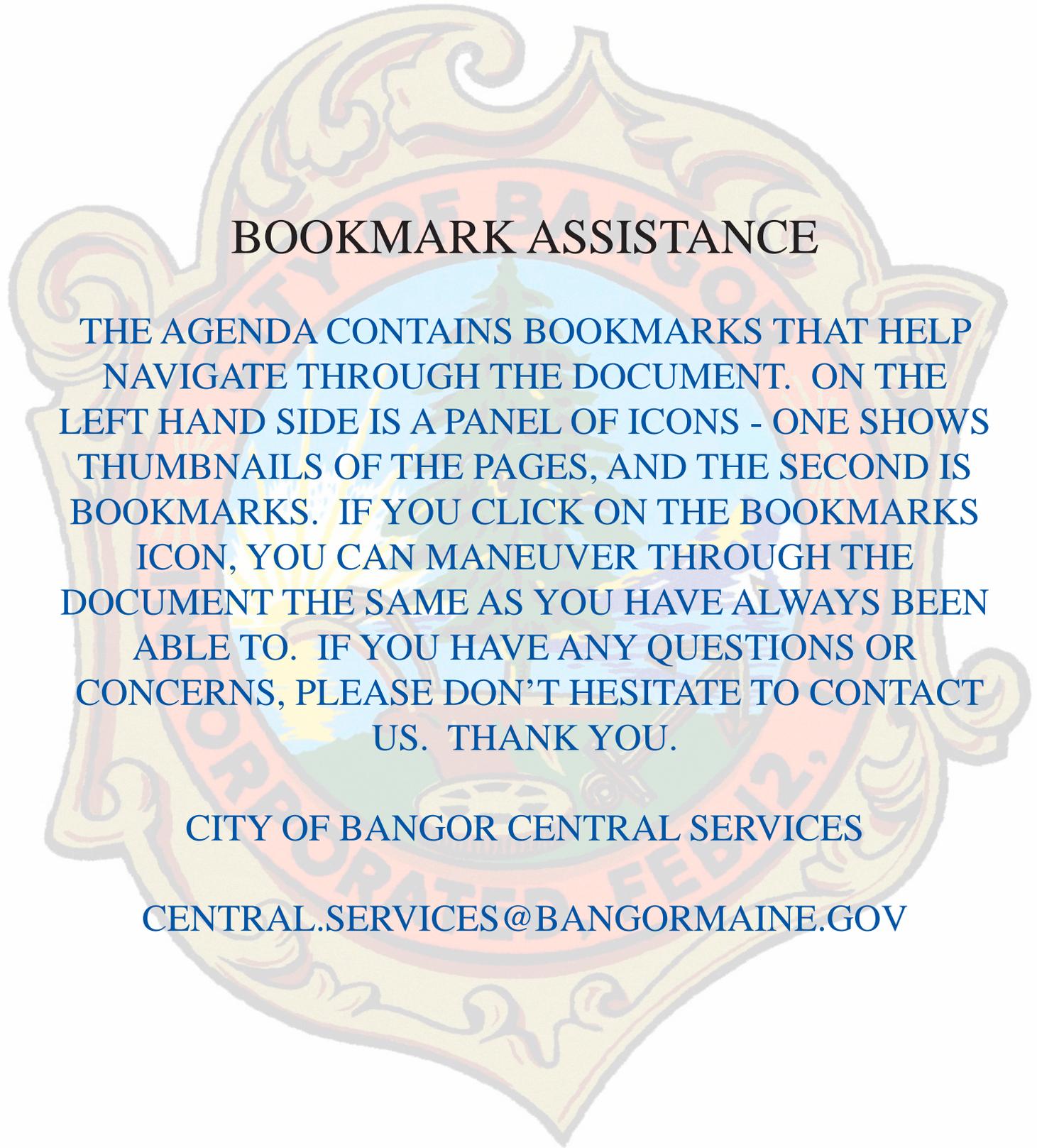




CITY COUNCIL AGENDA

NOVEMBER 23, 2015





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 23, 2015

PLEDGE ALLEGIANCE TO THE FLAG

RECOGNITION: Recognizing Winterport Boot Shop and Hats For The Homeless for Their Generous Donations

PROCLAMATION: Proclaiming Small Business Saturday In The City Of Bangor

PRESENTATION: Komen race organizers presenting a plaque to the fire department for their participation in their annual race

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 9, 2015, Bangor City Council Regular Meeting of November 9, 2015, Airport Committee Meeting of October 13, 2015, Finance Committee Meeting of November 16, 2015, Government Operations Committee Meeting of November 2, 2015 and November 16, 2015, Infrastructure Committee Meetings of June 23, 2015, July 14, 2015, July 28, 2015, August 25, 2015, September 28, 2015 and November 9, 2015

LIQUOR LICENSE RENEWAL: Application for Liquor License Renewal, Malt, Spirituous, Vinous of Family Fun Lanes Inc. d/b/a The Back Alley Restaurant, 15 Hildreth Street **SPRAGUE**

Application for Liquor License Renewal, Malt, Spirituous, Vinous of Allon R. Fish d/b/a BAFS, Inc., 61 Florida Avenue **SPRAGUE**

16-014 ORDER Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 121 Patten Street (Map 35, Lot 26) **DURGIN**

Executive Summary: A real estate tax lien matured on the property of Timothy and Barbara Blasky of 121 Patten Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the lien has matured, a municipal quitclaim is required to release the City's interest in the property. Staff recommends approval.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**16-015 ORDER **Authorizing the City Manager to Execute an Air Service
Development Consulting Agreement with The Boyd
Group International** **PERRY****

Executive Summary: This Order will authorize an agreement with The Boyd Group International, to assist Bangor International Airport in the development of commercial and scheduled air service. The requested scope of work for this agreement includes providing market and data analysis, development of proposals for airlines, appointments and meetings with airlines, and periodic performance reports.

The City received 3 proposals from companies out the State of Maine. A Selection Committee was formed and focused on qualifications, experience, methodology, and costs. The Committee reviewed all the responses with particular attention paid to the credentials and qualifications of the firms submitting proposals, relevant experience, track record and methodology, and the case studies submitted. Based on the information reviewed, it is the Selection Committee’s unanimous recommendation to award this bid to The Boyd Group International for a one (1) year agreement, with an option to renew for two (2) additional two (2) year terms.

This item was reviewed and recommended for approval by the Finance Committee on November 16, 2015.

**16-016 ORDER **Authorizing Purchase of a Sterilizing Autoclave in the
Amount of \$118,900** **BALDACCI****

Executive Summary: This Order will authorize the purchase of a sterilizing autoclave from Bondtech Corporation from Kentucky for \$118,900. This purchase was approved as a capital item in the Airport’s FY 2016 budget, for a cost of \$75,000. The Airport has identified the additional funding sources needed for this purchase.

The airport is required by US Department of Agriculture to properly sterilize regulated garbage removed from aircraft arriving from countries outside the United States. Without a USDA sanctioned method of sterilizing regulated garbage, the Airport would be unable to accept most international flights. The Airport has been utilizing a sterilizing autoclave for the past 30+ years, however this existing unit has now exceeded its useful life and no longer meets USDA standards. The unit is currently out of service.

This order was reviewed and recommended for approval by the Finance Committee at its November 16, 2015 meeting.

**16-017 ORDER **Approval of an Amendment to the Indenture of Lease
between the Bangor Water District and Portland
Cellular Partnership, d/b/a Verizon Wireless** **BALDACCI****

Executive Summary: This Order consents to an amendment in the lease between the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless which allows modification of equipment and increases the rent. The Bangor Water District is the owner of the water tower on Venture Way adjacent to Bangor International Airport. The water tower is located on land owned by the City of Bangor.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

The Bangor Water District subleases the land to communications companies who utilize the water tower for communications antennae. The City of Bangor receives 50% of the revenue received by the Bangor Water District from the communications companies. The Business & Economic Development Committee has reviewed this Lease Amendment at its November 17, 2015 meeting and recommends approval.

**16-018 ORDER Extending the Designation of Sheldon Hartstone as GRAHAM
Tentative Developer of a Parcel of City-Owned Land –
Map 001 Lot 134 and a Portion of Map 001 Lot 001**

Executive Summary: This Order will extend the tentative developer designation with Sheldon Hartstone from November 25, 2015 until January 29, 2016. On August 24, Council approved Order 15-293, designating Sheldon Hartstone as tentative developer of a 9.66 acre parcel of City owned land located on Odlin Road, Bangor. Mr. Hartstone has requested additional time to work with development partners on a possible project for this parcel of land, which he would negotiate to lease from the City if the project moves forward. During this period, the City will deal exclusively with Sheldon Hartstone for the purpose of development of the City owned parcel of land. Additionally, City staff is authorized to negotiate a draft development agreement with Mr. Hartstone for the City Council’s consideration setting forth the proposed terms and conditions under which the proposed development would be allowed to move forward.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its November 17, 2015 meeting.

**16-019 ORDER Authorizing the City Manager to Execute an Off-Airport NEALLEY
Car Rental Agreement with Enterprise-Rent-A-Car
Company to Provide Car Rental Services**

Executive Summary: This Order will authorize an agreement with Enterprise Rent-A-Car Company to provide rental cars to Bangor International Airport passengers from its off-Airport location. This agreement outlines the procedures, parameters, and payment arrangements for off-Airport rentals. In exchange for the right and opportunity to operate an off-airport rental operation, Enterprise will pay the Airport 7.5% of gross rental revenues derived from Airport Activities. The agreement will be in final form as approved by City Legal. This Order was reviewed and recommend for approval by the Finance Committee on November 16, 2015.

**16-020 ORDER Authorizing the City Manager to Execute a Sub PLOURDE
Contract Agreement with Eastern Maine Healthcare
Systems (#CDC 16-1049: Sodium Reduction in
Communities)**

Executive Summary: This Order will authorize the City Manager to execute a sub contract agreement in the amount of \$45,112.00 on behalf of the City with Eastern Maine Healthcare Systems (EMHS). This purpose of this agreement is to work with EMHS to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium products in hospital settings.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

The services under this agreement aim to reduce sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. The term of the agreement is 9/30/15 to 9/29/16. This was reviewed and recommended for approval at the November 16, 2015 Government Operations Committee Meeting.

16-021 ORDER Authorizing the City Manager to Execute a Sub SPRAGUE
Contract Agreement with Good Shepherd Food Bank
(#CDC 16-1049: Sodium Reduction in Communities)

Executive Summary: This Order will authorize the City Manager to execute a sub contract agreement in the amount of \$15,550.00 on behalf of the City with Good Shepherd Food Bank (GSFB). The purpose of this agreement is to work with GSFB to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium products in food distribution settings. The services under this agreement aim to reduce sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. The term is September 30, 2015 to September 29, 2016. This was reviewed and recommended for approval at the November 16, 2015 Government Operations Committee meeting.

16-022 ORDER Authorizing the City Clerk to Cast Voting Ballot for the NICHOLS
Municipal Review Committee, Inc. Board of Directors

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 City Manager Conlow. If elected this will be her second three year term. This has been reviewed and recommended for approval by the Government Operations Committee on November 16, 2015.

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

**ASSIGNED TO
COUNCILOR**

16-023 ORDINANCE Amending Schedule VI of Chapter 291, Article III, Sec. PLOURDE
40 of the Code of the City of Bangor - Parking for
Persons with Disabilities – 125 State Street (First
Reading)

Executive Summary: This Ordinance would designate a 9’ x 20’ area on the south side of State Street, located 30 feet west of the western Essex Street curb line extended, as handicapped parking. The general manager of Judy’s Restaurant, of 125 State Street, has contacted the City to request that an area in front of Judy’s restaurant be designated as handicapped parking. He states that many of his patrons would benefit from this designation. This item was reviewed by the Government Operations Committee on November 16, 2015.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

**UNFINISHED BUSINESS
ITEM NO**

**ASSIGNED TO
COUNCILOR**

15-246 ORDINANCE Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor **BALDACCI**

Executive Summary: This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour.

If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.

The City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens. Based on numerous reports and studies it can be demonstrated that the establishment of a higher minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor. According to a report by the Maine Center for Economic Policy more than 100,000 workers in Maine would benefit from an increase in the minimum wage. Employment in Bangor makes up roughly 6% of Maine’s workforce or about 35,000 workers. Extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage. This has been scheduled for a Council Workshop on November 30, 2015.

This item will be postponed to the December 14, 2015 City Council meeting.

PUBLIC HEARING:

15-360 ORDER Declaring 472 Essex Street a Dangerous Building and Directing its Demolition (Map-Lot 045-009-D) **BALDACCI**

Executive Summary: This order will declare 472 Essex Street a dangerous building and direct the demolition of the property. This formerly grandfathered 4-unit building at 472 Essex Street has been vacant since January 2010 and experienced significant deterioration since that time. Since 2010 staff from Code Enforcement have inspected the property on numerous occasions, and noted that the building’s foundation is collapsing and that the roof has failed.

In April of 2014, the Code Enforcement Division issued a notice to the bank to register the building as a vacant building and ordered them to maintain the property in compliance with the City’s Property Maintenance Code or demolish the building. The bank registered the building in April and October of 2014, and indicated that they would maintain the building per local ordinances.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

**UNFINISHED BUSINESS
ITEM NO**

**ASSIGNED TO
COUNCILOR**

As of this date, however, no maintenance on the building has taken place.

In accordance with Maine Revised Statutes, Title 17, §2851 the Code Enforcement Division finds that the building is structurally unsafe, unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for use or occupancy as a residence; constitutes a hazard to health or safety because of inadequate maintenance, obsolescence or abandonment; and is otherwise dangerous to life or property.

In September of 2015, the City gave notice to all parties of interest that there would be a discussion about this property on October 20, 2015 at 5:15 and that a Dangerous Building Hearing would take place on October 26, 2015 at 7:30 p.m. This item was reviewed and recommended for approval at the October 20, 2015 Business and Economic Development Committee meeting.

This item will be postponed to the December 28, 2015 City Council meeting.

16-012 ORDINANCE Amending Chapter 170, Life Safety Code, of the Code of the City of Bangor, By Adopting the National Fire Protection Association’s 2009 Edition of NFPA 101 PERRY

Executive Summary: The proposed ordinance amendment replaces the current life safety code which is the 1994 edition and adopt the 2009 version of NFPA 101, the version presently adopted by the State of Maine, along with the amendments to NFPA 101 that have made by the State. The changes made by the State include removing the requirement that all new one-and two-family dwellings be sprinkled. This item was reviewed and recommended for approval at the Government Operations Committee Meeting of November 16, 2015.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

16-024 ORDER Authorizing Execution of Contract for Group Health Insurance Program with Cigna DURGIN

Executive Summary: On October 21, 2015 the City received five responses to its Request for Proposals (RFP) – Group Health Insurance Program. The overall total annual cost submitted for the group health insurance program beginning January 1, 2016 for active employees ranged from \$6,890,977 to \$8,396,163, with the lowest premium being submitted by Cigna.

The City’s current contract with Cigna contains a shared returns provision, in that when the City’s utilization (claims paid) of health insurance is below estimated costs, the savings are available to the City through an established premium stabilization reserve (PSR) fund. Conversely, if health insurance costs are higher than the billed premium, the excess costs are subtracted from the balance of the PSR fund. While increasing health insurance premiums based on past utilization is the norm in the health insurance industry, allowing the City to utilize savings realized in good years to reduce future premiums is very beneficial provision. The Cigna 2 submission with an overall rate reduction of 7% is based on the use of approximately \$308,000 of anticipated calendar year 2015 shared returns/savings.

REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 23, 2015

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

The results of the RFP were reviewed with the City’s Health Insurance Advisory Committee which is comprised of City wide departmental staff (union and non-union) and retirees, as well as the City’s independent health insurance consultant. This item was reviewed and recommended for approval by the Finance Committee on November 16, 2015.

This item comes forward for Council action, as the contract award is over \$100,000.

16-025 ORDER Authorizing the Execution of an Agreement with Eastern Sno Cross – Bass Park Infield, Track, and Grandstand **PLOURDE**

Executive Summary: This Order will authorize an agreement with the Eastern Sno Cross for use of property at Bass Park. Last year Eastern Maine Community College Foundation entered into an agreement with the City to host a snowmobile racing event at Bass Park as part of a tour operated by East Coast Sno Cross. Eastern Maine Community College Foundation has made a decision to change their role with East Coast Snow Cross. As a result, East Coast Snow Cross has asked to work with the City directly to bring their event back to Bangor.

Under the terms of the agreement, East Coast Sno Cross wishes to use the infield, a portion of the track and the grandstand at Bass Park. The event will be on January 30 and 31, 2016 from 9:00 a.m. to 5:00 p.m. each day. The premises will be used from January 11, 2016 through February 1, 2016 for set up, take down and the event itself.

The City leases the premises to Hollywood Casino and they have participated in the discussions with East Coast Sno Cross and are in agreement with allowing the event. The agreement shall include the following terms: East Coast Sno Cross will pay the City \$1.25 for every ticket sold to the event; East Coast Sno Cross will provide insurance with the City of Bangor and Hollywood Casino named as additional insured; East Coast Sno Cross will indemnify and hold harmless the City of Bangor and Hollywood Casino; East Coast Sno Cross will pay the City any direct costs for fire, police and water usage and East Coast Sno Cross will provide a security deposit.

This item was reviewed and recommended by the Government Operations Committee on November 16, 2015.

BANGOR CITY COUNCIL



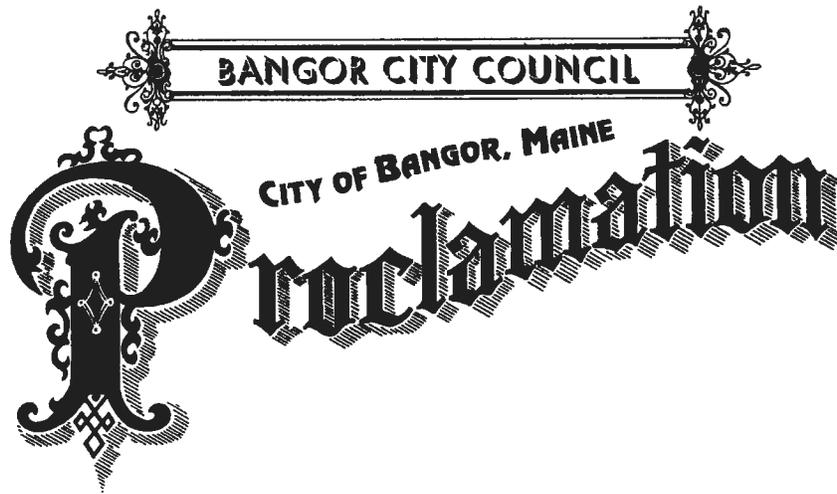
RECOGNIZING WINTERPORT BOOT SHOP AND HATS FOR THE HOMELESS FOR THEIR GENEROUS DONATIONS

- WHEREAS,** for several years, the Bangor Police Community Services Unit has received donations through the use of local and social media to collect winter clothing items for those who are homeless and lacking warm clothes or otherwise do not have sufficient outerwear during the winter months; and
- WHEREAS,** All donations received are distributed by patrol officers to individuals and local homeless shelters as part of the cold weather community outreach project; and
- WHEREAS,** Winterport Boot Shop generously donated 25 pairs of insulated boots after learning of the need and offered their donation in an effort to help; and
- WHEREAS,** Hats for the Homeless worked tirelessly, giving their time and money, to provide over 500 handmade hats, glove, mittens, and scarves for those in need; and
- WHEREAS,** the City of Bangor is grateful and appreciative of everyone who has stepped up to assist Bangor PD provide sufficient outerwear to those who need it most.

NOW, THEREFORE, I, Sean Faircloth, Mayor of the City of Bangor, on behalf of the City Council and the citizens of Bangor, do hereby recognize the Winterport Boot Shop and Hats for the Homeless who generously gave of their resources to aide in the efforts to provide warm clothing to local homeless individuals.

Given this the 23th day of November, 2016.

Sean Faircloth, Mayor



SMALL BUSINESS SATURDAY IN THE CITY OF BANGOR

- WHEREAS,** Bangor is a community that celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 27.9 million small businesses in the United States, they represent 99.7 percent of American employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product, as well as 54 percent of all US sales; and
- WHEREAS,** small businesses employ over 55 percent of the working population in the United States; and
- WHEREAS,** 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and
- WHEREAS,** 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and
- WHEREAS,** 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and
- WHEREAS,** Bangor supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and
- WHEREAS,** advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Sean Faircloth, Mayor of the City of Bangor, on behalf of the City Council do hereby proclaim November 28, 2015 to be ***Small Business Saturday*** and urge our citizens to support small businesses and merchants on Small Business Saturday and throughout the year.

Given this the 23th day of November, 2015.

Sean Faircloth, Mayor



**CONSENT
AGENDA**

MINUTES OF ORGANIZATIONAL MEETING BANGOR CITY COUNCIL – NOVEMBER 9, 2015

Meeting Called to Order at 10:00 am
Meeting Chaired by Council Chair Durgin
Absent: None
Meeting adjourned at 10:33 am

Invocation given by Father Brad Morin

City Clerk, Lisa Goodwin, administered the Oath of Office to Newly Elected Council Members Nealley, Perry and Nichols.

NEW BUSINESS
ITEM NO.

16-001 ORDER To Elect City Council Chair

**Action: Motion made and seconded to nominate Sean Faircloth as Council
 Chair
 Passed**

Attest: 
Lisa J. Goodwin, MMC, City Clerk

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 9, 2015

*Meeting Called to Order at 7:30 PM
 Chaired by Council Chair Faircloth
 Absent: None
 Meeting Adjourned at 8:16 PM*

PROCLAMATION *Proclaimed November as Ride the Bus Month in Bangor*

PUBLIC COMMENT *Paul LeClair felt a Councilor had violated the ethics policy and wanted the item presented to the Ethics Committee. He also felt that three candidates were encouraged to run at the last minute to take votes away from his campaign.*

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
------------------------------------	----------------------------------

MINUTES OF: *Bangor City Council Regular Meeting of October 26, 2015, School Committee Regular Meeting of October 15, 2015 and School Committee Special Meeting of October 15, 2015, Finance Committee Meeting of November 2, 2015, and Business and Economic Development Committee Meetings of August 4, 2015, August 18, 2015, September 8, 2015, October 6, 2015 and October 20, 2015*

Action: *Accepted and Approved*

LIQUOR LICENSE RENEWAL:	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of New Fay Da Restaurant Inc. d/b/a Happy China Buffet, 753 Stillwater Avenue</i>	GRAHAM
------------------------------------	---	---------------

Action: *Approved*

<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Restco, LLC d/b/a Hilton Garden Inn, 250 Haskell Road</i>	GRAHAM
--	---------------

Action: *Approved*

<u>16-002</u> <u>ORDER</u>	<i>Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 511 Pushaw Road (Map R30, Lot 2C)</i>	BALDACCI
--------------------------------------	---	-----------------

Action: *Passed*

<u>16-003</u> <u>ORDER</u>	<i>Authorizing the Execution of Fixed Rate Pricing Contracts with the City's Current Fuel Suppliers</i>	SPRAGUE
--------------------------------------	---	----------------

Action: *Passed*

<u>16-004</u> <u>ORDER</u>	<i>Authorizing the City Manager to Execute a Sub Recipient Agreement with Sebasticook Valley Health</i>	PLOURDE
--------------------------------------	---	----------------

Action: *Passed*

<u>16-005</u> <u>ORDER</u>	<i>Authorizing the City Manager to Execute a Sub Recipient Agreement in the amount of \$38,546 with Katahdin Shared Services, as the Fiscal Agent for the Partnership for a Healthy Northern Penobscot</i>	FAIRCLOTH
--------------------------------------	--	------------------

Action: *Passed*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 9, 2015

CONSENT AGENDA			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>16-006</u>	<u>ORDER</u>	<i>Authorizing the City Manager to Execute a Sub Recipient Agreement in the amount of \$38,546 with Mayo Regional Hospital, as the Fiscal Agent for the Piscataquis Public Health Council</i>	GRAHAM
	<i>Action:</i>	<i>Passed</i>	
<u>16-007</u>	<u>ORDER</u>	<i>Authorizing Execution of Documents for the Sale of 12 North Street (Map 013 Lot 125) to Gregory & Lara Dorr in the Amount of \$8,620</i>	DURGIN
	<i>Action:</i>	<i>Passed</i>	
<u>16-008</u>	<u>ORDER</u>	<i>Authorizing Execution of Documents for the Sale of 130 Thirteenth Street Court (Map 012 Lot 052) to James Gallant, JD Contracting, in the Amount of \$10,500</i>	SPRAGUE
	<i>Action:</i>	<i>Passed</i>	
<u>16-009</u>	<u>ORDER</u>	<i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – Griffin Road Mill & Fill, WIN 22516.02</i>	PLOURDE
	<i>Action:</i>	<i>Passed</i>	
<u>16-010</u>	<u>ORDER</u>	<i>Authorizing Execution of Agreement for Maine Department of Transportation Local Project – State Street (Route 2) Mill & Fill, WIN 22516.05</i>	FAIRCLOTH
	<i>Action:</i>	<i>Passed</i>	
<u>16-011</u>	<u>RESOLVE</u>	<i>Acknowledging Receipt of the Official Results and the Declaration Results of the November 3, 2015 Municipal Election and State Referendum</i>	DURGIN
	<i>Action:</i>	<i>Passed</i>	
REFERRALS TO COMMITTEE AND FIRST READING			ASSIGNED TO
ITEM NO.			COUNCILOR
<u>16-012</u>	<u>ORDINANCE</u>	<i>Amending Chapter 170, Life Safety Code, of the Code of the City of Bangor, By Adopting the National Fire Protection Association’s 2009 Edition of NFPA 101</i>	PERRY
	<i>Action:</i>	<i>First Reading and Referral to Government Operations Committee Meeting of November 16, 2015</i>	
<u>16-013</u>	<u>ORDINANCE</u>	<i>Amending Chapter 165, Land Development, of the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District</i>	BALDACCI
	<i>Action:</i>	<i>First Reading and Referral to Planning Board Meeting of November 17, 2015</i>	

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – NOVEMBER 9, 2015

UNFINISHED BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
<u>15-357</u>	<u>RESOLVE</u> <i>Authorizing the City Manager to Accept and Appropriate \$321,841 in Federal Transportation Authority Funds, \$36,000 in Department of Transportation State Bond Funds and \$20,796 in Bus Replacement Reserve Funds to Fund Rehabilitation of Three Buses</i>	SPRAGUE
	<i>Action: Motion made and seconded for Passage Passed</i>	
<u>15-358</u>	<u>RESOLVE</u> <i>Authorizing the City Manager to Accept and Appropriate \$11,034 in Federal Transportation Authority Bus Support Equipment Funds for the Purchase of Community Connector Radio Equipment</i>	BALDACCI
	<i>Action: Motion made and seconded for Passage Passed</i>	
<u>15-359</u>	<u>RESOLVE</u> <i>Authorizing the City Manager to Accept and Appropriate \$50,000 in Grant Funds from Eastern Maine Healthcare Systems, for the Partnerships to Improve Community Health (PICH) Program</i>	FAIRCLOTH
	<i>Action: Motion made and seconded for Passage Passed</i>	

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
LIQUOR LICENSE: (CLASS XI)	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Endwell LLC d/b/a Paddy Murphy's, 26 Main Street</i>	GRAHAM
	<i>Action: Motion made and seconded for Approval Approved</i>	
PUBLIC HEARING:	<i>Application for Special Amusement License Renewal of Endwell LLC d/b/a Paddy Murphy's, 26 Main Street</i>	GRAHAM
	<i>Action: Motion made and seconded to Open Public Hearing Public Hearing Opened Motion made and seconded to Close Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved</i>	
PUBLIC HEARING:	<i>Application for Special Amusement License Renewal of Restco, LLC d/b/a Hilton Garden Inn, 250 Haskell Road</i>	GRAHAM
	<i>Action: Motion made and seconded to Open Public Hearing Public Hearing Opened Motion made and seconded to Close Public Hearing Public Hearing Closed Motion made and seconded for Approval Approved</i>	



 Lisa J. Goodwin/MMC, City Clerk

Meeting Agenda
City of Bangor Airport Committee
City Council Chambers 3rd Floor
October 13, 2015

The following City Councilors were in attendance: Airport Committee Chair Gibran Graham, Councilors David Nealley and Sean Faircloth, City Manager Cathy Conlow, Airport Director Tony Caruso and Marketing Manager Risteen Bahr.

Agenda:

1. Lifeflight of Maine-Tom Judge, Executive Director of Lifeflight will attend this meeting and discuss with the Committee their expansion project at BGR.

Airport Director introduced Tom Judge, the Executive Director of Lifeflight to the committee. Mr. Judge indicated that Lifeflight has been a tenant since 1998. Tom Judge thanked the City for the support over the years, and is thankful for the great partnership between them and the City/Airport. Lifeflight needs to consolidate operations, and will be expanding their presence at BGR. They are planning on being in the building for a long period (15 + years) and will be upgrading and making improvements to the facility as part of the lease agreement. He indicated that in a course of a year, their transports relate to approximately 80% for hospitals delivery and provides emergency service to about 450 communities. They transport approximately 1650 patients a year and with the new addition to their fleet they anticipate that this will go up to 2600. He thanked the City again for all their support and the use of the building.

2. Maine Aero Services, Inc-lease amendment

Airport Director Caruso indicated that Gene Richardson, Owner and President of Maine Aero Services has been a great partner. He took over from Telford several years ago. This is for the rental of Hangar #115, which Maine Aero uses for small general aviation aircraft maintenance services. In July of this year, Gene Richardson, President of Maine Aero, provided notice that he wished to terminate his lease agreement and sell his business. However, after further review and discussions with City staff, Mr. Richardson, has decided to remain at the Airport under a restructured lease. This amendment outlines the changes to include a clarification of the square footage amount leased in this hangar; adjusting the lease term to 5 years; making a lease rate adjustment and yearly payment schedule; waving the requirement to provide the airport a percentage of revenue for subleases; providing a rental credit for heating unit replacement; and clarifying maintenance and repair responsibilities.

Motion to approve by Councilor Nealley and seconded by Faircloth.

3. The Lander group-lease agreement

Airport Director Caruso indicated that this is a new lease. This is for rental of Bay #2 within Hangar #123 at Bangor International Airport. Phil Lander, Owner-President and CEO, desires to lease this space for his aviation business segment. This lease will start November 1st with two (2) one year extensions. The lease will be \$2,015 per month plus utilities.

Motion to approve by Councilor Faircloth and seconded by Councilor Nealley.

4. Airport Statistics- September 2015

Marketing Director Bahr indicated that September was a banner month! We had a total of 47,240 total monthly passengers with a 4.93% increase this month! We are still down slightly for year to date by -1.98%. Airline load factors were all above 80%, which is showing strong performance! Allegiant was 85%, Delta 85%, United 88% and Us Airways 82% Market share was the following: Allegiant 11%, Delta 34%, United 7% and Us Airways 47%. Total operations was 1% change with International still down by -47%. Fuel Sales were not available for this meeting. The Troop and Military traffic is still down. The last flight for Chicago for this year will be October 25th. United had great load factors this season! Bangor International Airport did receive the "WOW" award for diversions! We had a significant number of diverted united flights! This was great for the Airport to be recognized!

5. Airport Construction Projects-update:

a. Domestic Terminal renovations:

Airport Director Caruso indicated that the Domestic project is proceeding well. It is slightly behind schedule. The baggage belt system is complete and is going thru a testing stage, which is about a 30 day testing, this should be complete by early December. We plan on having the Airline tenants moved over to their new location in early December and also have an open house!

b. AIP 66 7 67 projects:

The AIP 66 and 67, which is the taxiway and drainage system is complete! It is opened and operational. The annual 5 year CIP meeting with the FAA will be near the end of the month, once we have this we will bring it to the Committee for review.

Meeting Adjourned.

FINANCE COMMITTEE MINUTES
November 16, 2015 @ 5:15 pm

Councilors in Attendance: Nealley, Graham, Durgin, Sprague, Faircloth, Nichols, Perry

Staff in Attendance: Cyr, Theriault, Wardwell, Caruso, Farrar

1. Bids/Purchasing

- a. Cemetery Maintenance – Public Works – Thibodeau’s Lawn Care - \$72,345 (3 year total)
Motion made and seconded to award contract for Maple Grove, Pine Grove and Oak Grove maintenance to Thibodeau’s Lawn Care. Motion passed unanimously.

- b. Autoclave – Airport – Bondtech Corporation - \$118,900
Motion made and seconded to recommend award of bid to full Council. Motion passed unanimously.

- c. Air Service Development – Airport – Boyd Group International
Motion made and seconded to recommend award of contract to full Council. Motion passed unanimously.

- d. Off-Airport Car Rental Agreement – Airport - Enterprise
Motion made and seconded to recommend execution of contract to full Council. Motion passed unanimously.

- e. Group Health Insurance Program – City Wide – Cigna
Motion made and seconded to recommend award of contract to full Council. Motion passed unanimously.

2. Employee Innovation and Service Recognition Award Recommendations

Staff reviewed recommended awards. Councilors discussed whether employees should be recognized during Council meetings, whether or not department heads should be eligible and the methodology under which the award amounts were arrived at. The recommendation for awards was motion moved and seconded and passed unanimously.

Meeting Adjourned at 5:45 pm

Government Operations Committee

Monday, November 2, 2015

Minutes

Committee Chair Civiello called the meeting to Order at 5:50 pm.

1. Referral, Council Resolve 15-359 – Authorizing the City Manager to Accept and Appropriate \$50,000 in Grant Funds from Eastern Maine Healthcare Systems for the Partnerships to Improve Community Health (PICH) Program
 - Public Health and Community Services Grants Manager Sally Healey explained the purpose and nature of the grant. It was moved by Sprague, seconded by Graham and voted to recommend approval of the Resolve to the full Council.
2. Sub Recipient Agreements for the Partnership for Success (PFS)Program
 - Mayo Regional Hospital as fiscal agent for Piscataquis Public Health Council \$38,546
 - Katahdin Shared Services as fiscal agent for Partnerships for a Healthy Northern Penobscot County \$38,546.
 - Grants Manager Healey explained the purpose of the two sub recipient agreements with each agency. It was moved by Sprague, seconded by Graham and voted to recommend approval of both agreements to the full Council.
3. Sub Recipient Agreement for Healthy Maine Partnership Program
 - Grants Manager Healey explained the purpose of the Agreement with Sebecook Valley Health as fiscal agent for Healthy SV in the amount of \$10,000. It was moved by Sprague, seconded by Durgin and voted to recommend approval of the agreement to the full Council.
4. Wrap up of Town Hall Meetings held in September and October.
 - City Manager Conlow reviewed her memorandum to the Committee and summarized the meetings and some of questions / answers asked in the various sessions. She noted that Public Works, Code and Police issues topped the list of questions / concerns. Councilor Graham thanked staff and community members and noted the need to fine tune some of the facility logistics. Councilor Sprague suggested that the meeting time (7:00 to 9:00) be reviewed to determine if there would be a more convenient time for attendees. Chair Civiello felt the meetings were successful, and felt that more could be done with / for the neighborhoods. She believed that citizens would be willing to volunteer and suggested the Neighborhood Watch groups as examples. Councilor Plourde noted that some volunteer efforts work best when the ideas come from the community, and the city is a partner rather than taking the lead. Two citizens spoke about their perceptions of volunteer efforts and about the meetings. Chair Civiello expressed her hope that the meetings would continue next year as she felt that were very useful.

With no further business to transact, the meeting was adjourned at 6:40 pm.

Infrastructure Committee

Minutes

June 23, 2015

ATTENDEES

Councilors:

Gibran Graham
Patricia Blanchette
Pauline Civiello

Benjamin Sprague
Joshua Plourde
David Nealley

Sean Faircloth

Staff:

Cathy Conlow

John Theriault

Dana Wardwell

Others:

Jerry Livengood

Andrew Barrowman

Joshua Saucier

Agenda

1. Update: Construction Projects

(Provided by Jerry Livengood, Andrew Barrowman, and Joshua Saucier)

Bangor Natural Gas completed projects: Bolling Drive from Mitchell to Griffin for a distance of 1300 feet of 2 inch line. Outer Hammond to Pine Grove for a distance of 2140 feet of 2 inch line. Bangor Housing Authority, Phase 6. Looping 1975 feet of 4 inch from Davis Road to Blue Hill.

Bangor Natural Gas current projects include Mecaw Road from Perry Road to Bangor Tennis Club in Hampden for a distance of 700 feet of 4 inch line. Leighton Street for 2800 feet of 2 inch line. And system integrity work on Stillwater Avenue to join two systems to allow for more capacity load on system for a distance of 2200 feet of 6 inch line starting at Elm Street continuing to Acadia Hospital. They also noted The Marriott Residence in would place a heavy load on the system and they would be tie two systems together performing directional boring under Interstate 95. The work would have no impact on the lanes and was expected to start first week of July.

Jerry noted, anyone interested in having service to be considered in the planning process for installation on their street should go to the website bangorgas.com to submit their requests.

No Action Necessary

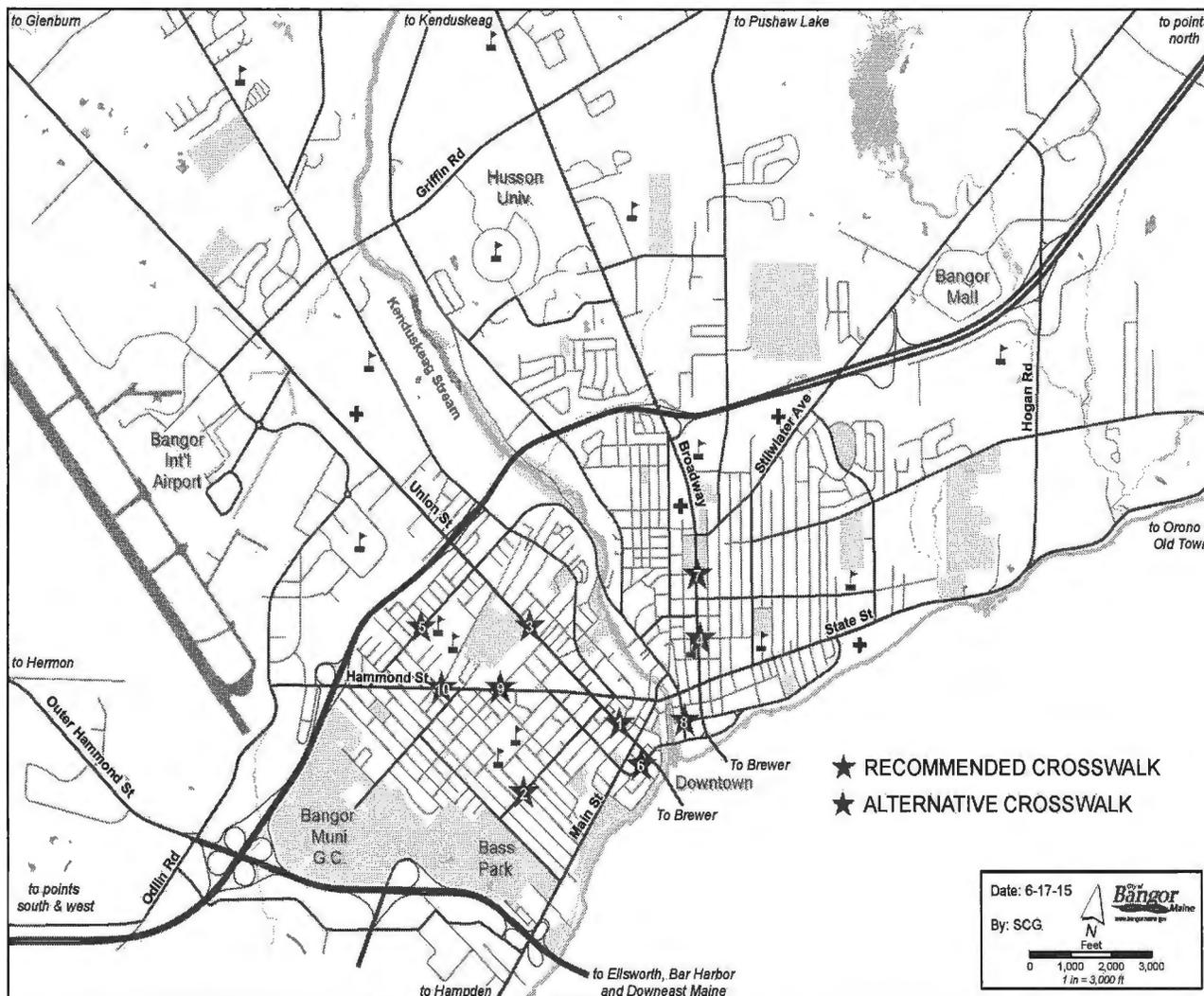
2. Flashing Pedestrian Beacons

(Memo and Map Provided by Public Works Director, Dana Wardwell)

The flashing pedestrian beacons at several downtown locations have been very well received. Included in the FY 16 Budget are 6 flashing pedestrian beacons. One of these beacons has been designated to be installed across Main Street at Cross Street when the sidewalk in front of the Discovery Museum is replaced later this summer. Listed below, in my recommended order of priority, are 10 locations where the flashing pedestrian beacons may be appropriate. Also included is a map showing the locations of these crosswalks. Staff is requesting approval of the first five locations for

installation of flashing pedestrian beacons or committee suggestions on other locations to install flashing pedestrian beacons.

- | <u>Across</u> | <u>At</u> |
|----------------------|---------------------------|
| 1. Union Street | Second Street/High Street |
| 2. Third Street | Vine Street |
| 3. Union Street | Thomas Hill Road |
| 4. Broadway | Somerset Street |
| 5. Fourteenth Street | Ralph Street |
| 6. Summer Street | May Street |
| 7. Broadway | South Park Street |
| 8. Exchange Street | Hancock Street |
| 9. Hammond Street | West Broadway |
| 10. Hammond Street | Thirteenth Street |



Moved and seconded for approval with a unanimous vote.

**3. Sidewalk Grant Applications
 (Materials Provided by City Engineer, John Theriault)**

- **Broadway - Grandview to Burleigh Road**

Six foot sidewalk for a distance of 3,800 feet. Project Estimate: \$863,000.00. City match of \$173,000.00. Construction Estimate to include distant future plans and costs associated with widening Broadway.

- **Union Street - Vermont Avenue to Penobscot Community Healthcare**

Extends from Vermont Avenue to Penobscot Community Healthcare System mall. Estimate Costs: \$326,300.00, with a City match of 65,260.00.

Dana noted that the City is still waiting on funds from prior requests of three years ago.

Moved and seconded for approval with a unanimous vote.

**4. Update: Stillwater Avenue, Exit 186 Left Turn
(Materials Provided by City Engineer, John Theriault)**

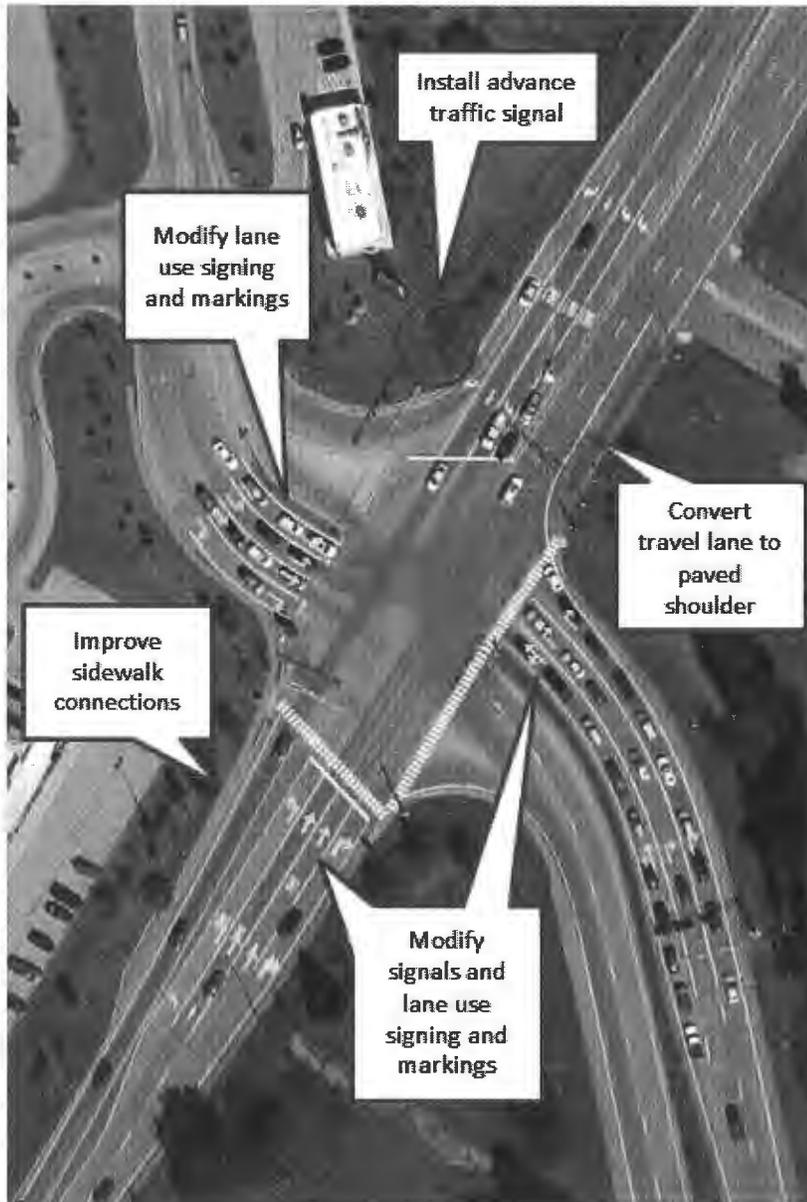
Recommendations

As a result of the analyses completed for the Exit 186 Intersection Study, the following recommendations are made. Figure 5 highlights these recommendations.

1. Lift the left-turn prohibition on the westbound intersection approach from Exit 186. The analyses show that this change will have no significant difference in the capacity or level of service of the intersection. There will be a need to modify the signing, signals, and markings on this to replace the single through lane with a shared through-left lane.
2. To address the strong pattern of rear-end crashes on the southbound approach to the Exit 186 intersection, the addition of an advance (nearside) traffic signal is recommended to give southbound traffic an earlier indication of the signal ahead. This could be a pedestal-mounted signal on the northwest corner of the intersection.
3. On the eastbound (Kohl's) approach to the Exit 186 intersection, consider restriping and resigning the four approach lanes to two left-turn lanes, one through lane, and one right-turn lane. This would convert the left-through lane to a left-turn lane. This change would improve the balance of volumes in the eastbound approach lanes, providing a modest improvement in intersection capacity.
4. Link the cross-Stillwater walk phase concurrently to the eastbound vehicular phase to avoid conflicts between pedestrians and westbound left-turning vehicles.
5. At the Exit 186 intersection, consider improved sidewalk continuity between the west end of the Stillwater Avenue crosswalk and pedestrian destinations such as the Kohl's plaza and the southbound pullover/drop-off space.
6. To increase the width of northbound shoulders for bicycle users between the Drew Lane and Exit 186 intersections, reduce the width of northbound through lanes from 12' to 11'.
7. To provide northbound shoulders for bicycle users between the Exit 186 and Bangor Mall intersections, replace the right-most through lane with a northbound shoulder and right-turn

pockets located as necessary for the two intersections. The two northbound shoulder recommendations will provide better shoulder continuity along Stillwater Avenue without significantly affecting intersection capacity or level of service.

8. Although not evaluated in this study, consider the potential for cycle lengths for signals on Stillwater Avenue that are shorter than 140 seconds. Long cycle lengths can provide more traffic capacity than short cycle lengths and help enhance progressive movement through intersections for some users. However, short cycle lengths can provide shorter delays, shorter queue lengths, and better levels of service on side-street approaches, and shorter wait times for pedestrians crossing Stillwater Avenue.



Moved and seconded for approval with a unanimous vote.

Meeting was adjourned.

Government Operations Committee

November 16, 2015

Minutes

Committee Chair Plourde called the meeting to Order at 5:40 pm.

Councilors Attending: Plourde, Sprague, Graham, Nichols, Perry, Durgin, Faircloth

Staff attending: Farrar, Nicklas, Higgins, Wardwell, Willette, Comstock, Riitano, Sandborn

Others Attending: EMCC Foundation Representative

1. Referral: Council Ordinance 16-102, Amending Chapter 170 of the Life safety Code of the Code of the City of Bangor by Adopting the National Fire Protection Association's 2009 Edition of NFPA 101
 - Assistant City Attorney Nicklas explained the update to the Life Safety Code by adopting the 2009 edition of NFPA 101. It was moved by Sprague, seconded by Graham and voted to recommend approval of the Ordinance amendment to the full Council.
2. Sub Contract Agreements—Sodium Reduction Grant Program with: Eastern Maine Healthcare Systems and the Good Shepherd Food Bank
 - The Committee voted that Councilor Sprague had a conflict of interest regarding the Good Shepherd Food Bank sub contract agreement and Sprague left the room for the discussion of this item. Jamie Comstock from Public Health and Community Services explained the purpose and nature of the two sub-contract agreements. It was moved by Durgin seconded by Graham and voted to recommend approval of the Good Shepherd Food Bank Agreement to the full Council. It was then moved by Graham, seconded by Nichols and voted to recommend approval of the Eastern Maine Healthcare Systems Agreement to the full Council.
3. Request for one Handicapped Parking Space – Judy's Restaurant, 125 State Street
 - Assistant City Attorney Nicklas explained the request for one handicapped parking space in front of Judy's Restaurant at 125 State Street. It was moved by Sprague, seconded by Graham and voted to recommend approval to the full Council.
4. 2016 East Coast Sno-Cross Agreement
 - Parks and Recreation Director Willette explained the plan and proposed Agreement for the 2016 Sno-Cross event to be held at Bass Park January 30 and 31. This year, Eastern Maine Community College Foundation will have a less prominent role in the event with the city partnering with the event in their place. A representative from EMCC Foundation spoke about their revised role. Councilors spoke of their support for the event, and for its continuation. It was moved by

Sprague, seconded by Graham and voted to recommend approval of the proposed Temporary Use Agreement for the 2016 Sno-Cross Event to the full Council.

5. Annual Election Ballot for the Municipal Review Committee (MRC) Board of Directors

- Assistant City Manager Farrar explained the Municipal Review Committee role and the voting process for the MRC Board of Directors. It was moved by Graham, seconded by Sprague and voted to recommend that the City cast its voting ballot for City Manager Catherine Conlow for a second three year term on the MRC Board.

With no further business to come before the Committee, the meeting was adjourned at 6:00pm.

Infrastructure Committee Minutes

July 14, 2015

ATTENDEES

Councilors:

Gibran Graham
Patricia Blanchette

Benjamin Sprague
Joshua Plourde

Sean
Faircloth
Nelson
Durgin

Pauline Civiello

Staff:

Dana Wardwell

John Theriault

Agenda

1. MDOT Agreement: 19311.00, Webster Avenue Bridge #5796 Improvements

(Presentation Provided by City Engineer John Theriault. Council Order, Council Action, Agreement Attached)

John stated Bangor Public Works, Engineering Department, Bangor Fire Department, Bangor Police Department met with Maine Department of Transportation on May 21, 2015 to discuss this project.

Staff requested to authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation for the removal of Webster Avenue Bridge #5796 which carries I-395 over Webster Avenue and replacing it with a buried pedestrian/bicycle tunnel with lighting and tunnel approaches. The Maine Department of Transportation has approved federal and state funds in an amount not to exceed \$2,615,000.00 which includes a Federal share of \$2,353,500.00 or 90% of construction costs, State share of \$261,500.00 or 10% of construction costs, and a City share of funding of \$0.00.

The City would also anticipate the relocation of a shallow sewer line in conjunction with this project. Estimated cost to upgrade to a heavier sewer line was \$68,000.00. With an additional amount paid to Gorrill-Palmer for design in the amount of \$7,000.00.

2. Update: Construction Projects **(Provided by John Theriault)**

Main Street Safety Project -Utility companies should be complete with their relocations this week. Finish light poles – Riverside. Connect power for lighting- ¾ lights running by end of next

week. Tree planting riverside. Sidewalk pavement on riverside next week. Grind storm drain trench and raise catch basins

Main Street resurfacing Project-Grind Main Street planned for next week but having issues with grinder. Ride on grindings for a week or two and then overlay Main Street hopefully work to be completed by first or second week of August.

Broadway Mill and Fill Project-Finish grinding pavement this week. Next week complete patching of bad spots. Overlay Broadway before Main Street - Last week of July first week August

Hammond Street/Union Street Projects/Clinton Street-Going out to bid because bids too high for pavement (Broadway \$75/Ton – Union Hammond \$125-140) Overall project was 250K over Engineering Estimate. Going out to Bid again tomorrow with bid opening the 29th. Early fall construction start if bids come back better.

Hammond Street Sewer Project-Total pipe in about 150 lf 24" pipe and all laterals, putting down about 50' a day. Total pipe about 800 feet. Scheduled to be complete by August 1.

Capehart Sewer project-Capehart project is nearing completion with about 140' of sewer main left to install and about 28 sewer services.

Union Street (Water District)-Tentatively scheduled to pave next Wednesday for water main trench leaving one lane open. Will grind during the evening. Project complete by end of July.

Finson Road bridge project and the **Odlin Road Force Main** project will also be starting up in the next two weeks.

There was discussion of the projects and a request for continued public notification of upcoming and ongoing construction projects.

No Action Necessary.

Meeting was adjourned after 38:03 minutes.

Infrastructure Committee

Minutes

July 28, 2015

ATTENDEES

Councilors:

Gibran Graham
Joshua Plourde

Benjamin Sprague

Sean Faircloth

Staff:

Cathy Conlow
Tracy Willette

John Theriault
Brad Moore

Dana Wardwell

Agenda

1. **Grant Proposal Application: State Street Culvert for Stream Crossing, RFP # 201504077** **(Council Order, Council Action, Application Attached)**

John Theriault, City Engineer, submitted one request for proposal application to the Maine Department of Environmental Protection on July 14, 2015 to obtain funding to replace an existing stream crossing culvert at Woodlawn Brook and State Street (Route 2). Both the inlet and outlet of the box culvert show signs of erosion and exposure of concrete reinforcement. The culvert headwalls supporting the highway have significant cracking and the guard rail above the headwalls is damaged and does not provide the adequate protection to divert errant motor vehicles. The total project estimate is for 152,311.80, of which, the City is requesting 95,000.00 to assist with this project. The application deadline for filing the applications was July 15, 2015.

Staff requested approval to ratify the submitted application.

Moved/Seconded with Unanimous Vote.

2. **Update: Projects** **(Materials Attached)**

- **Capehart Watershed-Based Management Plan**

John and Brad provided an overview of the management plan. There was discussion on the condition and measures taken to improve the water quality in the Capehart Brook area.

Vote: Moved and Seconded with Unanimous Vote.

- **Bangor Landing 2014-PAZ Cap Monitoring, SAZ/IZ Assessment**

John and Tracy provided an update on the Coal Tar Remediation project along the Penobscot River. Along with that, Staff requested a review of a boating policy that Staff would like to implement as a follow up to the City Engineer's discussion.

Staff had observed recreational boaters anchoring in close proximity to the project area along the shore between the end of the bulkhead and Dunnett's Cove, just downstream from the bulkhead. In order to try and ensure protecting the project area of the cap, Staff would like to implement the following policy:

The City of Bangor had established an exclusion zone for anchoring and mooring along the inner Bangor Harbor. This zone had been established to protect a federally mandated coal tar remediation project area. This area has a northern boundary of latitude 44°47'36.7368" N and a southern boundary of longitude 68°46'23.2644"W. Anchoring or mooring in this zone is prohibited.

This policy statement would be posted on all of our harbor information, including our website. In addition, posting would be on signage facing the river and locating marker buoys, if necessary.

Vote: Moved and Seconded with a Unanimous Vote.

Meeting was adjourned at 39:52 minutes.

Infrastructure Committee Minutes

August 25, 2015

ATTENDEES

Councilors:

Gibran Graham
Joshua Plourde

Benjamin Sprague

Sean Faircloth

Staff:

Brad Moore

John Theriault

Agenda

1. **Report: Sewer Abatement Quarterly** **(Provided By WWTP Superintendent Brad Moore)**

Brad provided an excel spreadsheet of the abatement requests. Only one on the list was denied due to the request being made ninety days after the required submission deadline.

Vote: No Action Necessary, Informational Only

2. **Agreement: Overweight Permit for Webster Avenue Bridge Replacement MDOT #019311.00** **(Agreement Attached)**

John provided an overview of the project. As discussed a previous committee meeting MDOT would be performing work on the Webster Avenue Bridge, in conjunction with the project an overweight permit with a bond to cover potential roadway restoration would need to be approved by the City. Bids for this project were expected to open on September 9, 2015. Staff requested Councilor signatures on the permit at this evenings meeting, and were acquired.

Vote: Moved, Seconded with Unanimous Approval

3. **Street Acceptance: Cleveland Street** **(Materials Provided)**

John provide the Committee with a map of the proposed acceptance. The City is owner of property known as the Maine Business Enterprise Park and additional property abutting the Maine Business Enterprise Park. Means of access to Maine Business Enterprise Park and the abutting property includes Cleveland Street.

The Order to go before the Council would accept approximately 846.10 feet of Cleveland Street as a public street and would add it to the Official City Map.

Vote: Moved, Seconded with Unanimous Approval

4. Updates:

- **Davis Court and First Street Utility Upgrades Project**

John explained the new sanitary and stormwater upgrades would take place on Davis Court and extending up First Street to Barker Street for a total of approximately 600 feet of upgrades. Bangor Water District to perform water line improvements in conjunction with the upgrades but would extend to Cedar Street for a total water installation of approximately 1,200 feet. Bangor Water District's contribution to the project was approximately \$28,000.00. Work was expected to start in the fall with binder course laid to cure during the winter, and a final binder course to be laid in the Spring.

Vote: No Action Necessary, Informational Only

- **Grant Proposal Application: State Street Culvert for Stream Crossing, RFP # 201504077**

John stated they did not receive the grant and believed it may have been too large a project request. The grant was for \$95,000.00 and the project estimate was \$175,000.00. He noted eleven projects were awarded but were smaller projects in smaller towns. The grant will go out three more times in the next year, there may be opportunity to submit again.

Vote: No Action Necessary, Informational Only

Meeting Adjourned.

Infrastructure Committee

Minutes

September 28, 2015

ATTENDEES

Councilors:

Gibran Graham
Pauline Civiello

Sean Faircloth
Joshua Plourde

Nelson Durgin

Staff:

John Theriault

Dana Wardwell

Agenda

1. Paint Disposal

Dana explained that the annual regional household hazardous waste collection day was typically held the first Saturday in October at Public Works for many years. The last such collection was held in October of 2013. Since then there have been limited options for residents to dispose of paint products. Similar to the electronics program in place for several years, paint manufacturers have joined together and formed Paint Care, a stewardship program to provide for disposal for paint products.

Paint Care, through their sub-contractor, Clean Harbors would like to hold a collection day on October 10, 2015 in Bangor to receive paint from anyone in the region who wanted to dispose of paint. Dana offered the Public Works compound. There would be no cost or additional staffing requirements from the City. Paint Care wished only to use of the yard and rest room facilities.

Wynne Guglielmo will be present to assure there is no environmental liability for the City. Staff requested permission to move forward with this collection day at the Public Works facility.

Paint Care would also like to discuss the possibility of a future program for City of Bangor residents and businesses only to be able to bring paints to Public Works. Clean Harbors would then pick up the paint, again at no cost to the City.

Vote: Moved and Seconded. Unanimous

**Special Infrastructure Committee
Minutes
November 9, 2015**

ATTENDEES

Councilors:

Gibran Graham
Joseph Perry
Sarah Nichols

Benjamin Sprague
Joshua Plourde
David Nealley

Sean Faircloth
Nelson Durgin

Staff:

John Theriault

Agenda

**1. MDOT Agreement- Authorize Execution of Agreement for Griffin Road Mill & Fill Project, WIN
#22516.02**

John explained this project was part of a Maine DOT Initiative Program. Design work performed this year with construction next summer.

This order would authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation for design and construction of a project on Griffin Road beginning at the intersection of Union Street and extending northerly approximately 0.46 miles to Ohio Street. Work will consist of a two inch mill and fill with ADA and drainage improvements.

The Maine Department of Transportation has approved state funds in an amount not to exceed \$460,000.00. Total State share of 50% to equal \$230,000.00, and a Municipality share of 50% to equal \$230,000.00. As part of that project, the City would need to enter into a local project agreement with the Maine Department of Transportation. This item will be discussed at a pre-council on November 9, 2015.

Vote: Moved, Seconded with Unanimous Vote

**2. MDOT Agreement- Authorize Execution of Agreement for State Street (Route 2) Mill & Fill Project, WIN
#22516.05**

John explained this project was part of a Maine DOT Initiative Program. Design work performed this year with construction next summer.

This order would authorize the City Manager to execute a Local Project Agreement with the Maine Department of Transportation for design and construction of a project on State Street (Route 2) beginning at the intersection of Young Street and extending northeasterly approximately 0.73 miles to the Bangor/Veazie town line. The work will consist of 2 inch mill & fill with drainage improvements.

The Maine Department of Transportation has approved state funds in an amount not to exceed \$540,000.00. Total State share of 50% to equal \$270,000.00, and a Municipality share of 50% to equal \$270,000.00. As part of that project, the City would need to enter into a local project agreement with the Maine Department of Transportation.

Vote: Moved, Seconded with Unanimous Vote

COUNCIL ACTION

Item No. 16-014

Date: November 23, 2015

Item/Subject: **ORDER**, Authorizing Execution of Municipal Quitclaim Deed – Real Estate Located at 121 Patten Street (Map 35, Lot 26).

Responsible Department: Legal

Commentary: A real estate tax lien matured on the property of Timothy and Barbara Blasky of 121 Patten Street. All outstanding charges due the City have been paid. There are no outstanding sewer charges or property issues. Because the lien has matured, a municipal quitclaim is required to release the City's interest in the property.

Staff recommends approval.

Department Head

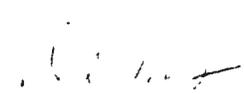
Manager's Comments:



Asst. 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 121 Patten Street (Map 35, Lot 26).

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 an undischarged real estate tax lien recorded in the Penobscot County Registry of Deeds in Book 11002, Page 192. Said deed shall be directed to Timothy V. Blasky and Barbara J. Blasky in final form approved by the City Solicitor or Assistant City Solicitor.

Date: November 23, 2015

Item/Subject: ORDER, Authorizing the City Manager to Execute an Air Service Development Consulting Agreement with The Boyd Group International.

Responsible Department: Airport

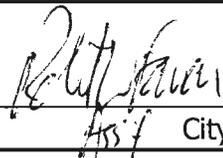
Commentary: This Order will authorize an agreement with The Boyd Group International, to assist Bangor International Airport in the development of commercial and scheduled air service. The requested scope of work for this agreement includes providing market and data analysis, development of proposals for airlines, appointments and meetings with airlines, and periodic performance reports.

The City received 3 proposals from companies out the State of Maine. A Selection Committee was formed and focused on qualifications, experience, methodology, and costs. The Committee reviewed all the responses with particular attention paid to the credentials and qualifications of the firms submitting proposals, relevant experience, track record and methodology, and the case studies submitted. Based on the information reviewed, it is the Selection Committee's unanimous recommendation to award this bid to The Boyd Group International for a one (1) year agreement, with an option to renew for two (2) additional two (2) year terms.

This item was reviewed and recommended for approval by the Finance Committee on November 16, 2015.

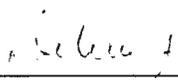
Tony Caruso
Department Head

Manager's Comments:

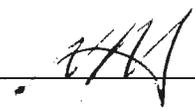

City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Perry

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute an Air Service Development Consulting Agreement with The Boyd Group International.

WHEREAS, The City of Bangor, Maine is the owner of an airport located in Bangor, County of Penobscot, State of Maine, commonly known as Bangor International Airport; and

WHEREAS, This agreement with The Boyd Group International will assist Bangor International Airport in the area of air service development for commercial, scheduled air service; and

WHEREAS, The scope of work for this agreement includes providing market and data analysis, development of proposals for airlines, appointments and meetings with airlines, and periodic performance report.

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

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute a 1 year agreement with The Boyd Group International, with an option to renew the agreement for two additional 2-year terms. The agreement will be in final form as approved by the City Solicitor or Assistant City Solicitor.

Date: November 23, 2015

Item/Subject: ORDER, Authorizing Purchase of a Sterilizing Autoclave in the Amount of \$118,900.

Responsible Department: Airport

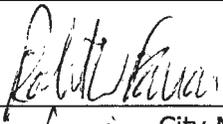
Commentary: This Order will authorize the purchase of a sterilizing autoclave from Bondtech Corporation from Kentucky for \$118,900. This purchase was approved as a capital item in the Airport's FY 2016 budget, for a cost of \$75,000. The Airport has identified the additional funding sources needed for this purchase.

The airport is required by US Department of Agriculture to properly sterilize regulated garbage removed from aircraft arriving from countries outside the United States. Without a USDA sanctioned method of sterilizing regulated garbage, the Airport would be unable to accept most international flights. The Airport has been utilizing a sterilizing autoclave for the past 30+ years, however this existing unit has now exceeded its useful life and no longer meets USDA standards. The unit is currently out of service.

This order was recommended for passage by the Finance Committee at its November 16, 2015 meeting. As the contract award is in excess of \$100,000, it requires approval by the City Council.

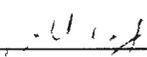
Tony Caruso
Department Head

Manager's Comments:

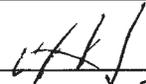

Ass't City Manager

Associated Information: memo

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Order, Authorizing Purchase of a Sterilizing Autoclave in the Amount of \$118,900.

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Bondtech Corporation for the purchase of a sterilizing autoclave for Bangor International Airport.

COUNCIL ACTION

Item No. 16-017

Date: November 23, 2015

Item/Subject: ORDER, Approval of an Amendment to the Indenture of Lease between the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless

Responsible Department: Community & Economic Development

Commentary:

This Order consents to an amendment in the lease between the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless which allows modification of equipment and increases the rent. The Bangor Water District is the owner of the water tower on Venture Way adjacent to Bangor International Airport. The water tower is located on land owned by the City of Bangor. The Bangor Water District subleases the land to communications companies who utilize the water tower for communications antennae. The City of Bangor receives 50% of the revenue received by the Bangor Water District from the communications companies.

The Business & Economic Development Committee has reviewed this Lease Amendment at its November 17, 2015 meeting and recommends approval.

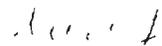
/s/ Tanya Emery
Department Head

Manager's Comments:

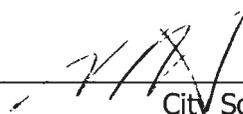

Ass't City Manager

Associated Information:

Budget Approval:


Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) ORDER, Approval of an Amendment to the Indenture of Lease between the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless

WHEREAS, the Bangor Water District is the owner of a water tower on property owned by the City of Bangor; and

WHEREAS, in a lease dated January 25, 2004 the City of Bangor leased to the Bangor Water District a parcel of land surrounding the water tower; and

WHEREAS, in the Consent to Sublease and Consent to Alteration and Improvements dated September 26, 2005, the City of Bangor consented to a sublease between Portland Cellular Partnership, d/b/a Verizon Wireless and the Bangor Water District; and

WHEREAS, in the first amendment to Indenture of Lease dated June 13, 2007 the City of Bangor expanded the parcel of land leased to the Bangor Water District; and

WHEREAS, the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless entered into a sublease dated December 16, 2005 and amended June 2, 2010; and

WHEREAS, the Bangor Water District and Portland Cellular Partnership, d/b/a Verizon Wireless wish to further amend the sublease and said amendment requires the consent of the City of Bangor:

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

The City Manager is hereby authorized to execute, on behalf of the City of Bangor, the "Second Amendment to Water Tower Lease Agreement" between the Bangor Water District and Portland Cellular Partnership, a Maine general partnership, d/b/a Verizon Wireless. Said second amendment allows modification of equipment and increases the rent. Said amendment shall be in a final form approved by the City Solicitor or the Assistant City Solicitor.

Assigned to Councilor Graham



CITY OF BANGOR

(TITLE.) ORDER, Extending the Designation of Sheldon Hartstone as Tentative Developer of a Parcel of City-Owned Land – Map 001 Lot 134 and a Portion of Map 001 Lot 001

WHEREAS, the City of Bangor is the owner of a parcel of land of approximately 9.66 acres located on Odlin Road, Bangor, described as Map 001 Lot 134 and a Portion of Map 001 Lot 001; and

WHEREAS, by passage of Council Order 15-293 on August 24, 2015, the City Council designated Sheldon Hartstone Tentative Developer of said parcel until November 25, 2015; and

WHEREAS, Sheldon Hartstone has actively pursued commercial development opportunities for the parcel and has identified several interested parties; and

WHEREAS, it is in the best interest of the City to extend the designation of Sheldon Hartstone as "tentative developer" of the parcel of land on Odlin Road in order to allow additional time for the City and Mr. Hartstone and his partners to negotiate a development agreement for consideration by the City Council:

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

The designation of Sheldon Hartstone as tentative developer of the City owned parcel of land of approximately 9.66 acres located on Odlin Road, Bangor is extended until January 29, 2016. During the period of designation, the City agrees to deal exclusively with Mr. Hartstone and his partners for the purpose of development of the City owned parcel of land, and City staff is authorized to negotiate a draft development agreement with Mr. Hartstone for the City Council's consideration setting forth the proposed terms and conditions under which the proposed development would be allowed to move forward.

Assigned to Councilor Nealley



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute an Off-Airport Car Rental Agreement with Enterprise-Rent-A-Car Company to Provide Car Rental Services

WHEREAS, The City of Bangor, Maine is the owner of an airport located in Bangor, County of Penobscot, State of Maine, commonly known as Bangor International Airport; and

WHEREAS, automobile rental services at BGR are useful for the proper accommodation of passengers arriving at and departing from BGR; and

WHEREAS, the commercial use of BGR which includes Godfrey Boulevard, is prohibited without the express written consent of the Owner; and

WHEREAS, Enterprise Rent-A-Car desires to pick up automobile rental customers arriving at BGR and is willing to compensate Owner for this privilege.

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

That Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute a 5 year Off-Airport Car Rental Agreement with Enterprise-Rent-A-Car Company to provide car rental services at Bangor International Airport. The agreement will be in final form as approved by the City Solicitor or Assistant City Solicitor.

COUNCIL ACTION

Item No. 16-020

Date: 11-23-15

Item/Subject: **ORDER**, Authorizing the City Manager to Execute a Sub Contract Agreement with Eastern Maine Healthcare Systems. (#CDC 16-1049: *Sodium Reduction in Communities*)

Responsible Department: Public Health and Community Services

Commentary: This Order will authorize the City Manager to execute a sub contract agreement in the amount of \$45,112.00 on behalf of the City with Eastern Maine Healthcare Systems (EMHS). This purpose of this agreement is to work with EMHS to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium products in hospital settings. The services under this agreement aim to reduce sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. The term of the agreement is 9/30/15 to 9/29/16. This was reviewed and recommended for approval at the 11-16-15 Government Operations Committee Meeting.

Department Head

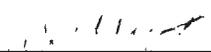
Manager's Comments:



City Manager

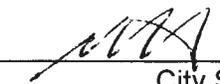
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute a Sub Contract Agreement with Eastern Maine Healthcare Systems (#CDC 16-1049 - *Sodium Reduction in Communities*)

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to execute a sub contract agreement with Eastern Maine Healthcare Systems in an amount not to exceed \$45,112.00 for the purposes of reducing sodium intake in a hospital setting. The term of the agreement is September 30, 2015 to September 29, 2016 and will be in a form acceptable to the City Solicitor.

**City of Bangor
Agreement to Purchase Services**

THIS AGREEMENT, made this 24th day of November 2015 is by and between the City of Bangor, hereinafter called "Contractor" and EMHS, mailing address 43 Whiting Hill Road, Cianchette Building, Brewer, Maine 04412, hereinafter called "Provider," for the period of 9/30/2015 to 09/29/2016.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Contractor, the Provider hereby agrees with the Contractor to furnish all qualified personnel, facilities, materials and services and in consultation with the Contractor, to perform the services, study or projects described, and under the terms of this Agreement.

The following Riders and Attachments from the *Sodium Reduction in Communities* contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

- Rider A - Specifications of Work to be Performed
- Rider B - Payment and Other Provisions
- Rider D - Additional Requirements
- Rider E - Program Requirements
- Rider G - Identification of Country In Which Contracted Work Will Be Performed
- Rider I - Assurance of Compliance, Exceptions

WITNESSETH, that this contract is consistent with Executive Order 01 FY 11/12 or a superseding Executive Order, and complies with its requirements.

IN WITNESS WHEREOF, the Contractor and the Provider, by their representatives duly authorized, have executed this agreement in one original copy.

CITY OF BANGOR

By: _____
Catherine M. Conlow, City Manager

AND

EMHS

By: _____
Doug Michael, Chief Community Health & Grants Officer

Total Agreement Amount: \$45,112.00 to be disbursed on a monthly basis.

**RIDER A
SPECIFICATIONS OF WORK TO BE PERFORMED**

I. INTRODUCTION/OVERVIEW

Funds are provided under this Subcontract for the provision of Program Implementation services. The service descriptions are detailed in Section II Deliverables.

This Subcontract is being entered into in order to fulfill City of Bangor obligations to the State of Maine DHHS, Center for Disease Control and Prevention which has entered into an Agreement with the United States Center for Disease Control & Prevention (U.S. CDC) grant award DP13-1301. The City of Bangor will utilize the services of EMHS in achieving strategies and activities contained within the State of Maine DHHS, Center for Disease Control and Prevention DHHS Agreement # CDC-16-1049.

This Subcontract is provided to ensure strong local public health infrastructure to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium food products by making the healthy choice the easy choice in hospital settings.

The services under this agreement aim at reducing sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. This is especially important in Maine where hypertension rates are higher than the national average and have been on the rise. New research published in Clinical Endocrinology suggests that a high sodium diet contributes to obesity-related metabolic disorders, including high cholesterol, insulin resistance and metabolic syndrome.

II. DELIVERABLES

EMHS Areas of Focus

- Implement menu and/or meal modifications to reduce sodium

EMHS Sodium Reduction Activities

- Assess the food environment to identify opportunities and barriers to achieving the outcomes of this project
- As identified increase point of selection choices by educating customers about healthier options
- Assist with implementation of evaluation plan
- Complete data entry of recipes, recipe generation, and others items as needed
- Participate in the local sodium leadership team (monthly meetings)
- Participate in webinars, conference calls, and other learning opportunities related to sodium reduction as needed.

Accountability:

- Regular meetings between City of Bangor Sodium Reduction Coordinator and EMHS designee.

- Written agreement between the City of Bangor and EMHS.
- Participate in quarterly project reports
- Participate in project evaluation & data collection
- Monthly financial report and invoice of actual expenditures.

III. **PERFORMANCE MEASURES**

EMHS designee will have regular meetings with the City of Bangor Sodium Reduction Coordinator listed in Rider B Section 6 and the Evaluator to meet and document the following required federal CDC performance measure outcomes:

Increase availability of lower sodium foods

- Average sodium content of foods or meals by food category

Increase accessibility of lower sodium food product

- % and # of people with access to environments with healthy food options, including lower sodium foods

Increase purchase/selection of lower sodium food products

- % and # of lower sodium foods purchased/selected by food category

Reduce sodium intake

- Average daily sodium intake

IV. **REPORTS**

EMHS shall submit data, detailing progress towards the deliverables, to assist the City of Bangor in the preparation of reports with the specifications according to the following schedule:

Performance Measurement Reports

Report Period:	Date Due:
October 1 – December 31, 2015	January 31, 2016
January 1 – March 31, 2016	April 30, 2016
April 1 – June 30, 2016	July 30, 2016
July 1 – September 29, 2016	October 30, 2016

The City of Bangor and Subcontractors including EMHS understand that the reports are due within the timeframes established and that the Department will not make subsequent payment installments under this Agreement until such reports are received, reviewed and accepted.

EMHS further agrees to submit such other data and reports as may be requested by the City of Bangor.

RIDER B
PAYMENT AND OTHER PROVISIONS

1. AGREEMENT AMOUNT: \$45,112.

The sources of funds and compliance requirements for this Agreement follow:

A. Federal Funds	<u>\$45,112.</u>	
<input checked="" type="checkbox"/>	93.082 Center for Chronic Disease Prevention and Health Promotion, Maine CDC Sodium Reduction in Communities, 1U58DP004929-01	<u>\$45,112.</u>

2. INVOICES AND PAYMENT: The City of Bangor will pay EMHS twelve (12) monthly payments for the period ending September 30, 2016, upon receipt of an approved invoice. These payments will be based upon actual services performed.

TABLE OF ALLOWABLE EXPENSES			
based on a 12 month budget			
PERSONNEL	Hourly wage	Annual Hours	Salary
Project Coordinator (16hr/wk)			
Base Salary			\$19,154.74
Fringe Benefits			8,518.12
Total personnel			\$27,672.86
PROGRAM EXPENSES			
Travel - In state : 1136 miles @.44/mile			\$750
Nutrient Analysis Software			\$1,300
Market/Communications			\$500
Other (Training/In-service/Materials)			\$2000
Total program expenses			\$4,550.00
OTHER			
Federal Indirect Cost Rate = 40%			\$12,889.14
Totals			\$45,112.00

Appendix B: Required Language for Subcontracts

11. EMPLOYMENT AND PERSONNEL. The Provider shall not engage any person in the employ of any State Department or Agency in a position that would constitute a violation of 5 M.R.S.A. § 18 or 17 M.R.S.A. § 3104. The Provider shall not engage on a full-time, part-time or other basis during the period of this Agreement, any other personnel who are or have been at any time during the period of this Agreement in the employ of any State Department or Agency,

**City of Bangor
Agreement to Purchase Services**

THIS AGREEMENT, made this 24th day of November, 2015 is by and between the City of Bangor, hereinafter called "Contractor" and Good Shepherd Food Bank, mailing address 88 Stevens Rd, Brewer, ME 04412, hereinafter called "Provider," for the period of 9/30/2015 to 9/29/2016.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Contractor, the Provider hereby agrees with the Contractor to furnish all qualified personnel, facilities, materials and services and in consultation with the Contractor, to perform the services, study or projects described, and under the terms of this Agreement.

The following Riders and Attachments from the *Sodium Reduction in Communities* contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

- Rider A - Specifications of Work to be Performed
- Rider B - Payment and Other Provisions
- Rider D - Additional Requirements
- Rider E - Program Requirements
- Rider G - Identification of Country In Which Contracted Work Will Be Performed
- Rider I - Assurance of Compliance, Exceptions

WITNESSETH, that this contract is consistent with Executive Order 01 FY 11/12 or a superseding Executive Order, and complies with its requirements.

IN WITNESS WHEREOF, the Contractor and the Provider, by their representatives duly authorized, have executed this agreement in one original copy.

CITY OF BANGOR

By: _____
Catherine M. Conlow, City Manager

AND

Good Shepherd Food Bank

By: _____
Kristen Miale, President

Total Agreement Amount: \$15,000 to be disbursed on a monthly basis.

**RIDER A
SPECIFICATIONS OF WORK TO BE PERFORMED**

I. INTRODUCTION/OVERVIEW

Funds are provided under this Subcontract for the provision of Program Implementation services. The service descriptions are detailed in Section II Deliverables.

This Subcontract is being entered into in order to fulfill City of Bangor obligations to the State of Maine DHHS, Center for Disease Control and Prevention which has entered into an Agreement with the United States Center for Disease Control & Prevention (U.S. CDC) grant award DP13-1301. The City of Bangor will utilize the services of Good Shepherd Food Bank in achieving strategies and activities contained within the State of Maine DHHS, Center for Disease Control and Prevention DHHS Agreement # CDC-15-1049.

This Subcontract is provided to ensure strong local public health infrastructure to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium food products by making the healthy choice the easy choice in food pantry settings.

The services under this agreement aim at reducing sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. This is especially important in Maine where hypertension rates are higher than the national average and have been on the rise. New research published in Clinical Endocrinology suggests that a high sodium diet contributes to obesity-related metabolic disorders, including high cholesterol, insulin resistance and metabolic syndrome.

II. DELIVERABLES

Good Shepherd Food Bank Areas of Focus

- Develop and implement food service guidelines/nutrition standards
- Implement menu and/or meal modifications to reduce sodium
- Implement strategies that may enhance the purchase/selection of lower sodium foods

Good Shepherd Food Bank Sodium Reduction Activities

- Assess the food environment to identify opportunities and barriers to achieving the outcomes of this project
- Influence selections at the food pantries by educating donors on the healthier options of food that can be donated
- Increase point of selection choices by educating customers about healthier options
- Coordinate with Supplemental Nutrition Assistance Program (SNAP-Ed) initiatives
- Coordinate food placement and food demonstrations
- Assist with implementation of evaluation plan
- Assist with implementation of Good Shepherd Food Bank food guidelines at pilot food pantry sites
- Participate in the local sodium leadership team (monthly meetings)

- Participate in webinars, conference calls, and other learning opportunities related to sodium reduction as needed.

Accountability:

- Regular meetings between City of Bangor Sodium Reduction Coordinator and GOOD SHEPHERD FOOD BANK designee.
- Written agreement between the City of Bangor and GOOD SHEPHERD FOOD BANK.
- Participate in quarterly project reports
- Participate in project evaluation & data collection
- Monthly financial report and invoice of actual expenditures.

III. PERFORMANCE MEASURES

GOOD SHEPHERD FOOD BANK designee will have regular meetings with the City of Bangor Sodium Reduction Coordinator listed in Rider B Section 6 and the Evaluator to meet and document the following required federal CDC performance measure outcomes:

Increase availability of lower sodium foods

- % and # of entities adopting comprehensive nutrition standards and practices, including sodium reductions standards and practices
- Average sodium content of foods or meals by food category

Increase accessibility of lower sodium food product

- % and # of people with access to environments with healthy food options, including lower sodium foods

Increase purchase/selection of lower sodium food products

- % and # of lower sodium foods purchased/selected by food category

Reduce sodium intake

- Average daily sodium intake

IV. REPORTS

Good Shepherd Food Bank shall submit data, detailing progress towards the deliverables, to assist the City of Bangor in the preparation of reports with the specifications according to the following schedule:

Performance Measurement Reports

Report Period:

Date Due:

October 1- December 31, 2015

January 30, 2016

January 1 – March 31, 2016

April 30, 2016

April 1 – June 30, 2016

July 30, 2016

July 1 – September 30, 2016

October 30, 2016

The City of Bangor and Subcontractors including Good Shepherd Food Bank understand that the reports are due within the timeframes established and that the Department will not make subsequent payment installments under this Agreement until such reports are received, reviewed and accepted.

Good Shepherd Food Bank further agrees to submit such other data and reports as may be requested by the City of Bangor.

**RIDER B
PAYMENT AND OTHER PROVISIONS**

1. AGREEMENT AMOUNT: \$15,000.

The sources of funds and compliance requirements for this Agreement follow:

A. Federal Funds	<u>\$15,500.</u>	
<input checked="" type="checkbox"/>	93.082 Center for Chronic Disease Prevention and Health Promotion, Maine CDC Sodium Reduction in Communities, 1U58DP004929-01	<u>\$15,500.</u>

2. **INVOICES AND PAYMENT:** The City of Bangor will pay Good Shepherd Food Bank twelve (12) monthly payments for the period ending September 30, 2016, upon receipt of an approved invoice. These payments will be based upon actual services performed.

TABLE OF ALLOWABLE EXPENSES

PERSONNEL	Salary
Salary	\$ 12,150.00
Fringe Benefits % of salary	\$ 1,350.00
Total Personnel	\$ 13,500.00
Mini grants	\$ 2,000.00
Grand Total	\$ 15,500.00

Appendix B: Required Language for Subcontracts

11. **EMPLOYMENT AND PERSONNEL.** The Provider shall not engage any person in the employ of any State Department or Agency in a position that would constitute a violation of 5 M.R.S.A. § 18 or 17 M.R.S.A. § 3104. The Provider shall not engage on a full-time, part-time or other basis during the period of this Agreement, any other personnel who are or have been at any time during the period of this Agreement in the employ of any State Department or Agency, except regularly retired employees, without the written consent of the State Purchases Review Committee. Further, the Provider shall not engage on this project on a full-time, part-time or other basis during the period of this Agreement any retired employee of the Department who has not been retired for at least one year, without the written consent of the State Purchases Review Committee. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

12. **STATE EMPLOYEES NOT TO BENEFIT.** No individual employed by the State at the time this Agreement is executed or any time thereafter shall be admitted to any share or part of this Agreement or to any benefit that might arise there from directly or indirectly that would constitute a violation of 5 M.R.S.A. § 18 or 17 M.R.S.A. § 3104. No other individual employed by the State

COUNCIL ACTION

Item No. 16-021

Date: Nov 23, 2015

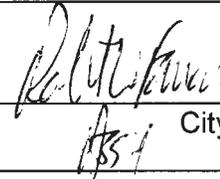
Item/Subject: ORDER, Authorizing the City Manager to Execute a Sub Contract Agreement with Good Shepherd Food Bank. (#CDC 16-1049: *Sodium Reduction in Communities*)

Responsible Department: Public Health and Community Services

Commentary: This Order will authorize the City Manager to execute a sub contract agreement in the amount of \$15,550.00 on behalf of the City with Good Shepherd Food Bank (GSFB). The purpose of this agreement is to work with GSFB to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium products in food distribution settings. The services under this agreement aim to reduce sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. The term is September 30, 2015 to September 29, 2016. This was reviewed and recommended for approval at the 11-16-15 Government Operations Committee meeting.

Department Head

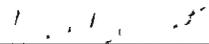
Manager's Comments:



City Manager

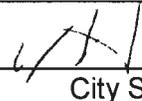
Associated Information: Order

Budget Approval:



Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Sprague



CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute a Sub Contract Agreement with Good Shepherd Food Bank (#CDC 16-1049 - *Sodium Reduction in Communities*)

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to execute a sub contract agreement with Good Shepherd Food Bank in an amount not to exceed \$15,500.00 for the purposes of reducing sodium intake in food distribution settings. The term of the agreement is September 30, 2015 to September 29, 2016 and will be in a form acceptable to the City Solicitor.



**City of Bangor
Agreement to Purchase Services**

THIS AGREEMENT, made this 24th day of November, 2015 is by and between the City of Bangor, hereinafter called "Contractor" and Good Shepherd Food Bank, mailing address 88 Stevens Rd, Brewer, ME 04412, hereinafter called "Provider," for the period of 9/30/2015 to 9/29/2016.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Contractor, the Provider hereby agrees with the Contractor to furnish all qualified personnel, facilities, materials and services and in consultation with the Contractor, to perform the services, study or projects described, and under the terms of this Agreement.

The following Riders and Attachments from the *Sodium Reduction in Communities* contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

- Rider A - Specifications of Work to be Performed
- Rider B - Payment and Other Provisions
- Rider D - Additional Requirements
- Rider E - Program Requirements
- Rider G - Identification of Country In Which Contracted Work Will Be Performed
- Rider I - Assurance of Compliance, Exceptions

WITNESSETH, that this contract is consistent with Executive Order 01 FY 11/12 or a superseding Executive Order, and complies with its requirements.

IN WITNESS WHEREOF, the Contractor and the Provider, by their representatives duly authorized, have executed this agreement in one original copy.

CITY OF BANGOR

By: _____
Catherine M. Conlow, City Manager

AND

Good Shepherd Food Bank

By: _____
Kristen Miale, President

Total Agreement Amount: \$15,000 to be disbursed on a monthly basis.

**RIDER A
SPECIFICATIONS OF WORK TO BE PERFORMED**

I. INTRODUCTION/OVERVIEW

Funds are provided under this Subcontract for the provision of Program Implementation services. The service descriptions are detailed in Section II Deliverables.

This Subcontract is being entered into in order to fulfill City of Bangor obligations to the State of Maine DHHS, Center for Disease Control and Prevention which has entered into an Agreement with the United States Center for Disease Control & Prevention (U.S. CDC) grant award DP13-1301. The City of Bangor will utilize the services of Good Shepherd Food Bank in achieving strategies and activities contained within the State of Maine DHHS, Center for Disease Control and Prevention DHHS Agreement # CDC-15-1049.

This Subcontract is provided to ensure strong local public health infrastructure to implement comprehensive strategies aimed at increasing the availability, accessibility, and consumption of lower sodium food products by making the healthy choice the easy choice in food pantry settings.

The services under this agreement aim at reducing sodium intake as a key modifiable risk factor associated with high blood pressure and heart disease. This is especially important in Maine where hypertension rates are higher than the national average and have been on the rise. New research published in Clinical Endocrinology suggests that a high sodium diet contributes to obesity-related metabolic disorders, including high cholesterol, insulin resistance and metabolic syndrome.

II. DELIVERABLES

Good Shepherd Food Bank Areas of Focus

- Develop and implement food service guidelines/nutrition standards
- Implement menu and/or meal modifications to reduce sodium
- Implement strategies that may enhance the purchase/selection of lower sodium foods

Good Shepherd Food Bank Sodium Reduction Activities

- Assess the food environment to identify opportunities and barriers to achieving the outcomes of this project
- Influence selections at the food pantries by educating donors on the healthier options of food that can be donated
- Increase point of selection choices by educating customers about healthier options
- Coordinate with Supplemental Nutrition Assistance Program (SNAP-Ed) initiatives
- Coordinate food placement and food demonstrations
- Assist with implementation of evaluation plan
- Assist with implementation of Good Shepherd Food Bank food guidelines at pilot food pantry sites
- Participate in the local sodium leadership team (monthly meetings)

- Participate in webinars, conference calls, and other learning opportunities related to sodium reduction as needed.

Accountability:

- Regular meetings between City of Bangor Sodium Reduction Coordinator and GOOD SHEPHERD FOOD BANK designee.
- Written agreement between the City of Bangor and GOOD SHEPHERD FOOD BANK.
- Participate in quarterly project reports
- Participate in project evaluation & data collection
- Monthly financial report and invoice of actual expenditures.

III. PERFORMANCE MEASURES

GOOD SHEPHERD FOOD BANK designee will have regular meetings with the City of Bangor Sodium Reduction Coordinator listed in Rider B Section 6 and the Evaluator to meet and document the following required federal CDC performance measure outcomes:

Increase availability of lower sodium foods

- % and # of entities adopting comprehensive nutrition standards and practices, including sodium reductions standards and practices
- Average sodium content of foods or meals by food category

Increase accessibility of lower sodium food product

- % and # of people with access to environments with healthy food options, including lower sodium foods

Increase purchase/selection of lower sodium food products

- % and # of lower sodium foods purchased/selected by food category

Reduce sodium intake

- Average daily sodium intake

IV. REPORTS

Good Shepherd Food Bank shall submit data, detailing progress towards the deliverables, to assist the City of Bangor in the preparation of reports with the specifications according to the following schedule:

Performance Measurement Reports

Report Period:

Date Due:

October 1- December 31, 2015
January 1 – March 31, 2016
April 1 – June 30, 2016
July 1 – September 30, 2016

January 30, 2016
April 30, 2016
July 30, 2016
October 30, 2016

The City of Bangor and Subcontractors including Good Shepherd Food Bank understand that the reports are due within the timeframes established and that the Department will not make subsequent payment installments under this Agreement until such reports are received, reviewed and accepted.

Good Shepherd Food Bank further agrees to submit such other data and reports as may be requested by the City of Bangor.

RIDER B
PAYMENT AND OTHER PROVISIONS

1. AGREEMENT AMOUNT: \$15,000.

The sources of funds and compliance requirements for this Agreement follow:

A. Federal Funds	<u>\$15,500.</u>	
<input checked="" type="checkbox"/>	93.082 Center for Chronic Disease Prevention and Health Promotion, Maine CDC Sodium Reduction in Communities, 1U58DP004929-01	<u>\$15,500.</u>

2. **INVOICES AND PAYMENT:** The City of Bangor will pay Good Shepherd Food Bank twelve (12) monthly payments for the period ending September 30, 2016, upon receipt of an approved invoice. These payments will be based upon actual services performed.

TABLE OF ALLOWABLE EXPENSES

PERSONNEL	Salary
Salary	\$ 12,150.00
Fringe Benefits % of salary	\$ 1,350.00
Total Personnel	\$ 13,500.00
Mini grants	\$ 2,000.00
Grand Total	\$ 15,500.00

Appendix B: Required Language for Subcontracts

11. **EMPLOYMENT AND PERSONNEL.** The Provider shall not engage any person in the employ of any State Department or Agency in a position that would constitute a violation of 5 M.R.S.A. § 18 or 17 M.R.S.A. § 3104. The Provider shall not engage on a full-time, part-time or other basis during the period of this Agreement, any other personnel who are or have been at any time during the period of this Agreement in the employ of any State Department or Agency, except regularly retired employees, without the written consent of the State Purchases Review Committee. Further, the Provider shall not engage on this project on a full-time, part-time or other basis during the period of this Agreement any retired employee of the Department who has not been retired for at least one year, without the written consent of the State Purchases Review Committee. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Agreement so that such provisions shall be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

12. **STATE EMPLOYEES NOT TO BENEFIT.** No individual employed by the State at the time this Agreement is executed or any time thereafter shall be admitted to any share or part of this Agreement or to any benefit that might arise there from directly or indirectly that would constitute a violation of 5 M.R.S.A. § 18 or 17 M.R.S.A. § 3104. No other individual employed by the State

COUNCIL ACTION

Item No. 16-022

Date: November 23, 2015

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

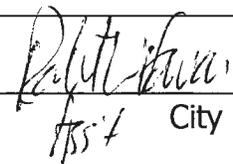
Responsible Department: Executive

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 City Manager Conlow. If elected this will be her second three year term.

This has been reviewed and recommended for approval by the Government Operations Committee on November 16, 2015.

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 Nichols

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 Catherine Conlow for a three year term commencing January 1, 2016 and ending December 31, 2019.



**REFERRALS TO COMMITTEES
& FIRST READINGS**

COUNCIL ACTION

Item No. 16-023

Date: November 23, 2015

Item/Subject: **ORDINANCE**, Amending Schedule VI of Chapter 291, Article III, Sec. 40 of the Code of the City of Bangor - Parking for Persons with Disabilities – 125 State Street

Responsible Department: Public Works

Commentary: This Ordinance would designate a 9' x 20' area on the south side of State Street, located 30 feet west of the western Essex Street curb line extended, as handicapped parking. The general manager of Judy's Restaurant, of 125 State Street, has contacted the City to request that an area in front of Judy's restaurant be designated as handicapped parking. He states that many of his patrons would benefit from this designation.

This item was reviewed by the Government Operations Committee on November 16, 2015.

Department Head

Manager's Comments:



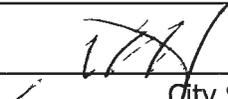
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for
 Passage
 First Reading
 Referral



Assigned to Councilor Plourde

CITY OF BANGOR

ORDINANCE, Amending Schedule VI of Chapter 291, Article III, Sec. 40 of the Code of the City of Bangor - Parking for Persons with Disabilities – 125 State Street

WHEREAS, the general manager of Judy’s Restaurant at 125 State Street has requested that an area in front of the restaurant be designated as handicapped parking; and

WHEREAS, many patrons of the restaurant would benefit from this designation;

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

Chapter 291, Schedule VI of the Code of the City of Bangor is hereby amended as follows:

Schedule	Street	Parking Limitations Reference	Exact Location
...			
VI	State	<u>Limited to parking for the handicapped</u>	<u>Commencing 30 feet west of the westerly curbline of Essex Street and extending for a distance of 20 feet in a westerly direction on the south side of State St</u>
VI	Thirteenth	Limited to parking for the handicapped	Commencing 91 feet from the northerly curbline of Hammond St and extending for a distance of 25 feet in a northerly direction on the westerly side of said street
...			

Additions are underlined.



**UNFINISHED
BUSINESS**

COUNCIL ACTION

Item No. 15-.246

Date: July 13, 2015

Item/Subject: **Ordinance**, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

Responsible Department: Legal

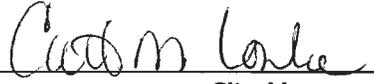
Commentary: This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour.

If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.

The City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens. Based on numerous reports and studies it can be demonstrated that the establishment of a higher minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor/ According to a report by the Maine Center for Economic Policy more than 100,000 workers in Maine would benefit from an increase in the minimum wage. Employment in Bangor makes up roughly 6% of Maine's workforce or about 35,000 workers. Extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage.

Department Head

Manager's Comments:


City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for
____ **Passage**

JULY 13, 2015

Assigned to Councilor Baldacci



CITY OF BANGOR

(TITLE.) Ordinance, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

WHEREAS, the minimum wage for state or federal has not been increased since 2009; and

WHEREAS, the current minimum wage in Maine is \$7.50 per hour; and

WHEREAS, the minimum wage in Maine in 1966 was \$1.25 per hour and adjusted for inflation over nearly 5 decades, that same wage would equal \$9.15 per hour - \$1.65 more than it is currently, and

WHEREAS, a report last year by the Maine Women's Policy Center found that 85% of Maine's workers who would be impacted by raising the minimum wage are over 20 years of age; and

WHEREAS, according to a report by the Maine Center for Economic Policy, 23% of workers in the Second District – or 60,000 people and for the whole state that number is over 100,000 Maine people would benefit from a raise in the minimum wage to \$10.10 per hour as proposed by President Obama; and

WHEREAS, 62% of Maine women who would benefit from an increase in the minimum wage have no partner supplementing their income; and

WHEREAS, Bangor is home to 6% of Maine's state wide workforce or about 35,000 workers and extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage; and

WHEREAS, the City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens ; and

WHEREAS, establishment of a minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor.

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

The Code of the City of Bangor be amended as following:

Chapter 179 Minimum Wage

179 - 1 Purpose

The purpose of the within ordinance is to establish of a minimum wage within the City of Bangor to promote the health, safety and welfare of the citizens of the City of Bangor.

179 - 2 Definitions

Unless the context otherwise indicates, the following words shall have the following meanings.

a) City: City of Bangor

b) City Limits: the physical boundaries of the City

c) Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours or working conditions of more than four Employees; "Employer" shall include but not be limited to the City of Bangor.

d) Employee: Any person 18 years of age or older who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. "Employee" shall not include any person who is excluded from the definition of Employee under 26 M.R.S. §663 of Chapter 7, Employment Practices and working for an Employer for academic credit from an accredited school, college or university for the purpose of this ordinance. Tipped Employees are not included in this definition of Employee.

e) Minimum wage: The minimum hourly rate of monetary compensation that an Employer may legally pay and Employee who work within the City.

f) Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

g) Tipped Employee: Any Employee 18 years of age or older engaged in an occupation in which he or she customarily and regularly receives tips from customers.

179 - 3 Minimum Wage.

(a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the minimum wage for each hour worked within the City Limits.

(b) Minimum wage rate.

(i) On January 1, 2016, the minimum wage for all Employees shall be established as \$8.25 per hour;

(ii) On January 1, 2017, the regular minimum wage for all Employees shall be raised to \$9.00 per hour;

- (iii) On January 1, 2018, the regular minimum wage for all Employees, shall be raised to \$9.75 per hour;
- (iv) Effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics. The sum of the most recent twelve months for which there is a calculated CPI-U reported by the Bureau of Labor Statistics will be the rate by which to define the increase in the minimum wage

179 - 4 Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice to be provided by the City informing Employees of the City's current minimum wage rates, as well as a copy of this ordinance.

179 5 Enforcement.

- (a) Any Employee receiving less than the minimum wage he or she is required to receive under this ordinance may file a written complaint with the city Manager's office.
- (b) The City Manager or his or her designee may take appropriate steps to enforce this chapter; and may investigate and issue a response to the complaint within fifteen (15) work day following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (c) If the City Manager finds that a violation of this chapter has occurred, he or she may order any appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of Bangor's city code.
- (d) In the alternative, any Employee may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this chapter, including, but not limited to, wages and expenses owed under this chapter.

179 - 6 Relationship To Other Requirements.

This ordinance provides for payment of minimum wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the minimum wage rates established herein.

179 7 Severability Clause.

JULY 13, 2015

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Additions underlined.

COUNCIL ACTION

Item No. 15-360

Date: October 26, 2015

Item/Subject: Order Declaring 472 Essex Street a Dangerous Building and Directing its Demolition (Map-Lot 045-009-D)

Responsible Department: Legal

Commentary: This order will declare 472 Essex Street a dangerous building and direct the demolition of the property. This formerly grandfathered 4-unit building at 472 Essex Street has been vacant since January 2010 and experienced significant deterioration since that time. Since 2010 staff from Code Enforcement have inspected the property on numerous occasions, and noted that the building's foundation is collapsing and that the roof has failed.

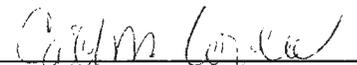
In April of 2014, the Code Enforcement Division issued a notice to the bank to register the building as a vacant building and ordered them to maintain the property in compliance with the City's Property Maintenance Code or demolish the building. The bank registered the building in April and October of 2014, and indicated that they would maintain the building per local ordinances. As of this date, however, no maintenance on the building has taken place.

In accordance with Maine Revised Statutes, Title 17, §2851 the Code Enforcement Division finds that the building is structurally unsafe, unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for use or occupancy as a residence; constitutes a hazard to health or safety because of inadequate maintenance, obsolescence or abandonment; and is otherwise dangerous to life or property.

In September of 2015, the City gave notice to all parties of interest that there would be a discussion about this property on October 20, 2015 at 5:15 and that a Dangerous Building Hearing would take place on October 26, 2015 at 7:30 p.m. This item was reviewed and recommended for approval at the October 20, 2015 BED meeting.

Department Head

Manager's Comments:

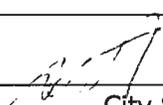

City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for

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



Assigned to Councilor

CITY OF BANGOR

ORDER, Order Declaring 472 Essex Street a Dangerous Building and Directing its Demolition (Map-Lot 045-009-D)

WHEREAS, after all owners and parties-in-interest (the "Owners") of the property at 472 Essex Street, Map 45 Lot 9D, Bangor (the "Premises") were properly given notice, the Bangor City Council held a public hearing to determine whether the building located at the Premises (the "Structure") constitutes a dangerous building or nuisance;

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

Based upon the evidence presented at said public hearing, the City Council hereby finds:

1. The Structure is structurally unsafe; unstable; unsanitary; a fire hazard; unsuitable or improper for use or occupancy as a residence; a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; and dangerous to the life and property of the inhabitants of the City of Bangor; and
2. The Structure constitutes a dangerous building and a nuisance within the meaning of 17 M.R.S.A. §2851 et seq.

BE IT FURTHER ORDERED THAT

1. The Owners shall remedy the conditions cited above that render the Structure dangerous and a nuisance within 30 days by demolishing the Structure and properly disposing of all debris.
2. If the Owners fail to obtain the Structure as required above, the City Council may, by separate Council Order, direct the Code Enforcement Officer, or his or her designee, to remove and dispose of any personal property remaining in the Structure, cause the Structure to be demolished or removed, and recover the City's costs as provided in 17 M.R.S.A. §2853.
3. This Order may be appealed to the Superior Court pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B.

COUNCIL ACTION

Item No. 16-012

Date: November 9, 2015

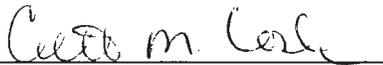
Item/Subject: **ORDINANCE**, Amending Chapter 170, Life Safety Code, of the Code of the City of Bangor, By Adopting the National Fire Protection Association's 2009 Edition of NFPA 101

Responsible Department: Legal

Commentary: The proposed ordinance amendment replace the current life safety code which is the 1994 edition and adopt the 2009 version of NFPA 101, the version presently adopted by the State of Maine, along with the amendments to NFPA 101 that have made by the State. The changes made by the State include removing the requirement that all new one-and two-family dwellings be sprinkled.

Department Head

Manager's Comments:



City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the Government Operations Committee on November 16, 2015

Assigned to Councilor Perry



CITY OF BANGOR

ORDINANCE, Amending Chapter 170, Life Safety Code, of the Code of the City of Bangor, By Adopting the National Fire Protection Association's 2009 Edition of NFPA 101

WHEREAS, the City's Life Safety Code is presently based on NFPA No. 101, 1994 Edition; and

WHEREAS, the State of Maine presently operates under NFPA 101, 2009 Edition;

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

Chapter 170 of the Code of the City of Bangor be amended as follows:

§ 170-1. Adoption of codes.

In accordance with 30-A M.R.S.A. § 3003, the Life Safety Code, ~~1994~~ 2009 Edition, designated as "NFPA No. 101" and adopted by the National Fire Protection Association is hereby adopted and incorporated by reference as the minimum standards of construction, protection and occupancy of structures and buildings located within the City of Bangor for the purposes of life safety from fire and like emergencies., with the following amendments:

- A. Section 12.3.5.3, subsections (3) and (4) and section 13.3.5.3 are deleted and shall not be incorporated by reference.
- B. Section 24.3.5.1 is deleted and shall not be incorporated by reference.

§ 170-2. Enforcement.

...

- B. Whenever the Fire Chief, Fire Prevention Bureau Chief, the Code Enforcement Officer or their authorized agent(s) determine(s) that there is a violation of any provisions of said code, he/they shall give written notice of such violation to the property owner or the lessee or occupant or their agent(s). Such written notice shall:

...

- (4) Order that said violation(s) be corrected within a reasonable time, such reasonable time to be determined by the Fire Chief, Fire Prevention Bureau Chief, ~~or~~ Code Enforcement Officer or their authorized agent(s) and indicated upon such written notice.

...

§ 170-3. Appeals.

...

- B. The Board may only reverse the order, decision or other action being appealed from if the appellant shows that it can clearly meet the provisions of §§ ~~1-4~~ 1.3 (Application) and ~~1-5~~ 1.4 (Equivalency Concepts) of the code Life Safety Code with regard to any alleged violation.

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



**NEW
BUSINESS**

Date: November 23, 2015

Item/Subject: ORDER, Authorizing Execution of Contract for Group Health Insurance Program with Cigna

Responsible Department: Executive

Commentary: On October 21, 2015 the City received five responses to its Request for Proposals (RFP) – Group Health Insurance Program. The overall total annual cost submitted for the group health insurance program beginning January 1, 2016 for active employees ranged from \$6,890,977 to \$8,396,163, with the lowest premium being submitted by Cigna.

The City's current contract with Cigna contains a shared returns provision, in that when the City's utilization (claims paid) of health insurance is below estimated costs, the savings are available to the City through an established premium stabilization reserve (PSR) fund. Conversely, if health insurance costs are higher than the billed premium, the excess costs are subtracted from the balance of the PSR fund. While increasing health insurance premiums based on past utilization is the norm in the health insurance industry, allowing the City to utilize savings realized in good years to reduce future premiums is very beneficial provision. The Cigna 2 submission with an overall rate reduction of 7% is based on the use of approximately \$308,000 of anticipated calendar year 2015 shared returns/savings.

The results of the RFP were reviewed with the City's Health Insurance Advisory Committee which is comprised of City wide departmental staff (union and non-union) and retirees, as well as the City's independent health insurance consultant. This item was reviewed and recommended for approval by the Finance Committee on November 16, 2015.

This item comes forward for Council action, as the contract award is over \$100,000.

Department Head

Manager's Comments:

[Handwritten signature]

City Manager

Associated Information:

Budget Approval:

[Handwritten signature]

Finance Director

Legal Approval:

[Handwritten signature]

City Solicitor

Introduced for

- X Passage
First Reading
Referral



Assigned to Councilor Durgin

CITY OF BANGOR

(TITLE.) Order, ORDER, Authorizing Execution of Contract for Group Health Insurance Program with Cigna

By the City Council of the City of Bangor:

ORDERED,

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Cigna for the City's Group Health Insurance Program.

COUNCIL ACTION

Item No. 16-025

Date: 11-23-15

Item/Subject: Authorizing the Execution of an Agreement with Eastern Sno Cross – Bass Park Infield, Track, and Grandstand

Responsible Department: Parks and Recreation

Commentary: This Order will authorize an agreement with the Eastern Sno Cross for use of property at Bass Park. Last year Eastern Maine Community College Foundation entered into an agreement with the City to host a snowmobile racing event at Bass Park as part of a tour operated by East Coast Sno Cross. Eastern Maine Community College Foundation has made a decision to change their role with East Coast Snow Cross. As a result, East Coast Snow Cross has asked to work with the City directly to bring their event back to Bangor.

Under the terms of the agreement, East Coast Sno Cross wishes to use the infield, a portion of the track and the grandstand at Bass Park. The event will be on January 30 and 31, 2016 from 9:00 a.m. to 5:00 p.m. each day. The premises will be used from January 11, 2016 through February 1, 2016 for set up, take down and the event itself. The City leases the premises to Hollywood Casino and they have participated in the discussions with East Coast Sno Cross and are in agreement with allowing the event. The agreement shall include the following terms: East Coast Sno Cross will pay the City \$1.25 for every ticket sold to the event; East Coast Sno Cross will provide insurance with the City of Bangor and Hollywood Casino named as additional insured; East Coast Sno Cross will indemnify and hold harmless the City of Bangor and Hollywood Casino; East Coast Sno Cross will pay the City any direct costs for fire, police and water usage; East Coast Sno Cross will provide a security deposit. This item was reviewed and recommended by the Government Operations Committee on November 16, 2015.

Tracy Willette
Department Head

Manager's Comments:

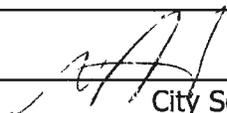

Asst City Manager

Associated Information: Draft Agreement

Budget Approval:

Finance Director

Legal Approval:


City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Assigned to Councilor Plourde



CITY OF BANGOR

(TITLE.) Order, Authorizing the Execution of an Agreement with East Coast Sno Cross – Bass Park Infield, Track, and Grandstand

WHEREAS, the East Coast Sno Cross wishes to use the infield, a portion of the track, and the grandstand at Bass Park for a Snocross event in January 2015; and

WHEREAS, the City has a lease with GLP Capital, L.P. (Hollywood Casino) for their use of the track, infield and grandstand; and

WHEREAS, the lease provides that the City may use the grandstand and infield so long as it does not interfere with GLP Capital, L.P. use of the premises; and

WHEREAS, GLP Capital, L.P. is in agreement with Eastern Maine Community College's request to use the property for a Snocross event.

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

That Catherine M. Conlow, City Manager, is hereby authorized to execute an agreement with East Coast Sno Cross for the use of the infield, a portion of the track, and the grandstand at Bass Park for a Snocross event. The agreement shall include the following terms: the Snocross event shall be on January 30 and 31, 2016 from 9:00 a.m. to 5:00 p.m. each day; those putting on the event shall have access to the infield, track and grandstand from January 11 – February 1, 2016 in order to set up for and clean up after the event; East Coast Sno Cross will pay the City \$1.25 for every ticket sold to the event; East Coast Sno Cross will provide insurance with the City of Bangor and GLP Capital, L.P. named as additional insured; East Coast Sno Cross will indemnify and hold harmless the City of Bangor and GLP Capital, L.P.; East Coast Sno Cross will pay the City any direct costs for fire, police and water usage; East Coast Sno Cross will provide a security deposit; and such other terms as appropriate. Said agreement shall be in a final form as approved by the City Solicitor.

TEMPORARY USE AGREEMENT

This Temporary Use Agreement (the "Agreement") is made this _____ day of _____, 2015 by and between the City of Bangor (the "City") and East Coast Sno Cross ("ECSC") and HC Bangor, LLC ("HCB").

WHEREAS, ECSC wishes to host a snocross event at Bass Park in January 2016 (the "Event"); and

WHEREAS, the City and GLP Capital, L.P. are parties to a lease (the "Park Lease") of certain portions of Bass Park, setting forth the rights and responsibilities of each; and

WHEREAS, GLP Capital, L.P. has subleased all of its right, title and interest in and to the Park Lease and Bass Park to Penn Tenant, LLC, who has in turn further sublet all of the right, title and interest in and to the Park Lease and Bass Park to HCB.

WHEREAS, the City and HCB are willing to allow the use by ECSC of certain portions of Bass Park, including the track, track infield, parking and Grandstand (collectively, the "Premises") pursuant to the express terms of this Agreement.

NOW, THEREFORE, the City, ECSC and HCB mutually agree to the following terms and conditions allowing said use as follows:

1. Use:

ECSC shall use the Premises, as further defined below, for the purposes of hosting a snocross racing event. ECSC shall be allowed to build an appropriate snocross racing track on the Premises. ECSC shall be authorized to use reasonable equipment to build the race track.

2. Dates and Hours of Use:

ECSC shall be authorized to be on the Premises from January 11th, 2016 to February 1st, 2016 (the "Use Period") during reasonable hours to set up, host and clean up for the event.

The snowmobile racing event shall be held on January 30th and 31st, 2016 from 9am to 5pm, unless otherwise approved by the City.

Should ECSC need to create snow during the "use period" for this event, it will be done under terms negotiated with and agreeable to the City.

3. Premises:

ECSC shall be permitted to use the Bass Park track, infield, paddock area outside of stables, and a majority portion of the parking lot as to be agreed upon by the parties, and grandstand spectator seating. The specific area shall be agreed upon by the parties after submission by ECSC to the City and HCB of the areas they propose to use.

On or before January 4, 2016, ECSC shall provide the City and HCB with a plan detailing the proposed areas of Bass Park to use and purpose. The proposed plan will identify the spectator areas, snowmobile racing track, vendors, parking, bathroom facilities and other event infrastructure. The proposed plan is subject to final approval by the City and HCB to the extent of their respective interests in Bass Park pursuant to the terms of the Park Lease. ECSC shall not be permitted to use any other areas of Bass Park.

4. Security:

ECSC shall provide reasonable private security for their event. ECSC shall contract with the City to provide additional security and public safety for the duration of their event. ECSC shall pay the City for police at a rate of \$63 per hour per commanding officer (one) for a four hour minimum and \$58 per hour for each officer for a four hour minimum. Emergency medical personnel shall be paid at a rate \$223.05 per commanding officer (one) for a four hour minimum and \$55.76 for each additional hour and \$197.11 for each firefighter for a four hour minimum and \$49.28 per firefighter for each additional hour and equipment required by the City for this event. The staffing level for police and emergency medical personnel shall be based on the recommendation of the Police Chief and Fire Chief, with consideration for the attendance, size and nature of the event.

5. Restroom facilities:

ECSC shall be responsible for providing adequate portable and non portable restroom facilities for their event. The number of portable restrooms to be provided shall be accordance with typical event standards of this type. An adequate number of barrier free portable restrooms shall be included. ECSC shall not use the restrooms in the Grandstand. ECSC shall be solely responsible for removal of the portable restrooms and all effluent therein in accordance with all laws.

6. Food and Beverage:

ECSC may have vendors for clothing, memorabilia, food and beverages, including a vendor duly licensed and authorized to sell alcoholic beverages in the State of Maine, on the premises within the secured event area. Alcoholic beverage vendors shall only employ TIPS certified employees in concession sites where alcohol will be sold. ECSC shall not allow any food or beverage vendor to operate until it has received any required inspection and permit. No food or beverage shall be served outside of the Premises. ECSC shall retain all revenue from merchandise, food and beverage, and ticket sales after payment to the City of the amount due described herein.

7. Cleanup:

ECSC shall be responsible for the cleanup of the premises and surrounding area, including but not limited to, removal of the snocross track that is built, all refuse, snow from the harness racing track surface, excess from the infield of the harness racing track. The cleanup of the track shall be sufficient to return the track to as good as or better condition as existed prior to entry by ECSC onto the Premises pursuant to this Agreement. The excess snow volume shall be determine by the City Engineer and shall reflect the volume of snow, weather forecast and other factors. The requirement for EMMC to remove

excess snow shall be at the sole determination and discretion of the City Engineer and reasonably acceptable to HCB.

8. Compliance with Laws

ECSC shall comply with all federal, state, and local laws, regulations, and ordinances.

9. Indemnification

EMMC shall indemnify, defend, save and hold harmless the City, Global Spectrum, GLP Capital, L.P., Penn Tenant, LLC and HCB and each of their respective employees, officers, directors, partners, members and agents of, from and against any and all suits, claims, damages and actions of any kind or nature arising directly or indirectly from the use of the Premises by ECSC pursuant to this Agreement, including, but not limited to, from the negligence or willful acts of ECSC, its agents, servants, and employees in the exercise of ECSC's rights granted under this Agreement. For this purpose only, ECSC hereby expressly waives any and all immunity from suit or judgment ECSC may otherwise enjoy under provisions of the Maine Worker's Compensation Act, Title 39-A Maine Revised Statutes, Section 104, or other provisions of law, with respect to any claim, demand, action, suit or judgment brought or recovered by ECSC's agents, servants or employees against the City, Global Spectrum, GLP Capital, L.P., Penn Tenant, LLC and/or HCB, arising directly or indirectly, out of the ECSC's or its agents, servants or employees use of the Premise and/or the exercise of the rights granted under this Agreement. For this purpose only, ECSC further expressly waives any and all immunity from suit or judgment it may otherwise enjoy under Title 14 Maine Revised Statutes, Section 158-A.

10. Insurance:

ECSC shall at its own expense provide commercial liability insurance in an amount not less than \$1,000,000 per accident and \$5,000,000 aggregate coverage for all claims arising out of the named insured's activities on the premises. The City and GLP shall be provided with certificates of insurance evidencing such coverage, which shall name the City of Bangor, Global Spectrum and GLP as additional insured.

11. Fee:

ECSC agrees to pay the City \$1.25 of every ticket sold. Settlement for this and City services will be due at the conclusion of the event on Sunday January 31st, 2016 through a settlement process with the Parks and Recreation Director or designee and a representative of ECSC.

ECSC agrees to pay the City for water used for snowmaking to build and/or maintain the snocross racing surface at the current established rate.

12. Escrow:

ECSC shall pay to the City on or before January 4, 2016 the sum of \$5,000 to be held by the City in escrow. If, after consulting in with ECSC, the parties cannot reach an agreement concerning any monies

owed for an alleged financial obligation or damage, the City shall have the right to draw down the escrow funds to pay any financial obligation due the City or pay for damage seven (7) days after the scheduled event.

13. Amendments:

Any amendments to this agreement shall be in writing and shall not be effective unless such writing is executed by all parties to this Agreement.

14. Miscellaneous:

This Agreement sets forth all the promises, agreements, conditions and understandings between the City, ECSC and HCB relative to the use of the Premises by ECSC for the Event, and there is no promise, agreement, condition or understanding, either oral or written, between them other than as are herein set forth.

Each covenant and agreement contained in this Agreement shall for all purposes be construed to be a separate and independent covenant and agreement. If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances, other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

The headings to the various paragraphs of this Agreement have been inserted for convenient reference only and shall not modify, amend or change the express terms and provisions of this Agreement.

This Agreement shall be governed by and construed in accordance with the substantive laws of the State of Maine.

This Agreement or a memorandum hereof shall not be recorded in the land records of the municipality, county or state in which the Premises is located.

This Agreement may be executed in any number of counterparts each of which shall be an original and all, when taken together, shall constitute one and the same document. Transmission by facsimile of an executed counterpart of this Agreement shall be deemed to constitute due and sufficient delivery of such counterpart.

This agreement constitutes the entire agreement between the City, ECSC and HCB.

[CONTINUED ON THE NEXT PAGE]

The undersigned hereby warrant and represent that they have proper authority to enter into this agreement on behalf of their respective parties.

CITY OF BANGOR

Witness

By: _____
Name: Cathy Conlow
Title: City Manager

EAST COAST SNO CROSS

Witness

By: _____
Name:
Title:

HOLLYWOOD CASINO BANGOR, LLC

Witness

By: _____
Name:
Title: