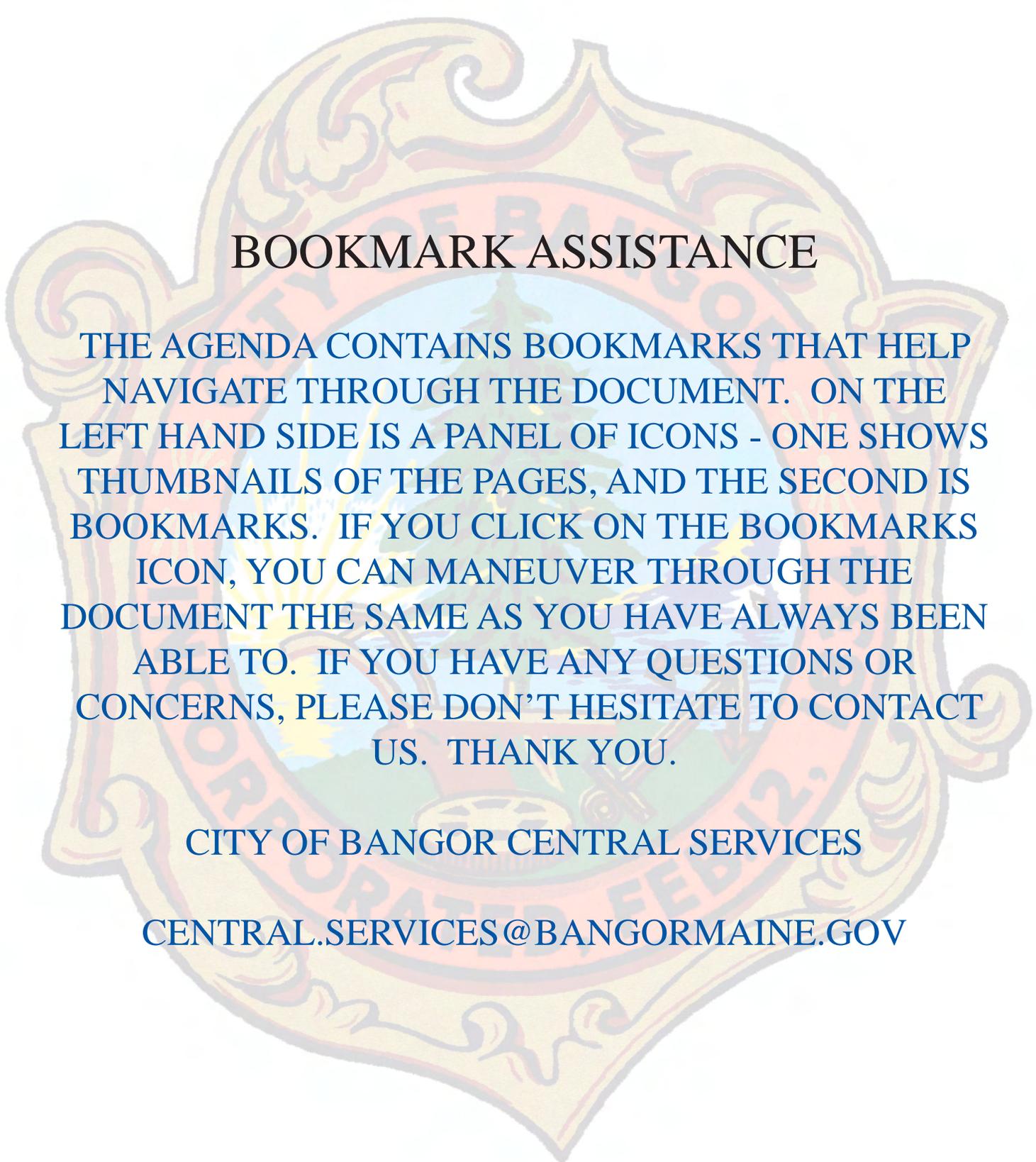




# **CITY COUNCIL AGENDA**

July 25, 2016





## 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](mailto:CENTRAL.SERVICES@BANGORMAINE.GOV)



**REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016**

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**CONSENT AGENDA  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

would cross the property at 137 Fruit Street property. An easement is necessary to cross her property. The City has done work here prior and a separate Order will allow for the release of a current easement that was used in a prior attempt at solving this drainage problem. This item was reviewed and recommended for approval by the Infrastructure Committee on July 11, 2016.

**16-276   ORDER                      Authorizing Bid Award in the Amount of \$1,657,222 to                      DURGIN  
Lane Construction for FY 17 Paving Program**

**Executive Summary:** On July 16, 2016, the City received three (3) bids for the FY 17 Paving Program. The bid prices ranged from \$1,657,222 to \$1,871,888. Staff recommends awarding the contract to Lane Construction, the low bidder.

This bid was reviewed and recommended for approval at the Finance Committee meeting of July 18, 2016.

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

**16-277   ORDER                      Authorizing the City Manager to Extend the Sub                      PERRY  
Recipient Agreement with Katahdin Shared Services as  
the Fiscal Agent for Partnership for a Healthy Northern  
Penobscot**

**Executive Summary:** This Order will authorize the City Manager to extend the sub recipient agreement with Katahdin Shared Services, the fiscal agent for Partnership for a Healthy Northern Penobscot (PHNP), from June 30, 2016 through September 30, 2016 and increase the contract amount from \$166,667 to \$216,727.

The extension funding was reviewed and approved by the City Council in May 2016. The original MOU was approved by the City Council in August 2015. This item was reviewed and recommended for approval at the July 18, 2016 meeting of the Government Operations Committee.

**16-278   ORDER                      Authorizing the City Manager to Extend the Sub                      PLOURDE  
Recipient Agreement with Mayo Regional Hospital as  
the Fiscal Agent for Piscataquis Public Health Coalition**

**Executive Summary:** This Order will authorize the City Manager to extend the sub recipient agreement with Mayo Regional Hospital, the fiscal agent for Piscataquis Public Health Council (PPHC), for three months and increase the contract amount from \$166,667 to \$186,910. PPHC is one of two supporting Healthy Maine Partnerships in the Penquis Public Health District and the state of Maine requires a sub-recipient agreement for this contract, because it exceeds their \$5,000 threshold.

The Maine CDC is extending all Healthy Maine Partnership contracts by three months, and the accompanying MOUs need to be extended as well. The extension funds were reviewed and approved by the city council in May 2016. The original MOU was approved by the city council in August 2015. This item was reviewed and recommended for approval at the July 18, 2016 meeting of the Government Operations Committee.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016**

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**CONSENT AGENDA  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

**16-279   ORDER                      **Authorizing Execution of Contract in the Amount of                      GRAHAM**  
**\$111,480 to ADS Environmental Services for the Sewer**  
**Flow Monitoring Program****

**Executive Summary:** This Order will authorize execution of a contract with ADS Environmental Services in the amount of \$111,480 to provide equipment and technical assistance with the sewer flow monitoring program. Since 2010, the City has contracted with ADS Environmental, Inc., (ADS) for monitoring and analyzing flow data from our combined sewer overflow structures and various other points in the sewer collection system. This contract includes monitoring, analyzing the data and providing a monthly report for ten locations. The monthly report is forwarded to USEPA after staff review. This contract also includes a comprehensive service schedule to ensure the meters are working properly. We have a very good working relationship with ADS and recommend the City continue this contract for another year.

This item was reviewed and recommended for approval by the Finance Committee on July 18, 2016.

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

**16-280   ORDER                      **Authorizing Application and Acceptance of \$23,948.00                      PERRY**  
**in grant funds as part of the Edward Byrne Memorial**  
**Grant Program, which will be shared with the**  
**Penobscot County Sheriff's Department.****

**Executive Summary:** This Order authorizes the application for and acceptance of a \$23,948.00 Edward Byrne Memorial Grant to be shared with the Penobscot County Sheriff's Department. Under the terms of the grant the City would receive \$13,948.00 for grant administration and for the purpose of purchasing law enforcement related equipment to enhance the capabilities of the patrol division and Special Response Team. There is no match required. This was reviewed and recommended for approval at the July 18, 2016 Government Operations Committee meeting.

**16-281   ORDER                      **Authorizing an Amendment to Indenture of Lease with                      BALDACCI**  
**QV Realty Trust – Map 101 Lot 001****

**Executive Summary:** QV Realty Trust has exercised it's option to extend the Indenture of Lease for Lot 9 in the BIA Commercial / Industrial Park located at 361 Griffin Rd. for the period of August 1, 2016 to July 31, 2026. The lease agreement requires that the annual rental amount be negotiated for that period. The City of Bangor has proposed that the annual lease amount during the first five years of the term remain at the current rate of \$27,204 annually, paid monthly in the amount of \$2,267. During the second five (5) years of the term from 2021 to 2026, the annual rate would be increased by 5% to \$28,564 paid monthly in the amount of \$2,380. QV Realty Trust has agreed to this proposal.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its July 25, 2016 meeting.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016**

<b>CONSENT AGENDA ITEM NO.</b>		<b>ASSIGNED TO COUNCILOR</b>
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<b>16-282 ORDER</b>	<b>Authorizing an Amendment to the Indenture of Lease with Vicki L. Trundy at 39 Florida Avenue – Map 001 Lot 272</b>	<b>GRAHAM</b>
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**Executive Summary:** Vicki L. Trundy, LCSW wishes to extend the lease of a single office at 39 Florida Ave., Bangor. Ms. Trundy has leased the office since 2006. The lease term is one (1) year and the monthly lease rate would be \$176.75. Utilities and maintenance will be provided by the City.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its July 25, 2016 meeting.

<b>16-283 ORDER</b>	<b>Authorizing Execution of Agreement for Maine Department of Transportation Local Project, Modification 2 – WIN 022693.00, Pedestrian Safety Improvements on Hogan Road</b>	<b>SPRAGUE</b>
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**Executive Summary:** This order will authorize the City Manager to execute a Local Project Agreement, Modification 2 with the Maine Department of Transportation for an increase of \$15,000.00 to the original contract amount.

On February 3, 2016 an agreement was executed in the amount of \$206,000.00 for new sidewalks along part of Hogan Road. The increase limit is not to exceed \$221,000.00, with the Federal Share is \$176,800.00 or 80% and the City Share is \$44,200.00 or 20%.

This has been reviewed and recommended for approval by the Infrastructure Committee on July 25, 2016.

<b>REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.</b>		<b>ASSIGNED TO COUNCILOR</b>
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<b>16-284 ORDER</b>	<b>Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For (First Reading and Referral to Finance Committee Meeting of August 1, 2016)</b>	<b>PERRY</b>
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**Executive Summary:** This Order would authorize the issuance of \$1,000,000 in general obligation bonds for the following purposes: \$668,000 for Cameron Stadium Improvements and \$332,000 for school building improvements.

In May 2013, Council Order 13-157 authorized the issuance of \$1.2 million in general obligation bonds for improvements at Cameron Stadium. At that time, the School Department presented an initial plan to significantly improve the facilities at Cameron Stadium. The plan included replacement of the bleachers, lighting system, new locker rooms and restrooms and equipment storage, expansion of the track and the

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016**

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<b>REFERRALS TO COMMITTEE AND FIRST READING ITEM NO.</b>	<b>ASSIGNED TO COUNCILOR</b>
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installation of turf. The bond proceeds were used to replace the bleachers, lighting and construct restroom facilities.

The City's Charter requires that the issuance of general obligation bonds for a single capital improvement be approved by voters if it exceeds a certain dollar threshold and does not meet one of the defined exceptions. Both the bleachers and lighting portions of the project were deemed a life safety issue that needed to be addressed as an emergency. The bleachers were unsafe and likely to be put out of service and the lighting system was a hazard to participants and patrons alike. As there was no plan to issue additional bonds for this project, the bond order did not include the specific language citing the findings in support of the exception. Therefore, this Order would also amend Council Order 13-157 to state the emergency nature of the bonds for the bleacher and lighting upgrades.

These projects were discussed during the recently completed FY 2017 budget process. In addition, this Order will require a Public Hearing at the August 8<sup>th</sup> City Council Meeting.

**16-285   ORDER                      Authorizing Issuance of \$7,003,000 of the City's General      **DURGIN**  
Obligation Bonds and a Tax Levy There For (First  
Reading and Referral to Finance Committee Meeting of  
August 1, 2016)**

**Executive Summary:** This Order would authorize the issuance of \$7,003,000 in general obligation bonds for the following purposes: \$330,000 for equipment replacement, \$1,808,000 for streets and sidewalks, \$1,650,000 for street/retaining wall; \$1,200,000 for Fire apparatus, \$160,000 for building improvements, \$750,000 for Penobscot River remediation, and \$1,105,000 for WWTP infrastructure improvements. These projects were discussed during the recently completed FY 2017 budget process.

This Order will require a Public Hearing at the August 8<sup>th</sup> City Council Meeting.

**16-286   RESOLVE                      Accepting and Appropriating \$149,979 for the                      **PLOURDE**  
Supplemental Nutrition Education Grant Program (First  
Reading)**

**Executive Summary:** This Resolve will accept and appropriate \$149,979 for the Supplemental Nutrition Education Grant Program (SNAP ED) through the River Coalition. This will be the fifth year of the grant for the purpose of providing nutrition education to people who are eligible for Supplemental Nutrition Assistance Program in the Greater Bangor area. The grant term is October 1, 2016 to September 30, 2017. This item was reviewed and recommended for approval at the July 19, 2016 meeting of the Government Operations Committee.

**16-287   RESOLVE                      Authorizing the City Manager to Accept and                      **NICHOLS**  
Appropriate \$190,507.00 in Homeland Security Grant  
Funding from the Maine Emergency Management  
Agency (MEMA) (First Reading)**

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016**

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

**ASSIGNED TO  
COUNCILOR**

**Executive Summary:** This Resolve will accept and appropriate \$190,507 in FY 2016, Homeland Security Grant Funding from the Maine Emergency Management Agency to improve Police and Fire preparedness and response capabilities for Homeland Security related events. This funding will be utilized for the purpose of providing enhanced training in various disciplines for police and fire department personnel. Funding will also be used to purchase equipment and to maintain/upgrade current equipment. A plan outlining the various anticipated projects and expenditures is attached to the Resolve. This list may not represent the exact final expenditures, as priorities and needs may change during the grant period. This item was reviewed and recommended for approval at the Government Operations Committee Meeting on July 8, 2016.

**16-288 RESOLVE**      **Accepting and Appropriating a \$102,627 Grant from the Maine Department of Health & Human Services to support an In Home Asthma Education Program. (First Reading and Referral to Government Operations Committee Meeting of August 1, 2016)**      **SPRAGUE**

**Executive Summary:** This Resolve will accept and appropriate \$102,627 from the Maine Department of Health and Human Services (DHHS), Center for Disease Control and Prevention (CDC) for Asthma Home Visiting and Educational Services. The term is September 1, 2016 to August 31, 2017. This is the second year of a five-year grant that is expected to continue until August 31, 2020.

The program provides direct services to patients with poorly controlled asthma in the home environment with a focus on education about asthma management. This includes identifying asthma triggers in the home environment and providing suggestions to mitigate exposure. The program is expected to decrease direct health care costs associated with asthma by preventing hospitalizations and emergency/urgent care visits; and to reduce the number of lost work days for adults and lost education days for children.

The program serves persons of all ages in the communities of Bangor, Bradley, Brewer, Carmel, Clifton, Dedham, Eddington, Frankfort, Glenburn, Hampden, Hermon, Holden, Indian Island, Kenduskeag, Levant, Milford, Newburg, Old Town, Orono, Orrington, Veazie, and Winterport.

This item will be reviewed at the August 1, 2016 meeting of the Government Operations Committee.

**UNFINISHED BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

**16-272 ORDINANCE**      **Amending Land Development Code – Zone Change – Off State Street (Tax Map R-71-021-E) from a Low Density Residential District to a High Density Residential District**      **BALDACCI**

**Executive Summary:** The applicant, Julie Sites, is requesting a zone change for a two acre parcel of land located off of State Street (Tax Map R-71-021-E) from a Low Density Residential District to a High Density Residential District.

**REGULAR MEETING BANGOR CITY COUNCIL – JULY 25, 2016**

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**UNFINISHED BUSINESS  
ITEM NO.**

**ASSIGNED TO  
COUNCILOR**

**16-273   ORDINANCE   **Amending Chapter 165-48 Land Development, of the Code of the City of Bangor, by delegating administration and enforcement of Timber Harvesting within the Shoreland Zone to the Maine Forest Service**      **NEALLEY****

**Executive Summary:** This Ordinance amendment would revise the Mandatory Shoreland Zoning Standards by removing Timber Harvesting from our local Shoreland Zoning regulations and designating the Maine Bureau of Forestry to administer and enforce statewide standards. This has been an option since 2013 and the Director of Forestry has requested that the City choose an option and let them know.

**NEW BUSINESS  
ITEM NO.**

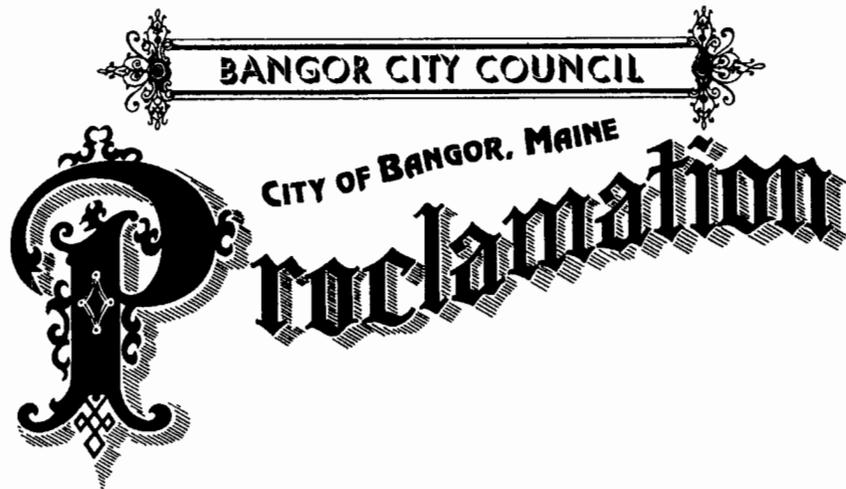
**ASSIGNED TO  
COUNCILOR**

**16-289   ORDER   **Authorizing the Execution of Agreement with David S. Boyd for 73 Central Street (Map 041, Lot 083)**      **SPRAGUE****

**Executive Summary:** This Order will authorize the execution of an agreement with David S. Boyd for acquisition of property located at 73 Central Street. A real estate tax lien on property located at 73 Central Street has matured. The property owner, David S. Boyd, has requested that the City of Bangor convey title to the property back to him. Additionally, Mr. Boyd has expressed a willingness to enter into an agreement with the City to remedy all code deficiencies with the property including fixing the façade, sprinkler system, and creating commercial space on the first floor. Should the Council agree to work with Mr. Boyd, staff suggests the following terms and conditions:

- Mr. Boyd shall pay to the City all outstanding charges due to be held in escrow pending completion of the agreement;
- Mr. Boyd shall submit to the City all plans for redevelopment including a time table to obtain permits, a time table to do the work, and a construction progress schedule;
- Mr. Boyd shall provide to the City evidence of financing and a monetary guarantee for completion of the work;
- The City will convey the property upon compliance with all terms and conditions of the agreement;
- David S. Boyd will execute all documents necessary to remove the cloud on the title that exists by virtue of it being tax acquired property

Should Mr. Boyd fail to comply with all of the terms and conditions of the agreement, the City will retain the property. The Agreement shall be in in a final form as acceptable to the City Solicitor or Assistant City Solicitor. This item was reviewed and approved at the July 18, 2016 Finance Committee Meeting.



**RECOGNIZING AUGUST 1 to 5, 2016 AS RESPONSIBLE GAMING EDUCATION WEEK**

**WHEREAS,** Hollywood Slots is an important part of the City of Bangor, having contributed greatly to the economy and quality of life of our citizens by creating jobs, contributing to needed public services through the payment of taxes, investing in capital improvements in the community, and donating generously to local charities; and

**WHEREAS,** the gaming entertainment industry provides entertainment and recreational value to the majority of its customers and a small percentage of the population has a problem with gambling and deserves the attention of the gaming entertainment industry and the general public; and

**WHEREAS,** the gaming industry has devoted significant effort and resources to the promotion and practice of responsible gaming, including the support of the National Center for Responsible Gaming to fund research into disordered and youth gambling; and

**WHEREAS,** the gaming industry has designated August 1-5, 2016 as Responsible Gaming Education Week in order to educate the public about this important issue and are continuing a national awareness campaign encouraging employees and customers to gamble responsibly.

**NOW, THEREFORE, I, SEAN FAIRCLOTH, MAYOR OF THE CITY OF BANGOR,** on behalf of the City Council and the citizens of Bangor, do hereby proclaim August 1-5, 2016 as Responsible Gaming Education Week.

Given, this the 25th day of July 2016.

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Sean Faircloth, Mayor



**CONSENT  
AGENDA**

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 11, 2016**

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*Meeting Called to Order at 7:30 PM  
 Chaired by Council Chair Faircloth  
 Councilors Absent: None  
 Meeting Adjourned at 8:01 PM*

**RECOGNITION**

*Presented a Recognition Honoring, & Celebrating Our 30 Year Sister City Relationship With Carasague, El Salvador*

**PUBLIC COMMENT**

*Michael Alpert felt the Council should state publicly that a new waterfront concert contract would not be signed until the noise problem is resolved.*

*Kiersten Piccininni and Justin Russell displayed the temporary wayfinding and directional signs currently in the downtown area. Ms. Piccininni stated they would be collecting data on its use and pass the information on to city staff. They hope to make the signage permanent and to obtain funding without utilizing city funds.*

*Theodore Rippy was pleased with the city's investment in the public bus system and indicated that his group wanted to be part of a task force on items that affect ridership.*

<b>CONSENT AGENDA ITEM NO.</b>	<b>ASSIGNED TO COUNCILOR</b>
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<b>MINUTES OF:</b>	<i>Bangor City Council Regular Meeting of June 27, 2016, Bangor School Committee Regular Meetings of May 11, 2016, May 25, 2016 and June 8, 2016, and Bangor School Committee Workshop of May 25, 2016</i>	
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*Action: Accepted and Approved*

<b>Liquor License Renewal:</b>	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Pictor Enterprises VI, Inc. d/b/a Buffalo Wild Wings, 461 Stillwater Avenue</i>	<b>NICHOLS</b>
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*Action: Approved*

	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of The Main Tavern d/b/a The Main Tavern, 122 Main Street</i>	<b>NICHOLS</b>
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*Action: Approved*

	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Texas Roadhouse Holdings LLC d/b/a Texas Roadhouse, 504 Stillwater Avenue</i>	<b>NICHOLS</b>
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*Action: Approved*

	<i>Application for Liquor License Renewal, Malt, Spirituous, Vinous of Artemis &amp; Dean LLC d/b/a Fork &amp; Spoon, 76 Main Street</i>	<b>NICHOLS</b>
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*Action: Approved*

**MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JULY 11, 2016**

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

16-270    ORDER                      *Authorizing Execution of Municipal Quitclaim Deed – Real Estate  
 Located at 1862 Union Street (Map R05 Lot 002)*                      **DURGIN**

*Action: Passed*

16-271    ORDER                      *Authorizing Grant of \$2,000 to the Penobscot Theatre to support  
 Transformer Tales: Stories of the Dawnland*                      **PLOURDE**

*Action: Passed*

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

16-272    ORDINANCE                      *Amending Land Development Code – Zone Change – Off State Street  
 (Tax Map R-71-021-E) from a Low Density Residential District to a  
 High Density Residential District*                      **BALDACCI**

*Action: First Reading and Referral to Planning Board Meeting of July 19,  
 2016*

16-273    ORDINANCE                      *Amending Chapter 165-48 Land Development, of the Code of the City  
 of Bangor, by delegating administration and enforcement of Timber  
 Harvesting within the Shoreland Zone to the Maine Forest Service*                      **NEALLEY**

*Action: First Reading and Referral to Business and Economic Development  
 Committee on July 11, 2016 and Planning Board Meeting of July 19,  
 2016*

**UNFINISHED BUSINESS** **ASSIGNED TO**  
**ITEM NO.** **COUNCILOR**

16-268    ORDINANCE                      *Amending Map Entitled “Downtown Parking Management District”  
 by Designating Space 121 as a Loading Zone*                      **GRAHAM**

*Action: Motion made and seconded for Passage  
 Vote: 9 – 0  
 Councilors Voting Yes: Baldacci, Durgin, Graham, Nealley, Nichols,  
 Perry, Plourde, Sprague, Faircloth  
 Passed*

**NEW BUSINESS** **ASSIGNED TO**  
**ITEM NO.** **COUNCILOR**

None

ATTEST:

  
 \_\_\_\_\_  
 Lisa J. Goodwin, MMC, City Clerk

# **BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE**

Monday, July 11, 2016  
City Council Chambers

## **MEETING MINUTES**

Council Members Present: Baldacci, Durgin, Graham, Nealley, Nichols, Plourde,  
Sprague

City Staff Present: Bolduc, Conlow, Collins, Emery, Lundy, Gould

Chair Graham called the meeting to order at 6:00 p.m.

### **1. Commission on Cultural Development Grant Recommendation**

Councilor Plourde moved approval, Councilor Baldacci seconded. Vote unless doubted, no doubt.

### **2. Amending Chapter 165, Section 165-48, Land Development Code, of the Code of the City of Bangor, by delegating administration and enforcement of Timber Harvesting within the Shoreland Zone to the Maine Forest Service (see attached Council Action & Council Order)**

Councilor Durgin moved approval of staff recommendation, Councilor Plourde seconded. Councilor Baldacci doubted. Baldacci and Graham opposed, all others approved.

### **3. Executive Session – Economic Development – property disposition - 1 M.R.S.A. § 405(6)(C)**

Moved by Councilor Plourde, seconded by Councilor Nealley to enter executive session at 6:12 p.m. Councilor Durgin wants a map of all sold/leased City properties. Exited executive session at 6:28 p.m.

### **4. Committee Action on Above Item**

No action taken on above item, but staff given thumbs up to continue conversation.

Meeting adjourned at 6:30 p.m.

Respectfully submitted,  
Melissa Bickford

Administrative Assistant  
C&ED

## **FINANCE COMMITTEE MINUTES**

**July 18, 2016 @ 5:15 pm**

Councilors in Attendance: Perry, Faircloth, Baldacci, Sprague, Nealley, Graham, Plourde, Nichols

Staff in Attendance: Cyr, Conlow, Willett, Little, Hathaway, Heitmann

### **1. Bids/Purchasing**

- a. Operations Vehicle – Airport – Darling’s Chevrolet - \$51,748  
Motion made and seconded to award the bid as recommended. Motion passed unanimously.
  
- b. Paving – City Wide – Lane Construction - \$1,657,222  
Motion made and seconded to recommend award of the contract to the full Council. Motion passed unanimously.
  
- c. Flowmeter Contract – WWTP - ADS Environmental - \$111,480  
Motion made seconded to execute contract as recommended to the full Council. Motion passed unanimously.
  
- d. Request to Piggyback on State Contract - Police Patrol Vehicles – Fleet Maintenance – Quirk Auto - \$55,190  
Motion made and seconded to piggyback on State contract. Motion passed unanimously.

### **2. Personal Property Tax Settlements**

Staff reviewed and recommended for acceptance four proposed personal property account settlements. In all instances there was a lack of declaration by the taxpayer. In those instances, values are increased on average by 10%. All property owners provided a current and complete list of property as part of the settlements. It was clear that the value that had been assessed was higher than actual values. Based on this information staff was recommendation was to accept all four proposals.

Motion made and seconded to approve the settlements. Motion passed unanimously.

### **3. Executive Session – 1 MRSA Section 405 (6)(C) – Property Disposition**

**4. Open Session - Property Disposition Recommendation**

Staff reviewed a proposal to enter into a developer agreement with Sandy Boyd for the rehabilitation of 73 Central Street. This property was recently acquired by the City due to matured tax liens from Sandy Boyd. Since that action, Mr. Boyd has developed a plan to rehabilitate the building to address the life safety and code violations as well as to bring the first floor into condition for occupancy. Mr. Boyd has obtained estimates and made arrangements to engage the necessary contractors to complete this work within 90 days. The proposal will detail the work to be undertaken as well as a required timeline, require evidence of the financial ability to complete the work, require payment of all outstanding taxes and will hold back the title of the property until the completion of the requirements included in the developer agreement.

Motion made and seconded to have this item reviewed and discussed during the next full Council meeting. Motion passed unanimously.

**5. Executive Session – 36 MRSA Section 841 (2) – Hardship Abatement**

**6. Open Session – Hardship Abatement Decision**

Motion made and seconded to approve staff recommendation to grant the hardship abatement. Motion passed unanimously.

Meeting adjourned at 6:04 pm

**COUNCIL ACTION**

**Item No. 16-274**

**Date:** July 25, 2016

**Item/Subject: Order**, Authorizing Execution of Release of Drainage Easement – 137 Fruit Street

**Responsible Department:** Engineering

**Commentary:**

This Order will authorize the release of the previously executed fifteen foot wide drainage easement from Patricia Keane to the City of Bangor.

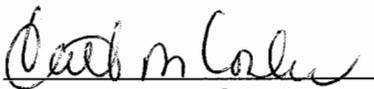
On September 24, 2013 an easement was executed between Patricia Keane of 137 Fruit Street and the City of Bangor for the purpose of improving drainage to the property. Measures taken over this time period have not alleviated the drainage problem. To provide for further drainage relief measures, the City proposes to include a catch basin that would be constructed behind 137 Fruit Street, and an eight inch outlet pipe from the catch basin to the street system that would be through a different location on the property at 137 Fruit Street than the area covered by the current easement.

A separate Order will allow for a new twenty foot wide permanent easement for the new outlet pipe.

This item was reviewed at the Infrastructure Committee on July 11, 2016.

John Theriault, City Engineer  
Department Head

**Manager's Comments:**

  
City Manager

**Associated Information:** Easement, Location Map, Council Order

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
City Solicitor

**Introduced for**  
 Passage  
 First Reading  
 Referral

Page \_\_ of \_\_



Assigned to Councilor Sprague

## CITY OF BANGOR

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**(TITLE.) ORDER,** Authorizing Release of a Former Drainage Easement – 137 Fruit Street

*By the City Council of the City of Bangor:*

**ORDERED,**

That Catherine M. Conlow, City Manager, is authorized to execute a release of a former drainage easement from Patricia Keane of 137 Fruit Street to the City of Bangor for the purpose of improving property drainage. Said release easement shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

RELEASE

The CITY OF BANGOR hereby releases, discharges, and terminates any right, title and interest it may have by reason of a certain Easement between PATRICIA KEANE, formerly known as Patricia L. Smith, and the CITY OF BANGOR, dated September 24, 2013, recorded in the Penobscot Registry of Deeds in Book 13446, Page 258, in and to land in Bangor, Penobscot County, Maine. The property which is the subject of the aforementioned Easement is a portion of the land owned by Patricia Keane and described in a deed recorded in said Penobscot Registry of Deeds in Volume 5319, Page 311.

IN WITNESS WHEREOF, the CITY OF BANGOR has caused this instrument to be signed in its corporate name by Catherine M. Conlow, City Manager, hereunto duly authorized, this \_\_\_ day of \_\_\_\_\_, 2016.

WITNESS:

CITY OF BANGOR

\_\_\_\_\_

By: Catherine M. Conlow  
Its: City Manager

STATE OF MAINE  
PENOBSCOT, ss

\_\_\_\_\_, 2016

Then personally appeared the above-named Catherine M. Conlow, City Manager of the City of Bangor, and acknowledged the foregoing instrument to be her free act and deed in her said capacity, and the free act and deed of said body corporate.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law  
Printed Name:  
My Commission Expires:

**COUNCIL ACTION**

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**Item No. 16-275**

**Date:** July 25, 2016

**Item/Subject: Order,** Authorizing Execution of a Drainage Easement – 137 Fruit Street

**Responsible Department:** Engineering

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**Commentary:** This Order would authorize the execution of a twenty foot wide drainage easement with Patricia Keane of 137 Fruit Street. The City has been working with Patricia Keane to relieve a drainage problem on property immediately adjacent to Cohen School and the football stadium. The City needs the easement in order to access her property and make necessary drainage improvements. If approved the City would construct a catch basin on school property and connect an eight inch outlet pipe from the catch basin to the street system that would cross the property at 137 Fruit Street property. An easement is necessary to cross her property.

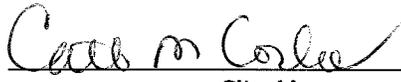
The City has done work here prior and a separate Order will allow for the release of a current easement that was used in a prior attempt at solving this drainage problem.

This item was reviewed by the Infrastructure Committee on July 11, 2016.

John Theriault, City Engineer  
Department Head

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**Manager's Comments:**

  
City Manager

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**Associated Information:** Easement, Council Order

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**Budget Approval:**

\_\_\_\_\_  
Finance Director

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**Legal Approval:**

  
City Solicitor

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**Introduced for**

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

**Page \_\_ of \_\_**



Assigned to Councilor Nichols

## CITY OF BANGOR

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**(TITLE.) ORDER,** Authorizing Execution of a Drainage Easement – 137 Fruit Street

*By the City Council of the City of Bangor:*

**ORDERED,**

That Catherine M. Conlow, City Manager, is authorized to execute a drainage easement from Patricia Keane of 137 Fruit Street to the City of Bangor for the purpose of improving property drainage. Said easement shall be in a final form as approved by the City Solicitor or Assistant City Solicitor.

## EASEMENT

**PATRICIA KEANE (“GRANTOR”)**, formerly known as Patricia L. Smith, of 137 Fruit Street, Bangor, Maine 04401, grants to the **CITY OF BANGOR (“CITY”)**, a municipal corporation existing under the laws of the State of Maine and having a mailing address of 73 Harlow Street, Bangor Maine 04401, a perpetual non-exclusive easement in gross to locate, install, maintain, repair, replace and operate storm drain pipes, lines, valves, pumps and appurtenances thereto in a part of a certain lot or parcel of land located at 137 Fruit Street in the City of Bangor, County of Penobscot, State of Maine and being more particularly described as follows (the “Easement Area”):

Beginning at a point located on the easterly sideline of Fruit Street a distance of 59’ more or less in the southerly direction from the northwest corner of said lot as described and recorded at the Penobscot County Registry of Deeds in Book 5319, Page 311;

Thence turning easterly and running parallel a distance of 59’ more or less from the northerly sideline of said lot a distance of 71.5’ more or less to the easterly sideline of the property of said lot. Said drainage easement to extend 10’ wide on both sides of described line for a total of 20’ wide.

The above-described easement is meant and intended to encompass an area of 0.03 acres, more or less.

The above described lot or parcel of land is located within the premises granted to Patricia Keane, formerly Patricia L. Smith, as described in Book 5319, Page 311 of the Penobscot County Registry of Deeds.

The Grantor agrees that she, her successors and assigns shall not plant or construct trees, shrubs, buildings or other structures within the Easement Area described above without the City first agreeing to said planting or construction, but the Grantor shall otherwise have full use and enjoyment of her property. The Grantor further grants the right to trim, clear, cut or remove any trees, brush or other vegetation planted or naturally growing, and to remove without payment of damages or compensation any building or structure located within the Easement Area, excepting only any buildings or structures existing as of the date this Easement was signed.

This Easement is made subject to the following three conditions: that (1) any exercise of the rights herein granted to the City shall be conducted in the least intrusive manner practicable, and that any excavation, installation, construction, repair, or maintenance activities pursuant to this Easement shall be done in a good and workmanlike manner under the supervision of the City or its designees; (2) after each entry upon the Easement Area by the City for the aforesaid purposes, the City will

promptly restore the surface of the Easement Area as nearly as practicable to the same condition as existed prior to such entry; and (3) the City shall exercise due care in the exercise of the rights granted hereunder so as to minimize the disturbance of any structures or improvements located on the Easement Area and shall promptly repair any damage to such structures or improvements arising from the exercise of the rights granted hereunder.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed and witnessed, this \_\_\_ day of \_\_\_\_\_, 2016.

WITNESS

**GRANTOR**

\_\_\_\_\_

\_\_\_\_\_  
Patricia Keene

STATE OF MAINE  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, 2016, personally appeared before me the above-named Patricia Keene, and acknowledged the foregoing to be her free act and deed.

\_\_\_\_\_  
Notary Public/Maine Attorney at Law  
Printed Name:

**Date: July 25, 2016**

**Item/Subject: ORDER, Authorizing Bid Award in the Amount of \$1,657,222 to Lane Construction for FY 17 Paving Program**

**Responsible Department: Public Works**

**Commentary:**

On July 16, 2016, the City received three (3) bids for the FY 17 Paving Program. The bid prices ranged from \$1,657,222 to \$1,871,888 (see attached bid tabulation). Staff recommends awarding the contract to Lane Construction, the low bidder.

This bid was reviewed and recommended for approval at the Finance Committee meeting of July 18, 2016.

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

\_\_\_\_\_  
Department Head

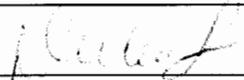
**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

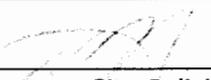
**Associated Information:**

Bid Tabulation

**Budget Approval:**

  
\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

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



Assigned to Councilor Durgin

## CITY OF BANGOR

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**(TITLE.) Order, Authorizing Bid Award in the Amount of \$1,657,222 to Lane Construction for FY 17 Paving Program**

*By the City Council of the City of Bangor:*

***ORDERED,***

**THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract with Lane Construction in the amount of \$1,657,222 for FY 17 Paving Program.**

**City of Bangor Bid Tabulation**  
**RFP No. P16-028: Paving Program FY 17**  
**Bid Opening: 7/16/16**

Item	Description	Qty.	Unit	B & B Paving, Inc. Hermon, ME		Hopkins Landscaping LLC Hermon, ME		Lane Construction Bangor, ME	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A-1	HMA 9.5 mm Surface	16,986	Ton	60.57	1,028,842.02	64.00	1,087,104.00	59.00	1,002,174.00
A-2	HMA 19.0 mm Binder	653	Ton	56.05	36,600.65	64.00	41,792.00	57.00	37,221.00
A-3	Bituminous Tack	4,539	Gal	5.00	22,695.00	5.00	22,695.00	5.00	22,695.00
A-4	Milling	53,498	Sq. Yd.	2.50	133,745.00	1.50	80,247.00	1.50	80,247.00
A-5	Reclaim	4,544	Sq. Yd.	2.50	11,360.00	1.90	8,633.60	1.70	7,724.80
					<b>1,233,242.67</b>		<b>1,240,471.60</b>		<b>1,150,061.80</b>
<b>Community Development Streets</b>									
B-1	HMA 9.5 mm Surface	728	Ton	63.50	46,228.00	66.00	48,048.00	63.00	45,864.00
B-2	Bituminous Tack	186	Gal	5.00	930.00	5.00	930.00	5.50	1,023.00
B-3	Milling	4,444	Sq. Yd.	4.50	19,998.00	1.95	8,665.80	1.50	6,666.00
					<b>67,156.00</b>		<b>57,643.80</b>		<b>53,553.00</b>
<b>Parking Lots</b>									
C-1	Reclaim	32,800	Sq. Yd.	2.00	65,600.00	1.60	52,480.00	1.70	55,760.00
C-2	19 MM HMA	4,375	Tons	66.05	288,968.75	60.00	262,500.00	50.00	218,750.00
C-3	9.5 MM HMA	3,009	Tons	70.57	212,345.13	65.00	195,585.00	58.00	174,522.00
C-4	Tack	915	Gal	5.00	4,575.00	5.00	4,575.00	5.00	4,575.00
					<b>571,488.88</b>		<b>515,140.00</b>		<b>453,607.00</b>
<b>TOTAL:</b>					<b>1,871,887.55</b>		<b>1,813,255.40</b>		<b>1,657,221.80</b>

**COUNCIL ACTION**

**Item No. 16-277**

**Date: July 25, 2016**

**Item/Subject:** **ORDER**, Authorizing the City Manager to Extend the Sub Recipient Agreement with Katahdin Shared Services as the Fiscal Agent for Partnership for a Healthy Northern Penobscot

**Responsible Department: Health and Community Services**

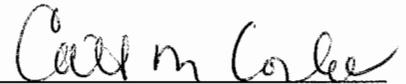
**Commentary:** This Order will authorize the City Manager to extend the sub recipient agreement with Katahdin Shared Services, the fiscal agent for Partnership for a Healthy Northern Penobscot (PHNP), from June 30, 2016 through September 30, 2016 and increase the contract amount from \$166,667 to \$216,727.

The extension funding was reviewed and approved by the City Council in May 2016. The original MOU was approved by the City Council in August 2015.

This was reviewed and recommended for approval at the July 18, 2016 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 Perry

## CITY OF BANGOR

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Assigned  
to

**(TITLE.) Order, Authorizing the City Manager to Extend the Sub Recipient Agreement with Katahdin Shared Services as the Fiscal Agent for Partnership for a Healthy Northern Penobscot**

**BY THE CITY COUNCIL OF THE CITY OF BANGOR:**

**BE IT ORDERED,** that the City Manager is hereby authorized to extend the existing sub-recipient agreement with Katahdin Shared Services as the fiscal agent for Partnership for a Healthy Northern Penobscot from an original term of one year (7-1-15 to 6-30-16) to a term of fifteen months (7-1-15 to 9-30-16).

**Katahdin Shared Services  
Agreement for Fund for a Healthy Maine Services - Amendment**

**THIS AGREEMENT**, made this 1st day of July is by and between the City of Bangor, hereinafter called "Contractor" and **Katahdin Shared Services**, hereinafter called "Provider," is hereby amended as follows:

1. The termination date is extended from June 30, 2016 to September 30, 2016. Reason: To extend the end date to allow for RFP#201602047, Prevention Services for Maine's Public Health Districts to be awarded
2. The dollar amount of the agreement is increased by \$50,243 from \$166,667 to \$206,931. Reason: The present contract is extended 3 months. The dollar amount is a pro-ration of the 12 month FHM Programming (\$30,000) & PFS (\$12,849) contracts and additional Expanded Services funds (\$7,394).
3. The Scope of Services is amended and can be found in Attachment A
4. Agreement Amendment Summary:

<b>Original Agreement</b>		<b>\$166,667</b>
<b>Increased funding</b>		<b>\$50,243</b>
• FHM Programming	\$30,000	
• Partnership for Success	\$12,849	
• Expanded Services	\$7,394	
<b>Revised Total</b>		<b>\$216,910</b>

All other terms and conditions of the original Agreement dated 7/1/2015 remain in full force and effect.

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 Lead HMP contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

Attachment A – Provider will follow all terms and conditions required of Contractor, a copy of which can be found in Attachment A (Note: Totals in *Agreement Amounts and sources of funds*, pages 7-8 are those awarded to the City of Bangor for entire contract).

**CITY OF BANGOR**

By: \_\_\_\_\_  
Cathy Conlow, City Manager

**AND  
KATAHDIN SHARED SERVICES**

By: \_\_\_\_\_  
Robert Peterson, President

**COUNCIL ACTION**

**Item No. 16-278**

**Date: July 25, 2016**

**Item/Subject:** **ORDER**, Authorizing the City Manager to Extend the Sub Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for Piscataquis Public Health Coalition

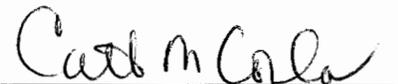
**Responsible Department: Health and Community Services**

**Commentary:** This Order will enable the City Manager to extend the sub recipient agreement on behalf of the City with Mayo Regional Hospital, the fiscal agent for Piscataquis Public Health Council (PPHC) for three months and increase the contract amount from \$166,667 to \$186,910. PPHC is one of two supporting Healthy Maine Partnerships in the Penquis Public Health District and the state of Maine requires a sub-recipient agreement for this contract, because it exceeds their \$5,000 threshold.

The Maine CDC is extending all Healthy Maine Partnership contracts by three months, and the accompanying MOUs need to be extended as well. The extension funds were reviewed and approved by the city council in May 2016. The original MOU was approved by the city council in August 2015. This was reviewed and recommended for approval at the July 18, 2016 Government Operations Committee meeting.

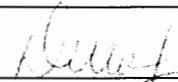
\_\_\_\_\_  
Department Head

**Manager's Comments:**

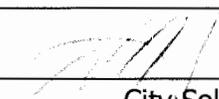
  
\_\_\_\_\_  
City Manager

**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

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**(TITLE.) Order, Authorizing the City Manager to Extend the Sub Recipient Agreement with Mayo Regional Hospital as the Fiscal Agent for Piscataquis Public Health Coalition from a Twelve Month Contract to a Fifteen Month Contract, ending September 30, 2016**

**BY THE CITY COUNCIL OF THE CITY OF BANGOR:**

**BE IT ORDERED**, that the City Manager is hereby authorized to extend the existing sub-recipient agreement with Mayo Regional Hospital as the fiscal agent for Piscataquis Public Health Coalition from a term of one year (7-1-15 to 6-30-16) to a term of fifteen months (7-1-15 to 9-30-16).

**Mayo Regional Hospital  
Agreement for Fund for a Healthy Maine Services - Amendment**

**THIS AGREEMENT**, made this 1st day of July is by and between the City of Bangor, hereinafter called "Contractor" and **Mayo Regional Hospital**, hereinafter called "Provider," is hereby amended as follows:

1. The termination date is extended from June 30, 2016 to September 30, 2016. Reason: To extend the end date to allow for RFP#201602047, Prevention Services for Maine's Public Health Districts to be awarded
2. The dollar amount of the agreement is increased by \$20,243 from \$166,667 to \$186,910. Reason: The present contract is extended 3 months. The dollar amount is a pro-ration of the 12 month PFS (\$12,849) contracts and additional Expanded Services funds (\$7,394).
3. The Scope of Services is amended and can be found in Attachment A
4. Agreement Amendment Summary:

<b>Original Agreement</b>		<b>\$166,667</b>
<b>Increased funding</b>		<b>\$20,243</b>
• Partnership for Success	\$12,849	
• Expanded Services	\$7,394	
<b>Revised Total</b>		<b>\$186,910</b>

All other terms and conditions of the original Agreement dated 7/1/2015 remain in full force and effect.

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 Lead HMP contract with the State of Maine are hereby incorporated into this Agreement and made part of it by reference:

Attachment A – Provider will follow all terms and conditions required of Contractor, a copy of which can be found in Attachment A (Note: Totals in *Agreement Amounts and sources of funds*, pages 7-8 are those awarded to the City of Bangor for entire contract).

**CITY OF BANGOR**

By: \_\_\_\_\_  
Cathy Conlow, City Manager

**AND  
KATAHDIN SHARED SERVICES**

By: \_\_\_\_\_  
Marie Vienneau, President and CEO

**COUNCIL ACTION**

**Item No. 16-279**

**Date:** July 25, 2016

**Item/Subject:** ORDER, Authorizing Execution of Contract in the Amount of \$111,480 to ADS Environmental Services for the Sewer Flow Monitoring Program

**Responsible Department:** Waste Water Treatment Plant

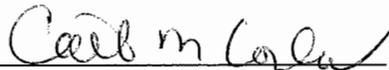
**Commentary:** This order will authorize execution of a contract with ADS Environmental Services in the amount of \$111,480 to provide equipment and technical assistance with the sewer flow monitoring program. Since 2010, the City has contracted with ADS Environmental, Inc., (ADS) for monitoring and analyzing flow data from our combined sewer overflow structures and various other points in the sewer collection system. This contract includes monitoring, analyzing the data and providing a monthly report for ten locations. The monthly report is forwarded to USEPA after staff review. This contract also includes a comprehensive service schedule to ensure the meters are working properly. We have a very good working relationship with ADS and recommend the City continue this contract for another year.

This item was reviewed and recommended for approval by the Finance Committee on July 18, 2016.

If recommended for passage, this item comes forward for Council action, as the contract award is over \$100,000.

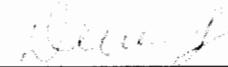
\_\_\_\_\_  
Department Head

**Manager's Comments:**

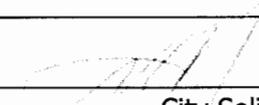
  
City Manager

**Associated Information:**

**Budget Approval:**

  
Finance Director

**Legal Approval:**

  
City Solicitor

**Introduced for**

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

Page \_\_ of \_\_

Assigned to Councilor Graham



## CITY OF BANGOR

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(TITLE.) Order, Authorizing Execution of Contract in the Amount of \$111,480 to ADS Environmental Services for the Sewer Flow Monitoring Program

*By the City Council of the City of Bangor:*

***ORDERED,***

THAT, Deborah Cyr, Finance Director is hereby authorized to execute a contract and purchase order to ADS Environmental Services in the amount of \$111,480 for sewer flow monitoring.

**COUNCIL ACTION**

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**Item No. 16-280**

**Date: July 25, 2016**

**Item/Subject: Order, Authorizing Application for and Acceptance of \$23,948.00 in grant funds as part of the Edward Byrne Memorial Grant Program, which will be shared with the Penobscot County Sheriff's Department.**

**Responsible Department: Police**

**Commentary:** This order authorizes the application for and acceptance of a \$23,948.00 Edward Byrne Memorial Grant to be shared with the Penobscot County Sheriff's Department. Under the terms of the grant the City would receive \$13,948.00 for grant administration and for the purpose of purchasing law enforcement related equipment to enhance the capabilities of the patrol division and Special Response Team. There is no match required. This was reviewed and recommended for approval at the July 18, 2016 Government Operations Committee meeting.

Brad Johnston  
Deputy Chief of Police

**Manager's Comments:**

Carl M. Loh  
City Manager

**Associated Information:** Order

**Budget Approval:**

Kevin J.  
Finance Director

**Legal Approval:**

[Signature]  
City Solicitor

**Introduced for**  
 **Passage**  
 **First Reading**  
 **Referral**

**Page \_\_ of \_\_**



Assigned to Councilor Perry

## CITY OF BANGOR

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**(TITLE.) Order, Authorizing Application for and Acceptance of \$23,948.00 in grant funds as part of the Edward Byrne Memorial Grant Program, which will be shared with the Penobscot County Sheriff's Department.**

*By the City Council of the City of Bangor:*

**ORDERED, THAT the application by the City Manager for \$23,948.00 in funds from the Edward Byrne Memorial Grant Program, of which \$13,948.00 will be used by the Bangor Police Department for the purchase of equipment and grant administration, and \$10,000 which will be awarded to the Penobscot County Sheriff's Department as required by the grant, be ratified and that the grant funds in the amount of \$23,948.00 be accepted.**

**COUNCIL ACTION**

**Item No. 16-281**

**Date: July 25, 2016**

**Item/Subject**    **ORDER, Authorizing an Amendment to Indenture of Lease with QV Realty Trust – Map 101 Lot 001**

**Responsible Department:**    **Community & Economic Development**

**Commentary:** QV Realty Trust has exercised its option to extend the Indenture of Lease for Lot 9 in the BIA Commercial / Industrial Park located at 361 Griffin Rd. for the period of August 1, 2016 to July 31, 2026. The lease agreement requires that the annual rental amount be negotiated for that period. The City of Bangor has proposed that the annual lease amount during the first five years of the term remain at the current rate of \$27,204 annually paid monthly in the amount of \$2,267. During the second five (5) years of the term, from 2021 to 2026, the annual rate would be increased by 5% to \$28,564 paid monthly in the amount of \$2,380. QV Realty Trust has agreed to this proposal.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its July 25, 2016 meeting.

Tanya Emery  
Department Head

**Manager's Comments:**

Carol M. Corley  
City Manager

**Associated Information:**

**Budget Approval:**

[Signature]  
Finance Director

**Legal Approval:**

[Signature]  
City Solicitor

**Introduced for**  
 **Passage**  
 **First Reading**  
 **Referral**



Assigned to Councilor Baldacci

## CITY OF BANGOR

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**(TITLE.)** ORDER, Authorizing an Amendment to Indenture of Lease with QV Realty Trust – Map 101 Lot 001

**WHEREAS,** the City of Bangor is the owner of certain real estate, Lot 9 in the BIA Commercial / Industrial Park, located at or near 361 Griffin Road in Bangor, Maine (the "Premises"); and

**WHEREAS,** the City of Bangor leased the Premises to Beacon Cadillac Oldsmobile & Jeep ("Beacon") under its former name of Beacon Motor Company, pursuant to the terms of an Indenture of Lease dated July 28, 1976, as such Indenture of Lease may have been amended from time to time (the Indenture of Lease as so amended is hereinafter referred to as the "Lease"); and

**WHEREAS,** the Lease was assigned by Beacon to Jerry D. Conn ("Mr. Conn") and in turn subleased by Mr. Conn to Hogan Road Motors with the acknowledgment and consent of the City of Bangor; and

**WHEREAS,** Mr. Conn assigned the Lease to QV Realty Trust with the acknowledgment and consent of the City of Bangor and sold the improvements located on the Premises to QV Realty Trust; and

**WHEREAS,** QV Realty Trust has exercised its option to extend the Indenture of Lease for the period August 1, 2016 to July 31, 2026; and

**WHEREAS,** the lease agreement requires that the annual rental amount be established for that period:

**BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT** the City Manager is hereby authorized, on behalf of the City of Bangor, to execute "Fourth Amendment to Indenture of Lease", in a form approved by the City Solicitor or Assistant City Solicitor, regarding the existing Lease between Beacon and the City of Bangor dated July 28, 1976, amended July 14, 1987, October 4, 2001 and September 7, 2006, and assigned to QV Realty Trust.

**COUNCIL ACTION**

**Item No. 16-282**

**Date: July 25, 2016**

**Item/Subject: ORDER, Authorizing an Amendment to the Indenture of Lease with Vicki L. Trundy at 39 Florida Avenue – Map 001 Lot 272**

**Responsible Department: Community & Economic Development**

**Commentary:** Vicki L. Trundy, LCSW wishes to extend the lease of a single office at 39 Florida Ave., Bangor. Ms. Trundy has leased the office since 2006. The lease term is one (1) year and the monthly lease rate would be \$176.75. Utilities and maintenance will be provided by the City.

This item was reviewed and recommended for approval by the Business & Economic Development Committee at its July 25, 2016 meeting.

Tanya Emery  
Department Head

**Manager's Comments:**

Carl M. Galor  
City Manager

**Associated Information:**

**Budget Approval:**

Debra  
Finance Director

**Legal Approval:**

[Signature]  
City Solicitor

**Introduced for**  
 **Passage**  
 **First Reading**  
 **Referral**

**Page \_\_ of \_\_**



Assigned to Councilor Graham

## CITY OF BANGOR

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**(TITLE.)** **Order**, Authorizing an Amendment to the Indenture of Lease with Vicki L. Trundy at 39 Florida Avenue – Map 001 Lot 272

**WHEREAS**, the City of Bangor is the owner of Building #272, 39 Florida Avenue in the Bangor International Airport Complex; and

**WHEREAS**, Vicki L. Trundy has leased an office at 39 Florida Ave. since 2006; and

**WHEREAS**, Vicki L. Trundy has requested to extend the lease term for (1) one year until August 31, 2017:

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

The City Manager is hereby authorized, on behalf of the City of Bangor, to execute an Amendment to the Indenture of Lease with Vicki L. Trundy, for an office at 39 Florida Ave. in a form approved by the City Solicitor or Assistant City Solicitor.

**COUNCIL ACTION**

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**Item No. 16-283**

**Date:** July 25, 2016

**Item/Subject:** Order, Authorizing Execution of Agreement for Maine Department of Transportation Local Project, Modification 2 – WIN 022693.00, Pedestrian Safety Improvements on Hogan Road

**Responsible Department:** Engineering

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**Commentary:**

This order will authorize the City Manager to execute a Local Project Agreement Modification 2 with the Maine Department of Transportation for an increase of \$15,000.00 to the original contract amount.

On February 3, 2016 an agreement was executed in the amount of \$206,000.00 for new sidewalks along part of Hogan Road. The increase limit is not to exceed \$221,000.00, with the Federal Share is \$176,800.00 or 80% and the City Share is \$44,200.00 or 20%.

This has been reviewed by the Infrastructure Committee on July 25, 2016.

John Theriault, City Engineer  
Department Head

**Manager's Comments:**

Carl M. Corle  
City Manager

**Associated Information    Council Order/Agreement**

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**Budget Approval:**

[Signature]  
Finance Director

**Legal Approval:**

[Signature]  
City Solicitor

**Introduced for**  
 **Passage**  
 **First Reading**  
 **Referral**



Assigned to Councilor Sprague

## CITY OF BANGOR

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**(TITLE.) ORDER, Authorizing Execution of Agreement for Maine Department of Transportation  
Local Project – WIN 022693.00, Pedestrian Safety Improvements on Hogan  
Road**

**ORDERED,**

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

**An Agreement with the Maine Department of Transportation – Pedestrian Safety Improvements  
on Hogan Road – 022693.00**



AMS ID: CTM2014112100000000301
CSN: 33829
TEDOCS #:
PROGRAM: Multimodal (OUC 57000)

**MAINE DEPARTMENT OF TRANSPORTATION**  
**Modification 2 to a Locally Administered Project Agreement**  
With the  
**Municipality of Bangor**  
Regarding  
**New Sidewalks on Hogan Road: WIN 022693.00**

Modified Total Amount: \$221,000	Federal Project #: TAP-2269(300)
Modified Federal Share: \$176,800	Federal Authorization: May 8, 2014
Modified Local Share: \$44,200	Municipality's Vendor Customer #: VC100007010
Contract Begin Date: 08/18/2014	Municipality's DUNS® Number: 07-173-9692
Contract End Date: 08/31/2018	CFDA #20.205: Highway Planning & Construction

This Modification 2 applies to an Agreement with the Municipality of Bangor for new sidewalks along part of Hogan Road, which took effect Aug. 18, 2014 and was modified previously on Feb. 3, 2016. When executed, this modification will increase the Agreement by \$15,000 – to a new upset limit of \$221,000 – to cover the latest engineer's estimate, as follows:

- ARTICLE 1, Paragraph B (Funding):** Revise the first sentence to read, “**MaineDOT** and the **Municipality** will share in the funding of the **Project** at the rates described in Article 3, “Financial Provisions,” up to a maximum of two hundred twenty-one thousand dollars (**\$221,000**). **Project** costs eligible for funding from **MaineDOT** shall not exceed this total amount without written approval from **MaineDOT**, through a duly executed modification to this Agreement.”
  
- ARTICLE 3, Paragraph A (MaineDOT Share):** Revise to read, “**MaineDOT**, with funding from the Federal Highway Administration, will share in the cost of the **Project** at the rate of eighty percent (**80%**) of expenditures eligible for federal financial participation, not to exceed one hundred seventy-six thousand eight hundred dollars (**\$176,800**).”
  
- ARTICLE 3, Paragraph B (Local Share):** Revise to read, “The **Municipality**, using local funds, shall be responsible for twenty percent (**20%**) of federally eligible **Project** costs, including its share of such costs incurred by **MaineDOT**. For budgetary purposes, the local matching share is estimated to be forty-four thousand two hundred dollars (**\$44,200**.)  
Furthermore:
  1. The **Municipality** shall be responsible for any costs deemed ineligible for federal funding and all costs exceeding the maximum contribution from **MaineDOT** under Article 3A above, unless otherwise approved in writing by **MaineDOT**.”

All other terms and conditions of the original Agreement shall remain in place with no gap. **MaineDOT** and the **Municipality of Bangor**, by their duly authorized representatives, have executed this Modification 2 to the original Agreement on the date last signed below.

**Municipality of Bangor**

**Maine Department of Transportation**

By: \_\_\_\_\_  
**Catherine M. Conlow, City Manager**

By: \_\_\_\_\_  
**William A. Pulver, P.E., Director  
Bureau of Project Development**

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**REFERRALS TO COMMITTEES  
& FIRST READINGS**

**COUNCIL ACTION**

**Item No. 16-284**

**Date:** July 25, 2016

**Item/Subject:** Order, Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For

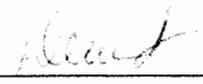
**Responsible Department:** Finance

**Commentary:** The attached Order would authorize the issuance of \$1,000,000 in general obligation bonds for the following purposes: \$668,000 for Cameron Stadium Improvements and \$332,000 for school building improvements.

In May 2013, Council Order 13-157 authorized the issuance of \$1.2 million in general obligation bonds for improvements at Cameron Stadium. At that time, the School Department presented an initial plan to significantly improve the facilities at Cameron Stadium. The plan included replacement of the bleachers, lighting system, new locker rooms and restrooms and equipment storage, expansion of the track and the installation of turf. The bond proceeds were used to replace the bleachers, lighting and construct restroom facilities.

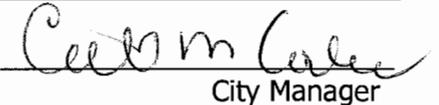
The City's Charter requires that the issuance of general obligation bonds for a single capital improvement be approved by voters if it exceeds a certain dollar threshold and does not meet one of the defined exceptions. Both the bleachers and lighting portions of the project were deemed a life safety issue that needed to be addressed as an emergency. The bleachers were unsafe and likely to be put out of service and the lighting system was a hazard to participants and patrons alike. As there was no plan to issue additional bonds for this project, the bond order did not include the specific language citing the findings in support of the exception. Therefore, this Order would also amend Council Order 13-157 to state the emergency nature of the bonds for the bleacher and lighting upgrades.

These projects were discussed during the recently completed FY 2017 budget process. In addition, this Order will require a Public Hearing at the August 8<sup>th</sup> City Council Meeting



Department Head

**Manager's Comments:**

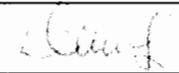


City Manager

**Associated Information:**

Order

**Budget Approval:**



Finance Director

**Legal Approval:**



City Solicitor

**Introduced for**

Passage

First Reading

Referral – Finance Committee of 8/1/16

Page \_\_ of \_\_

Assigned to Councilor Perry



## CITY OF BANGOR

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**(TITLE.) Order,** Amending Order #13-157 and Authorizing Issuance of \$1,000,000 of the City's General Obligation Bonds for School Building Improvements and for Additional Cameron Stadium Improvements and a Tax Levy There For.

**WHEREAS,** on May 29, 2013, the Bangor City Council adopted Order #13-157 authorizing the issuance of the City's general obligation bonds in an amount not to exceed \$1,200,000 to provide funds to replace bleachers, construct restroom and cold storage facilities and upgrade the electrical system / lights at Cameron Stadium (the "Original Cameron Stadium Improvements");

**WHEREAS,** the amount of bonds authorized by Order #13-157 (\$1,200,000) fell below the then-applicable referendum threshold (\$1,231,000) established under Article VIII, Section 19(a) of the City's Charter; and

**WHEREAS,** at the time Order #13-157 was adopted, the City Council anticipated that certain related additional Cameron Stadium improvements, including but not limited to locker rooms (the "Additional Cameron Stadium Improvements"), would be funded through private fund raising efforts; and

**WHEREAS,** because the anticipated fund raising efforts have not come to fruition, the City Council now desires to authorize additional general obligation bonds for Additional Cameron Stadium Improvements (\$668,000) and for improvements to 14<sup>th</sup> Street School (\$332,000); and

**WHEREAS,** there is a possibility that the Original Cameron Stadium Improvements and the Additional Cameron Stadium Improvements (referred to as the "Combined Cameron Stadium Improvements") could be treated as a single capital improvement under Article VIII, Section 19(a) of the Charter, which combined authorized amount of bonds for the Combined Cameron Stadium Improvements (\$1,868,000) would exceed the Charter's current referendum threshold (\$1,271,850); and

**WHEREAS,** certain portions of the Original Cameron Stadium Improvements were necessary for the preservation of public health or safety and could have been excepted from the Charter referendum requirement by the City Council under Article VIII, Section 19(b)(vi) of the Charter; and

**WHEREAS**, the City Council now desires to amend Order #13-157 to retroactively incorporate an emergency declaration therein and to authorize additional general obligation bonds for the Additional Cameron Stadium improvements;

***NOW THEREFORE***, following a public hearing held upon due notice posted and published pursuant to Article VIII, Section 13 of the Charter, by the City Council of the City of Bangor, **BE IT HEREBY ORDERED:**

THAT pursuant to 30-A M.R.S.A. §5772, Section 13 of Article VIII of the Charter (Private and Special Laws of 1931, Chapter 54 and all amendments thereof and acts additional thereto), and all other authority thereto enabling, there is hereby authorized and approved the issue and sale of the City's general obligation bonds in an amount not to exceed the aggregate principal amount of One Million Dollars (\$1,000,000). The proceeds derived from the sale of said bonds, including premium, if any, and any investment earnings thereon shall be used and are hereby appropriated to pay a portion of the costs (as herein defined) of the following improvements (the "Projects")

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Cameron Stadium Locker Rooms	\$668,000	15 years
14 <sup>th</sup> Street School – roof repair / replacement	\$332,000	20 years

**BE IT FURTHER ORDERED:**

THAT the City Council finds, determines and declares, with respect to the Original Cameron Stadium Improvements, that an emergency existed and continues to exist with respect to the need to acquire, install, replace and improve the bleachers and electrical system / lights portions of such Original Cameron Stadium Improvements within the meaning of Article VIII, Section 19(b)(vi) of the Charter as follows:

- Cameron Stadium was built in the early 1940's and suffered from the following issues: moisture infiltration had jeopardized the integrity of the walls; the structural beams did not meet current capacity codes; the metal decking consisted of lead paint, was flaking and was extremely slippery when wet; and the seating section was not ADA compliant.
- The bleachers in Cameron Stadium being replaced were unsafe and were beyond the end of their useful life;
- The electrical lighting system in Cameron Stadium was unsafe in that the wiring which fed the various light poles was buried but not encased in conduit leading to three instances where spectators and an employee received a shock attributable to the deficient wiring and therefore needed to be replaced;

- These circumstances create an unacceptable risk to the health and safety of the residents of the City;
- There was and is therefore a substantial public exigency to speedily acquire, install, replace and improve the bleachers and electrical system / lights, portions of Cameron Stadium in order to meet the needs of the residents of the City;
- Because there was and is an urgent and unavoidable need for these portions of the Original Cameron Stadium Improvements, the City Council finds, determines and declares that emergency circumstances exist under Article VIII, Section 19(b)(vi) of the City Charter requiring approval of the bonds issued or to be issued for such improvements without referendum approval, which would put timely completion of the Combined Cameron Stadium Improvements at risk.

***BE IT FURTHER ORDERED:***

THAT in the event the above-retroactive declaration of an emergency with respect to the Original Cameron Stadium Improvements is found to be defective in any manner, the City Council finds, determines and declares with respect to the Additional Cameron Stadium Improvements, that an emergency exists with respect to the need to acquire, install, replace and improve the Additional Cameron Stadium Improvements within the meaning of Article VIII, Section 19(b)(vi) of the Charter as follows:

- At the time Order #13-157 was adopted, the City Council could have found and declared that an emergency existed with respect to the need to acquire, install, replace and improve the bleachers and electrical system / lights portions of the Original Cameron Stadium Improvements within the meaning of Article VIII, Section 19(b)(vi) of the Charter
- It is important for the Combined Cameron Stadium Improvements be completed in a timely fashion.
- These circumstances create an unacceptable delay in the completion of the Combined Cameron Stadium Improvements;
- There is a substantial public need to speedily complete the Combined Cameron Stadium Improvements in order to meet the needs of the residents of the City;
- The City Council finds, determines and declares that emergency circumstances exist under Article VIII, Section 19(b)(vi) of the City Charter requiring approval of the bonds authorized hereby for such improvements without referendum approval, which would put timely completion of the Combined Cameron Stadium Improvements at risk.

***BE IT FURTHER ORDERED:***

THAT the estimated weighted period of utility for the property constituting the Projects to be financed with the proceeds of the bonds is hereby determined to be the period of time indicated above for said Projects.

THAT the Finance Director, with the approval of the Finance Committee, be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, at one time, or from time to time, as one or more separate bond issues, and to determine the date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director, with the approval of the Finance Committee, be and hereby is authorized to provide that any of the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30 A M.R.S.A. §5772(6), as amended.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT pursuant to 30 A M.R.S.A. §5772, Section 15 of Article VIII of the Charter and any other authority thereto enabling, the Finance Director, with the approval of the Finance Committee is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT said bonds and notes in anticipation thereof shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

THAT the Finance Director be, and hereby is, authorized and empowered in the name of and on behalf of the City to execute and deliver all such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, in connection with the financing of the Projects and the sale, execution, issuance, and delivery by the City of the bonds and notes.

THAT the Finance Director be and hereby is authorized to select the underwriter, registrar, paying agent and transfer agent for the bonds or notes heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

THAT the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the bonds or notes for sale be and hereby is approved.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the Finance Director, with the approval of the Finance Committee.

THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on

behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder and not part of the Projects shall be used directly or indirectly in any manner that would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the Finance Director be and hereby is authorized to covenant and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the Finance Director.

THAT the Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds or notes (including premium), if any, be and hereby are appropriated for the following purposes:

1. To any costs of the Projects in excess of the principal amount of the bonds or notes authorized hereunder;
2. If the bonds or notes are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City's General Fund;
3. To pay debt service on the bonds.

THAT if the actual cost of any Project differs from the estimated cost set forth herein, whether due to completion, delay or abandonment of the Project for any other reason, the Finance Director is authorized, in her discretion to reallocate proceeds of the bonds to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT the Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in the name of and on behalf of the City to do or cause to be done all such acts and things as may be necessary or advisable, with the advice of counsel for the City, in order to effect the sale, issuance, execution, and delivery by the City of the bonds and notes.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing, with the approval of the Finance Committee.

THAT during the term any of the bonds are outstanding, the Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and

to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds including the form and manner of their sale and award. The Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

THAT it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.

**COUNCIL ACTION**

**Item No. 16-285**

**Date:** July 25, 2016

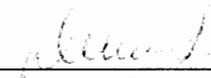
**Item/Subject:** Order, Authorizing Issuance of \$7,003,000 of the City's General Obligation Bonds and a Tax Levy There For

**Responsible Department:** Finance

**Commentary:**

The attached Order would authorize the issuance of \$7,003,000 in general obligation bonds for the following purposes: \$330,000 for equipment replacement, \$1,808,000 for streets and sidewalks, \$1,650,000 for street/retaining wall; \$1,200,000 for Fire apparatus, \$160,000 for building improvements, \$750,000 for Penobscot River remediation, and \$1,105,000 for WWTP infrastructure improvements. These projects were discussed during the recently completed FY 2017 budget process.

This Order will require a Public Hearing at the August 8<sup>th</sup> City Council Meeting

  
\_\_\_\_\_  
Department Head

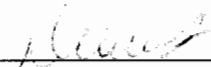
**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

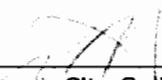
**Associated Information:**

Order

**Budget Approval:**

  
\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral – Finance Committee of 8/1/16

Page \_\_ of \_\_

Assigned to Councilor Durgin



## CITY OF BANGOR

**(TITLE.) Order**, Authorizing Issuance of \$7,003,000 of the City's General Obligation Bonds and a Tax Levy There For.

*FOLLOWING a public hearing held upon due notice posted and published pursuant to Article VIII, Section 13 of the City Charter, by the City Council of the City of Bangor, be it hereby ORDERED:*

THAT pursuant to 30-A M.R.S.A. §5772, Section 13 of Article VIII of the City Charter (Private and Special Laws of 1931, Chapter 54 and all amendments thereof and acts additional thereto), and all other authority thereto enabling, there is hereby authorized and approved the issue and sale of the City's general obligation bonds in an amount not to exceed the aggregate principal amount of Seven Million Three Thousand Dollars (\$7,003,000). The proceeds derived from the sale of said bonds, including premium, if any, and any investment earnings thereon shall be used and are hereby appropriated to pay a portion of the costs (as herein defined) of the following Projects.

<u>Description</u>	<u>Amount</u>	<u>Estimated Life</u>
Streets & Sidewalks	\$1,808,000	15 years
Street/Retaining Wall	\$1,650,000	20 years
Fire Apparatus	\$1,200,000	15 years
Equipment (includes plow trucks, boards & glass)	\$330,000	15 years
Building Improvements	\$160,000	20 years
Penobscot River Remediation	\$750,000	12 years
WWTP Infrastructure	\$1,105,000	20 years

THAT the estimated weighted period of utility for the property constituting the Projects to be financed with the proceeds of the bonds is hereby determined to be the period of time indicated above for said Projects.

THAT the Finance Director, with the approval of the Finance Committee, be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, at one time, or from time to time, as one or more separate bond issues, and to determine the

date(s), maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director, with the approval of the Finance Committee, be and hereby is authorized to provide that any of the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30 A M.R.S.A. §5772(6), as amended.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT pursuant to 30 A M.R.S.A. §5772, Section 15 of Article VIII of the City Charter and any other authority thereto enabling, the Finance Director, with the approval of the Finance Committee is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue, to be in such form and contain such terms and provisions including, without limitation, maturities (not to exceed 3 years from the issue date), denominations, interest rate or rates, place of payment, and other details as they shall approve, their approval to be conclusively evidenced by their execution thereof.

THAT said bonds and notes in anticipation thereof shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

THAT the Finance Director be, and hereby is, authorized and empowered in the name of and on behalf of the City to execute and deliver all such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, with the advice of counsel for the City, in connection with the financing of the Projects and the sale, execution, issuance, and delivery by the City of the bonds and notes.

THAT the Finance Director be and hereby is authorized to select the underwriter, registrar, paying agent and transfer agent for the bonds or notes heretofore authorized and the Finance Director be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

THAT the Finance Director be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the bonds or notes heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Finance Director, with the advice of the bond counsel for the City, and that the use and distribution of the

Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the bonds or notes for sale be and hereby is approved.

THAT the bonds and notes shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds and notes of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the Finance Director and Chair of the City Council from time to time shall execute such bonds or notes as may be required to provide for exchanges or transfers of bonds or notes as heretofore authorized, all such bonds or notes to bear the original signature of the Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond or note shall cease to be such officer before the delivery of said bond or note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds or notes, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds or notes upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds and notes hereinbefore authorized, the Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds and notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the bonds and notes issued in anticipation thereof be issued on either a taxable or a tax-exempt basis, or a combination thereof, as determined by the Finance Director, with the approval of the Finance Committee.

THAT, if the bonds or notes, or any part of them are issued on a tax exempt basis, Finance Director be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder and not part of the Projects shall be used directly or indirectly in any manner that would cause such bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended (the "Code").

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the Finance Director be and hereby is authorized to covenant and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports and take any other action that may be necessary to ensure that interest on the bonds or notes will remain exempt from federal income taxation and that the City will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT, if the bonds or notes, or any part of them, are issued on a tax exempt basis, the Finance Director be and hereby is authorized and empowered to take all such action as may be necessary to designate the bonds or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; it being the City Council's intention that, to the extent permitted under the Code, the bonds or notes be Section 265(b) designated and that the Finance Director with advice of bond counsel, make the required Section 265(b) election with respect to such bonds to the extent that the election may be available and advisable as determined by the Finance Director.

THAT the Finance Director be and hereby is authorized to covenant, certify, and agree, in the name of and on behalf of the City, for the benefit of the holders of such bonds or notes, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

THAT the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.

THAT the investment earnings on the proceeds of the bonds and notes, if any, and the excess proceeds of the bonds or notes (including premium), if any, be and hereby are appropriated for the following purposes:

1. To any costs of the Projects in excess of the principal amount of the bonds or notes authorized hereunder;
2. If the bonds or notes are issued on a tax exempt basis, in accordance with applicable terms and provisions of the Arbitrage and Use of Proceeds Certificate delivered in connection with the sale of the bonds or notes including, to the extent permitted thereunder, to the City's General Fund;

3. To pay debt service on the bonds.

THAT if the actual cost of any Project differs from the estimated cost set forth herein, whether due to completion, delay or abandonment of the Project for any other reason, the Finance Director is authorized, in her discretion to reallocate proceeds of the bonds to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT the Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in the name of and on behalf of the City to do or cause to be done all such acts and things as may be necessary or advisable, with the advice of counsel for the City, in order to effect the sale, issuance, execution, and delivery by the City of the bonds and notes.

THAT if any of the officers or officials of the City who have signed or sealed the bonds and notes hereinbefore authorized shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing, with the approval of the Finance Committee.

THAT during the term any of the bonds are outstanding, the Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds including the form and manner of their sale and award. The Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

**16-285**  
**JULY 25, 2016**

THAT it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.

**COUNCIL ACTION**

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Item No. 16-286

Date: July 25, 2016

**Item/Subject:** RESOLVE, Accepting and Appropriating \$149,979 for the Supplemental Nutrition Education Grant Program

**Responsible Department:** Health & Community Services

**Commentary:** This resolve will accept and appropriate \$149,979 for the Supplemental Nutrition Education Grant Program (SNAP ED) through the River Coalition. This will be the fifth year of the grant for the purpose of providing nutrition education to people who are eligible for Supplemental Nutrition Assistance Program in the Greater Bangor area. The grant term is 10/1/2016 to 9/30/2017. This was reviewed and recommended for approval at the July 18, 2016 Government Operations Committee meeting.

Department Head

**Manager's Comments:**

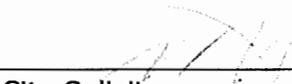
  
City Manager

**Associated Information:** Resolve

**Budget Approval:**

  
Finance Director

**Legal Approval:**

  
City Solicitor

**Introduced for**  
 Passage  
 First Reading  
 Referral



Assigned to Councilor Plourde

## CITY OF BANGOR

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**RESOLVE, Accepting and Appropriating \$149,979 for the Supplemental Nutrition Education Grant Program**

*By the City Council of the City of Bangor:*

**RESOLVED, THAT \$149,979 is hereby accepted and appropriated for the Supplemental Nutrition Education Program for the period October 1, 2016 – September 30, 2017**

**COUNCIL ACTION**

**Item No. 16-287**

**Date:** July 25, 2016

**Item/Subject:** RESOLVE, Authorizing the City Manager to Accept and Appropriate \$190,507.00 in Homeland Security Grant Funding from the Maine Emergency Management Agency (MEMA)

**Responsible Department:** Fire.

**Commentary:** This Resolve will accept and appropriate \$190,507 in FY 2016, Homeland Security Grant Funding from the Maine Emergency Management Agency to improve Police and Fire preparedness and response capabilities for Homeland Security related events. This funding will be utilized for the purpose of providing enhanced training in various disciplines for police and fire department personnel. Funding will also be used to purchase equipment and to maintain/upgrade current equipment. A plan outlining the various anticipated projects and expenditures is attached to the Resolve. This list may not represent the exact final expenditures, as priorities and needs may change during the grant period. This item was reviewed and recommended for approval at the Government Operations Committee Meeting on July 18, 2016.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

\_\_\_\_\_  
*Carl M. Cole*  
City Manager

**Associated Information:** Resolve, Proposed Project List

**Budget Approval:**

\_\_\_\_\_  
*[Signature]*  
Finance Director

**Legal Approval:**

\_\_\_\_\_  
*[Signature]*  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral

Assigned to Councilor Nichols



## CITY OF BANGOR

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**(TITLE.) Resolve , Authorizing the City Manager to Accept and Appropriate \$190,507.00 in FY 2016 Homeland Security Grant Funding from the Maine Emergency Management Agency (MEMA)**

*By the City Council of the City of Bangor:*

**RESOLVED** that \$190,507.00 in FY 2016 Homeland Security Grant Funds from the Maine Emergency Management Agency (MEMA) to improve Police and Fire Department preparedness and response capabilities for Homeland Security related events is hereby accepted and appropriated.

**And Be it Further Resolved that** the Finance Director is authorized to establish such financial accounts as may be necessary to accept and disperse such funds in accordance with Homeland Security and MEMA requirements.

**TO: Government Operations Committee**  
**FR: Tom Higgins, Fire Chief / Mark Hathaway, Chief of Police**  
**DT: July 12, 2016**  
**RE: Homeland Security Grant Funding**

The Police & Fire Departments have been notified of our annual Homeland Security Grant Funding from Maine Emergency Management Agency (MEMA). The award for FY2016 is \$190,507. These funds are awarded to better prepare our response capabilities. The funding also allows enhanced training opportunities and to purchase and/or maintain current equipment.

The preliminary budget being submitted to MEMA for approval includes:

Special Teams (EOD, SRT, MCV, Tech Res)	\$70,000
MDTs replacement/support	\$40,000
PD SUV	\$45,000
Active Shooter Training	\$15,000
Portacount Compliance Fit Tester	\$11,000
NIMS Training	\$ 2,500
Program administration	\$ 2,007
Evidence Equipment	\$ 5,000
Total	\$190,507

Staff will attend the meeting to answer any questions.

**COUNCIL ACTION**

**Item No. 16- 288**

**Date: July 25, 2016**

**Item/Subject:** Resolve, Accepting and Appropriating a \$102,627 Grant from the Maine Department of Health & Human Services to support an In Home Asthma Education Program.

**Responsible Department: Public Health & Community Services**

**Commentary:** This resolve will accept and appropriate \$102,627 from the Maine Department of Health and Human Services (DHHS), Center for Disease Control and Prevention (CDC) for Asthma Home Visiting and Educational Services. The term is September 1, 2016 to August 31, 2017. This is the second year of a five-year grant that is expected to continue until August 31, 2020.

The program provides direct services to patients with poorly controlled asthma in the home environment with a focus on education about asthma management. This includes identifying asthma triggers in the home environment and providing suggestions to mitigate exposure. The program is expected to decrease direct health care costs associated with asthma by preventing hospitalizations and emergency/urgent care visits; and to reduce the number of lost work days for adults and lost education days for children.

The program serves persons of all ages in the communities of Bangor, Bradley, Brewer, Carmel, Clifton, Dedham, Eddington, Frankfort, Glenburn, Hampden, Hermon, Holden, Indian Island, Kenduskeag, Levant, Milford, Newburg, Old Town, Orono, Orrington, Veazie, and Winterport. This item will be reviewed at the August 1 meeting of the Government Operations Committee.

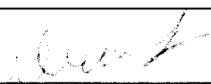
\_\_\_\_\_  
Department Head

**Manager's Comments:**

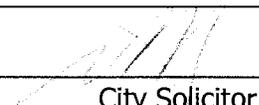
  
\_\_\_\_\_  
City Manager

**Associated Information:** Resolve

**Budget Approval:**

  
\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral to Gov't Operations—8-1-16

Assigned to Councilor Sprague



## CITY OF BANGOR

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**(TITLE.) Resolve,** Accepting and Appropriating a \$102,627 grant from the Maine Department of Health and Human Services to Support an In-Home Asthma Education Program

**BY THE CITY COUNCIL OF THE CITY OF BANGOR:**

**BE IT RESOLVED,** that a Grant in the amount of \$102,627 grant from the ME DHHS, Center for Disease Control and Prevention (CDC) for Asthma Home Visiting and Educational Services is hereby accepted and appropriated for the period September 1, 2016 to August 31, 2017.



**UNFINISHED  
BUSINESS**



Assigned to Councilor Baldacci



## CITY OF BANGOR

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(TITLE.) Ordinance, Amending Land Development Code – Zone Change – Off State Street (Tax Map R71-021-E) from a Low Density Residential District to a High Density Residential District.

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

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

By changing a parcel of land located at off State Street (Tax Map No. R71, Parcel No. 21-E) from a Low Density Residential District to a High Density Residential District. Said parcel of land containing approximately 2 acres and being more particularly indicated on the map attached hereto and made a part hereof.

pd ct# 9053  
\$1,330.00

RECEIVED

JUN - 6 2016  
7/1/2012

APPLICATION FOR LAND DEVELOPMENT CODE AND MAP AMENDMENT & ED and Planning

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

DATE: 5/16/2016

- I(WE) Julie Sites
- of 810 State St Bangor, Me 04401  
Address City or Post Office Telephone

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

- ADDRESS OF PROPERTY (if any) 830 State St.  
Total Area (acres or square feet) 2 acres
- PROPERTY LOCATION (General location): Example - South side of BACK side of  
State Street 400 yards. East of Pine Street 824, 826, 828 STATE ST.
- LEGAL DESCRIPTION OF PROPERTY - Assessors Map No. 71 Parcel 021-E
- EXISTING USE: VACANT LAND
- PROPOSED USE: Multi Family
- NAME AND ADDRESS OF OWNER OF RECORD: Name Julie B. Sites  
Address 655 W. Swell Rd Holden, Me 04429
- NAME AND ADDRESS OF CONTRACT OWNER (if such): Same
- SIGNATURE OF OWNER OR CONTRACT OWNER: Julie Sites
- REPRESENTATIVE OF APPLICANT: Name \_\_\_\_\_  
(if applicable) Address \_\_\_\_\_
- ATTACH ANY CONDITIONS PROPOSED FOR A CONTRACT ZONE REQUEST.

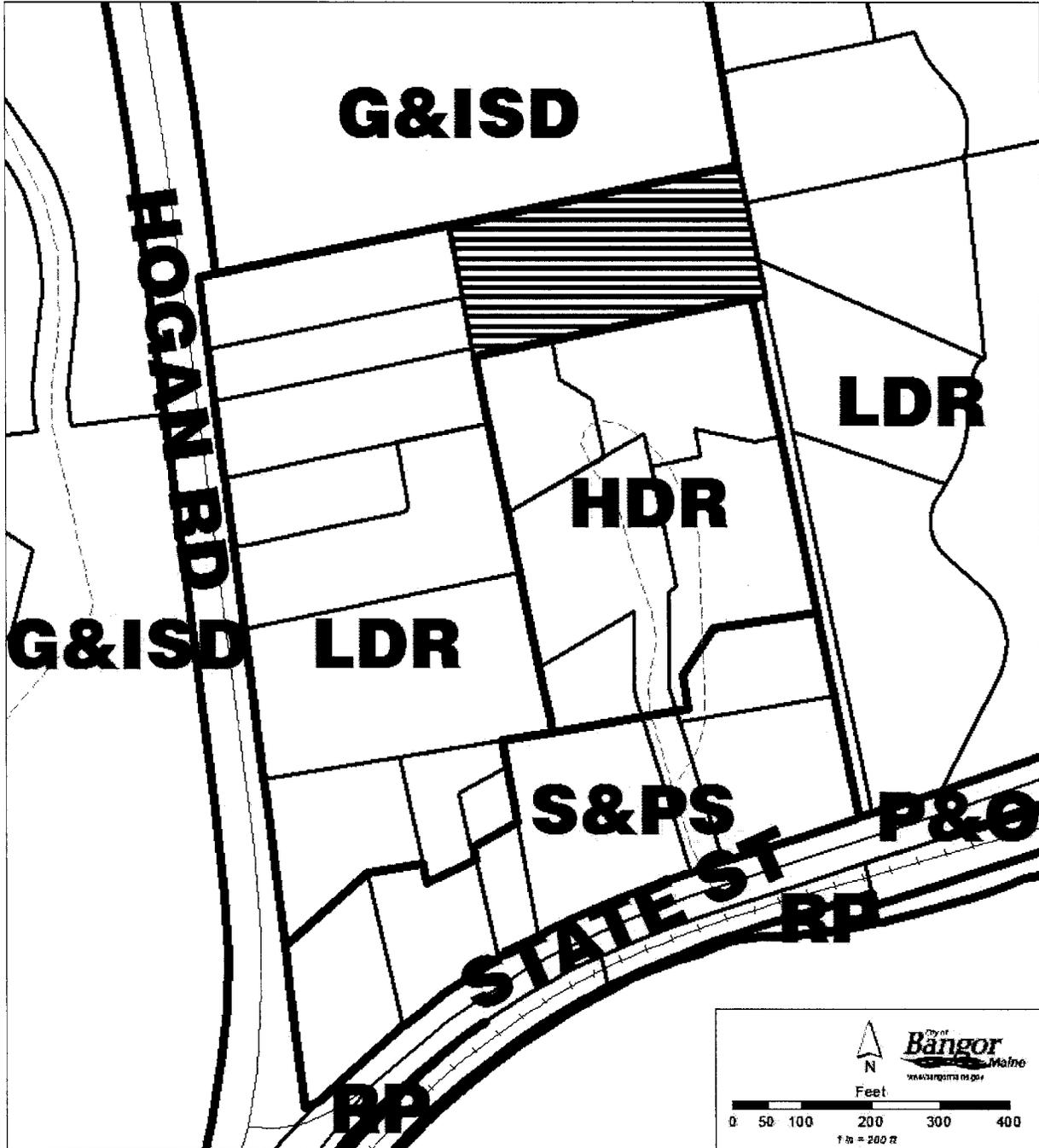
RETURN FORM & DUPLICATE TO PLANNING DIVISION, CITY HALL, BANGOR, ME.

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

SR

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

PLEASE READ PROCESSING PROCEDURE ON REVERSE SIDE



 **LDR to HDR**

## **MEMORANDUM**

**DATE:** July 20, 2016  
**TO:** The Honorable City Council  
**FROM:** David G. Gould, Planning Officer  
**SUBJECT:** Amending Zoning Ordinance  
State Street – Low Density Residential District (LDR) to  
High Density Residential District (HDR) - Council Ordinance  
16-272

Please be advised that the Planning Board at its meeting on July 19, 2016, held a Public Hearing on the above zone change request.

Chairman John Kenney asked the applicant or their representative to make a brief presentation of the request. Ms. Julie Sites indicated that she was requesting a rezoning to High Density Residential for a two acre parcel located off State Street.

Chairman Kenney asked for any proponents or opponents to the rezoning request.

Mrs. Linda Savage of Hempstead Avenue indicated she owned an abutting property and used to live in the neighborhood. She indicated she was not in favor of high density zoning which could change the character of the area. She noted it would add additional traffic to a quiet single family area. She was also concerned that such a zoning change could impact the property values in the neighborhood.

There were no other proponents or opponents to the rezoning request.

Planning Officer Gould indicated that the request was to rezone two acres of land from Low Density to High Density Residential for two acres of land at the back of the Eagle Crest apartments off State Street. The Comprehensive Plan's Land Use Policy map dating as far back as 1979 has identified this area as suitable for high density housing. Mr. Gould noted that along Hogan Road there are a number of older single family homes. To the north is the State of Maine property which is used by MDOT and the Elizabeth Levinson Center. To the east is where the land use is a sparsely developed single family setting which also is where the historic William C. Peters House is located.

Member Williams made a motion to recommend the City Council pass C.O. # 16-272, amending the Zoning off State Street from Low Density Residential to High Density Residential for 2 acres of land, Julie Sites applicant. Member Boothby seconded the motion and the Board voted 4 in favor and two opposed to recommend the City Council pass C.O. # 16-272.

**COUNCIL ACTION**

**Item No. 16-273**

**Date: July 11, 2016**

**Item/Subject: ORDINANCE**, Amending Chapter 165-48 Land Development, of the Code of the City of Bangor, by delegating administration and enforcement of Timber Harvesting within the Shoreland Zone to the Maine Forest Service.

**Responsible Department:** Planning

**Commentary:** This ordinance amendment would revise the Mandatory Shoreland Zoning Standards by removing Timber Harvesting from our local Shoreland Zoning regulations and designating the Maine Bureau of Forestry to administer and enforce statewide standards. This has been an option since 2013 and the Director of Forestry has requested that the City choose an option and let them know.

/s/ Tanya L. Emery  
Department Head

**Manager's Comments:**

*[Signature]*  
City Manager

**Associated Information:** Ordinance

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

*[Signature]*  
City Solicitor

**Introduced for**

**Passage**

**First Reading**

**Referral** to the B&ED Committee and the Planning Board on July 19, 2016



Assigned to Councilor Nealley

16-273  
JULY 11, 2016

## CITY OF BANGOR

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**ORDINANCE**, Amending Chapter 165, Section 165-48, Land Development Code, of the Code of the City of Bangor, by delegating administration and enforcement of Timber Harvesting within the Shoreland Zone to the Maine Forest Service

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

Section 165-48 Timber harvesting be amended as follows:

### **§ 165-48 Timber harvesting.**

Timber harvesting in shoreland areas is regulated through the Maine Forest Service and governed by MFS Rule - Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.

Timber harvesting shall conform to the following provisions:

- A. ~~Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten-year period is permitted. In addition:~~
- ~~(1) Within 75 feet, horizontal distance, of the normal high-water mark of any water bodies, tributary streams or the upland edge of a wetland there shall be no clear-cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
  - ~~(2) At distances greater than 75 feet, horizontal distance, of the normal high-water mark of any water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than 7,500 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.~~
- B. ~~Timber harvesting activities in excess of 40% are permitted, provided that a clear showing, including a forest management plan signed by a Maine licensed professional forester, is made that such exemption is necessary for good forest management and is carried out in accordance with the purposes of the act. The Planning Board must also notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of 40%.~~

JULY 11, 2016

- C. ~~No accumulation of slash shall be left within 50 feet of the normal high-water mark of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water mark of a water body shall be removed.~~
- D. ~~Timber harvesting equipment shall not use stream channels as travel routes, except when surface waters are frozen and the activity will not result in any ground disturbance.~~
- E. ~~All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- F. ~~Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
- G. ~~Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet in width for slopes up to 10% shall be retained between the exposed mineral soil and the normal high-water mark of a water body or upland edge of a wetland. For each ten-percent increase in slope, the unscarified strip shall be increased by 20 feet. The provisions of this subsection apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet from the normal high-water mark of a water body or upland edge of a wetland.~~

Additions by underline

~~Deletions by strike through~~

## **MEMORANDUM**

**DATE:** July 20, 2016  
**TO:** The Honorable City Council  
**FROM:** David G. Gould, Planning Officer  
**SUBJECT:** Amending Zoning Ordinance Chapter 165-48,  
Timber Harvesting in the Shoreland Zone.  
Council Ordinance 16-273

Please be advised that the Planning Board at its meeting on July 19, 2016, held a Public Hearing on the above Zoning Ordinance to amend the Shoreland Zoning provisions to delegate timber harvesting review and enforcement to the Maine Forest Service.

Chairman Kenney opened the Public Hearing and Planning Officer David Gould provided the Board with an overview of the proposed amendment. Mr. Gould noted that changes in Shoreland Zoning initiated in 2005, included provisions for the State Forest Service to establish statewide standards for timber harvesting. Bangor has very limited harvesting activity in comparison to other more rural communities. The Planning Office along with the Code Enforcement Office would prefer to focus on other issues.

Mr. Gould noted that recently correspondence from the Forest Service noted Bangor had not made a decision as to how it wanted to proceed. Mr. Gould indicated he had talked with DEP's Shoreland Zoning Staff who indicated they would consider the adjustment to Bangor Shoreland Zoning provisions without other updates at this time.

The Board discussed timber harvesting activity in Bangor and whether other changes may be made to harvesting regulations at the State level.

The Board unanimously recommended the City Council adopt the proposed amendment to Shoreland Zoning to delegate the Maine Forest Service as the entity to administer and enforce statewide standards for timber harvesting in the Shoreland zone, C.O. 16-273



**NEW  
BUSINESS**

**COUNCIL ACTION**

**Item No. 16-289**

**Date:** July 25, 2016

**Item/Subject:** **Order**, Authorizing the Execution of Agreement with David S. Boyd for 73 Central Street (Map 041, Lot 083)

**Responsible Department:** Legal

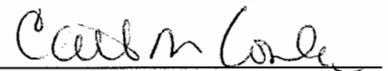
**Commentary:** This Order will authorize the execution of an agreement with David S. Boyd for acquisition of property located at 73 Central Street. A real estate tax lien on property located at 73 Central Street has matured. The property owner, David S. Boyd, has requested that the City of Bangor convey title to the property back to him. Additionally, Mr. Boyd has expressed a willingness to enter into an agreement with the City to remedy all code deficiencies with the property including fixing the façade, sprinkler system, and creating commercial space on the first floor. Should the Council agree to work with Mr. Boyd, staff suggests the following terms and conditions:

- Mr. Boyd shall pay to the City all outstanding charges due to be held in escrow pending completion of the agreement;
- Mr. Boyd shall submit to the City all plans for redevelopment including a time table to obtain permits, a time table to do the work, and a construction progress schedule;
- Mr. Boyd shall provide to the City evidence of financing and a monetary guarantee for completion of the work;
- The City will convey the property upon compliance with all terms and conditions of the agreement;
- David S. Boyd will execute all documents necessary to remove the cloud on the title that exists by virtue of it being tax acquired property

Should Mr. Boyd fail to comply with all of the terms and conditions of the agreement, the City will retain the property. The Agreement shall be in a final form as acceptable to the City Solicitor or Assistant City Solicitor. This item was reviewed and approved at the July 18 Finance Committee Meeting.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

  
\_\_\_\_\_  
City Manager

**Associated Information:**

**Budget Approval:**

  
\_\_\_\_\_  
Finance Director

**Legal Approval:**

  
\_\_\_\_\_  
City Solicitor

**Introduced for**  
\_\_\_ **Passage**  
\_\_\_ **First Reading**  
\_\_\_ **Referral**

**Page** \_\_ **of** \_\_

Assigned to Councilor Sprague



## CITY OF BANGOR

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**(TITLE.) ORDER,** Authorizing the Execution of Agreement with David S. Boyd for 73 Central Street (Map 041, Lot 083)

WHEREAS, a real estate tax lien on property located at 73 Central Street has matured; and

WHEREAS, the property owner, David S. Boyd, has requested that the City of Bangor convey title to the property back to him; and

WHEREAS, David S. Boyd is willing to pay all outstanding charges due the City and enter into an agreement with the City to rehab the real estate to bring it into compliance with all appropriate codes and to rehab the first floor to make it suitable to lease.

*By the City Council of the City of Bangor:*

**ORDERED,**

THAT Catherine M. Conlow, City Manager, is hereby authorized on behalf of the City of Bangor to execute and Agreement with David S. Boyd to the redevelopment of 73 Central Street. The terms and conditions of said Agreement shall include that David S. Boyd shall pay to the City all outstanding charges due to be held in escrow pending completion of the agreement; submission of plans, a time table to get permits, a time table to do the work, a construction progress schedule, evidence of financing, a monetary guarantee for completion of the work; conveyance of the property upon compliance with all terms and conditions of the agreement; execution by David S. Boyd of documents necessary to remove the cloud on the title that exists by virtue of the it being tax acquired property if he fails to meet all of the terms and conditions of the agreement. Said Agreement shall be in in a final form as approved by the City Solicitor or Assistant City Solicitor.