

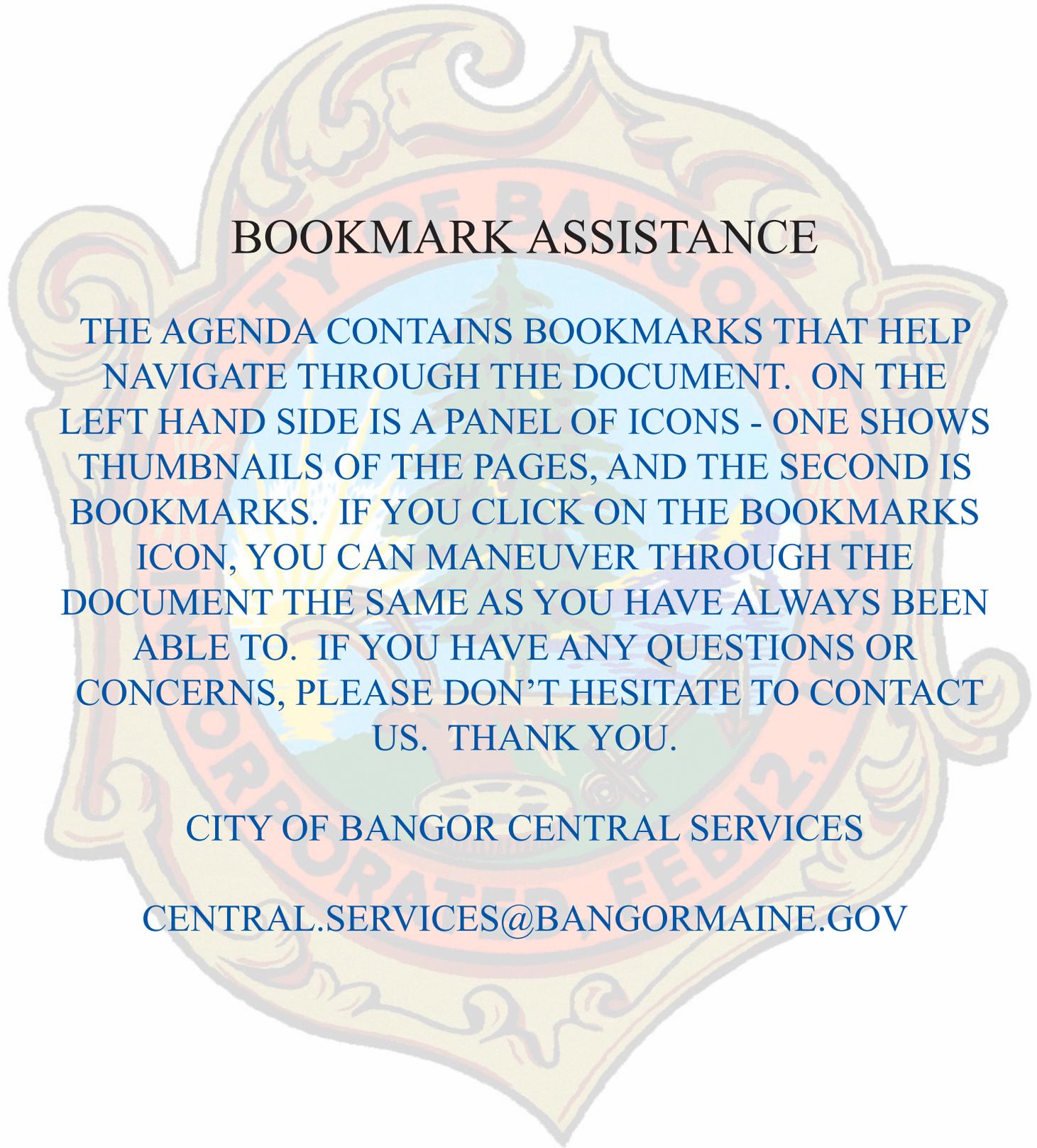
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CITY COUNCIL AGENDA

NOVEMBER 25, 2013





BOOKMARK ASSISTANCE

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

CITY OF BANGOR CENTRAL SERVICES

CENTRAL.SERVICES@BANGORMAINE.GOV

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 25, 2013

PLEDGE ALLEGIANCE TO THE FLAG

Recognition: Proclaiming November 30, 2013 Small Business Saturday in the City of Bangor

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 Organizational Meeting of November 13, 2013, Bangor City Council Regular Meeting of November 13, 2013 and Bangor Water District Board of Trustees Meeting of October 15, 2013

Liquor License Renewal: Application for Liquor License Renewal, Malt, Spirituous, Vinous of Bev, Inc. d/b/a Hilton Garden Inn, 250 Haskell Road **BALDACCI**

Application for Liquor License Renewal, Malt, Spirituous, Vinous, of Kumar, Inc. d/b/a Taste of India, 68 Main Street **BALDACCI**

Application for Liquor License Renewal, Malt, Vinous of Giacomo's d/b/a Giacomo's, 1 Central Street **BALDACCI**

14-013 ORDER Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 56 Yankee Avenue **DURGIN**

Executive Summary: Real estate tax liens matured on the property of Jon Hurchins and Kate Priest of 56 Yankee Avenue. 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.

14-014 RESOLVE Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 80 Briarwood Drive **BLANCHETTE**

Executive Summary: Real estate tax liens matured on the property of Rebecca J. Wood at 80 Briarwood Drive. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property. This Resolve will ratify the staff action.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 25, 2013

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**14-015 RESOLVE **Authorizing Execution of Municipal Quitclaim Deed –
Real Estate Located at 421 Holiday Park** **NEALLEY****

Executive Summary: Real estate tax liens matured on the property of Rebecca J. Wood at 421 Holiday Park. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City’s interest in the property. This Resolve will ratify the staff action.

**14-016 ORDER **Authorizing the City Clerk to Cast Voting Ballot for
the Municipal Review Committee, Inc. Board of
Directors** **CIVIELLO****

Executive Summary: As a Charter Municipal member of the Municipal Review Committee, the City of Bangor is entitled to vote for representatives to the Board of Directors. The MRC represents municipal interests and oversees jointly owned assets regarding the operation of the PERC Waste-to-Energy facility in Orrington. City Manager Conlow currently holds one of the nine seats on the MRC Board through December 31, 2015. Three seats on the Board expire this December 31st, and this Order would authorize the City Clerk to cast Bangor’s ballot for Chip Reeves from Bar Harbor. Mr. Reeves is a current Board member and Chair of the MRC Board. This has been reviewed and recommended for approval by the Government Operations Committee on November 19, 2013.

**14-017 ORDER **Authorizing Bid Award for the Purchase of a Front End
Loader** **GALLANT****

Executive Summary: On November 6, 2013 the City received three bids for a front end loader. The total “life cycle” cost over a five year period ranged from \$84,500 – \$154,100.

The “life cycle” bidding process guarantees a maximum cost of repairs over a five year period as well as a buy back amount at the end of the five years.

On November 18, 2013, the Finance Committee reviewed and approved staff recommendation to purchase the front end loader from Notrax in the amount of \$182,000. At the end of the five years, the City will have the option of keeping the machine or returning it to Notrax for the guaranteed buy back amount of \$97,500.

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

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

**ASSIGNED TO
COUNCILOR**

NONE

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 25, 2013

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

13-351 ORDINANCE **Enacting a Moratorium on Certificates of Occupancy for Facilities Providing Suboxone Treatment **BALDACCI****

Executive Summary: This Ordinance would impose a moratorium on permitting facilities providing suboxone treatment in the City of Bangor for a period of 180 days. This period is intended to allow the necessary time for the City Council to review the City’s current land use regulations in regard to chemical dependency treatment facilities and, if appropriate, regulate the provision of suboxone treatment in the City.

Under state law, if necessary, a moratorium may be extended for additional 180 day periods upon a finding that the problem giving rise to the moratorium continues to exist and reasonable progress is being made to alleviate the problem.

This item was reviewed and recommended for approval at the Government Operations Committee meeting on October 22, 2013. Since that time, a new Ordinance has been proposed which would enact a moratorium on permitting new facilities as well as allowing the expansion of existing facilities beyond their current license levels. Thus, with the new Ordinance proposal, Ordinance 13-351 has been recommended for indefinite postponed by the Government Operations Committee on November 4, 2013.

14-006 ORDINANCE **Amending Land Development Code – Contract Zone Change – 2 Fourteenth Street from Urban Residence One District to a Contract Urban Residence Two District **DURGIN****

Executive Summary: This order will amend the Land Development Code by changing a 2.58 acre parcel of land at 2 Fourteenth Street from an Urban Residence District 1 to Contract Urban Residence Two district. The property was formerly a portion of Mount Pleasant Cemetery cut off by the extension of Fourteenth Street to Ohio Street. The current zone provides for a 4.356 units per acre, (10,000 SF Lots) however, the applicant, J.R.G. Properties, is requesting a contract zone change which will provide contract conditions that limit the property to “attached residential structures” with a maximum development density of 5 dwelling units per acre which is similar to URD-1. The Planning Board met on November 19, 2013 and voted not to recommend by a vote of 3 -2.

14-007 RESOLVE **Authorizing the City Manager to Accept and Appropriate \$32,518 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/31/2013 to 12/30/2014 **DURGIN****

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 25, 2013

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

Executive Summary: This resolve will authorize the City Manager to accept and appropriate a one year grant from HUD in the amount of \$32,518 to continue to provide Shelter Plus Care Rental Assistance for three families to live in Apartments owned by Penquis. Shelter Plus Care promotes housing stability by paying rent for homeless individuals and families. Each recipient is expected to have a case manager to assist him/her with life skills such as healthy living, financial literacy and employment. This is a five year grant, renewable each year. These funds were granted through the 2012 Maine Continuum of Care planning and selective competition process. It should be noted that this project received the highest score in the State of Maine using the criteria of housing stability and compliance with HUD requirements. This item was reviewed and recommended for approval at the Government Operations Committee of November 19, 2013.

14-008 RESOLVE **Authorizing the City Manager to Accept and Appropriate \$117,535 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/1/2013 to 11/30/2014 **BLANCHETTE****

Executive Summary: Thi This resolve will authorize the manager to accept and appropriate a one year grant from HUD in the amount of \$117,535, to provide Shelter Plus Care Rental Assistance for qualified individuals and families to live in any community in Penobscot County. Shelter Plus Care promotes housing stability by paying rent for homeless individuals and families. Each recipient is strongly encouraged and expected to have a case manager to assist him/her with life skills such as healthy living, financial literacy and employment. This is a five year grant, renewable each year. These funds were granted through the 2012 Maine Continuum of Care planning and selective competition process. This item has been reviewed and recommended for approval at the Government Operations Committee on November 19, 2013.

14-009 ORDINANCE **Enacting a Moratorium on Expansion of Buprenorphine Treatment Facilities **CIVIELLO****

If approved, this Ordinance would impose a moratorium on new facilities providing Suboxone or other buprenorphine treatment, and the expansion of buprenorphine treatment programs in existing facilities, for a period of 180 days. This period is intended to allow the necessary time for the City Council to review the City's current land use regulations in regard to chemical dependency treatment facilities and, if appropriate, regulate the provision of buprenorphine treatment in the City. Under state law, if necessary, a moratorium may be extended for additional 180 day periods upon a finding that the problem giving rise to the moratorium continues to exist and reasonable progress is being made to alleviate the problem. This was reviewed and recommended for approval by the Government Operations Committee with proposed amendments.

This item will be amended by substitution.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 25, 2013

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
PUBLIC HEARING:	Application for Liquor License, Malt, Spirituous, Vinous of Bangor Blaze LLC d/b/a Blaze Restaurant, 18 Broad Street	BALDACCI
PUBLIC HEARING:	Application for Special Amusement License of Bangor Blaze LLC d/b/ Blaze Restaurant, 18 Broad Street	BALDACCI
PUBLIC HEARING:	Application for Special Amusement License of Bev, Inc. d/b/a Hilton Garden Inn, 250 Haskell Road	BALDACCI
<u>14-018</u> <u>ORDER</u>	Authorizing the Continuation of the Community Connector Odlin Road Bus Route through June 30, 2014	BALDACCI
 Executive Summary: This Order would authorize the continuation of the Community Connector Odlin Road bus route through June 30, 2014. As part of the FY 2014 Budget approval process, finding for this route was eliminated effective August 30, 2013. Significant interest from bus passengers, businesses, and community members lead to an effort to reconsider the decision. Of the \$20,000 needed to continue service through the end of the fiscal year, fundraising efforts have generated \$11,085 to date. Due to changing circumstances, certain funds in the Community Connector division will not be needed for their original purpose. Thus, funds in the amount of \$8,915 are available to be reallocated to cover the remainder of the cost necessary for continuation of the service through June 30, 2014. The Government Operations Committee reviewed and recommended approval at their meeting on November 19, 2013.		
<u>14-019</u> <u>ORDER</u>	Approving a Lease and Community Development Business Development Loan to JSI Store Fixtures, Inc.	DURGIN
 Executive Summary: This Order will authorize the execution of a Lease and approval of a Business Development Loan with JSI Store Fixtures, Inc. JSI Store Fixtures, Inc. designs and manufactures display fixtures, primarily for grocery store industry. JSI intends to establish a new operating unit of the company in Bangor. JSI requests to lease 15,000 sq. ft. at 110 Hildreth St. Additionally, JSI has asked the City for a loan from the City’s Community Development Business Development Loan Program in the amount of \$100,000. This loan will assist with the financing of the expansion including purchasing new equipment and making building improvements. The proposed loan will be forgivable provided that JSI will create 20 full time positions by the end of 2016 and maintains them for the life of the loan. This order was reviewed in an executive session on November 13, 2013.		
<u>14-020</u> <u>ORDER</u>	Accepting a Portion of Dutton Street as a Public Street and Adding it to the Official City Map	GALLANT

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 25, 2013

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

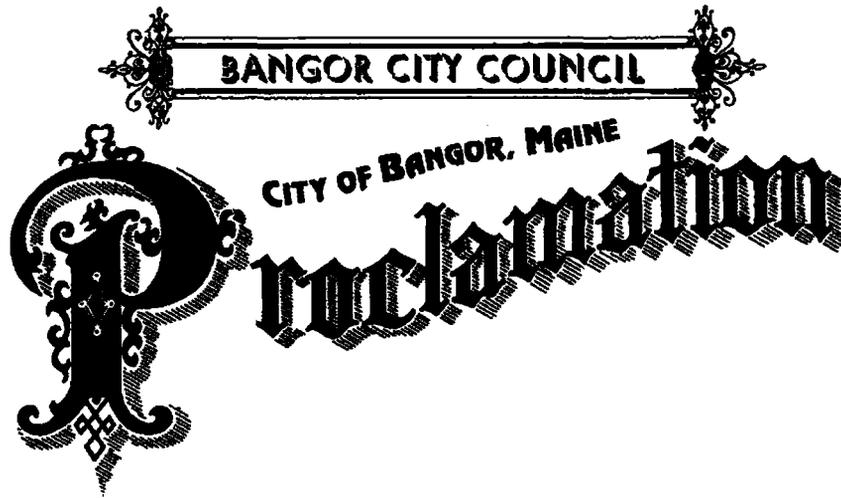
Executive Summary: This Order will accept and add an additional one hundred and five (105) feet of Dutton Street as a public street. The reason for this proposed change is because the City of Bangor has entered into a Development Agreement with Ocean Properties, Ltd for the development of a hotel on the lot on Dutton Street. Zoning requirements provide that the development needs to have a minimum frontage of one hundred feet on a public street. Only the first 160 feet of Dutton Street, immediately adjacent to Main Street, is currently accepted as a public street. In order to facilitate the hotel development it is necessary to extend Dutton Street an additional 105 feet. This item was reviewed and recommended for approval at a Council Workshop on November 13, 2013.

14-021 ORDER

**Changing the Name of Dutton Street on the Northerly
Side of Main Street to Bass Park Boulevard and
Adding it to the Official City Map**

NEALLEY

Executive Summary: This Order will rename the portion of Dutton Street on the northerly side of Main Street to Bass Park Boulevard, and change the street name on the Official City Map. Over the past few years, Bass Park has undergone significant improvements, including development of the Cross Insurance Center and now an agreement for a quality hotel. Section 271-5 of the Code of the City of Bangor provides that the City Council may, by Order, change the name of City streets. Changing the name of the street is proposed as a means of providing greater recognition of Bass Park and honoring the gift of that land that made these improvements possible. This item was reviewed and recommended for approval at a Council Workshop on November 13, 2013.



SMALL BUSINESS SATURDAY IN THE CITY OF BANGOR

WHEREAS, Bangor, Maine is a community that celebrates our local small businesses and the contribution they make to our local economy and community; and

WHEREAS, the United States Small Business Administration states that there are currently 28 million small businesses in the United States, that they represent more than 99 percent of American companies, create two-thirds of the net new jobs, and generate half of private gross domestic product; and

WHEREAS, Bangor is a community that supports and recognizes the importance that our small businesses play in job creation and the boost they provide to our local economy.

NOW, THEREFORE, I, Benjamin A. Sprague, Mayor of the City of Bangor, on behalf of the City Council do hereby proclaim November 30, 2013 to be ***Small Business Saturday*** and urge the residents of our community, and communities across the country, to support small businesses and merchants both on Small Business Saturday and throughout the year.

Given this the 25th day of November, 2013.

Benjamin A. Sprague, Mayor



**CONSENT
AGENDA**

MINUTES OF ORGANIZATIONAL MEETING BANGOR CITY COUNCIL – NOVEMBER 13, 2013

Meeting Called to Order at 10:00 AM by Council Chair Durgin
Councilors Absent: Blanchette
Meeting Adjourned at 10:25 AM

Invocation was given by Mark Doty, Hammond Street Congregational Church

City Clerk, Lisa Goodwin, administered the oath of office to Councilors Durgin, Graham and Plourde

NEW BUSINESS
ITEM NO.

14-001 ORDER To Elect City Council Chair

Action: Motion made and seconded to nominate Benjamin Sprague as Council Chair
Passed



Lisa J. Goodwin, MMC, City Clerk

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 13, 2013

*Meeting called to Order at 7:30 PM
 Chaired by Councilor Sprague
 Councilors Absent: Blanchette*

Meeting adjourned at 8:07 PM

PUBLIC COMMENT

*Skip Black of Larkin Street congratulated Benjamin Sprague on becoming Bangor's newest mayor. He also informed the Council on an abandoned building on the waterfront, and would like to have something done about this.
 Charles Boothby of Kenduskeag Avenue spoke about the Cross Center and how far of a walk it is for people that want to vote. He asked how this would be handled in the future when the new hotel will be built in the Spring.*

**CONSENT AGENDA
 ITEM NO.**

**ASSIGNED TO
 COUNCILOR**

MINUTES OF: *Bangor City Council Meeting of October 28, 2013, Government Operations Committee Meeting of August 5, 2013 and November 4, 2013.*

Action: *Accepted and Approved*

14-002 ORDER *Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 50 Grove Street* **BLANCHETTE**

Action: *Passed*

14-003 ORDER *Acknowledging Receipt of the Official Results and the Declaration Results of the November 5, 2013 State Referendum & Municipal Elections* **CIVIELLO**

Action: *Passed*

14-004 ORDER *Authorizing the City Manager to Execute a Memorandum of Understanding with Sebasticook Valley Health as the Fiscal Agent for Healthy Sebasticook Valley* **NEALLEY**

Action: *Passed*

14-005 ORDER *Authorizing Settlement of Worker's Compensation Claim – Thomas Goehringer* **DURGIN**

Action: *Passed*

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

**ASSIGNED TO
 COUNCILOR**

14-006 ORDINANCE *Amending Land Development Code – Contract Zone Change – 2 Fourteenth Street from Urban Residence One District to a Contract Urban Residence Two District* **SPRAGUE**

Action: *First Reading and Referral to Planning Board Meeting of November 19, 2013*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 13, 2013

REFERRALS TO COMMITTEE AND FIRST READING **ASSIGNED TO COUNCILOR**

14-007 RESOLVE *Authorizing the City Manager to Accept and Appropriate \$32,518 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/31/2013 to 12/30/2014* **DURGIN**

Action: *First Reading and Referral to Government Operations Committee Meeting of November 19, 2013*

14-008 RESOLVE *Authorizing the City Manager to Accept and Appropriate \$117,535 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/1/2013 to 11/30/2014* **BLANCHETTE**

Action: *First Reading and Referral to Government Operations Committee Meeting of November 19, 2013*

14-009 ORDINANCE *Enacting a Moratorium on Expansion of Buprenorphine Treatment Facilities* **CIVIELLO**

Action: *First Reading and Referral to Government Operations Committee of November 19, 2013*

UNFINISHED BUSINESS **ASSIGNED TO COUNCILOR**

13-349 ORDINANCE *Amending Chapter 260, Signs, of the Code of the City of Bangor, By Providing for a Sign for the Bass Park District* **NEALLEY**

Action: *Motion made and seconded for Passage
Vote: 8-0
Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham, Nealley, Plourde, Sprague
Councilors Voting No: None
Passed*

13-350 ORDINANCE *Amending Land Development Code – Contract Zone Change – 76 Dutton Street from General Commercial & Service, Urban Residence 2 and Urban Service District to Contract Bass Park District* **GALLANT**

Action: *Motion made and seconded for Passage
Vote: 8-0
Councilors Voting Yes: Baldacci, Civiello, Durgin, Gallant, Graham, Nealley, Plourde, Sprague
Councilors Voting No: None
Passed*

13-351 ORDINANCE *Enacting a Moratorium on Certificates of Occupancy for Facilities Providing Suboxone Treatment* **BALDACCI**

Action: *Motion made and seconded to postpone until the 11/25/13 Council Meeting
Passed*

**Bangor Water District
Board of Trustees**

**Minutes of the
Regular Monthly Meeting
Oct. 15, 2013**

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:

Ralph Foss
Laurel Grosjean
Patricia Hamilton
Stan Miller
Gerry Palmer
Robert Sypitkowski
Dan Wellington

being more than a quorum of Trustees. Also in attendance: General Manager Moriarty, District Engineer Pershken, Finance Manager Bailey, and Office Manager Marchegiani. The clerk kept the minutes.

Minutes: The minutes of the regular September meeting were accepted with minor corrections.

Treasurer's Report: Bailey reported

- Metered sales continued to be down one percent year-to-date compared to budget
- Revenue of \$27,000 had been received for timber sales (compared to \$20,000 predicted)
- Jobbing revenue for September was significantly higher than anticipated
- Health insurance costs remain under estimate, but Bailey and Moriarty both cautioned that there may be more deductible filings toward the end of the year.

Several Board members asked whether the anticipated rate increase in 2014 - postponed from 2013- would still be needed, but Moriarty indicated it was too early in the budget process for an informed answer. The Treasurer's Report was accepted as presented.

Public Comment: None

Old Business:

Engineer's Report: Pershken reported on:

- Maintenance projects - roof inspections for all buildings, new propane heater at Griffin Road, replace temporary building at Bomarc with permanent structure, check valves replacements at Griffin and Johnston pump stations.
- JPS update - design review 30% complete. Inspection of underwater structures to be done this fall by diver. Changes will include new screens on intake lines, replacement of pump and motors, relocation of electrical equipment, wet well redesign, and new generator. Construction to be done in 2014 or 2015 depending on other projects.
- Silver Road - waiting on City for final go/no go as work will be done in conjunction with sewer/storm water project. Approximately 700 feet of 12-inch pipe will be replaced with a new 16-inch line. Cost estimate is \$159,500.

Thomas Hill lights: Moriarty reported the flag is currently down as it is not lit at night due to the light replacement project. The upper rim of lights has been installed, and crown lights will be completed shortly. No calls have been received to date.

Abatement policy: Moriarty presented an updated draft of a possible abatement policy for customers with excessive unexplained water use, including changes requested by Trustees at last month's initial review. Board members reviewed the policy, and after a brief discussion, it was upon motion being made and duly seconded, unanimously
VOTED: to approve the Board's revised policy P-8 on water bill abatements as attached.

New Business:

Special meeting in December: Moriarty asked for a special Board meeting in December, two days after the regular meeting, to finalize the 2014 budget, and the Trustees agreed to meet at 7:15 a.m.

Authorization of SRF 2013 loan: Moriarty explained this Board formality was needed for submission of the application for Drinking Water Program monies which will fund the Union Street bridge project and the District's master plan development. The loan - which will require review by Maine Municipal Bond Bank, the Maine Public Utilities Commission (MPUC), and the District's bond counsel - totals \$379,000. It was upon motion, being made and duly seconded, unanimously
VOTED: to authorize submission of the application as discussed above.

2014 calendar: Moriarty distributed the calendar reflecting Board meetings and District holidays.

Regulatory reform: Moriarty reported that the Maine Public Utilities Commission is charged with recommending changes to water utility regulation to the legislature by January. These changes could include modifications to what or how the MPUC currently provides for water oversight. Among the considerations are rate-setting and fire protection charges, consumer protection, service standards and main extensions, and financial oversight and reporting. Moriarty said water utilities are divided over deregulation, and the two water associations in Maine are meeting with utilities to develop responses to the MPUC inquiry.

Workforce planning: Moriarty noted the fulltime position of Collector was vacant, and staff would be reviewing the position description before advertising for a replacement. Temporary help will be in place during the transition.

On-line billing: Moriarty reviewed the proposal from InvoiceCloud (IC) to provide e-mail delivery of water bills as well as a payment portal for water payments, beginning in 2014. Because IC is closely integrated with the District's billing software provider, the daily exchange of information would be relatively seamless and IC would provide a billing and payment history for customers to access on-line. BWD has waited to offer this service until the City sewer department transitioned to a separate bill. The Trustees were supportive of the idea, noting that "paperless" will become more popular as time goes on. The project will include purchase of software, access and maintenance fees, and transaction fees for payments (85 cents for EFT payments, \$2.95 for credit card payments); however mailing costs would be reduced as customers moved to e-mail delivery. Moriarty noted that across the country, about 50 percent of utilities absorb the credit card fee on transactions but no water utilities in Maine do so to date. After discussion, it was upon motion being made and duly seconded, unanimously
VOTED: to approve contracting with IC as outlined above, and to absorb the 85 cent fee for EFT transactions (credit card transaction fees to be paid by the customer).

Board correspondence: as presented.

Other business: Moriarty said attendance at the Thomas Hill Standpipe fall foliage tour was 1325.

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

VOTED: to adjourn at 5:12 p.m.

Ralph Foss, clerk

Laurel Grosjean

Patricia Hamilton

Stan Miller

Gerry Palmer

Robert Sypitkowski

Dan Wellington

COUNCIL ACTION

Item No. 14-013

Date: November 25, 2013

Item/Subject: **ORDER,** Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 56 Yankee Avenue.

Responsible Department: Legal

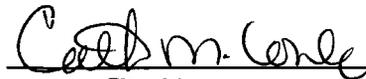
Commentary:

Real estate tax liens matured on the property of Jon Hurchins and Kate Priest of 56 Yankee Avenue. 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 56 Yankee Avenue.**

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 11802, Page 116, Book 12161, Page 33, Book 12507, Page 326, Book 12852, Page 38 and Book 13223, Page 86. Said deed shall be directed to Jon Hutchins and Kate Priest and in a final form approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-014

Date: November 25, 2013

Item/Subject: Resolve, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 80 Briarwood Drive.

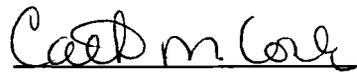
Responsible Department: Legal

Commentary:

Real estate tax liens matured on the property of Rebecca J. Wood at 80 Briarwood Drive. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property. This Resolve will ratify the staff action.

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.) Resolve, Ratification of Execution of Municipal Quitclaim Deed – Property Located at 80 Briarwood Drive.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

The actions of Catherine M. Conlow, City Manager, of executing and delivering a Municipal Quitclaim Deed from the City of Bangor to Rebecca J. Wood for property located at 80 Briarwood Drive in Bangor, Maine are hereby ratified and affirmed.

COUNCIL ACTION

Item No. 14-015

Date: November 25, 2013

Item/Subject: **Resolve,** Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 421 Holiday Park.

Responsible Department: Legal

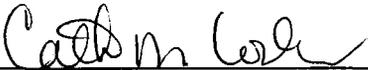
Commentary:

Real estate tax liens matured on the property of Rebecca J. Wood at 421 Holiday Park. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the liens matured and in order to facilitate the closing, the quitclaim deed has been executed releasing the City's interest in the property.

This Resolve will ratify the staff action.

Department Head

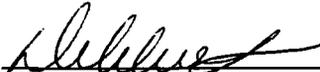
Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:

City Solicitor

Introduced for Consent Agenda

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

14-015
NOVEMBER 25, 2013

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Resolve, Ratification of Execution of Municipal Quitclaim Deed – Property Located at 421 Holiday Park.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

The actions of Catherine M. Conlow, City Manager, of executing and delivering a Municipal Quitclaim Deed from the City of Bangor to Rebecca J. Wood for property located at 421 Holiday Park in Bangor, Maine are hereby ratified and affirmed.

COUNCIL ACTION

Item No. 14-016

Date: November 25, 2013

Item/Subject: Order, Authorizing the City Clerk to Cast Voting Ballot for the Municipal Review Committee, Inc. Board of Directors

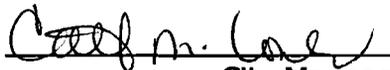
Responsible Department: Executive

Commentary: As a Charter Municipal member of the Municipal Review Committee, the City of Bangor is entitled to vote for representatives to the Board of Directors. The MRC represents municipal interests and oversees jointly owned assets regarding the operation of the PERC Waste-to-Energy facility in Orrington. City Manager Conlow currently holds one of the nine seats on the MRC Board through December 31, 2015. Three seats on the Board expire this December 31st, and this Order would authorize the City Clerk to cast Bangor's ballot for Chip Reeves from Bar Harbor. Reeves is a current member and Chair of the MRC Board.

This has been reviewed and recommended for approval by the Government Operations Committee on November 19, 2013.

Department Head

Manager's Comments: Recommend approval



City Manager

Associated Information: Order

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

Passage Consent Agenda
 First Reading
 Referral

Page __ of



Assigned to Councilor Civiello

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Clerk to Cast Voting Ballot for the Municipal Review Committee, Inc. Board of Directors

Be it Ordered by the Bangor City Council that:

the City Clerk is hereby authorized to cast the voting ballot for the Municipal Review Committee Board of Directors for Chip Reeves of Bar Harbor for a three year term commencing January 1, 2013 and ending December 31, 2016

Date: November 25, 2013

Item/Subject: ORDER, Authorizing Bid Award for the Purchase of a Front End Loader

Responsible Department: Fleet Maintenance

Commentary:

On November 6, 2013 the City received three bids for a front end loader. The total "life cycle" cost over a five year period ranged from \$84,500 – \$154,100 – see attached bid tabulation.

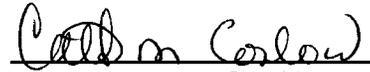
The "life cycle" bidding process guarantees a maximum cost of repairs over a five year period as well as a buy back amount at the end of the five years. See bid tabulation for details.

On November 18, 2013, the Finance Committee reviewed and approved staff recommendation to purchase the front end loader from Notrax in the amount of \$182,000. At the end of the five years, the City will have the option of keeping the machine or returning it to Nortrax for the guaranteed buy back amount of \$97,500.

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**

14-017
NOVEMBER 25, 2013

Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) Order, Authorizing Bid Award for the Purchase of a Front End Loader

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a purchase order to Nortrax in the amount of \$182,000 for the purchase of a front end loader.

City of Bangor Bid Tabulation
 Bid No. B14-009: Front End Loader
 Bid Opening: 11/06/13

14-017
 November 25, 2013

			Nortrax Inc. Hermon, ME	Beauregard Equipment Hermon, ME
Item	Description	Quantity	Total Price	Total Price
1	Front End Loader	1	182,000.00	182,497.00
2	Plus guaranteed max. total cost of repairs for 5yrs/4,500hrs	1		
	Subtotal (line 1 & 2)		182,000.00	182,497.00
	Less guaranteed buy back amount at end of 5yrs/4,500hrs		97,500.00	80,000.00
	Total "Life Cycle" Bid Price:		84,500.00	102,497.00

			Central Equipment Co. Stillwater, ME	TB Equipment Bangor, ME
Item	Description	Quantity	Total Price	Total Price
1	Front End Loader	1	154,100.00	NO BID
2	Plus guaranteed max. total cost of repairs for 5yrs/4,500hrs	1		
	Subtotal (line 1 & 2)		154,100.00	
	Less guaranteed buy back amount at end of 5yrs/4,500hrs			
	Total "Life Cycle" Bid Price:		154,100.00	



**REFERRALS TO COMMITTEES
& FIRST READINGS**



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 13-351

Date: October 28, 2013

Item/Subject: **ORDINANCE**, Enacting a Moratorium on Certificates of Occupancy for Facilities Providing Suboxone Treatment

Responsible Department: Legal

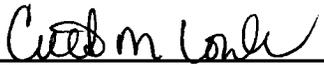
Commentary:

This Ordinance would impose a moratorium on permitting facilities providing suboxone treatment in the City of Bangor for a period of 180 days. This period is intended to allow the necessary time for the City Council to review the City's current land use regulations in regard to chemical dependency treatment facilities and, if appropriate, regulate the provision of suboxone treatment in the City.

Under state law, if necessary, a moratorium may be extended for additional 180 day periods upon a finding that the problem giving rise to the moratorium continues to exist and reasonable progress is being made to alleviate the problem.

Department Head

Manager's Comments:

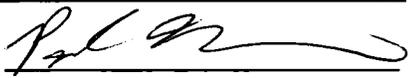

City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Assigned to Councilor Baldacci



CITY OF BANGOR

ORDINANCE, Enacting a Moratorium on Certificates of Occupancy for Facilities Providing Suboxone Treatment

WHEREAS, suboxone is a means of treating opioid dependency;

WHEREAS, facilities prescribing suboxone are currently not regulated by the City of Bangor; and

WHEREAS, suboxone treatment, like methadone treatment, could draw a significant number of people to Bangor, creating the potential for an overburden on public facilities;

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

A moratorium on the issuance of certificates of occupancy for facilities providing suboxone treatment is enacted as follows:

§ 1. Necessity.

Municipalities are authorized by 30-A M.R.S. § 4356(1) to enact moratoria:

A) to prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development, or

B) because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.

In accordance with 30-A M.R.S. § 4356(1), the Bangor City Council finds that a moratorium on facilities providing suboxone treatment is necessary and warranted.

§ 2. Moratorium on Issuance of Certificates of Occupancy for Facilities Providing Suboxone Treatment.

The Bangor Code Enforcement Office shall not approve any applications for certificates of occupancy for facilities providing suboxone treatment while this moratorium is in effect.

§ 3. Term.

This moratorium shall continue for 180 days from the date of passage. It may be extended for additional 180 day periods in accordance with 30-A M.R.S. § 4356(2) upon a finding by the Bangor City Council that the problem giving rise to this moratorium continues to exist and reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

Memorandum

To: Government Operations Committee
From: Paul Nicklas, Assistant City Solicitor
Date: October 22, 2013
Re: Suboxone Treatment Facilities

Suboxone, like methadone, is used to treat opioid dependency. Unlike methadone, facilities providing suboxone treatment are not currently regulated by the City. In the past, suboxone was primarily prescribed by doctors, but some methadone treatment facilities have now expanded to include suboxone treatment as well.

This Ordinance would impose a moratorium on permitting facilities providing suboxone treatment in the City of Bangor for a period of 180 days. This period is intended to allow the necessary time for the City Council to review the City's current land use regulations in regard to chemical dependency treatment facilities and, if appropriate, regulate the provision of suboxone treatment in the City.

Under state law, if necessary, a moratorium may be extended for additional 180 day periods upon a finding that the problem giving rise to the moratorium continues to exist and reasonable progress is being made to alleviate the problem.



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) Ordinance , Amending Land Development Code – Contract Zone Change – 2
Fourteenth Street from an Urban Residence One District to a Contract Urban Residence Two District.

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

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

By changing a parcel of land located at 2 Fourteenth Street (Tax Map No. R-35, Parcel No. 54B) from an Urban Residence One District to a Contract Urban Residence Two District. Said parcel of land containing approximately 2.58 acres and being more particularly indicated on the map attached hereto and made a part hereof.

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

1. The use and/or operation of the subject premises shall be subject to the following limitations and/or restrictions:

- A. Primary structures limited to "attached residential" structures.
- B. A maximum development density of five dwelling units per acre.

2. Execution by those parties with an interest in the affected property of an agreement providing for the implementation and enforcement of all the terms and conditions set forth above and the recording of said executed agreement in the Penobscot County Registry of Deeds by the property owner, a copy of said agreement being on file in the office of the City Clerk and incorporated herein by reference. In the event that said agreement is not so executed within ninety (90) days from the date of passage hereof, this Ordinance shall become null and void.

MEMORANDUM

DATE: November 20, 2013
TO: The Honorable City Council
FROM: David G. Gould, Planning Officer
SUBJECT: Amending Zoning Ordinance
2 Fourteenth Street– Urban Residence District 1 (URD-1)
to Urban Residence District 2 Contract (URD-2 Contract)
Council Ordinance 14-006

Please be advised that the Planning Board at its meeting on November 19, 2013, held a Public Hearing on the above contract zone change request.

Vice Chairman Douglas Damon noted he was filling in due to the absence of Chairman Sturgeon. Mr. Damon noted that Associate Member Mallar would be participating to bring the voting members to five. Mr. Damon noted that the issue before the Board was zoning policy and future development and the Board did not have a specific site plan before them nor were they dealing with curb cuts, sidewalks, or landscaping. Those details would be reviewed later when a specific project is proposed.

Mr. John Graham owner of JRG Properties indicated that he was seeking to change the zoning of his property to allow him to build something other than a single-family home on the 2.5 acre parcel. Mr. Graham noted he had several business ventures in Bangor and had been a resident his whole life. He has several rental developments that are all first rate projects and cause little or no adverse impacts on adjacent properties.

Mr. Graham noted abutters had concerns about development adjacent to their properties. His understanding is that he has access to Fourteenth Street as well as Holland Street. He noted the property has been for sale for some time, but few parties were interested in it being limited to single-family detached dwellings.

Mr. Walter Kamyk, of 38 Holland Street, indicated that he was not in support of apartments or rental units in his neighborhood. He noted he resided there, went to work every day, and came home there at night and his property was not a business opportunity but a home. He did not find the real estate market concerns a reason to change the character of his neighborhood.

Mr. Mark Ricketts, of 50 Holland Street, indicated that he was not in support of the proposed change. He was concerned that apartment units would bring with them more traffic, more noise, and a potential increase in crime.

Ms. Dale Ruopp, 28 Holland Street, indicated that she was not in support of the proposed change. She was concerned about additional traffic on Holland Street which is very narrow with limited areas to turn around. Neither Holland Street or Fourteenth Street have sidewalks so any additional traffic would be hazardous to pedestrians.

Mary Ricketts, of 50 Holland Street, indicated that apartment units are not consistent with their neighborhood of single-family homes.

Caragene Brennan, of 58 Holland Street, noted that she lived at the end of Holland Street and it was narrow and much of the traffic from the complex will need to access Holland Street immediately next to her home.

D. W Mayweather noted he resided at 18 Holland Street and did not find the proposal consistent with the neighborhood.

William McCready and Michael Brecht were unable to attend the meeting but forwarded an email to the Planning Board. They had concerns of the disruption of construction and the narrowness of Holland Street. They also thought apartment dwellings would be inconsistent with the existing detached single-family homes.

Mr. Graham addressed the Board to answer some of the concerns raised. He noted that at his attached residential development off Burleigh Road there was very little traffic. Mr. Graham noted that while Holland Street is narrow he found there was room for two vehicles to pass even with a large oncoming truck. Mr. Graham noted he was very interested in being a good neighbor and was very proud of the developments he had done in Bangor.

Planning Officer Gould explained how the contract zone change process worked and what additional restrictions were added in this contract. The housing style would be limited to attached residential only and the units would have an individual outside access similar to a townhome or duplex. Mr. Gould noted several attached residential developments in low density residential areas of the City. Mr. Gould indicated that the second contract standard limited the density to 5 units per acre and that density would allow for a maximum of 12 units on the property.

Mr. Gould noted from a traffic generation perspective that attached units and apartments generate fewer trips per unit than single-family dwellings. The amount of site disturbance from attached residential is less than single-family dwellings especially if new roads and utilities are involved. Mr. Gould noted that often the Board hears that neighbors fear they will lose some level of privacy when a new development is constructed next door. The fact is everyone values privacy. The occupants of a new dwelling value their privacy as much as the occupant of the existing dwelling.

Planning Officer Gould noted that what the contract rezoning requests the City to consider is whether this property along Fourteenth Street Extension can be developed in a manner other than detached single-family dwellings that can coexist harmoniously with existing development on Holland Street.

Member Williams made a motion to recommend the proposed contract zone change to the City Council. Member Boothby seconded the motion. The Board voted two in favor and three opposed to recommend the City Council that the contract rezoning from URD-1 to URD-2 Contract as contained in C.O. # 14-006 be approved.

Planning Officer Gould noted that the City Council would take final action on the application on Monday November 25th. With a negative recommendation from the Planning Board it will take a 2/3 majority of the Council to approve the proposed change.

COUNCIL ACTION

Item No. 14-007

Date: November 13, 2013

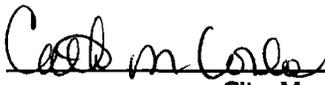
Item/Subject: ~~Resolve~~ Authorizing the City Manager to Accept and Appropriate \$32,518 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/31/2013 to 12/30/2014.

Responsible Department: Health and Community Services

Commentary: This order will authorize the City Manager to accept and appropriate a one year grant from HUD in the amount of \$32,518 to continue to provide Shelter Plus Care Rental Assistance for three families to live in Apartments owned by Penquis. Shelter Plus Care promotes housing stability by paying rent for homeless individuals and families. Each recipient is expected to have a case manager to assist him/her with life skills such as healthy living, financial literacy and employment. This is a five year grant, renewable each year. These funds were granted through the 2012 Maine Continuum of Care planning and selective competition process. It should be noted that this project received the highest score in the State of Maine using the criteria of housing stability and compliance with HUD requirements.

Department Head

Manager's Comments:



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral - Govt Operations Committee of November 18, 2013

Page 1 of 1



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) RESOLVE, Authorizing the City Manager to Accept and Appropriate \$32,518 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/31/2013 to 12/30/2014

By the City Council of the City of Bangor:

RESOLVED, THAT the City Manager is hereby authorized to accept and appropriate a \$32,518 grant from the U.S. Department of Housing and Urban Development in support of the Shelter Plus Care program.

COUNCIL ACTION

Item No. 14-008

Date: November 13, 2013

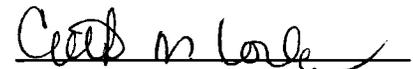
Item/Subject: *Resolve* Authorizing the City Manager to Accept and Appropriate \$117,535 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/1/2013 to 11/30/2014.

Responsible Department: Health and Community Services

Commentary: This order will authorize the manager to accept and appropriate a one year grant from HUD in the amount of \$117,535, to provide Shelter Plus Care Rental Assistance for qualified individuals and families to live in any community in Penobscot County. Shelter Plus Care promotes housing stability by paying rent for homeless individuals and families. Each recipient is strongly encouraged and expected to have a case manager to assist him/her with life skills such as healthy living, financial literacy and employment. This is a five year grant, renewable each year. These funds were granted through the 2012 Maine Continuum of Care planning and selective competition process.

Department Head

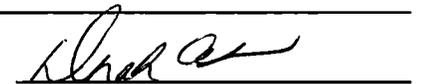
Manager's Comments:



City Manager

Associated Information: Resolve

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral - Govt Operations Committee of November 18, 2013

Page 1 of 1



Assigned to Councilor Blanchette

CITY OF BANGOR

(TITLE.) RESOLVE, Authorizing the City Manager to Accept and Appropriate \$117,535 in McKinney-Vento Homeless Assistance Funds from the U.S. Department of Housing and Urban Development (HUD) for the period 12/1/2013 to 11/30/2014

By the City Council of the City of Bangor:

RESOLVED, THAT the City Manager is hereby authorized to accept and appropriate a \$117,535 grant from the U.S. Department of Housing and Urban Development in support of the Shelter Plus Care program.

COUNCIL ACTION

Item No. 14-009

Date: November 13, 2013

Item/Subject: **ORDINANCE**, Enacting a Moratorium on Expansion of Buprenorphine Treatment Facilities

Responsible Department: Legal

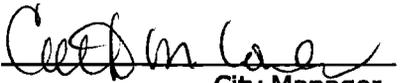
Commentary:

If approved, this Ordinance would impose a moratorium on new facilities providing Suboxone or other buprenorphine treatment, and on expansion of buprenorphine treatment programs in existing facilities, for a period of 180 days. This period is intended to allow the necessary time for the City Council to review the City's current land use regulations in regard to chemical dependency treatment facilities and, if appropriate, regulate the provision of buprenorphine treatment in the City.

Under state law, if necessary, a moratorium may be extended for additional 180 day periods upon a finding that the problem giving rise to the moratorium continues to exist and reasonable progress is being made to alleviate the problem.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the Government Operations Committee on Tuesday, November 19, 2013



Assigned to Councilor Civiello

CITY OF BANGOR

ORDINANCE, Enacting a Moratorium on Expansion of Buprenorphine Treatment Facilities

WHEREAS, buprenorphine, including Suboxone, is a drug used for treating opioid dependency;

WHEREAS, buprenorphine is increasingly prescribed through chemical dependency treatment facilities as an alternative to methadone;

WHEREAS, the City has an ordinance in place regulating expansion of clinics prescribing methadone, but this ordinance does not address prescription of buprenorphine;

WHEREAS, buprenorphine diversion and illicit use is an ongoing public health, safety, and welfare concern, both in and of itself and in the criminal activity it tends to create;

WHEREAS, clients being treated for opioid dependency may require other services as well, including public facilities such as general assistance;

WHEREAS, chemical dependency treatment facilities therefore create the potential for an overburden on the City of Bangor's public facilities;

WHEREAS, increased discussion and awareness of medically-assisted substance abuse treatment and how it affects the City of Bangor and the surrounding area is appropriate; and

WHEREAS, a temporary limit on expansion of facilities providing buprenorphine treatment where no limit currently exists is therefore appropriate, in order to determine what regulation, if any, is necessary;

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

A moratorium on the issuance of permits for facilities dispensing buprenorphine is enacted as follows:

§ 1. Necessity.

Municipalities are authorized by 30-A M.R.S. § 4356(1) to enact moratoria:

A) to prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development, or

B) because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public

harm from residential, commercial or industrial development in the affected geographic area.

In accordance with 30-A M.R.S. § 4356(1), the Bangor City Council finds that a moratorium on facilities dispensing buprenorphine is necessary and warranted.

§ 2. Moratorium on Issuance of Certificates of Occupancy for Facilities Providing Suboxone Treatment.

The Bangor Code Enforcement Office shall not approve building permits, certificates of occupancy, or other permits for new facilities or expansion of existing facilities dispensing buprenorphine under 21 U.S.C. § 823(g)(1) while this moratorium is in effect.

§ 3. Term.

This moratorium shall continue for 180 days from the date of passage. It may be extended for additional 180 day periods in accordance with 30-A M.R.S. § 4356(2) upon a finding by the Bangor City Council that the problem giving rise to this moratorium continues to exist and reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

§ 4. Applicability.

Notwithstanding the provisions of 1 M.R.S. § 302, this moratorium shall apply retroactively to all actions and proceedings pending on October 22, 2013 or thereafter.



Assigned to Councilor Civiello

CITY OF BANGOR

ORDINANCE, Enacting a Moratorium on Expansion of Buprenorphine Treatment Facilities

WHEREAS, buprenorphine, including Suboxone, is a drug used for treating opioid dependency;

WHEREAS, buprenorphine is increasingly prescribed through chemical dependency treatment facility as an alternative to methadone;

WHEREAS, the City has an ordinance in place regulating expansion of clinics prescribing methadone, but this ordinance does not address prescription of buprenorphine;

WHEREAS, buprenorphine diversion and illicit use is an ongoing public health, safety, and welfare concern, both in and of itself and in the criminal activity it tends to create;

WHEREAS, many clients being treated for opioid dependency require other services as well, including public facilities such as general assistance; and

WHEREAS, chemical dependency treatment facilities therefore create the potential for an overburden on the City of Bangor's public facilities;

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

A moratorium on the issuance of certificates of occupancy for facilities providing buprenorphine treatment and on expansion of the number of buprenorphine clients served by existing chemical dependency treatment facilities is enacted as follows:

§ 1. Necessity.

Municipalities are authorized by 30-A M.R.S. § 4356(1) to enact moratoria:

A) to prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development, or

B) because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.

In accordance with 30-A M.R.S. § 4356(1), the Bangor City Council finds that a moratorium on facilities providing buprenorphine treatment and on expansion of the number of buprenorphine clients served by existing chemical dependency treatment facilities is necessary and warranted.

§ 2. Moratorium on Issuance of Certificates of Occupancy for Facilities Providing Suboxone Treatment.

The Bangor Code Enforcement Office shall not approve any applications for certificates of occupancy for facilities providing buprenorphine treatment while this moratorium is in effect. Furthermore, chemical dependency treatment facilities, as defined in § 165-13 of the Code of the City of Bangor, shall not expand their number of buprenorphine clients beyond the maximum number of buprenorphine clients for which they are licensed by the state or federal government as of October 22, 2013.

§ 3. Term.

This moratorium shall continue for 180 days from the date of passage. It may be extended for additional 180 day periods in accordance with 30-A M.R.S. § 4356(2) upon a finding by the Bangor City Council that the problem giving rise to this moratorium continues to exist and reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.

§ 4. Applicability.

Notwithstanding the provisions of 1 M.R.S. § 302, this moratorium shall apply retroactively to all actions and proceedings pending on October 22, 2013 or thereafter.

Memorandum

To: Government Operations Committee
From: Paul Nicklas, Assistant City Solicitor
Date: November 19, 2013
Re: Buprenorphine Treatment Facilities

Buprenorphine, used in drugs such as Suboxone, is used to treat opioid dependency. Unlike methadone, the other primary medication for treating opioid dependency, facilities providing buprenorphine treatment are not currently regulated by the City. In the past, buprenorphine was primarily prescribed by doctors, but some methadone treatment facilities have now expanded to include buprenorphine treatment as well.

If approved, this Ordinance would impose a moratorium on new facilities providing Suboxone or other buprenorphine treatment, and on expansion of buprenorphine treatment programs in existing facilities, for a period of 180 days. This period is intended to allow the necessary time for the City Council to review the City's current land use regulations in regard to chemical dependency treatment facilities and, if appropriate, regulate the provision of buprenorphine treatment in the City.



**NEW
BUSINESS**

COUNCIL ACTION

Item No. 14-018

Date: November 25, 2013

Item/Subject: Order, Authorizing the Continuation of the Community Connector Odlin Road Bus Route through June 30, 2014

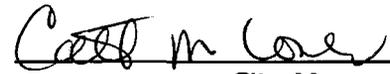
Responsible Department: Executive

Commentary: This Order would authorize the continuation of the Community Connector Odlin Road bus route through June 30, 2014. As part of the FY 2014 budget approval process, finding for this route was eliminated effective August 30, 2013. Significant interest from bus passengers, businesses, and community members lead to an effort to reconsider the decision. Of the \$20,000 needed to continue service through the end of the fiscal year, fundraising efforts have generated \$11,085 to date. Due to changing circumstances, certain funds in the Community Connector division will not be needed for their original purpose. Thus, funds in the amount of \$8,915 are available to be reallocated to cover the remainder of the cost necessary for continuation of the service through June 30, 2014.

The Government Operations Committee reviewed and recommended approval at their meeting on November 19, 2013.

Department Head

Manager's Comments: Recommend approval



City Manager

Associated Information: Order

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 the Continuation of the Community Connector Odlin Road Bus Route through June 30, 2014

Whereas, As part of the FY 2014 budget approval process, funding for the Odlin Road Bus Route was eliminated effective August 30, 2013; and

Whereas, Due to significant community interest to restore service to this route, fundraising efforts generated \$11,085 of the \$20,000 needed to fund the service; and

Whereas, As a result of changing requirements under the Federal Affordable Care Act, funding appropriated within the approved FY 2014 Community Connector budget for this purpose will not be needed during the current fiscal year; and

Whereas, \$8,915 is the amount needed to fully fund the continuation of the service when combined with \$11,085 generated through community fundraising efforts.

Now Therefore, Be It Ordered by the Bangor City Council that:
Continuation of the Community Connector Odlin Road Bus Route is hereby authorized and approved through June 30, 2014; and

Be it further Ordered that:
In addition to funds generated through donations totaling \$11,085, an amount up to \$8,915 of available funding within the Community Connector approved FY 2014 budget is hereby re-allocated for the purpose of meeting the \$20,000 sum necessary for continuation of the route through June 30, 2014.

COUNCIL ACTION

Item No. 14-019

Date: November 25, 2013

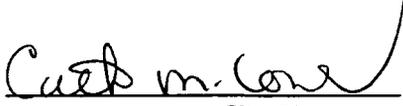
Item/Subject: ORDER, Approving a Lease and Community Development Business Development Loan to JSI Store Fixtures, Inc.

Responsible Department: Community and Economic Development

Commentary: This Order will authorize the execution of a Lease and approval of a Business Development Loan with JSI Store Fixtures, Inc. JSI Store Fixtures, Inc. designs and manufactures display fixtures, primarily for grocery store industry. JSI intends to establish a new operating unit of the company in Bangor. JSI requests to lease 15,000 sq. ft. at 110 Hildreth St. for three (3) years at a monthly payment of \$3,750. Additionally, JSI has asked the City for a loan from the City's Community Development Business Development Loan Program in the amount of \$100,000. This loan will assist with the financing of the expansion including purchasing new equipment and making building improvements. The proposed loan will be forgivable provided that JSI will create 20 full time positions by the end of 2016 and maintains them for the life of the loan. This item was reviewed by the Council at Executive Session on November 13, 2013.

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:



Finance Director

Legal Approval:

City Solicitor

Introduced for

- Passage
- First Reading
- Referral

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Assigned to Councilor Durgin



CITY OF BANGOR

(TITLE.) ORDER, Approving a Lease and Community Development Business Development Loan to JSI Store Fixtures, Inc.

WHEREAS, JSI Store Fixtures, Inc., desires to expand into Bangor, thereby providing new employment opportunities; and

WHEREAS, the new employment to be created by JSI Store Fixtures, Inc. makes it eligible for assistance under the City's Community Development Business Development Loan Program; and

WHEREAS, the number of new jobs and investment created by JSI Store Fixtures, Inc. will provide a substantial public benefit:

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

the City Manager is authorized to execute any and all documents necessary to make available to JSI Store Fixtures, Inc. a Community Development Business Development Loan in an amount not to exceed \$100,000. Said loan shall be forgivable under certain terms and conditions, including the creation of at least twenty (20) new employment opportunities; and

BE IT FURTHER ORDERED THAT

the City Manager is authorized to execute any and all documents necessary to lease 15,000 sq. ft. at 110 Hildreth St., Bangor to JSI Store Fixtures, Inc. for three (3) years at a monthly payment of \$3,750. Said loan and lease shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 14-020

Date: November 13, 2013

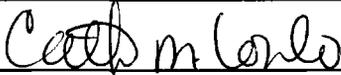
Item/Subject: **ORDER, Accepting a Portion of Dutton Street as a Public Street and Adding it to the Official City Map**

Responsible Department: Community and Economic Development

Commentary: This Order will accept and add an additional one hundred and five (105) feet of Dutton Street as a public street. The reason for this proposed change is because the City of Bangor has entered into a Development Agreement with Ocean Properties, Ltd for the development of a hotel on the lot on Dutton Street. Zoning requirements provide that the development needs to have a minimum frontage of one hundred feet on a public street. Only the first 160 feet of Dutton Street, immediately adjacent to Main Street, is currently accepted as a public street. In order to facilitate the hotel development it is necessary to extend Dutton Street an additional 105 feet. This item was reviewed and recommended for approval at a Council Workshop on November 13, 2013

Department Head

Manager's Comments:


City Manager

Associated Information: Exhibit showing the existing public street part of Dutton Street and the proposed addition is attached.

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for
 Passage
 First Reading
 Referral

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Assigned to Councilor Gallant



CITY OF BANGOR

(TITLE.) ORDER, Accepting a Portion of Dutton Street as a Public Street and Adding it to the Official City Map

WHEREAS, the City is the owner of real property located in Bass Park; and

WHEREAS, the access to Bass Park is via Dutton Street; and

WHEREAS, the first 160 feet of Dutton Street is a public street and the remainder is not accepted as a public street; and

WHEREAS, the City of Bangor has entered into a Development Agreement with Ocean Properties, Ltd for the development of a hotel on the lot on Dutton Street; and

WHEREAS, the development requires a minimum frontage of one hundred feet on a public street.

By the City Council of the City of Bangor:

ORDERED,

That pursuant to 23 M.R.S. §3025 and 23 M.R.S. §3022 a one hundred and five (105) foot portion of Dutton Street extending northwesterly from the end of the current public street portion of Dutton Street is hereby accepted as a Public Way and Street by the City of Bangor and is hereby added to the Official City Map.

COUNCIL ACTION

Item No. 14-021

Date: November 13, 2013

Item/Subject: **ORDER**, Changing the Name of Dutton Street on the Northerly Side of Main Street to Bass Park Boulevard and Adding it to the Official City Map

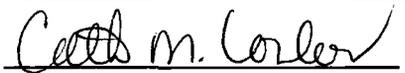
Responsible Department:

Commentary:

This Order will rename the portion of Dutton Street on the northerly side of Main Street to Bass Park Boulevard, and change the street name on the Official City Map. Over the past few years, Bass Park has undergone significant improvements, including development of the Cross Insurance Center and now an agreement for a quality hotel. Section 271-5 of the Code of the City of Bangor provides that the City Council may, by Order, change the name of City streets. Changing the name of the street is proposed as a means of providing greater recognition of Bass Park and honoring the gift of that land that made these improvements possible. This item was reviewed and recommended for approval at a Council Workshop on November 13, 2013

Department Head

Manager's Comments:



City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

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

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Assigned to Councilor Nealley

CITY OF BANGOR

(TITLE.) ORDER, Changing the Name of Dutton Street on the Northerly Side of Main Street to Bass Park Boulevard and Adding it to the Official City Map

WHEREAS, the access to Bass Park is a short public street currently known as Dutton Street; and

WHEREAS, Bass Park has recently undergone significant improvements, including the Cross Insurance Center and an agreement for a quality hotel; and

WHEREAS, Section 271-5 of the Code of the City of Bangor provides that the City Council may, by Order, change the name of City streets; and

WHEREAS, it is appropriate to change the name of that part of Dutton Street that accesses Bass Park.

By the City Council of the City of Bangor:

ORDERED,

That the name of the portion of Dutton Street on the northerly side of Main Street shall be changed to Bass Park Boulevard and that the change in the street name shall be added to the Official City Map.