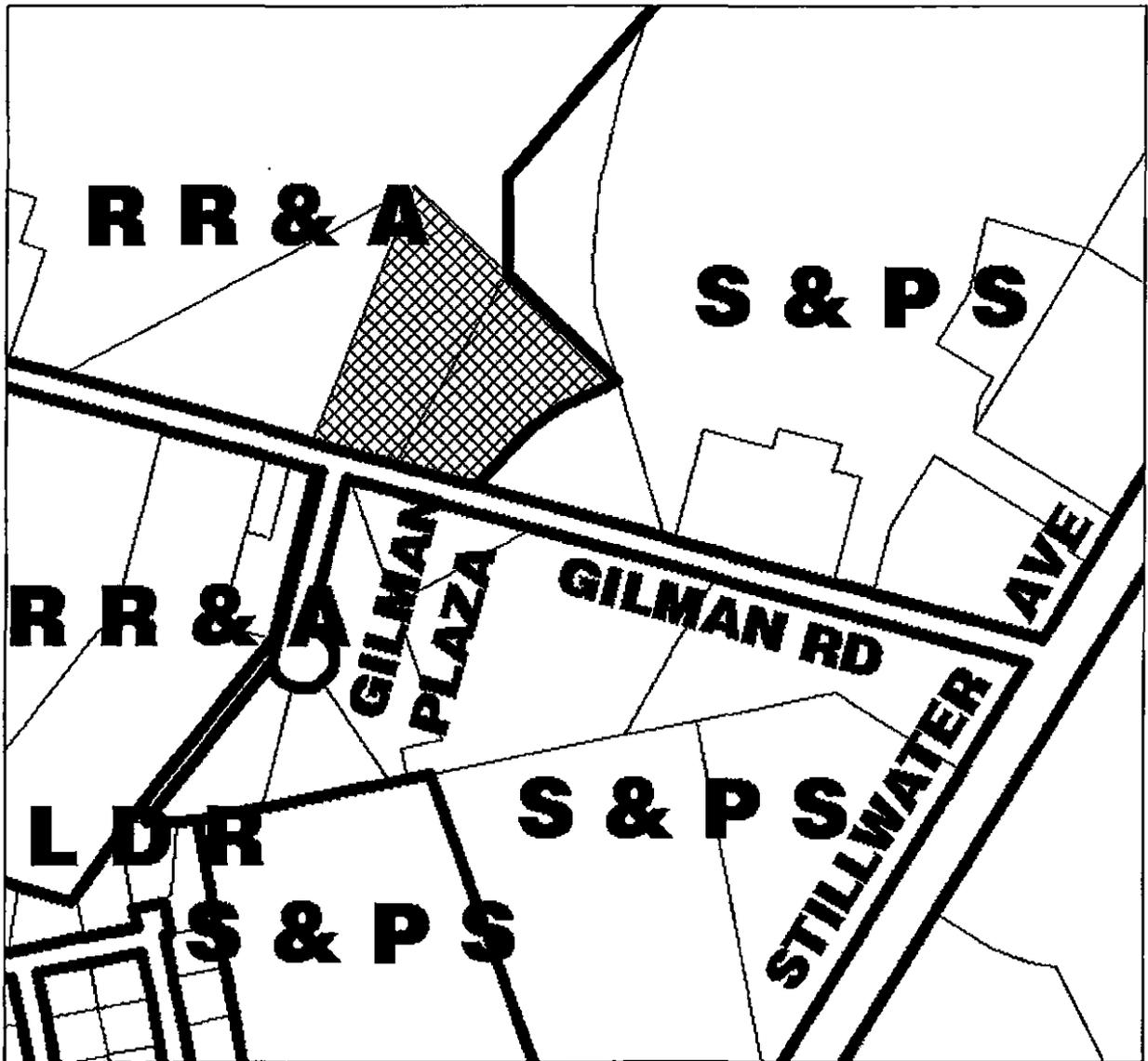
*Two Ads Required ** Advertising costs above this amount to be paid for by applicant.

PLEASE READ PROCESSING PROCEDURE ON REVERSE SIDE

Contract Zone Change Conditions

Cross Realty, LLC- Gilman Road Property
Assessors Map No. 55 Parcels 4-A & 4-B

1. Prior to site plan review and development of the subject properties, those properties shall be served by both public water and sewer.
2. Unless and until amended by the City Council by Council Order, there shall be no "left out" turning movement from the subject properties from Gilman Road onto Stillwater Avenue associated with the properties.



**RR&A to
S&PS Contract**



MEMORANDUM

DATE: January 8, 2014
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Land Development Code
Contract Zone Change from Rural Residence and
Agricultural District to Contract Shopping and Personal
Service District
Council Ordinance 14-051

Please be advised that the Planning Board at its meeting on January 7, 2014, held a Public Hearing on the above Contact Zoning Amendment.

P. Andrew Hamilton, Esq., provided the Board with background of the rezoning request and its consistency with the City's Comprehensive Plan.

There were no proponents or opponents.

Alternate Member Mallar questioned how the second standard dealing with traffic entering Stillwater Avenue being prohibited from left-hand turns could be enforced as it required one property to be treated differently from others on the Gilman Road.

Planning Officer Gould noted that the City Engineer had asked the applicant to consider that condition as traffic at Gilman Road and Stillwater Avenue will continue to be an issue. While the long term solution may be some other scheme, the intent was to make the applicant aware of the need to address the issue. Mr. Gould noted that the contract conditions are a means for the applicant to obtain a rezoning today and resolve utility and traffic issues prior to development.

Mr. Royce Cross noted they would not foresee developing the property without public sewer and water. As a practical matter, their current operation of Cross Insurance on Gilman Road encourages clients and staff to use Gilman Road for right-hand turns and access though the Widewaters development for left-hand turns at the signal.

Attorney Hamilton noted they did not want to propose a contract condition if it caused the Board to not recommend the rezoning.

The Board voted 7 in favor and 0 opposed to a motion to recommend to the City Council that the proposed contract rezoning from Rural Residence and Agricultural District to Contract Shopping and Personal Service District, as contained in Council Ordinance #14-051, be approved.

[Type text]



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 14-063

Date: January 13, 2014

Item/Subject: Resolve, Supporting the Efforts of the Municipal Review Committee to Provide a Regional Solid Waste Solution beyond 2018, and Opposing LD 1483.

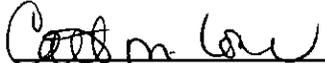
Responsible Department: Executive

Commentary: This resolve states that the City's support for the Municipal Review Committee's efforts to provide a Regional Solid Waste Solution for municipal solid waste beyond 2018, and also states the City's opposition to LD 1483, An Act to Promote and Enhance Staff Policy and Preserve and Support Existing Methods of Disposal of Municipal Solid Waste. The MRC has been actively exploring a variety of options for solid waste disposal post 2018 when the current waste disposal contract at the PERC Plant expires. LD 1483 would impose a surcharge on waste delivered to landfills including PERC residuals, treatment plant sludges and other wastes, adding a significant cost component to municipal budgets from the present to 2018 and beyond. These additional costs would be harmful to Bangor and other participating communities during these difficult economic times.

The Council has reviewed this issue in a recent workshop and on January 6, 2014, the Government Operations Committee voted unanimously to recommend approval of the Resolve.

Department Head

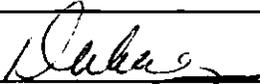
Manager's Comments:



City Manager

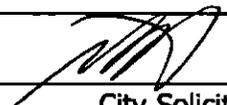
Associated Information: Resolve, MRC Memorandum, LD 1483

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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



Assigned to Councilor Baldacci

CITY OF BANGOR

RESOLVE, Supporting the Efforts of the Municipal Review Committee to Provide a Regional Solid Waste Solution beyond 2018, and Opposing L.D. 1483

WHEREAS, the Bangor is one of approximately 187 municipalities or groups of municipalities (the "Charter Municipalities") which have entered into long term Waste Disposal Agreements with the Penobscot Energy Recovery Company ("PERC") providing for waste disposal needs through March 31, 2018; and

WHEREAS, pursuant to the Waste Disposal Agreements, the Charter Municipalities established the Municipal Review Committee, Inc. (the "MRC") to represent them as to matters that arise under the Waste Disposal Agreements and as to other matters related to PERC; and

WHEREAS, the mission of the MRC is to ensure the affordable, long-term, environmentally-sound disposal of the municipal solid waste ("MSW") of its members; and

WHEREAS, the Waste Disposal Agreements expire on or about March 31, 2018, unless extended; and

WHEREAS, the MRC, pursuant to a Resolution adopted by its Board of Directors on December 10, 2009, has been actively engaged in investigating alternative waste disposal arrangements to replace the existing Waste Disposal Agreements after March 31 2018; and

WHEREAS, in furtherance of its mission, the MRC proposes to continue its efforts to extend its mission beyond 2018 by developing one or more alternative solid waste management and disposal solutions for consideration by the legislative bodies of the Charter Municipalities, which alternatives may include potential development of an integrated solid waste management and resources recovery facility to be owned and controlled either by the Charter Municipalities or in partnership with other private partners; and

WHEREAS, the MRC has issued a Request for Expressions of Interest soliciting proposals for alternative technologies for the sorting, recycling, processing and disposal of MSW and is exploring several alternative sites for such a facility within the MRC Region with a view to securing options on one or more potential sites for this purpose; and

WHEREAS, the MRC Board of Directors, serving the interests of the Charter Municipalities at large, has unanimously adopted a Resolution at its annual membership meeting held on December 11, 2013 pursuant to which it plans to take steps to further develop a potential integrated solid waste management and resource recovery facility to accommodate the disposal of MSW originating in the Charter Municipalities after March 31, 2018 including, without limitation, (i) exploring available alternative technologies for the sorting, recycling, processing and disposal of MSW originating in the Charter Municipalities; (ii) engaging in discussions with possible joint venture partners or other third parties with respect to the potential financing, development and/or ownership of an alternative facility either under the control of the MRC or under shared control with other private partners; (iii) securing options or other rights in land on one or more potential sites for such a facility, and (iv) preparing and filing an application with the Maine Department of Environmental Protection for a Determination of Public Benefit in connection therewith (the foregoing elements being referred to collectively in the following resolutions as the "MRC Post-2018 Planning Initiative"); and

WHEREAS, the MRC is seeking an indication of support from its existing membership before proceeding further with its proposed course of action.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED, That City of Bangor supports the MRC's efforts to continue the MRC mission by providing a regional solid waste solution beyond 2018 for the benefit of the Charter Municipalities, including the MRC Post-2018 Planning Initiative; and

BE IT FURTHER RESOLVED: That the City of Bangor supports the reasonable expenditure of funds as may be approved by the MRC Board of Directors to support the foregoing efforts and other extraordinary technical, legal, engineering and other necessary advisory costs related to those efforts to be funded from an Operating Budget Stabilization Fund established and administered by the MRC for this purpose; and

BE IT FURTHER RESOLVED: That, in recognition of the fact that the Charter Municipality of the City of Bangor is a member of the MRC which is working actively on alternative waste disposal and recycling alternatives for the collective benefit of its members for the period beginning in April of 2018, it hereby declares it to be its policy not to enter into any agreement prior to January 1, 2017, that would conflict with or preclude consideration by it of any solid waste management and disposal solution for the post-March 31, 2018 time period that may be developed by the MRC for its membership as an outgrowth of the MRC Post-2018 Planning Initiative, and therefore, for the reasons stated above, the City hereby states its opposition to L.D. 1483.

Dear MRC Members:

A public notice was made available on December 23, 2013 announcing a public hearing on LD 1483 on **January 9, 2014**. Moreover, the Legislature's Environment and Natural Resources Committee has scheduled a Work Session on LD 1483 for possible final action on **January 15, 2014**.

MRC has been made aware by a member community that PERC's general partner USAE has sent some number of MRC members yet another letter dated December 27, 2013 regarding PERC's future and LD 1483.

The USAE letter states that "it is important for everyone to be well-informed with the facts" and continues by suggesting that this occur by convening an owners meeting in mid to late January to discuss, among other things "the pending legislation (LD 1483)"

What USAE failed to provide for information in the letter is that your sole opportunity to be formally heard on the record on January 9 will have already passed by mid to late January. That is unsettling.

Below are facts relating to LD 1483 that illustrate why MRC is opposed and is asking your community to make its opposition heard before January 9:

- The landfill surcharge proposed in the bill applies to PERC residuals, which are a pass thru cost to your Tip Fees, which would increase at least \$1,500,000 per year over the next four years for the MRC communities – or over an \$8 per ton increase to your tip fee.
- The landfill surcharge applies to a lot more than just MSW. It would impose steep new costs on municipalities handling C/DD, treatment plant sludges and other wastes besides normal household/commercial MSW. Just on the C/DD alone for a municipality handling 1,000 tons of MSW per year, may handle about 400 tons of C/DD per year. The year one surcharge for this would about \$5,600 of new annual costs.
- USAE management, with a background in utilities, is the sole PERC partner supporting LD 1483 while PERC's second private partner, PERC Holdings, LLC, whose management has a background in solid waste management, opposes LD 1483.
- The landfill surcharge would be collected by the Maine Department of Environmental Protection who would calculate disposal assessments and disbursements to certain municipalities under certain conditions. However, LD 1483 then calls for MDEP to adopt new rules later to deal with this. Moreover, to illustrate further uncertainty, the crafters of LD 1483, call for another process in addition to state rule-making to maximize the use of existing incineration facilities. Then, the MDEP would report its findings to implement more legislation later on.
- LD 1483 contains no upper limit on what processing facilities could charge for future tipping fees and therefore removes natural incentives to realize economical operating efficiencies.
- LD 1483 will increase our cost to use PERC through early 2018 and won't keep PERC affordable after that time. Given PERC's processing capacity of 300,000 tons per year, we estimate that, even if LD 1483 did cause PERC to be on par with landfill disposal costs, that less than one-half the tons required to run at capacity after 2018 would be available. PERC cannot economically operate that way, thus, any revenue to MRC communities that LD 1483 seeks to convey will never be realized.

- In summary, LD 1483 will solve no problems, it will not realize any revenue to MRC member communities, it gets in the way of our communities realizing post 2018 solutions and will cause steep cost increases for MRC member communities.

Please take the time to have your LD 1483 opposition known before January 9 by:

- 1) sending a short letter on your town or city's letterhead stating that you're a member of the MRC and that you oppose LD 1483 because it gets in the way of careful planning for the future and raises costs. You can e-mail this letter to: katie.desfosses@legislature.maine.gov

Or mail it to:

Committee on Environment and Natural Resources
c/o Legislative Information
100 State House Station
Augusta, ME 04333

- 2) Letting your concerns be known to me directly via email: glounder@mrcmaine.org and/or by attaching a short letter on your town or city's letterhead and I will be sure these communications are recognized and entered into the record at the January 9 public hearing.
- 3) Attend the public hearing on January 9 at 1 PM in Augusta and provide direct testimony

Thank you for your attention to this important matter during this busy season.



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1483

S.P. 545

In Senate, April 30, 2013

**An Act To Promote and Enhance State Policy To Preserve and
Support Existing Methods of Disposal of Municipal Solid Waste**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CAIN of Penobscot.
Cosponsored by Representative STANLEY of Medway and
Senators: GRATWICK of Penobscot, HAMPER of Oxford, Representative: Speaker EVES of
North Berwick.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §2124-A**, as amended by PL 2011, c. 655, Pt. GG, §31 and
3 affected by §70, is further amended by adding after the 4th paragraph a new paragraph to
4 read:

5 Beginning on January 1, 2015 and every odd-numbered year thereafter, the report
6 submitted under this section must include an analysis of the solid waste stabilization
7 assessment funds collected pursuant to section 2204-A and disbursed pursuant to section
8 2201-B and any department recommendations regarding changes to the established levels
9 of per ton assessment and per ton disbursement.

10 **Sec. 2. 38 MRSA §2201, first ¶**, as amended by PL 2011, c. 655, Pt. GG, §64
11 and affected by §70, is further amended to read:

12 The Maine Solid Waste Management Fund, referred to in this section as the "fund," is
13 established as a nonlapsing fund to support programs administered by the bureau and the
14 Department of Environmental Protection. The fund must be segregated into ~~2~~ 3
15 subsidiary accounts. The first subsidiary account, called operations, receives all fees
16 established and received under article 1. The 2nd subsidiary account, called
17 administration, receives all fees established under this article and under Title 36, chapter
18 719 and all funds recovered by the department as reimbursement for departmental
19 expenses incurred to abate imminent threats to public health, safety and welfare posed by
20 the illegal disposal of solid waste. The 3rd subsidiary account, called solid waste
21 stabilization, receives funds from the solid waste stabilization assessment under section
22 2204-A; disbursement of funds from the solid waste stabilization account must be in
23 accordance with section 2201-B.

24 **Sec. 3. 38 MRSA §2201-B** is enacted to read:

25 **§2201-B. Solid waste stabilization account**

26 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
27 following terms have the following meanings.

28 **A. "Licensed landfill"** means a commercial, municipal, regional or state-owned
29 landfill licensed in the State.

30 **B. "Tipping fee"** means any fee, rate, toll or other charge that a licensed landfill or a
31 waste processing facility certified under subsection 5 charges for disposal of solid
32 waste from customers.

33 **2. Funds.** The department shall deposit solid waste stabilization assessment funds
34 assessed and collected pursuant to section 2204-A in the Maine Solid Waste Management
35 Fund, solid waste stabilization account, referred to in this section as "the account."

36 **3. Funds disbursed.** The department shall disburse the funds from the account
37 through periodic payments to municipalities and recycling and composting programs
38 qualified under subsection 4 and located in the State in accordance with this subsection.

1 A. The department shall calculate the amount of disbursements to be made to each
2 municipality and recycling and composting program qualified under subsection 4 by
3 determining the difference in the weighted average of the tipping fees paid per ton of
4 solid waste to all licensed landfills in the State and the weighted average of the
5 tipping fees paid to all waste processing facilities certified under subsection 5 during
6 the preceding calendar year, as determined by the department pursuant to section
7 2204-A, multiplied by the number of tons of waste processed by each certified waste
8 processing facility during the same reporting period. Notwithstanding this paragraph,
9 the amount of disbursement may not be less than \$30 per ton.

10 B. At least annually, the department shall make disbursements to municipalities and
11 recycling and composting programs, or their designated agents, that qualify for
12 reimbursement under subsection 4. Any funds remaining after the annual
13 disbursement must be retained in the account and carried forward to the following
14 year. If the department determines there are sufficient excess funds carried forward
15 in the account, the department may make a downward adjustment in a future
16 assessment calculation.

17 4. Application for disbursement. In order to qualify for disbursement under this
18 section, a municipality or recycling or composting program, or its designated agent, must
19 apply using forms developed and provided by the department. The application must
20 include satisfactory evidence of the amount of tipping fees paid by the municipality or
21 recycling or composting program, or its designated agent, to a waste processing facility
22 certified under subsection 5 and the total number of tons of solid waste that were
23 transported to that certified waste processing facility during the applicable reporting
24 period.

25 5. Certification of waste processing facility. In order for a waste processing
26 facility to be certified under this section, the waste processing facility must:

27 A. Provide satisfactory evidence to the department that it does not have in
28 operational effect a long-term power purchase agreement with a large, investor-
29 owned transmission and distribution utility as defined in Title 35-A, section 3201,
30 subsection 12 obtained under the United States Public Utilities Regulatory Policies
31 Act of 1978, 16 United States Code, Section 2601 et seq. and that any funds
32 previously generated and held as a result of any such power purchase agreement have
33 been either disbursed to the appropriate municipalities and other interested parties to
34 the agreements or otherwise used or encumbered for future use by the waste
35 processing facility as a maintenance reserve or similar operational reserve; and

36 B. Provide satisfactory evidence to the department that it processes solid waste in a
37 manner that generates energy and reduces solid waste by an amount equal to at least
38 80% by volume and 65% by weight.

39 6. Expenses. The department may retain and use an annual amount equal to 2% of
40 the funds it collects and deposits in the account to pay for operational and administrative
41 expenses incurred in administering the account.

1 **7. Rules.** The department shall adopt rules to implement this section. Rules adopted
2 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
3 subchapter 2-A.

4 **Sec. 4. 38 MRSA §2204-A** is enacted to read:

5 **§2204-A. Solid waste stabilization assessment**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 **A. "Certified waste processing facility"** means a waste processing facility in the State
9 certified under section 2201-B, subsection 5.

10 **B. "Licensed landfill"** means a commercial, municipal, regional or state-owned
11 landfill licensed in the State.

12 **C. "Tipping fee"** means any fee, rate, toll or other charge that a licensed landfill or a
13 certified waste processing facility charges for disposal of solid waste from customers.

14 **2. Assessment established.** The department shall impose on each licensed landfill a
15 solid waste stabilization assessment on all solid waste, including, but not limited to,
16 household and commercially sourced solid waste and all other material deposited at the
17 licensed landfill.

18 **3. Credit.** When determining the amount of an assessment under this section, the
19 department shall give a credit for solid waste that is deposited in a licensed landfill and
20 that is removed within 18 months from that landfill and processed at a certified waste
21 processing facility.

22 **4. Exemption.** Solid waste that originates from a source that has an agreement with
23 the State for the disposal of solid waste is exempt from the assessment required under this
24 section.

25 **5. Amount of assessment.** The amount of the assessment under this section is
26 determined in accordance with this subsection.

27 **A.** The department shall determine the total weighted average of the tipping fees paid
28 to each licensed landfill and the total weighted average of the tipping fees paid to
29 each certified waste processing facility.

30 **B.** The assessment is calculated by multiplying the difference between the total
31 weighted averages of the tipping fees determined pursuant to paragraph A by the total
32 annual capacity of all the certified waste processing facilities and dividing that result
33 by the total number of tons of solid waste deposited in all licensed landfills during
34 that same time period, except that, until 2017, the assessment may not be less than
35 \$10 per ton, and beginning in 2017, the assessment may not be less than \$14 per ton.

36 **6. Waste management account.** The assessment collected by the department
37 pursuant to this section must be deposited in the solid waste stabilization account of the
38 Maine Solid Waste Management Fund established under section 2201.

