

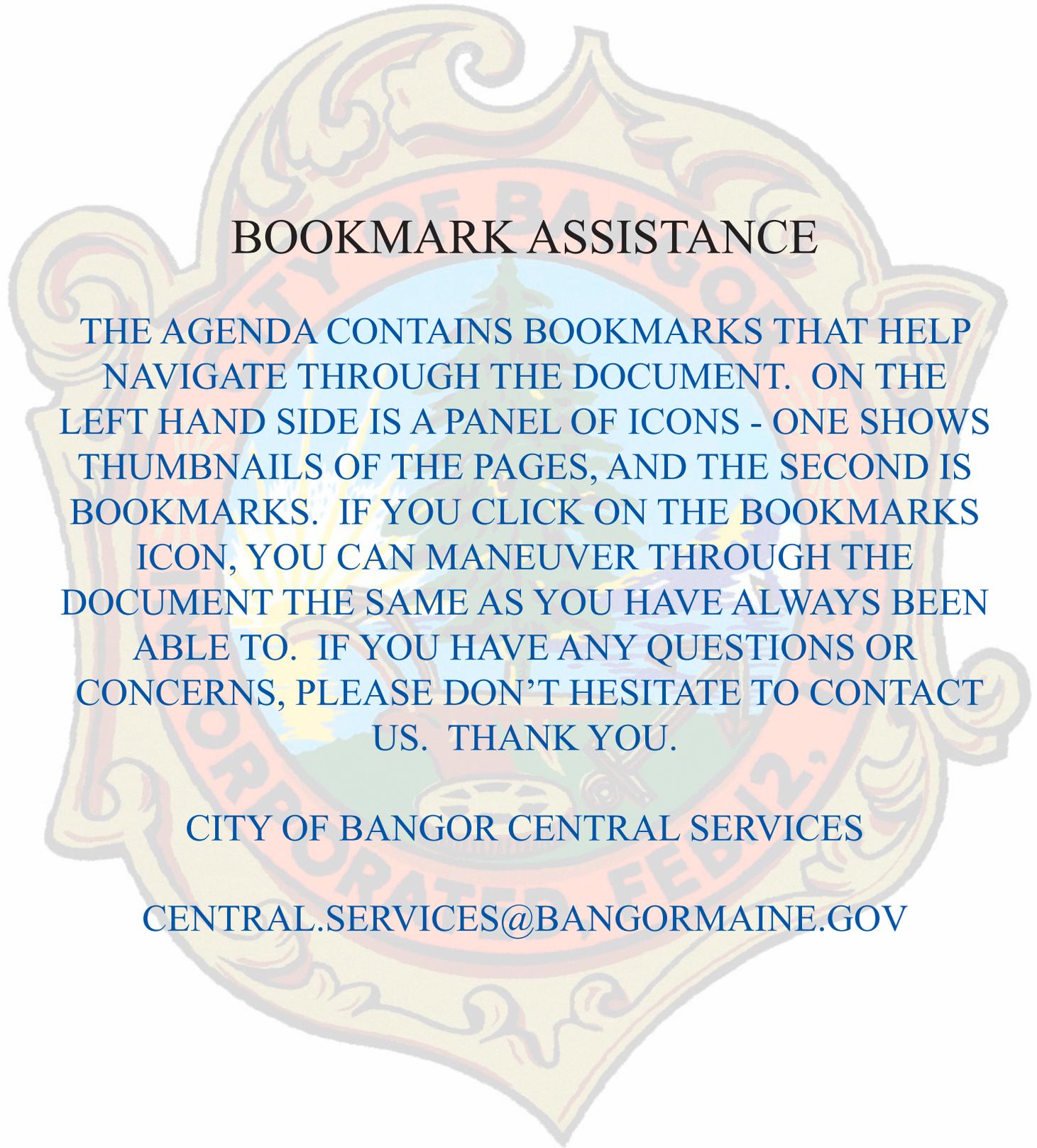
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CITY COUNCIL AGENDA

FEBRUARY 24, 2014





BOOKMARK ASSISTANCE

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CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

PLEDGE ALLEGIANCE TO THE FLAG

Proclamations: EXPRESSING APPRECIATION FOR THE ROTARY CLUB

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 February 10,
2014 and Bangor Water District Board of Trustees
Meeting of January 21, 2014**

**Liquor License Liquor License Renewal Application, Malt, Spirituous, PLOURDE
Renewal: Vinous of Siam House, Inc. d/b/a Zen Asian Bistro, 128
Main Street**

**Liquor License Renewal Application, Malt, Spirituous, PLOURDE
Vinous of Everspring Co Inc d/b/a Oriental Jade
Restaurant, 555 Stillwater Avenue**

**14-084 ORDER Authorizing Execution of Municipal Quitclaim Deed – GALLANT
Real Estate Located at 14 I Street, Birch Hill Estates**

Executive Summary: Real estate tax liens matured on the property of John Greenleaf of 14 I Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

**14-085 ORDER Authorizing Execution of Municipal Quitclaim Deed – PLOURDE
Real Estate Located at 24 B Street, Birch Hill Estates**

Executive Summary: Real estate tax liens matured on the property of Erika McLean and David Farren of 24 B Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

**14-086 ORDER Authorizing Execution of Municipal Quitclaim Deed – GRAHAM
Real Estate Located at 33 Cortland Circle**

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: Real estate tax liens matured on the property of Mary-Ellen Adams of 33 Cortland Circle. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

14-087 ORDER Authorizing Execution of Municipal Quitclaim Deed – **BALDACCI
Real Estate Located at 87 Holiday Park**

Executive Summary: Real estate tax liens matured on the property of Patricia Cousins and Kellie Myers of 87 Holiday Park. This property was recently purchased by Tiffany Long and Grace Legere. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

14-088 ORDER Authorizing Execution of Municipal Quitclaim Deed – **NEALLEY
Real Estate Located at 91 Holiday Park**

Executive Summary: Real estate tax liens matured on the property of James Hawks of 91 Holiday Park. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

14-089 ORDER Authorizing Execution of Municipal Quitclaim Deed – **CIVIELLO
Real Estate Located at 107 Dartmouth Street**

Executive Summary: Real estate tax liens matured on the property of Michael and Pamela Pinkham of 107 Dartmouth Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

14-090 ORDER Authorizing Execution of Municipal Quitclaim Deed – **BLANCHETTE
Real Estate Located at 134 Ohio Street**

Executive Summary: Real estate tax liens matured on the property of St. Louis Management, LLC of 134 Ohio Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

14-091 ORDER Authorizing Execution of Municipal Quitclaim Deed – **DURGIN
Real Estate Located at 373 Hancock Street**

Executive Summary: Real estate tax liens matured on the property of Helen Hudson of 373 Hancock Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

CONSENT AGENDA ITEM NO.

ASSIGNED TO COUNCILOR

Because the liens matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

14-092 ORDER **Accepting Kittredge Road Relocation Right-of-Way **BALDACCI****

Executive Summary: The Order will formally accept the newly constructed and relocated Kittredge Road Right-of-Way as a public way. In July 2013 the City entered into an agreement with the Maine Department of Transportation to construct a permanent right of way for Kittredge Road to replace a temporary Kittredge Road Right of Way. The newly constructed Kittredge Road extends westerly from Stillwater Avenue for an approximate distance of 688' and an 80' width, located northerly of Stillridge, LLC property, Map 60, Lot 12. Consistent with State law, the City has begun the process to discontinue the former Kittredge Road Right of Way.

14-093 ORDER **Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Construction Overlimit Permit and Bonding - 016681.00, Union Street Bridge & 01926.00, Exit 184 Ramp **BALDACCI****

Executive Summary: This order would authorize the City to execute a Construction over limit Permit in conjunction and support of MDOT project 016681.00 Union Street/Route 222 bridge replacement and project 019256.00 Exit 184 on ramp. In accordance with the Maine Bureau of Motor Vehicle regulations, the Maine Department of Transportation is requesting an over limit permit for its overweight vehicles to be used on a municipal way during construction of the Union Street Bridge. This permit must be in place prior to commencing the proposed projects.

14-094 ORDER **Authorizing the City Manager to Execute an Extension of the Airport Improvement Project (AIP) Engineering and Architectural Services Contract with Jacobs Engineering **GRAHAM****

Executive Summary: This order will authorize the City Manager to extend an agreement with Jacobs Engineering for design and architectural services at the airport through completion of the current AIP projects. In July of 2009, the City awarded a five (5) year contract for engineering and architectural services for airport improvement projects (AIP) to Jacobs Engineering. Currently, Jacobs is working on several projects including the canal fill project and drainage AIP. If approved, Jacobs will be retained to complete current construction projects that are in process and will not be utilized for new projects. In accordance with the Federal Aviation Administration guidelines, staff will prepare and issue the new RFP/Q prior to the start of the next construction season. This has been reviewed and approved by the Finance Committee during its meeting on February 19, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-095 ORDER **Authorizing Execution of a Contract, not to Exceed \$1,079,000 to AQuest Corporation for the Design/Build of an Aircraft Paint Facility at Bangor International Airport (BGR). **DURGIN****

Executive Summary: This order will authorize the execution of a contract with AQuest Corporation in the amount of \$1,079,000 for the design/build of an aircraft paint facility at the airport. As part of the lease agreement with C&L Aerospace, it was agreed that the Airport would construct a paint facility that will be amortized and paid for through the lease agreement, as well as a grant from the U.S. Economic Development Association (EDA).

In February, the City received two (2) proposals for the design/build of the aircraft paint facility within a hangar at Bangor International Airport. A Selection Committee consisting of airport staff and C&L Aero representatives reviewed the proposals and based on qualifications and references, selected both firms to interview. After the interviews, the Selection Committee unanimously agreed that the firm AQuest Corporation made the best presentation and, more importantly, would best be able to meet the Airport's needs in designing and constructing an aircraft paint facility. In addition to meeting all the specifications, AQuest's proposal provided more detailed information and cost breakdowns.

On February 19, 2014, the Finance Committee approved staff recommendation to award the contract to AQuest in the amount not to exceed \$1,079,000. Funding for this project comes from multiple sources including \$579,000 from US EDA, and \$500,000 from the airport reserves which will be recaptured through the rents. Any additional overages will be paid by C&L Aerospace. Because of the grant funding, this recommendation is subject to the review and approval of the U.S. Economic Development Administration

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

14-096 ORDER **Authorizing Bid Award in the Amount of \$1,267,475 to Lou Silver, Inc for the West Market Square Improvement Project **GALLANT****

Executive Summary: On December 31, 2013, the City received four (4) bids for the West Market Square Improvement Project. The bid prices ranged from \$971,332 to \$1,560,490. After careful review by City staff and water district staff it was determined that the low bidder did not have the necessary experience working on deep, active sanitary sewer lines. Additionally, the second low bidder required a change in scope and schedule that was not acceptable to the City or the Water District. Therefore, the recommendation is to award the contract to the low qualified and responsive bidder of Lou Silver in the amount of \$1,267,475. The recommended bid amount exceeds the available funding by approximately \$335,000. The additional costs are related to the Sewer and Water District portion of the project. Due to the timing of the project, the additional Sewer funding can be allocated during the FY 15 budget process without impacting the start date. On February 19, 2014, the Finance Committee approved staff recommendation to award the contract to Lou Silver, Inc in the amount of \$1,267,475. The contract award recommendation must be approved by the City Council as it is over \$100,000.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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<u>14-097</u> <u>ORDER</u>	Authorizing Settlement of Worker’s Compensation Claim – Margaret Schwarz	BLANCHETTE
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Executive Summary: The attached Order would authorize the settlement of a worker’s compensation claim in the total amount of \$80,960 for Margaret Schwarz, a School Department employee. The settlement will provide for a lump sum payment of \$60,000, Medicare set aside capped at \$20,960 and medical payments through the date of the acceptance of the settlement by the Worker’s Compensation Board for a total of \$80,960. On February 19, 2014, the Finance Committee reviewed the settlement and unanimously recommended approval.

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.	ASSIGNED TO COUNCILOR
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<u>14-098</u> <u>RESOLVE</u>	Appropriating \$50,000 from the General Fund’s Unassigned Fund Balance for the Purpose of Funding the City’s Share of the Local Match for the Small Community Air Service Development Grant (First Reading)	GALLANT
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Executive Summary: This Resolve will appropriate \$50,000 from the General Fund’s Unassigned Fund Balance to fund the City’s share of the local match for the Small Community Air Service Development Grant awarded to Bangor International Airport in December 2010.

This grant award was to improve air service to the region by increasing competition and capacity in the market. The application specifically focused on air service to either Washington DC or Chicago. Under the provisions provided in the grant award, this Small Community Air Service Development Program grant may be used to reduce an airline's risk in entering a new market. The grant requires a 50% local/community match. The City’s portion of the match was \$50,000 and the funds had to come from the general funds of the City and not funds from the Airport Enterprise Fund. Other contributors towards the match include MDOT, MDECD and Mobilize Maine.

As of June 30, 2013 the City’s Unassigned Fund Balance of \$7,727,014 exceeded the Council target of 8.33% of operating expenditures by \$491,364. In general, the City’s Fund Balance policy indicates that unassigned fund balance should be used primarily to insure adequate designated reserves, to respond to unforeseen emergencies and to provide overall financial stability. Based on the unforeseen, unique and non-recurring nature of this appropriation, this Resolve appears to meet the intent of the City’s Fund Balance policy.

This was reviewed and recommended for approval by the Finance Committee on February 19, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.

ASSIGNED TO COUNCILOR

14-099 RESOLVE **Accepting and Appropriating an Additional \$31,362.00 in Funding for the Women, Infants and Children (WIC) Nutrition Program Grant (First Reading) **CIVIELLO****

Executive Summary: The resolve will accept and appropriate an additional \$31,362.00 in WIC funds for FY 14, which covers the period from October 1, 2013 through September 30, 2014. The original grant amount was \$508,057 for administration of the program and \$2,220,000 for food assistance to clients. This additional \$31,362 is for administrative (personnel) costs directly related to providing client services. This was reviewed and recommended for approval by the Government Operations Committee on February 19, 2014.

14-100 ORDINANCE **Amending Chapter 265, Solid Waste, of the Code of the City of Bangor, By Adopting Single Stream Recycling (First Reading) **BALDACCI****

Executive Summary: This order will amend Chapter 265 of the Code of the City of Bangor to provide for single stream recycling. On December 23, 2013, the City Council approved a five year contract with Pine Tree Waste for bi-weekly curbside collection of single stream recycling, as well as collection of single stream recycled materials at a drop-off facility near Public Works. The current ordinance does not recognize single stream recycling. This change will allow the City of Bangor to proceed with a contract for single stream recycling beginning July 1, 2014. This item was reviewed and recommended for approval at the February 11, 2014 Infrastructure Committee meeting.

UNFINISHED BUSINESS ITEM NO.

ASSIGNED TO COUNCILOR

PUBLIC HEARING

14-079 ORDER **Reallocating Excess Proceeds from the City's Prior General Obligation Bonds (First Reading and Referral to Finance Committee Meeting of February 19, 2014) **GALLANT****

Executive Summary: This Order would reallocate unexpended bond proceeds issued in 2013 to projects authorized for bonding at the conclusion of the FY 2014 budget process.

The 2013 bond issue was based on estimated equipment costs. A number of purchases were below estimates such as: chiller repairs, plow tucks, tach buggy and snow blower. In addition, the 2013 bond issue anticipated the replacement of the curbside recycling pickup vehicle. With the City transitioning to a single-stream recycling contract, these funds will not be expended.

This reallocation of unexpended bond funds will reduce the amount of bonds that will be issued to fund the FY 2014 projects authorized in August of 2013. This was reviewed and approved by the Finance Committee at its meeting on February 19, 2014.

REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 24, 2014

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
LIQUOR LICENSE (CLASS X)	Liquor License Application Renewal, Malt, Spirituous, Vinous of Quality Beverages Inc. d/b/a Nocturnem Draft Haus, 56 Main Street	PLOURDE
PUBLIC HEARING:	Special Amusement License of Quality Beverages Inc. d/b/a Nocturnem Draft Haus, 56 Main Street	PLOURDE
	Special Amusement License of Siam House, Inc. d/b/a Zen Asian Bistro, 128 Main Street	PLOURDE
<u>14-101</u> <u>ORDER</u>	Authorizing the City Manager to Execute a Lease with the Bangor Farmers Market Association – Abbott Square	CIVIELLO

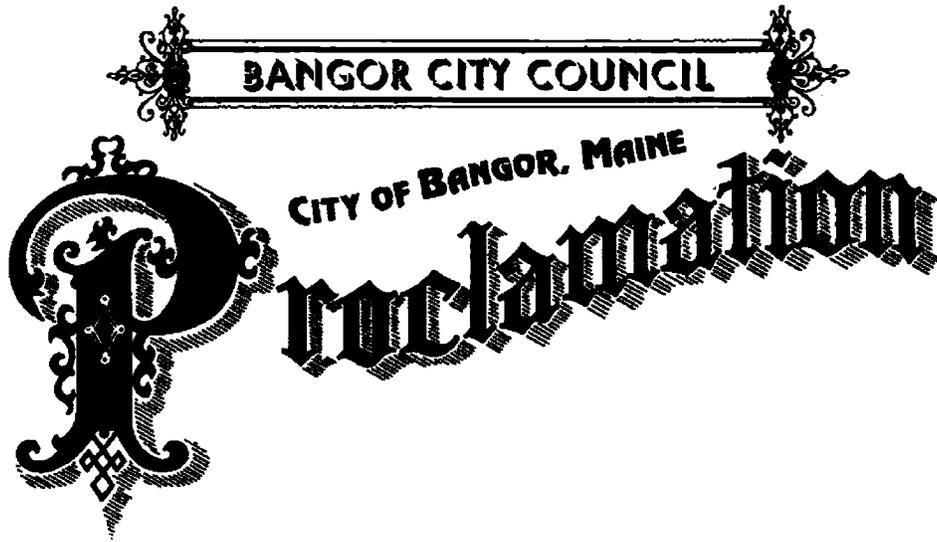
Executive Summary: This Order would authorize the City Manager to execute a Lease with the Bangor Farmers Market Association. The Bangor Farmers Market Association wishes to continue the farmers market in the Upper Abbott Square parking lot on Harlow Street. The Association wishes to enter into a three-year lease with the City for use of a portion of Upper Abbott Square parking lot on Sundays from 9 AM – 4 PM; April 1, 2014 through November 30, 2014, April 1, 2015 through November 30, 2015 and April 1, 2016 through November 30, 2016. The lease rate would be \$25 for each of the years. The lease and terms thereof were reviewed and approved by a 3-2 vote of the Business & Economic Development Committee at its meeting on February 18, 2014.

<u>14-102</u> <u>ORDER</u>	Directing the City Manager to Take Possession of the Property Located at 91 Larkin Street	NEALLEY
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Executive Summary: This Order directs the City Manager to take possession of the property located at 91 Larkin Street by virtue of the 2011 matured tax lien. The City of Bangor has recorded tax liens on the property at 91 Larkin Street for unpaid real estate taxes; several of which have matured. The property is a vacant piece of land approximately 7,500 square feet in size. All attempts to receive payment have been unsuccessful. This has been reviewed and recommended for approval by the Finance Committee on February 19, 2014.

<u>14-103</u> <u>ORDER</u>	Directing the City Manager to Take Possession of the Property Located at 147 Court Street	BLANCHETTE
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Executive Summary: This Order directs the City Manager to take possession of the property located at 147 Court Street by virtue of the 2011 matured tax lien. The City of Bangor has recorded tax liens on the property at 147 Court Street for unpaid real estate taxes; two of which have matured. All attempts to receive payment have been unsuccessful and the property is currently unoccupied. This has been reviewed and recommended for approval by the Finance Committee on February 19, 2014.



**EXPRESSING APPRECIATION FOR THE GENEROUS CONTRIBUTIONS BY THE ROTARY CLUB
OF BANGOR**

- WHEREAS,** the Rotary Club of Bangor has organized the annual Festival of Lights Parade, which brings joy and happiness to thousands of Bangor residents and visitors from the surrounding communities each December; and
- WHEREAS,** the Festival of Lights parade has become a focal point of the holiday season in Bangor and a source of great community pride; and
- WHEREAS,** the Rotary Club of Bangor and its members have served our community in numerous ways by giving countless hours of volunteer time as well as raising money for various local institutions through the club's annual "Music Off Broadway" event; and
- WHEREAS,** the club's members have donated thousands of dollars to the cause of eradicating polio worldwide; and
- WHEREAS,** the Rotary Club of Bangor's "Four Way Test," which asks, "Is it the truth, is it fair to all concerned, will it build good will and better friendships, and will it be beneficial to all concerned," are words that all Bangor residents including the members of this City Council should strive to live by.

NOW, THEREFORE, I, Benjamin A. Sprague, Mayor of the City of Bangor, on behalf of the City Council and citizens of Bangor, do hereby express our thanks and appreciation to the Rotary Club of Bangor. Through their efforts, contributions and commitment to public service, Rotarians have given generously of their time and financial resources for the benefit and betterment of Bangor and the region.

Given this the 24th day of February, 2014.

Benjamin A. Sprague, Mayor



**CONSENT
AGENDA**

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

*Meeting called to Order at 7:30 PM
 Chaired by Councilor
 Councilors Absent: None
 Meeting Adjourned at 8:46 PM*

PROCLAMATION: *Expressing Appreciation for the Contributions of John and Janet Osborne to the City of Bangor and the Region*

PUBLIC COMMENT *Senator Geoffrey Gratwick updated the City Council on three bills before the Legislature: Revenue Sharing, Methadone and Solid Waste.*

Skip Black stated there were still five things that had not been fixed at the Cross Insurance Center and that some of the people working at the facility were not nice.

**CONSENT AGENDA
 ITEM NO.**

**ASSIGNED TO
 COUNCILOR**

MINUTES OF: *Bangor City Council Regular Meeting of January 27, 2014, Bangor City Council Special Meeting of January 30, 2014, Business and Economic Development Committee Meetings of December 17, 2013 and January 21, 2014, Finance Committee Special Meeting of October 15, 2013, Finance Committee Meeting of November 4, 2013, and Infrastructure Committee Meeting of January 14, 2014*

Action: *Accepted and Approved*

14-071 RESOLVE *Ratification of Execution of Municipal Quitclaim Deed – Real Estate Located at 6 Hudson Street* **GALLANT**

Action: *Passed*

14-072 RESOLVE *Ratification of Execution of Municipal Quitclaim Deed – Real Estate Located at 64 Ohio Street* **BLANCHETTE**

Action: *Passed*

14-073 ORDER *Authorizing the City Manager to Accept \$842.00 in U.S. Currency, or a Portion Thereof, as a result of a State Criminal Forfeiture* **GRAHAM**

Action: *Passed*

14-074 ORDER *Authorizing the City to Accept Canine Pele from the Transportation Security Administration and to Transfer Pele to Christopher Desmond* **PLOURDE**

Action: *Passed*

14-075 ORDER *Authorizing the City Manager to Apply for and Accept a \$1,500 Grant from the United Way for Emergency Heating Assistance* **GRAHAM**

Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

14-076 ORDER *Authorizing Discussions with the City of Bangor School Committee for the use of Building and Land at 208 Maine Avenue* **DURGIN**

Action: Passed

14-077 ORDER *Appointing Local Health Officers in Accordance with Maine Center for Disease Control and Prevention Requirements* **CIVIELLO**

Action: Passed

14-078 ORDER *Authorizing City Engineer to Begin the Process of Discontinuance of a Portion of Kittredge Road* **BALDACCI**

Action: Passed

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

**ASSIGNED TO
COUNCILOR**

14-079 ORDER *Reallocating Excess Proceeds from the City's Prior General Obligation Bonds* **GALLANT**

Action: First Reading and Referral to Finance Committee Meeting of February 19, 2014

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

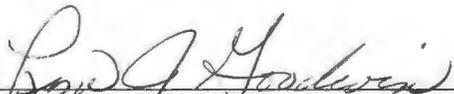
14-062 ORDINANCE *Amending the Code of the City of Bangor, Chapter 215, Police Regulations* **CIVIELLO**

Lucy Quimby and Jonathan Riggers spoke against the passage of this ordinance.

*Action: Motion made and seconded for Passage
Vote: 6 – 3
Councilors Voting Yes: Baldacci, Civiello, Gallant, Graham, Nealley, Sprague
Councilors Voting No: Blanchette, Durgin, Plourde
Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – FEBRUARY 10, 2014

NEW BUSINESS ITEM NO.			ASSIGNED TO COUNCILOR
<u>14-080</u>	<u>ORDER</u>	<i>Authorizing Execution of First Amendment to Second Amended and Restated Indenture of Final Lease – GLP Capital, L.P.</i>	NEALLEY
	Action:	<i>Motion made and seconded for Passage Passed</i>	
<u>14-081</u>	<u>ORDER</u>	<i>Authorizing the Establishment and Administration of the Food Service Establishment Grease Intercepting Equipment Grant Program</i>	GALLANT
	Action:	<i>Motion made and seconded for Passage Passed</i>	
<u>14-082</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute Amendments for up to one-year Extensions for the Lease and Concession Agreements with Avis, Hertz, Budget, Alamo and National Car Rental Companies at Bangor International Airport</i>	BLANCHETTE
	Action:	<i>Motion made and seconded for Passage Passed</i>	
<u>14-083</u>	<u>ORDER</u>	<i>Approving a Community Development Business Development Loan to JSI Store Fixtures, Inc.</i>	DURGIN
	Action:	<i>Motion made and seconded for Passage Passed</i>	



Lisa J. Goodwin, MMC, City Clerk

**Bangor Water District
Board of Trustees**

**Minutes of the
Regular Monthly Meeting
Jan. 21, 2014**

The regular meeting of the Bangor Water District Board of Trustees was held at 3:45 p.m. in the Hughes Building, 614 State Street. Present were:

Patty Hamilton
John Lawler
Stan Miller
Gerry Palmer
Robert Sypitkowski
Dan Wellington

being more than a quorum of Trustees (Absent: Trustee Fournier). Also in attendance: General Manager Moriarty, District Engineer Pershken, Finance Manager Bailey, Office Manager Marchegiani, and Water Quality Manager Page. Trustee Wellington, clerk pro tem, kept the minutes.

New Trustees: Taking the agenda out of order, Chair Miller introduced the new Board member, Trustee Lawler. (Trustee Fourier absent.)

Minutes: The minutes of the regular and special December meetings were accepted as presented.

Treasurer's Report: Bailey reported

- The 2014 balance sheet will be in the same format as audited reports. On a related note, the District's annual audit is to take place this week.
- Year-end reconciliations accounted for adjustments in some accounts.
- Metered sales were 2.5% below sales for 2013. Metered sales for 2013 were down by one percent from budget, and the budgeted number had already been decreased 1.5% from 2012.
- Wages were down two percent due to vacant positions, and health insurance was down 15 percent (budgeted 50 percent of deductible funding but only 19 percent used)

Bailey noted BWD is still waiting for a corrected bill from Emera involving a defective meter at the Butler plant. The Treasurer's Report was accepted as presented.

Progress Report: As presented

Public Comment: None

Old Business:

Engineer's Report: Pershken reported on initial discussions related to dechlorinating water flowing into "receiving waters" in order to protect aquatic life. The requirement stems from new EPA rules, and will impact BWD's flushing protocols. The program will focus on "urban impaired stream watersheds," and only if the water is not being discharged into a sewer (affecting about 200 BWD hydrants). Pershken explained various methods for dechlorination, including those currently used by BWD, and said the District is meeting with City staff to gather information and formulate plans.

Corrosion control and lead sampling update: Page reported on round 16 of lead sampling and the effectiveness of the pilot program to reduce the corrosivity of water. Round 16 lead and copper results were below the action levels, meeting the compliance standard. Page explained that the results are encouraging that the corrosion pilot is effective at reducing lead levels. Page described the difficulties of this regulation because the samples must be taken by the customer after water has not been used for at least 6 hours, Page said it is hard to control whether it is done correctly (flushing time, same faucet, etc.). Meetings with the District's consulting engineers will take place before round 17 which will begin shortly.

Hermon water service extension update: Moriarty reported that the Town Council had directed the Town Manager to move forward with designing the extension, a process which will involve the District.

New Business:

2013 leak summary: Moriarty presented information on the water main leaks, including the unbudgeted repair costs of \$90,541. Costs in previous years have ranged from \$53,000 to \$150,000.

	Mains	Services	Private or broken by contractor	Hydrants	Valves	Tapping or Repair Sleeve	Total
2004	23	12	2	14	3	2	56
2005	18	3	2	2	5	2	32
2006	11	9	4	2	2	1	29
2007	27	3	14	2	3	4	53
2008	27	3	2	1	2	1	36
2009	26	11	7	8	6	0	58
2010	14	3	3	1	2	0	23
2011	14	3	5	0	2	0	24
2012	13	2	10	1	2	3	31
2013	19	3	1	3	3	1	30

2014 project planning: Moriarty discussed projects for the coming year, and the various funding sources (depreciation monies, grants/loans, State Revolving Fund (SRF) monies). The most pressing item was a joint project with the City of Bangor involving Broad Street. The project has gone to bid, and in order not to delay the process, Moriarty asked the Board for authorization to conduct negotiations on behalf of the District. It was upon motion, being made and duly seconded, unanimously

VOTED: to authorize the General Manager to work with the City and award the water portion of the project to a contractor in an amount not to exceed \$145,000 (estimated cost).

Moriarty reminded the Board that the District has approximately 180 miles of piping, and given a replacement life of 100 years, should be replacing 1.8 miles of pipe each year (at an estimated cost of \$1 million per mile). Prioritizing pipe replacement is based on many factors including leak history, available funding, coordination with other utilities' projects, and available staff time to plan, supervise, and inspect.

Preliminary plans for 2014 addresses the replacement of 1.88 miles of pipe. These projects and estimated costs are: replacement of a main on Lincoln Street (\$435,000), additional main replacement and lining work on the cross-base main at BIA (\$418,000), DOT project involving a water main installation under Union Street bridge (\$390,000), Main Street water main replacement project done in conjunction with a City project (\$1.1 million), State Street bridge water main lining project to repair a broken water main, and replacement of water main at Broad Street (\$145,000).

Other 2014 projects include: design work for Johnston Pump Station rehab (\$544,000), master plan of entire treatment and distribution system (\$82,658 half of cost is funded through a grant) and work at standpipes (\$135,000).

2014 Capital budget: Moriarty discussed the process of calculating and funding depreciation, reviewing the department requests to fund equipment and various projects, and prioritizing the list based on various criteria. Among items included are: replacement of another 1,100 meters (\$300,000), \$126,000 for facilities maintenance projects involving replacement of pumps and other electrical work at in-town pump stations, installation of 2 new roofs at a pump station and standpipe building, rebuilding a half-mile of the 5-mile-long Floods Pond Road (\$194,000), completion of the Silver Rd main replacement project (\$60,000), and hydrant and valve renewals (\$65,000).

After discussion, it was upon motion, being made and duly seconded, unanimously

VOTED: to approve the 2014 capital budget as presented.

2014 planning document: Moriarty reviewed the highlights, one of which included a review of the District's non-health insurance and possible changes.

2013 write-offs: Moriarty reported on debts written off as uncollectible, as well as \$1,800 recovered on previous bad debt.

	2013	2012	2011	2010	2009
Amount	\$ 3,723	\$ 3,721	\$ 4,857	\$ 3,779	\$ 8,447
# of Write Offs	33	32	43	31	91
Average Amount	\$ 113	\$ 116	\$ 113	\$ 122	\$ 93

Interest on past due bills: Moriarty requested approval to continue the rate at 11.25 percent, the maximum allowed by the Maine Public Utilities Commission which has not changed since 2010. It was upon motion being made and duly seconded, unanimously

VOTED: to approve the General Manager's recommendation.

Maine Water Utilities Annual Conference: Moriarty asked any Trustee interested in attending the Portland conference in February to contact her for registration.

Board correspondence: as presented.

Other business: Moriarty reminded Trustees that the Board's annual meeting will be held in conjunction with its regular February meeting.

Hearing no further business to come before the meeting, it was upon motion being made and duly seconded, unanimously

VOTED: to adjourn at 5:47 p.m.

Dan Wellington, clerk pro tem

Patty Hamilton

John Lawler

Stan Miller

Gerry Palmer

Robert Sypitkowski

COUNCIL ACTION

Item No. 14-084

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 14 I Street, Birch Hill Estates.

Responsible Department: Legal

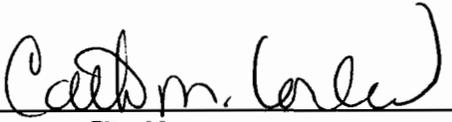
Commentary:

Real estate tax liens matured on the property of John Greenleaf of 14 I Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

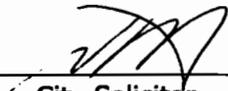
Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Gallant

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 14 I Street, Birch Hill Estates.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 12507, Page 291, Book 12852, Page 268 and Book 13223, Page 306. Said deed shall be directed to John Greenleaf in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-085

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 24 B Street, Birch Hill Estates.

Responsible Department: Legal

Commentary:

Real estate tax liens matured on the property of Erika McLean and David Farren of 24 B Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Plourde

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 24 B Street, Birch Hill Estates.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 12852, Page 74 and Book 13223, Page 124. Said deed shall be directed to Erika McLean and David Farren in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-086

Date: February 24, 2014

Item/Subject: ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 33 Cortland Circle.

Responsible Department: Legal

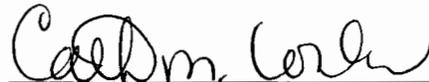
Commentary:

Real estate tax liens matured on the property of Mary-Ellen Adams of 33 Cortland Circle. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Graham

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 33 Cortland Circle.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 12508, Page 101, Book 12851, Page 332 and Book 13223, Page 27. Said deed shall be directed to Mary-Ellen Adams in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-087

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 87 Holiday Park.

Responsible Department: Legal

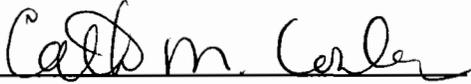
Commentary:

Real estate tax liens matured on the property of Patricia Cousins and Kellie Myers of 87 Holiday Park. This property was recently purchased by Tiffany Long and Grace Legere. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Baldacci

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 87 Holiday Park.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 8791, Page 36, Book 9411, Page 137, Book 9920, Page 126, Book 10483, Page 47, Book 11002, Page 236, Book 11433, Page 327, Book 11801, Page 349, Page 12160, Page 274, Book 12507, Page 200, Book 12852, Page 221 and Book 13223, Page 263. Said deed shall be directed to Grace Legere and Tiffany Long in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-088

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 91 Holiday Park.

Responsible Department: Legal

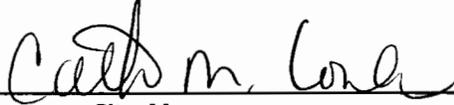
Commentary:

Real estate tax liens matured on the property of James Hawks of 91 Holiday Park. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Nealley

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 91 Holiday Park.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 11434, Page 72, Book 11802, Page 91, Book 12161, Page 9, Book 12507, Page 306 and Book 12851, Page 290. Said deed shall be directed to James Hawks in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-089

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 107 Dartmouth Street.

Responsible Department: Legal

Commentary:

Real estate tax liens matured on the property of Michael and Pamela Pinkham of 107 Dartmouth Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Civiello

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 107 Dartmouth Street.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 12161, Page 177, Book 12508, Page 130, Book 12852, Page 96 and Book 13223, Page 140. Said deed shall be directed to Michael and Pamela Pinkham in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-090

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 134 Ohio Street.

Responsible Department: Legal

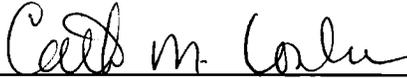
Commentary:

Real estate tax liens matured on the property of St. Louis Management, LLC of 134 Ohio Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Blanchette

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 134 Ohio Street.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 12851, Page 195 and Book 13222, Page 232. Said deed shall be directed to St. Louis Management LLC in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-091

Date: February 24, 2014

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 373 Hancock Street.

Responsible Department: Legal

Commentary:

Real estate tax liens matured on the property of Helen Hudson of 373 Hancock Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for Consent Agenda

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



Assigned to Councilor Durgin

CITY OF BANGOR

**(TITLE.) ORDER, Authorizing Execution of Municipal Quitclaim Deed – Real Estate
Located at 373 Hancock Street.**

By the City Council of the City of Bangor:

ORDERED, Deborah A. Cyr, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of undischarged real estate tax liens recorded in the Penobscot County Registry of Deeds in Book 8250, Page 89, Book 8791, Page 149, Book 9410, Page 270, Book 9920, Page 230, Book 10483, Page 155, Book 11002, Page 329, Book 11434, Page 84, Book 11802, Page 109, Book 12161, Page 25, Book 12507, Page 319 and Book 12851, Page 203. Said deed shall be directed to Heirs of Helen Hudson in a form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-092

Date: February 24, 2014

Item/Subject: Order, Accepting Kittredge Road Relocation Right-of-Way

Responsible Department: Engineering

Commentary: The Order will formally accept the newly constructed and relocated Kittredge Road Right-of-Way as a public way. In July 2013 the City entered into an agreement with the Maine Department of Transportation to construct a permanent right of way for Kittredge Road to replace a temporary Kittredge Road Right of Way. The newly constructed Kittredge Road extends westerly from Stillwater Avenue for an approximate distance of 688' and an 80' width, located northerly of Stillridge, LLC property, Map 60, Lot 12. Consistent with State law, the City has begun the process to discontinue the former Kittredge Road Right of Way.

Arthur B. Morgan
Department Head

Manager's Comments:

Carl M. Cole
City Manager

Associated Information: Order, Associated Map

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Order, Accepting Kittredge Road Relocation Right-of-Way

WHEREAS, there exists a certain way extending westerly from Stillwater Avenue for a approximate distance of 688', with a Right-of-Way width of 80'; and

WHEREAS, said public way have been inspected by the City Engineer and has been found to meet the City's standards and requirements for such public improvements;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT, pursuant to 23 M.R.S.A. §3025 and §3031, (1) the ways referenced and listed as follows is hereby accepted as a Public Ways and Streets by the City of Bangor:

Kittredge Road

BE IT FURTHER ORDERED, THAT the name of the accepted Public Ways shall be as listed above and said ways be added to the Official City Map.

COUNCIL ACTION

Item No. 14-093

Date: February 24, 2014

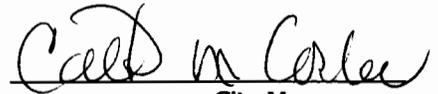
Item/Subject: ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Local Project –Construction Over Limit Permit - 016681.00, Union Street Bridge & 01926.00, Exit 184 Ramp

Responsible Department: Engineering

Commentary: This order would authorize the City to execute a Construction over limit Permit in conjunction and support of MDOT project 016681.00 Union Street/Route 222 bridge replacement and project 019256.00 Exit 184 on ramp. In accordance with the Maine Bureau of Motor Vehicle regulations, The Maine Department of Transportation is requesting an over limit permit for its overweight vehicles to be used on a municipal way during construction of the Union Street Bridge. This permit must be in place prior to commencing the proposed projects.

Arthur B. Morgan, P.E.
Department Head

Manager's Comments:


City Manager

Associated Information: Councilor Order and Agreement

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Construction Overlimit Permit – 016681.00, Union Street Bridge & 01926.00, Exit 184 Ramp

ORDERED,

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

An Agreement with the Maine Department of Transportation – Construction Overlimit Permit – 016681.00, Union Street Bridge & 019256.00, exit 184 ramp.

All in final form as approved by the City Solicitor or Assistant City Solicitor.

Copy of the agreement is attached.

COUNCIL ACTION

Item No. 14-094

Date: February 24, 2014

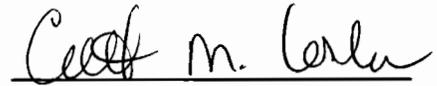
Item/Subject: ORDER, Authorizing the City Manager to Execute an Extension of the Airport Improvement Project (AIP) Engineering and Architectural Services Contract with Jacobs Engineering

Responsible Department: Airport

Commentary: This order will authorize the City Manager to extend an agreement with Jacobs Engineering for design and architectural services at the airport through completion of the current AIP projects. In July of 2009, the City awarded a five (5) year contract for engineering and architectural services for airport improvement projects (AIP) to Jacobs Engineering. Currently, Jacobs is working on several projects including the canal fill project, runway sensor system, terminal paging system and Godfrey Blvd rehabilitation. If approved, Jacobs will be retained to complete current construction projects that are in process and will not be utilized for new projects. In accordance with the Federal Aviation Administration guidelines, staff will prepare and issue the new RFP/Q prior to the start of the next construction season. This has been reviewed and approved by the Finance Committee during its meeting on February 19, 2014.

Tony Caruso
Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage - Consent
 First Reading
 Referral



Assigned to Councilor Graham

CITY OF BANGOR

(TITLE.) ORDER, Authorizing the City Manager to Execute an Extension of the Airport Improvement Project (AIP) Engineering and Architectural Services Contract with Jacobs Engineering

WHEREAS, The City of Bangor owns and operates the Bangor International Airport; and

WHEREAS, In July of 2009, the City awarded the five (5) year contract for airport improvement project (AIP) engineering and architectural services to Jacobs Engineering; and

WHEREAS, This Order will authorize the City Manager to execute an agreement for the extension of the airport improvement project (AIP) engineering and architectural services at Bangor International Airport to Jacobs Engineering to allow the completion and close out of existing projects; and

WHEREAS, The FAA requires all public-use airports to retain the services of a qualified engineering and architectural firm for all Federal airport improvement projects; and

WHEREAS, By allowing this extension, Jacobs will be able to complete current construction projects rather than having to change companies in the middle of a project as well as complete any projects that have not been fully closed out.

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

The City Manager is authorized to execute an agreement for the extension of the airport improvement project (AIP) engineering and architectural services at Bangor International Airport to Jacobs Engineering to allow the completion and close out of existing projects.

COUNCIL ACTION

Item No. 14-095

Date: _____

Item/Subject: ORDER, Authorizing execution of a contract, not to exceed \$1,079,000 to AQuest Corporation for the Design/Build of an Aircraft Paint Facility at Bangor International Airport (BGR).

Responsible Department: Airport

Commentary: This order will authorize the execution of a contract with AQuest Corporation in the amount of \$1,079,000 for the design/build of an aircraft paint facility at the airport. As part of the lease agreement with C&L Aerospace, it was agreed that the Airport would construct a paint facility that will be amortized and paid for through the lease agreement, as well as a grant from the U.S. Economic Development Association (EDA).

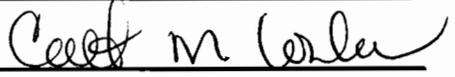
In February, the City received two (2) proposals for the design/build of the aircraft paint facility within a hangar at Bangor International Airport. A Selection Committee consisting of airport staff and C&L Aero representatives reviewed the proposals and based on qualifications and references, selected both firms to interview. After the interviews, the Selection Committee unanimously agreed that the firm AQuest Corporation made the best presentation and, more importantly, would best be able to meet the Airport's needs in designing and constructing an aircraft paint facility. In addition to meeting all the specifications, AQuest's proposal provided more detailed information and cost breakdowns.

On February 19, 2014, the Finance Committee approved staff recommendation to award the contract to AQuest in the amount not to exceed \$1,079,000. Funding for this project comes from multiple sources including \$579,000 from US EDA, and \$500,000 from the airport reserves which will be recaptured through the rents. Any additional overages will be paid by C&L Aerospace. Because of the grant funding, this recommendation is subject to the review and approval of the U.S. Economic Development Administration

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

Tony Caruso
Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



ASSIGNED TO COUNCILOR DURGIN

CITY OF BANGOR

(TITLE.) Order, Authorizing Execution of a Contract, not to Exceed \$1,079,000 to AQuest Corporation for the Design/Build of an Aircraft Paint Facility at Bangor International Airport (BGR)

WHEREAS, The Bangor City Council recently approved the City to accept and appropriate the grant from the U.S. Department of Commerce: Economic Development Administration (EDA) in the amount of \$579,000 for the aircraft hangar improvements project for an aircraft paint facility; and

WHEREAS, As part of the City's support of this project, the airport has committed additional funds (matching funds up to \$500,000) for the build of this paint facility. This grant money and the additional funds will be used towards the development and build of the equipment necessary for an aircraft paint booth to support the expansion of C & L Aerospace at Bangor International Airport; and

WHEREAS, Any amount over the grant and additional funds will be the responsibility of C & L Aerospace.

NOW THEREFORE, BE IT ORDERED THAT

The City Manager is hereby authorized to execute a contract with AQuest in the amount not to exceed \$1,079,000 for the construction of an aircraft paint facility at Bangor International Airport.

Date: February 24, 2014

Item/Subject: **ORDER, Authorizing Bid Award in the Amount of \$1,267,475 to Lou Silver, Inc for the West Market Square Improvement Project**

Responsible Department: **Engineering**

Commentary:

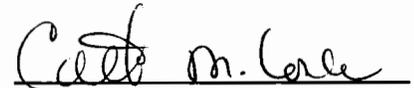
On December 31, 201³~~4~~, the City received four (4) bids for the West Market Square Improvement Project. The bid prices ranged from \$971,332 to \$1,560,490 (see attached bid tabulation). City and Water District staff reviewed the bids received. It was determined that the low bidder did not have the necessary experience working on deep, active sanitary sewer lines, the second low bidder required a change in scope and schedule that was not acceptable to the City or the Water District. Hence, the recommendation is to award the contract to the low qualified and responsive bidder of Lou Silver in the amount of \$1,267,475. The recommended bid amount exceeds the available funding by approximately \$335,000. The additional costs are related to the Sewer and Water District portion of the project. Due to the timing of the project, the additional Sewer funding can be allocated during the FY 15 budget process without impacting the start date..

On February 19, 2014, the Finance Committee approved staff recommendation to award the contract to Lou Silver, Inc in the amount of \$1,267,475.

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

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award in the Amount of \$1,267,475 to Lou Silver, Inc for the West Market Square Improvement Project

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Lou Silver, Inc in the amount of \$1,267,475 for the West Market Square Improvement Project.

City of Bangor
Bid Tabulation - West Market Square Revitalization Project
Bid Opening: 12/31/2013

Item	Description	Qty.	Unit	Sargent Corporation Stillwater, ME		Lou Silver Inc. Orono, ME		TBuck Construction, NNC Auburn, ME		Fed Prog Integrators, LLC Indian Island, ME	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
53	Planting Soils & Mulch	600	SF	5.50	3,300.00	2.00	1,200.00	2.00	1,200.00	4.87	2,922.00
54	Perennials & Groundcover	20	EA	27.00	540.00	15.00	300.00	12.00	240.00	24.54	490.80
55	Adirondack Crabapple Tree	7	EA	750.00	5,250.00	600.00	4,200.00	470.00	3,290.00	1,317.57	9,222.99
56	Male Ginkgo Biloba Tree	3	EA	1,000.00	3,000.00	2,000.00	6,000.00	1,500.00	4,500.00	4,742.57	14,227.71
57	8" Ø Class 52 CLDI Water Main	260	LF	249.00	64,740.00	194.00	50,440.00	150.00	39,000.00	123.94	32,224.40
58	6" Ø Class 52 CLDI Water Main	220	LF	220.00	48,400.00	190.00	41,800.00	100.00	22,000.00	108.94	23,966.80
59	8" Ø Gate Valve w/ Box	4	EA	2,800.00	11,200.00	2,600.00	10,400.00	1,700.00	6,800.00	1,545.54	6,182.16
60	6" Ø Gate Valve w/ Box	10	EA	2,600.00	26,000.00	2,200.00	22,000.00	900.00	9,000.00	966.82	9,668.20
61	8" x 8" DI Tapping Sleeve	1	EA	4,900.00	4,900.00	4,200.00	4,200.00	9,000.00	9,000.00	1,442.84	1,442.84
62	12" x 6" DI Tapping Sleeve	1	EA	5,100.00	5,100.00	5,500.00	5,500.00	5,000.00	5,000.00	832.70	832.70
63	12" x 8" DI Tapping Sleeve	1	EA	5,300.00	5,300.00	5,700.00	5,700.00	8,000.00	8,000.00	1,247.40	1,247.40
64	Hydrant Assembly	1	EA	6,400.00	6,400.00	7,000.00	7,000.00	6,000.00	6,000.00	2,574.86	2,574.86
65	1 ½" Ø Type K Copper	25	LF	170.00	4,250.00	160.00	4,000.00	110.00	2,750.00	165.15	4,128.75
66	1" Type K Copper	162	LF	160.00	25,920.00	120.00	19,440.00	100.00	16,200.00	121.15	19,626.30
67	1 ½" Corporation	1	EA	550.00	550.00	1,000.00	1,000.00	350.00	350.00	276.46	276.46
68	1" Corporation	8	EA	520.00	4,160.00	800.00	6,400.00	150.00	1,200.00	146.51	1,172.08
69	1 ½" Curb Stop & Box	1	EA	640.00	640.00	550.00	550.00	400.00	400.00	554.38	554.38
70	1" Curb Stop & Box	8	EA	600.00	4,800.00	350.00	2,800.00	250.00	2,000.00	643.20	5,145.60
Alt. 1	Bench with Back, Center Armrest	6	EA	2,090.00	12,540.00	2,000.00	12,000.00	1,500.00	9,000.00	1,368.60	8,211.60
Alt. 2	New Trash Receptacle	3	EA	1,620.00	4,860.00	2,000.00	6,000.00	1,400.00	4,200.00	1,213.60	3,640.80
Alt. 3	Granite Curb Planter Beds (Buildings)	180	LF	34.00	6,120.00	40.00	7,200.00	50.00	9,000.00	34.10	6,138.00
Alt. 4	Granite Curb Planter Beds (Sidewalk)	220	LF	34.00	7,480.00	40.00	8,800.00	50.00	11,000.00	34.10	7,502.00
Alt. 5	Decorative Tree Grate with Underlighting	9	EA	6,100.00	54,900.00	7,000.00	63,000.00	6,000.00	54,000.00	2,537.00	22,833.00
Total					1,560,490.00		1,267,475.00		1,218,200.00		971,331.81

COUNCIL ACTION

Item No. 14-097

Date: February 24, 2014

Item/Subject: Order, Authorizing Settlement of Worker's Compensation Claim – Margaret Schwarz

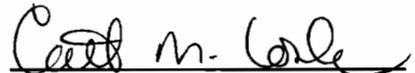
Responsible Department: Finance

Commentary: The attached Order would authorize the settlement of a worker's compensation claim in the total amount of \$80,960 for Margaret Schwarz, a School Department employee. The settlement will provide for a lump sum payment of \$60,000, Medicare set aside capped at \$20,960 and medical payments through the date of the acceptance of the settlement by the Worker's Compensation Board for a total of \$80,960. On February 19, 2014, the Finance Committee reviewed the settlement and unanimously recommended approval.



Department Head

Manager's Comments:



City Manager

Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) Order, Authorizing Settlement of Worker's Compensation Claim – Margaret Schwarz

By the City Council of the City of Bangor:

ORDERED, THAT the settlement of a worker's compensation claim for Margaret Schwarz according to the following terms is hereby approved; lump sum payment of \$60,000, Medicare set aside capped at \$20,960 and medical payments through the date of acceptance by the Worker's Compensation Board.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 14-098

Date: 2-24-2014

Item/Subject: Resolve, Appropriating \$50,000 from the General Fund's Unassigned Fund Balance for the Purpose of Funding the City's Share of the Local Match for the Small Community Air Service Development Grant

Responsible Department: Finance

Commentary: This Resolve will appropriate \$50,000 from the General Fund's Unassigned Fund Balance to fund the City's share of the local match for the Small Community Air Service Development Grant awarded to Bangor International Airport in December 2010.

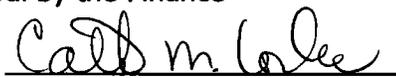
This grant award was to improve air service to the region by increasing competition and capacity in the market. The application specifically focused on air service to either Washington DC or Chicago. Under the provisions provided in the grant award, this Small Community Air Service Development Program grant may be used to reduce an airline's risk in entering a new market. The grant requires a 50% local/community match. The City's portion of the match was \$50,000 and the funds had to come from the general funds of the City and not funds from the Airport Enterprise Fund. Other contributors towards the match include MDOT, MDECD and Mobilize Maine.

As of June 30, 2013 the City's Unassigned Fund Balance of \$7,727,014 exceeded the Council target of 8.33% of operating expenditures by \$491,364. In general, the City's Fund Balance policy indicates that unassigned fund balance should be used primarily to insure adequate designated reserves, to respond to unforeseen emergencies and to provide overall financial stability. Based on the unforeseen, unique and non-recurring nature of this appropriation, this Resolve appears to meet the intent of the City's Fund Balance policy.



Department Head

Manager's Comments: This was reviewed and recommended for approval by the Finance Committee on February 17, 2014.



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) RESOLVE, Appropriating \$50,000 from the General Fund's Unassigned Fund Balance for the Purpose of Funding the City's Share of the Local Match for the Small Community Air Service Development Grant

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT \$50,000 is hereby appropriated from the General Fund's Unassigned Fund Balance to fund the City's share of the local match for the Small Community Air Service Development Grant.

COUNCIL ACTION

Item No. 14-099

Date: February 24, 2014

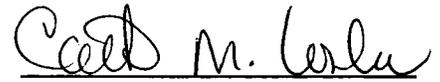
Item/Subject: RESOLVE, Accepting and Appropriating an Additional \$31,362.00 in Funding for the Women, Infants and Children (WIC) Nutrition Program Grant

Responsible Department: Health & Community Services

Commentary: The resolve will accept and appropriate an additional \$31,362.00 in WIC funds for FY 14, which covers the period from October 1, 2013 through September 30, 2014. The original grant amount was \$508,057 for administration of the program and \$2,220,000 for food assistance to clients. This additional \$31,362 is for administrative (personnel) costs directly related to providing client services. This was reviewed and recommended for approval at the February 19, 2014 Government Operations Committee meeting

Department Head

Manager's Comments:



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) RESOLVE, Accepting and Appropriating an Additional \$31,362.00 in Funding for the Women, Infants, and Children (WIC) Nutrition Program Grant.

By the City Council of the City of Bangor:

RESOLVED, THAT the City Manager is hereby authorized to accept and appropriate an additional \$31,362.00 in program funding for the FY 2014 WIC Nutrition Program Grant.

COUNCIL ACTION

Item No. 14-100

Date: February 24, 2014

Item/Subject: **ORDINANCE**, Amending Chapter 265, Solid Waste, of the Code of the City of Bangor, By Adopting Single Stream Recycling

Responsible Department: Public Works

Commentary: This order will amend Chapter 265 of the Code of the City of Bangor to provide for single stream recycling. On December 23, 2014, the City Council approved a five year contract with Pine Tree Waste for bi-weekly curbside collection of single stream recycling, as well as collection of single stream recycled materials at a drop-off facility near Public Works. The current ordinance does not recognize single stream recycling. This change will allow the City of Bangor to proceed with a contract for single stream recycling beginning July 1, 2014. This item was reviewed and recommended for approval at the February 11, 2014 Infrastructure Committee.

Department Head

Manager's Comments:

Scott M. Lane
City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Baldacci



CITY OF BANGOR

ORDINANCE, Amending Chapter 265, Solid Waste, of the Code of the City of Bangor, By Adopting Single Stream Recycling

WHEREAS, single stream recycling has been shown to significantly increase a community's recycling rate in comparison to traditional user-sort recycling approaches;

WHEREAS, the City will be able to reduce the cost of its recycling program in implementing single stream recycling;

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

Chapter 265, section 265-4 of the Code of the City of Bangor shall be deleted and replaced with the following:

§ 265-4 Recycling.

The City shall provide a single stream curbside recycling program to residential units to which the City provides solid waste collection. The City shall also provide a drop off facility accepting single stream recycling materials from all residents and commercial establishments in the City. The materials to be accepted in the recycling program shall be established by the Director of Operations and Maintenance. The City Council may, by order, establish fees for the acceptance of material generated by commercial establishments. In addition, the Director of Operations and Maintenance may refuse to accept materials from commercial sources if the type or quantities of such materials are beyond the City's reasonable financial or operational ability to appropriately respond.

- A. **Recycling containers.** Items placed at the curb for recycling collection must be placed in clear plastic bags, blue bins, or covered recycling containers approved by or acceptable to the Director of Operations and Maintenance. Corrugated cardboard may be piled beside or under other recycling containers in such a manner that the cardboard is not disturbed by the wind or traffic. If recycled material placed in a covered container is bagged, it must be in a clear plastic bag such that collection personnel may determine that the material is acceptable single stream recycling material. Containers shall be designated as a recycling container with a recycling sticker provided by the City. Recycling containers or bags shall not exceed 30 pounds in weight. Containers other than blue bins must be in good condition with handles and covers.
- B. **Curbside recycling collection.** Recycling collection shall occur every other week on the same day as curbside rubbish collection. Recycling material placed curbside for collection must be separated from curbside rubbish material. Recycling containers must be placed in such a manner that the recycling sticker is visible from the road as the recycling truck drives by. Material placed curbside for recycling collection shall be placed at the curb in front of or adjacent to the residence from

which such waste was generated and may not be placed curbside earlier than 5:00 pm the day before the scheduled collection day or later than 6:30 am the day of scheduled recycling collection. The City is not responsible for collecting recycling material placed at the curb after this time.

- C. **Costs.** Recyclables shall be collected curbside at no charge. There shall be no charge at the drop off facility for residents.
- D. **Handling.** The curbside recycling collection contractor shall be responsible for cleaning up spilled materials due to spillage during collection. Residents shall be responsible for cleaning up spilled materials due to improper packaging in containers or bags or failure of bags or containers due to animals, people, traffic, overfilling or weather-related incidents. The contractor shall not be responsible for cleaning loose or frozen material from containers.
- E. **Property rights.** Any and all acceptable recyclable materials placed at the curb become the sole property of the City or its designated agent.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 14-079

Date: February 10, 2014

Item/Subject: Order, Reallocating Excess Proceeds from the City's Prior General Obligation Bonds

Responsible Department: Finance

Commentary:

The attached Order would reallocate unexpended bond proceeds issued in 2013 to projects authorized for bonding at the conclusion of the FY 2014 budget process.

The 2013 bond issue was based on estimated equipment costs. A number of purchases were below estimates such as: chiller repairs, plow tucks, tach buggy and snow blower. In addition, the 2013 bond issue anticipated the replacement of the curbside recycling pickup vehicle. With the City transitioning to a single-stream recycling contract, these funds will not be expended.

This reallocation of unexpended bond funds will reduce the amount of bonds that will be issued to fund the FY 2014 projects authorized in August of 2013.

This Order will require a Public Hearing at the February 24th City Council Meeting



Department Head

Manager's Comments:



City Manager

Associated Information:

Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral – Finance Committee of February 19, 2014

Page __ of __

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Reallocating Excess Proceeds from the City's Prior General Obligation Bonds

WHEREAS, on June 5, 2013, the City of Bangor issued its 2013 General Obligation Bonds – Series A in the aggregate principal amount of \$9,030,000 (the "2013 Bonds") pursuant to City Council Order #12-248 (adopted August 13, 2012) (the "Prior Order"), a portion of the proceeds of which was authorized to be used to finance the acquisition of municipal equipment and vehicles, including plow trucks, recycling truck, tach buggy, snow blower, sidewalk plow, and Parks & Recreation Equipment, including a Zamboni and chiller (referred to as the "Prior Equipment Projects"); and

WHEREAS, on June 5, 2013, the City of Bangor issued additional general obligation bonds in the aggregate principal amount of \$4,740,000 pursuant to City Council Order #13-250 (adopted August 12, 2013) (the "2013 CIP Order") to finance, among other things, municipal equipment and vehicles, including plow trucks, low bed trailer and sidewalk plows (referred to as the "New Equipment Projects"); and

WHEREAS, there remain excess proceeds of the 2013 Bonds, which excess proceeds the City Council desires to reappropriate to be used for New Equipment Projects, thereby reducing the amount of the City's general obligation bonds required to be issued under the 2013 CIP Order;

NOW, THEREFORE, by the City Council of the City of Bangor, be it hereby ORDERED:

THAT the excess proceeds of the 2013 Bonds, in the amount of \$303,562 be and hereby are appropriated to finance a portion of the costs of the New Equipment Projects, as more specifically specified in the 2013 CIP Order

THAT the Finance Director be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 14-101

Date: February 24, 2014

Item/Subject ORDER, Authorizing the City Manager to Execute a Lease with the Bangor Farmers Market Association – Abbott Square

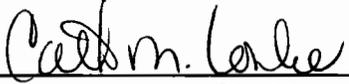
Responsible Department: Community & Economic Development

Commentary: This Order would authorize the City Manager to execute a Lease with the Bangor Farmers Market Association. The Bangor Farmers Market Association wishes to continue the farmers market in the Upper Abbott Square parking lot on Harlow Street. The Association wishes to enter into a three-year lease with the City for use of a portion of Upper Abbott Square parking lot on Sundays from 9 AM – 4 PM; April 1, 2014 through November 30, 2014, April 1, 2015 through November 30, 2015 and April 1, 2016 through November 30, 2016. The lease rate would be \$25 for each of the years.

The lease and terms thereof were reviewed and approved by a 3-2 vote of the Business & Economic Development Committee at its meeting on February 18, 2014.

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.) ORDER, Authorizing the City Manager to Execute a Lease with the Bangor Farmers Market Association – Abbott Square

WHEREAS, the Bangor Farmers Market Association wishes to continue a farmers market in the City of Bangor; and

WHEREAS, the City of Bangor is the owner of a parking lot on Harlow Street known as the Upper Abbott Square parking lot; and

WHEREAS, the parties agree that use of a portion of the Upper Abbott Square parking lot would be a suitable place for a farmers market; and

WHEREAS, the Association wishes to enter into a multi-year agreement with the City for use of a portion of Upper Abbott Square parking lot on Sundays from 9 AM - 4 PM; April 1, 2014 through November 30, 2014, April 1, 2015 through November 30, 2015 and April 1, 2016 through November 30, 2016; and

WHEREAS, the lease rate would be \$25.00 for each of the three years of the agreement; and

WHEREAS, the lease and terms thereof were reviewed and approved by the Business & Economic Development Committee on February 18, 2014:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT the City Manager is hereby authorized to execute an Indenture of Lease with the Bangor Farmers Market Association, a copy of which is attached, and in a final form as approved by the City Solicitor or Assistant City Solicitor.

INDENTURE OF LEASE

THIS INDENTURE OF LEASE, executed this ____ day of _____, 2014 by and between:

CITY OF BANGOR, a municipal corporation organized and existing under the laws of the State of Maine, and having its principal offices at 73 Harlow Street, Bangor, Maine (hereinafter sometimes referred to as "Lessor")

AND

BANGOR FARMERS' MARKET ASSOCIATION, an association doing business in Penobscot County, State of Maine (hereinafter sometimes referred to as "Lessee")

WITNESSETH:

WHEREAS, the Bangor Farmers' Market Association wishes to establish a farmers' market in the City of Bangor and prefers to be in the downtown; and

WHEREAS, the City of Bangor is the owner of a parking lot on Harlow Street known as the Upper Abbot parking lot; and

WHEREAS, the parties agree that use of a portion of the Upper Abbot parking lot would be a suitable place for a farmers' market.

NOW, THEREFORE, the parties do mutually agree as follows:

ARTICLE I – PREMISES

The Lessor, for and in consideration of the rents to be paid and the obligations to be performed by Lessee as hereinafter provided, does hereby demise and Lease unto the Lessee, and the Lessee does hereby take and hire, upon and subject to the terms and conditions hereinafter expressed a portion the existing parking lot located on Harlow Street, Bangor, Maine and further described and shown on a plan attached hereto as Exhibit "A".

ARTICLE II – TERM

To have and to hold the demise premises for the following term: April 1st, 2014 through November 30th, 2014, April 1, 2015 through November 30, 2015 and April 1, 2016 through November 30, 2016. The parties agree that this lease may be renewed under such terms and conditions as the parties may agree.

ARTICLE III – COMPUTATION OF ANNUAL RENTAL

The Lessee shall pay the Lessor \$25.00 for each of the three years of this Lease. The payment is due by April 1st of each respective year.

ARTICLE IV – USE, OCCUPANCY AND ALTERATIONS TO PREMISES

A. Lessee shall have the right to use, occupy and maintain the premises herein described in a reasonably businesslike, careful, clean, and reasonably safe manner for the purposes of conducting a farmers' market which

sells produce and farm crafts according to Lessee's regulations.

B. Lessee shall not use, occupy or maintain said premises in any manner so as to violate any municipal, state, federal law or regulation.

C. Lessee shall have the right to use the premises during the period of April 1st, 2014 through November 30th, 2014, April 1, 2015 through November 30, 2015 and April 1, 2016 through November 30, 2016

D. Lessee shall only be permitted to use the premises on Sunday from 9:00 a.m. to 4:00 p.m.

E. Lessor shall have the right to designate vendor parking areas, customer parking areas, and traffic circulation within the demised premises. Traffic circulation shall be subject to approval of Lessor's Engineering or Community and Economic Development Department staff.

F. Vendor vehicles and customer vehicles shall only be placed in the paved parking areas. Overnight parking of vehicles is expressly prohibited.

G. Lessee shall be responsible for daily cleanup and removal of any litter associated in any way with the operation of the farmers' market.

H. Lessee shall be permitted to locate sandwich board signs which direct the public to the farmers' market as permitted by the Code of the City Bangor.

I. Lessor, or its agents, shall have at all reasonable times the right to go on and inspect the premises with an authorized representative of the Lessee, and the right of access to utility systems located on the demised premises for the purposes of maintenance, repair, correction, or inspection.

ARTICLE V – LIABILITY AND PROPERTY DAMAGE INSURANCE

The Lessee, during the entire term of this Lease, or any extension hereof, shall maintain, at its sole expense, insurance of the following types with companies authorized to do business in the State of Maine for the protection of the City of Bangor, which is to be named as an additional insured against all claims, including wrongful death, losses, costs or expenses arising out of injuries to persons whether or not employed by Lessee or damage to property whether resulting from acts, omissions, negligence or otherwise of the Lessee, its directors, officers, employees and agents and arising from Lessee's use of the premises or any part or portion thereof. In addition, Lessee shall name Republic Parking Systems, Inc. as an additional insured under all policies required herein.

Comprehensive Public Liability

Bodily Injury or Death
\$400,000.00 each occurrence, whether for
one person or more than one person
Property Damage
\$400,000.00 each occurrence

Lessor shall not be required to provide insurance coverage and shall have no responsibility for any property owned by the Lessee or third parties which may be located on the leased premises. Lessee shall cause to be furnished to the Lessor, upon execution of this Lease, evidence in the form of certificates of insurance of the existence and continuance in force of the insurance required hereunder. Said certificates shall be updated and provided to Lessor during this Lease. Lessor shall be notified of any changes or discontinuances of coverage. The minimum insurance coverage required under this Article shall be deemed to be automatically adjusted whenever the Maine State Legislature shall increase the Lessor's maximum liability for personal injury or property damage claims brought under the Maine Tort Claims Act. In the event of such an increase, the minimum insurance coverage required shall be no less than the Lessor's maximum liability for such claims

under the Maine Tort Claims Act.

ARTICLE VI – INDEMNITY

During the term of this Lease and during any holdover tenancy following regular expiration or early termination hereof, Lessee shall protect, defend and hold Lessor, and its inhabitants, officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorneys' fees, court costs, and expert witness fees), of any nature whatsoever arising out of or incident to this Lease and/or the use, occupancy, conduct, or management of the leased premises or the acts or omissions of Lessee's officers, agents, employees, contractors, subcontractors, licensees, or invitees, except to the extent that such claims, suits, demands, judgments, costs, and expenses may be attributed to the acts or omissions of the Lessor, its agents, employees or invitees. The Lessee shall give to Lessor reasonable notice of any such claims or actions. The Lessee shall also use counsel reasonably acceptable to Lessor in carrying out its obligations under this Article.

During the term of this Lease and during any holdover tenancy following regular expiration or early termination hereof, Lessee further hereby expressly agrees that it will defend, indemnify and hold Lessor harmless from any and all claims made or asserted by the Lessee's agents, servants, members or employees arising out of the Lessee's activities under this Lease. For this purpose, the Lessee hereby expressly waives any and all immunity it may have under Maine's Workers Compensation Act in regard to such claims made or asserted by the Lessee's agents, servants, members, or employees. The indemnification provided under this paragraph shall extend to and include any and all costs incurred by Lessor to answer, investigate, defend and settle all such claims, including but not limited to Lessor's costs for attorneys fees, expert and other witness fees, the cost of investigators, and payment in full of any and all judgments rendered in favor of the Lessee's agents, servants, members, or employees against the Lessor in regard to claims made or asserted by such agents, servants, members, or employees.

ARTICLE VII – NONDISCRIMINATION

Lessee hereby agrees that it will conduct its operations only according to its written regulations or bylaws, but at no time shall it refuse to sell its produce or other wares to any person or entity because of the race, sex, religion, national origin, or physical or mental handicap of that person or entity. Notwithstanding the termination provisions of paragraph 3 of Article XIII, Lessee shall cure any breach of this non-discrimination covenant within five (5) days of written notice by Lessor of said breach, after which time Lessor has the right to terminate this Lease.

ARTICLE VIII – COVENANTS OF QUIET ENJOYMENT

The Lessee, subject to the terms and provisions of this Lease on payment of the rent, and observing, keeping and performing all the terms and provisions of the Lease on its part to be observed, kept and performed, shall lawfully, peaceably and quietly have, hold, occupy and enjoy the demised premises during the term hereof without hindrance or rejection by the Lessor or any other persons.

ARTICLE IX – LIENS

The Lessor agrees that it will promptly discharge (either by payment or by filing of the necessary bond or otherwise) any mechanics', materialmen's or other liens against the demised premises, any buildings, structures or improvements thereon, which liens may arise out of any payment due for labor, services, materials, supplies or equipment which may have been furnished to or for the Lessor, its agents, employee, members, or servants, related in any way to the terms of this Lease.

ARTICLE X – MAINTENANCE AND REPAIRS

Lessee shall, at its sole expense and cost, throughout the term hereof, repair any damage to the premises and nearby grounds and landscaping which may have been or was actually caused by the members, agents, employees, servants, or customers of Lessee. Lessee and Lessor shall inspect the premises together immediately prior to June 1st of each year of the term of this Lease for reference purposes. Normal wear and tear deterioration of the pavement surface is excepted from this Article.

ARTICLE XI – REMOVAL OF PROPERTY

A. Any movable personal property that may be financed, erected or installed by Lessee from time to time during the term of this Lease shall remain the property of the Lessee, and, upon termination or expiration of this Lease, Lessee shall have the right to remove the same from the demised premises within twenty-four (24) of said termination. Any such property not so removed within twenty hours (24) from the date of termination shall become the property of the Lessor to be disposed of in such way as it may deem fit. In the event Lessee elects to remove said improvements and other personal property, the buildings and land appurtenant thereto shall be returned to as near as possible their conditions as at the commencement of this Lease, damage by accidental fire and casualty and reasonable wear and tear excepted.

B. In the event Lessee shall fail to remove any non-permanent improvements or personal property within twenty-four (24) hours from the date of termination or final expiration of this Lease, Lessor shall be entitled to recover from the Lessee Lessor's reasonable costs incurred in removing or disposing of such non-permanent improvements or personal property. In such event, there shall be deducted from Lessor's costs the fair value to the Lessor actually realized from sale, use or other disposition of the particular improvements or personal property concerned.

ARTICLE XII - SURRENDER OF POSSESSION

Subject to the provisions contained in Article XIII, the Lessee shall, upon the termination of this Lease, surrender the quiet and peaceable possession of the demised premises.

ARTICLE XIII – TERMINATION

It is covenanted and agreed that:

(1) This agreement can be terminated by either party without cause by providing notice on or before December 31st of each year of the term;

(2) If the Lessee shall neglect or fail to pay the rent or other charges payable hereunder and such default shall continue for a period of ten (10) days after written notice thereof by Lessor;

(3) If Lessee shall neglect or fail to perform or observe any of the other covenants, terms, provisions, or conditions on its part to be performed, or observed pursuant to this Lease, and such neglect or failure shall continue for a period of thirty (30) days after written notice thereof by Lessor, or if such covenants, terms, provisions or conditions cannot be performed or observed within said thirty (30) day period, if Lessee fails to diligently prosecute the curing of such neglect or failure;

(4) If the estate hereby created shall be taken on execution or by other process of law;

(5) If the Lessee shall be declared bankrupt or insolvent according to law;

(6) If any assignment shall be made of the property of the Lessee for the benefit of creditors;

(7) If a receiver, guardian, conservator, or trustee in bankruptcy or other similar officer shall be appointed to take charge of all or any substantial part of the Lessee's property by a Court of competent

jurisdiction;

(8) If a petition shall be filed for a reorganization of the Lessee under provisions of the Bankruptcy Act now or hereafter enacted; or

(9) If the Lessee shall file a petition for such reorganization or for arrangements under any provision of the Bankruptcy Act now or hereafter enacted.

THEN, IN ANY OF THE SAID CASES (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance), the Lessee may be considered in default hereunder, and the Lessor lawfully may, immediately or at any time thereafter, and without demand or notice, enter into and upon the said premises or any part thereof, in the name of the whole and repossess the same as of the Lessor's former estate, and expel the Lessee and those claiming through or under it and remove its or their effects (forcibly if necessary) without being deemed guilty to any manner of trespass, and without prejudice to *any* remedies which might otherwise be used for arrears of rent or preceding breach of covenant. Upon such entry, this Lease shall terminate, and the Lessee shall be liable to pay as rent, amounts equal to the several installments of rents and other charges reserved as would have become due under this Lease if this Lease had not been terminated or if the Lessor had not entered or reentered as aforesaid. Lessee shall not be entitled to any refund, in whole or in part, of any rents paid to Lessor prior to said termination.

ARTICLE XIV – ATTORNEY'S FEE

The Lessee shall pay to the Lessor a reasonable attorney's fee in the event the Lessor employs an attorney to collect any rents due hereunder and secures a judgment in connection with collection of said rent, or legal process is levied upon the interest of the Lessee in this Lease or in said premises, or in the event Lessee violates any of the terms, conditions or covenants on the part of the Lessee herein contained, provided that Lessee fails to promptly correct the violation of any term, condition or covenant after receipt of notice that it is in violation thereof.

In the event Lessor employs its City Solicitor or an assistant solicitor to collect rents or otherwise protect Lessor's interests under this Lease, "reasonable attorneys fees" under this Article shall mean the reasonable cost of services provided by Lessor's Solicitor or assistant solicitor, at the rate charged for similar services by private attorneys in the Bangor area.

ARTICLE XV – ASSIGNMENT, SALE AND SUBLETTING

The Lessee shall not at any time assign, sell, convey or transfer this Lease or any interest therein, or sublease or sublet or rent the premises, or any part thereof, without the prior written consent of the Lessor. In the event of such consent, all provisions of this Lease shall extend to, bind and inure to the benefit of the Lessor and Lessee, or its members, employees, agents, or servants, and also to Lessor's and Lessee's successors and assigns. To the extent Lessee's written regulations or bylaws provide for payment of rents or fees for the right to participate in any way in Lessee's operations, Lessor hereby consents; it being understood and agreed by the parties hereto that such payments bind the payors as noted above.

ARTICLE XVI – AUTHORITY TO ENTER INTO AGREEMENT

The Lessor hereby represents and warrants that it has taken all necessary procedural and legal steps as required by federal, state and local laws and regulations for the purpose of authorizing the execution of this Lease and that execution of this Lease by the City Manager renders this Lease a valid and binding document on the part of the Lessor and the same is fully enforceable in all of its terms and conditions by the Lessee.

Lessee hereby represents and warrants that it has taken all necessary procedural and legal steps as required under all state, local and federal laws and regulations, and all necessary corporate action to authorize the execution of this Lease by its undersigned corporate officer and that upon such execution this Lease is a valid

and binding document on the part of the Lessee and is fully enforceable in all of its terms and conditions by Lessor.

ARTICLE XVII – WAIVER

Failure on the part of the Lessor to complain of any action or nonaction on the part of the Lessee no matter how long the same may continue shall never be deemed to be a waiver by the Lessor of any of Lessor's rights hereunder. Further, it is covenanted and agreed that no waiver at any time of any of the provisions hereof by Lessor shall be construed as a waiver of any other provisions hereunder, and that a waiver at any time of any of the provisions hereof shall not be construed at any subsequent time as a waiver of the same provisions. The approval of Lessor of any action by the Lessee requiring the Lessor's consent or approval shall not be deemed to waive or render unnecessary the Lessor's consent or approval of any subsequent similar act by the Lessee.

ARTICLE - NOTICES

Notices to the Lessor provided for in this Lease shall be sufficient if sent by registered or certified mail, return receipt requested, postage prepaid to:

City Manager
City of Bangor
City Hall
73 Harlow Street
Bangor, ME 04401

and notices to Lessee are to be sent by registered or certified mail, return receipt requested, postage prepaid, addressed to:

Bangor Farmers Market Association
c/o Molly Crouse
Nettie Fox Farm
2348 Kennebec Road
Newburgh, Maine 04444

or to such other respective addressees as the parties may designate to each other in writing from time to time.

ARTICLE XIX – INVALIDITY OF PARTICULAR PROVISIONS

If any term or provisions of this Lease or the application thereof to any person or circumstances is hereafter determined to be to any extent, invalid or unenforceable, the remainder of this Lease or the application of such terms and provisions to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected hereby and such term and provision of this Lease shall be valid and be enforceable to the fullest extent permitted by law.

ARTICLE XX – CONSTRUCTION

The headings appearing in the Lease are intended for convenience and reference only and not to be considered in construing this Lease.

ARTICLE XXI – NO PARTNERSHIP OR JOINT VENTURE CREATED

Nothing contained herein shall be deemed or construed as creating the relationship of principal and agent or of partnership or of joint venture between the parties, it being understood and agreed that neither the method of computation of rent nor any other provision contained herein nor any acts of the parties shall be deemed to create any relationship between the parties other than the relationship of landlord and tenant.

In exercising its rights hereunder, Lessee shall at all times be regarded as an independent entity conducting its own business and operations and shall not at any time act, hold itself out, or purport to act, as an agent, contractor, co-partner, joint venture, or employee of Lessor.

ARTICLE XXII – GOVERNING LAW

This Lease shall be governed exclusively by the provisions hereof and by the laws of the State of Maine, as the same may from time to time exist.

ARTICLE XXIII – AMENDMENT TO LEASE

This Lease contains all the terms and conditions between the parties hereto and no alteration, amendment or addition hereto shall be valid unless in writing and signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year written above.

Witness: City of Bangor

By: _____
Catherine M. Conlow
Its City Manager

Witness: Bangor Farmers' Market Association

By: _____

COUNCIL ACTION

Item No. 14-102

Date: February 24, 2014

Item/Subject: Order, Directing the City Manager to Take Possession of the Property Located at 91 Larkin Street

Responsible Department: Treasury

Commentary: This Order directs the City Manager to take possession of the property located at 91 Larkin Street by virtue of the 2011 matured tax lien. The City of Bangor has recorded tax liens on the property at 91 Larkin Street for unpaid real estate taxes; several of which have matured. The property is a vacant piece of land approximately 7,500 square feet in size. All attempts to receive payment have been unsuccessful.

This has been reviewed and recommended for approval by the Finance Committee on February 19, 2014

Department Head

Manager's Comments:

This property will be first offered to the abutters

Caleb M. Louche
City Manager

Associated Information: Order

Budget Approval:

Jillie S
Finance Director

Legal Approval:

MA
City Solicitor

Introduced for

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

Page __ of __

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Property Located at 91 Larkin Street

WHEREAS, the City of Bangor has recorded tax liens on the property at 91 Larkin Street for unpaid real estate taxes; and

WHEREAS, several of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

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

Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of the property located at 91 Larkin Street.

COUNCIL ACTION

Item No. 14-103

Date: February 24, 2014

**Item/Subject: Order, Directing the City Manager to Take Possession of the Property
Located at 147 Court Street**

Responsible Department: Treasury

Commentary: This Order directs the City Manager to take possession of the property located at 147 Court Street by virtue of the 2011 matured tax lien. The City of Bangor has recorded tax liens on the property at 147 Court Street for unpaid real estate taxes; two of which have matured. All attempts to receive payment have been unsuccessful and the property is currently unoccupied. This has been reviewed and recommended for approval by the Finance Committee on February 19, 2014

Department Head

Manager's Comments:

Carl M. Corle
City Manager

Associated Information: Order

Budget Approval:

[Signature]
Finance Director

Legal Approval:

[Signature]
City Solicitor

Introduced for

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

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Assigned to Councilor Blanchette



CITY OF BANGOR

(TITLE.) Order, Directing the City Manager to Take Possession of the Property Located at 147 Court Street

WHEREAS, the City of Bangor has recorded tax liens on the property at 147 Court Street for unpaid real estate taxes; and

WHEREAS, two of those lien have matured; and

WHEREAS, all attempts to receive payment have been unsuccessful;

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

Catherine M. Conlow, City Manager, is hereby directed on behalf of the City of Bangor to take possession of the property located at 147 Court Street.

COUNCIL ACTION

Item No. 14-104

Date: February 24, 2014

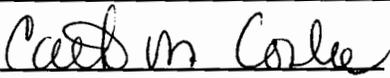
Item/Subject: ORDER, Authorizing Sale of Land to Eastern Maine Healthcare Systems
Abutting the Maine Business Enterprise Park to be Included in Development
Agreement as Authorized by Council Order 13-279

Responsible Department: Community & Economic Development

Commentary: On August 12, 2013, by Council Order 13-279, the City Council authorized a development agreement with Eastern Maine Healthcare Systems for the development of a 30,000 square foot office building on Lot 8A in the Maine Business Enterprise Park. During discussions for the agreement, Eastern Maine Healthcare Systems' plans changed several times resulting in their decision to build a larger building. In order to do so, they have requested to purchase additional land from the City that abuts Lot 8A. This Order will authorize additional land of approximately six acres to be included in the development agreement authorized by Council Order 13-279 for a price of \$13,333.00 per acre. This item was reviewed by the BED at its meeting of February 18, 2014 and was negotiated within the established parameters.

Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __

Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) ORDER, Authorizing Sale of Land to Eastern Maine Healthcare Systems Abutting the Maine Business Enterprise Park to be Included in Development Agreement as Authorized by Council Order 13-279

WHEREAS, on August 12, 2013, by Council Order 13-279, the City Council of the City of Bangor authorized a Development Agreement with Eastern Maine Healthcare Systems for the development of a 30,000 square foot medical office building on Lot 8A in the Maine Business Enterprise Park; and

WHEREAS, during discussions between representatives of Eastern Maine Healthcare Systems and the City, plans of Eastern Maine Healthcare Systems changed several times resulting in their decision to construct a larger medical office building; and

WHEREAS, in order to construct a larger medical office building, Eastern Maine Healthcare Systems has requested to purchase land of the City abutting Lot 8A.

By the City Council of the City of Bangor:

ORDERED,

that in addition to Lot 8A of the Maine Business Enterprise Park, the Development Agreement authorized by the City Council of the City of Bangor shall include approximately 6 acres of land as shown on the attached plan, said additional land to be conveyed to Eastern Maine Healthcare Systems for a price of \$13,333.00 per acre. All other provisions in Council Order 13-279 shall remain.

COUNCIL ACTION

Item No. 14-105

Date: February 24, 2014

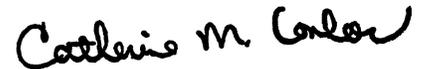
Item/Subject: Resolve, Pledging the City of Bangor's Support of the Searsport Dredging and Harbor Improvement Plan

Responsible Department: City Council

Commentary: The purpose of this Resolve is to pledge the City of Bangor's support for this project and to affirm our commitment to economic development through trade and regional collaboration with our neighboring communities in Maine.

The last major harbor project in Searsport was completed in 1964, which increased the depth of the channel to 35 feet. It is necessary to re-dredge the channel to a depth of 40 feet to accommodate today's larger ships. There is currently a proposal in the works for the Army Corps of Engineers to undertake this work.

The Army Corps is accepting public comment, and if approved by the City Council, the text of this Resolve will be added to the other voices supporting this project.



Department Head

Manager's Comments:

City Manager

Associated Information: Resolve

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to Councilor Nealley

CITY OF BANGOR

RESOLVE, Pledging the City of Bangor's Support of the Searsport Dredging and Harbor Improvement Plan

By the City Council of the City of Bangor:

Whereas, Historically the economy of Bangor has been based on trade. Today the City of Bangor finds itself at the intersection of several major trade routes including those up and down the East Coast of the United States, west to Montreal and the St. Lawrence Waterway, and across the Atlantic to Europe, South America, and beyond; and

Whereas, The Port of Searsport is a key economic asset for not just the coast of Maine but inland areas like Bangor as well. Having a strong and thriving port nearby is crucial to the City of Bangor's own economic development in the coming years; and

Whereas, The last major harbor project in Searsport was completed in 1964, which increased the depth of the channel to 35 feet. It is necessary to re-dredge the channel to a depth of 40 feet to accommodate today's larger ships. There is currently a proposal in the works for the Army Corps of Engineers to undertake this work.

Now Therefore, Be it Resolved by the City Council of the City of Bangor that, the City Council hereby pledges its support for the Searsport Dredging and Harbor Improvement Plan and affirms the City's commitment to economic development through trade and regional collaboration with our neighboring communities in Maine; and

Be it further Resolved that, This Resolve will be distributed to the appropriate parties adding the City's support to this important project.