



CITY COUNCIL AGENDA



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If you have any questions or concerns, please don't hesitate to contact me.

lisa.goodwin@bangormaine.gov

PLEDGE OF ALLEGIANCE

Currently, the public has the choice to participate in meetings in person at City Hall now located at 262 Harlow Street or remotely through Zoom. Meetings are available to view through Youtube website, and the Government Channel 1303. Public comment, whether in person or through Zoom, requires a person to state their name and address, and any inappropriate or offensive remarks may be removed or interrupted, and the Council Chair will have discretion over the time allowed for comment. On Zoom, the public may be recognized to speak by the hand wave function or on a phone by pressing *9.

PUBLIC COMMENT

CONSENT AGENDA ITEM NO.	ASSIGNED TO COUNCILOR
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*Explanatory Note: All items listed in the Consent Agenda are considered routine and are proposed for adoption by the City Council by one motion without discussion or deliberation. If discussion on any item is desired any member of the Council or public may merely request removal of the item to its normal sequence in the regular agenda prior to a motion for passage of the Consent Agenda.

MINUTES OF: **Bangor City Council Regular Meeting of January 8, 2023, and Finance Committee Meetings of January 8, 2023 and January 17, 2024**

LIQUOR LICENSE RENEWAL:	Application for Liquor License Renewal, Malt, Wine, Spirits of Uno of Bangor Inc. d/b/a Uno Pizzeria & Grill, 725 Stillwater Avenue	HAWES
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Application for Liquor License Renewal, Wine, Spirits of Bangor Lodge of Elks #244 d/b/a Bangor Lodge of Elks #244, 108 Odlin Road	HAWES
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Application for Liquor License Renewal, Malt, Wine, Spirits of Fandom Group LLC d/b/a Seasons on Main, 427 Main Street	HAWES
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Application for Liquor License Renewal, Malt, Wine, Spirits of Hogan, LLC d/b/a Miguel’s Mexican Restaurant, 697 Hogan Road	HAWES
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<u>24-067</u> <u>ORDER</u>	Authorizing the Execution of Municipal Bill of Sale Located at 142 Holiday Park	TREMBLE
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Executive Summary: This Order will authorize the execution of a municipal bill of sale for property located at 142 Holiday Park. Real estate tax liens matured on the property owned by Jeffrey Lee Rouse and Cindy Ella Rouse, at 142 Holiday Park. The outstanding charges due the City have been paid. No loans are owed to the City that are secured by the mobile home, and there are no pending code enforcement issues with the mobile home.

Because the liens matured, a municipal bill of sale is required to release the City's interest in the mobile home.

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 22, 2024

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

<u>24-068</u>	<u>ORDER</u>	Authorizing City Manager to Execute MaineDOT Modification 1 to a Locally Administered Project Agreement for WIN #021663.00 Broadway Intersection Safety Improvements	HAWES
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Executive Summary: This Order will authorize the City Manager to execute Modification 1 to the Locally Administered Project Agreement with the Maine Department of Transportation for the Broadway Intersection Safety Improvements.

This modification will increase the total funding for the project from \$100,000 to \$175,000. The Federal share increased from \$ 90,000 to \$157,500 and the State share of ten percent increased from \$10,000 to \$17,500. The City of Bangor's share is zero.

This item was reviewed and recommended for approval by the Infrastructure Committee on January 17, 2024.

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

**ASSIGNED TO
COUNCILOR**

<u>24-069</u>	<u>ORDINANCE</u>	Amending Chapter 165, Land Development Code, District Map to Re-zone the Property Located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD) (First Reading and Referral to Planning Board Meeting of February 6, 2024)	HAWES
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Executive Summary: This Ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot 002-009, located at 108 Odlin Road, from a combination of Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to only Urban Service District (USD). The total area requested to be changed is approximately 6.27 acres. The applicant and owner of record is Bangor Lodge #244 B.P.O. Elks (also known as Bangor Elks Lodge).

The area around the property consists primarily of commercial and residential uses. The zoning in the area is primarily USD to the west and north and URD-1 to the east. This area is within the growth boundary shown in the 2022 Comprehensive Plan, and the future land use map in the Plan shows this property in the Airport Commercial area, which consists of “commercial and industrial areas in proximity to Bangor’s airport that support, complement, or benefit from the airport’s proximity.”

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 22, 2024

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**24-033 ORDINANCE Amending Chapter 9, City Council, Section 8,
Standing Committees by Assigning the Airport
Department to the Business & Economic
Development Committee and Making Minor
Housekeeping Revisions**

SCHAEFER

Executive Summary: This Ordinance amendment will assign responsibility for Airport operational and capital items to the Business & Economic Development (B&ED) Committee, thereby eliminating the Airport Committee. While this does represent a change, prior to the establishment of the Airport Committee all Airport related items were under the purview of the B&ED Committee. By reassigning this role to the B&ED Committee, one Committee will be charged with the oversight of development within the City. In addition, this amendment would make minor housekeeping revisions that are a result of newly adopted policy and/or the realignment of departments.

This item was reviewed and recommended for passage at a City Council Workshop on November 15, 2023, and first read at the November 27, 2023. Inadvertently, it did not get placed on the agenda for passage at the December 11, 2023, meeting and a recent records review caught the error.

**24-063 ORDINANCE Amending Chap. 177, Art. II, Retail Marijuana, §177-
7, by Adding Subsection 177-7(K), To Clarify That
Retail Marijuana Establishments May Not Transact
Sales of Cannabis at Off-Site Specified Events**

FISH

Executive Summary: This Ordinance amendment would amend Chapter 177, Article II, Retail Marijuana, to clarify that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site specified events that take place within the City of Bangor.

The State Legislature recently enacted LD 202, “An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events.” This state law does not require municipalities to permit sales of adult use cannabis or cannabis products at off-site specified events, but sets up a procedure for adult use cannabis stores to apply for a permit from the State Department of Administrative and Financial Services. The State permit would be a temporary authorization for a cannabis store to conduct sales of adult use cannabis and cannabis products at specified events. These specified events would typically occur off the premises of an adult use cannabis store, and the requests for State permits may come from adult use cannabis stores located within or outside the City of Bangor.

An applicant for a State permit would need municipal authorization in order to obtain the State permit, and the State law allows municipalities to restrict the sale of adult use cannabis and cannabis products at specified events, including prohibiting such sales. Without municipal approval, an applicant will not be able to obtain a State permit.

This item was reviewed by the Government Operations Committee at its January 3, 2024 meeting, with the Committee recommending the proposed ordinance revision, which clarifies that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site specified events that occur within the City of Bangor.

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 22, 2024

NEW BUSINESS ITEM NO.		ASSIGNED TO COUNCILOR
<u>PUBLIC HEARING</u>	Special Amusement Permit of Fandom Group LLC d/b/a Seasons on Main, 427 Main Street	HAWES
<u>PUBLIC HEARING</u>	Special Amusement Permit of Bangor Lodge of Elks #244 d/b/a Bangor Lodge of Elks #244, 108 Odlin Road	HAWES
<u>24-070</u> <u>ORDER</u>	Authorizing a Grant Application to the Maine Emergency Medical Services Stabilization and Sustainability Program in the amount of \$200,000 to Fund EMS Related Training Classes and Equipment	DEANE

Executive Summary: This Order will authorize a grant application to the Maine Emergency Medical Services (EMS) stabilization and sustainability program in the amount of \$200,000. This program was enacted into law by the 131st Legislature with the purpose of providing financial assistance to EMS in Maine.

The Maine Legislature has appropriated \$31 million for this program, which will be allocated in two separate time periods. The first funding period accounts for approximately 40% of the overall funding and is focused primarily on training and education.

Based on the funding formula developed by Maine EMS, the Bangor Fire Department is eligible to receive a maximum of \$200,000 in this round of funding with no local match required. The Fire Department will use this funding to purchase new training equipment, an online EMS education platform for all EMS providers, as well as iPads to use for EMS training. Additionally, the funding would cover the total cost for six (6) new hires, including wages and benefits, for the EMT class that the department is sponsoring in February, as well as any other training opportunities. We will also use the funds to increase the department's operational capability by purchasing one additional LUCAS mechanical CPR device.

This grant funding will remarkably enhance the stabilization and sustainability of the department's EMS division for years to come. This item was reviewed and recommended by the Finance Committee at the January 17, 2024 meeting.

<u>24-071</u> <u>ORDER</u>	Authorizing the Award of \$550,000 in State and Local Fiscal Recovery Funds to Community Care to Renovate the Shaw House Youth Shelter	LEONARD
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Executive Summary: This Order will authorize the award of \$550,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Community Care to support renovations of the Shaw House youth shelter, as part of an application submitted to Penobscot County's sub-recipient grant process.

Shaw House began engaging in 1991 with youth who are, or at-risk of, becoming homeless. Their mission is to provide safe shelter for youth experiencing homelessness, as well as diversion and transition from homelessness. The building that houses the Shaw House services, including a 16-bed emergency shelter, as well as Community Care's central office, was built in 1902 and requires significant repair to continue to serve as a haven for youth experiencing or at-risk of homelessness.

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 22, 2024

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

If approved, this award would provide a match to Penobscot County funding that, when combined with other funding sources, would support interior and exterior renovations as well as the replacement of the HVAC system.

This award is in support of the following:

- Investment in facilities to support disproportionately impacted communities
- Investment in public health measures in a congregate setting

24-072 ORDER Amending Council Order 23-333's Award of State and Local Fiscal Recovery Funds to Wellspring to Reflect the Penobscot County Funding Allocation of \$220,000 YACIOUBAGHA

Executive Summary: This Order would amend Council Order 23-333, adopted on October 23, 2023, that authorized the award of \$441,540 in State and Local Fiscal Recovery Funds (aka ARPA funds) from the City of Bangor to Wellspring to fund additional exterior work at a new facility. As the City Council and Penobscot County Commissioners finalized their partnership opportunities, the County Commissioners have committed to providing \$220,000 in ARPA Funding for this proposed work.

Therefore, this Order would reduce the ARPA grant award from the City from \$441,540 to \$221,540, to reflect the ARPA funding award from Penobscot County.

24-073 ORDER Authorizing the Award of \$50,000 in State and Local Fiscal Recovery Funds to Support the Replacement of an Emergency Generator at Bangor Nursing & Rehabilitation Center TREMBLE

Executive Summary: This Order will authorize the award of \$50,000 in State and Local Fiscal Recovery Funds (aka ARPA funds) to Bangor Nursing & Rehabilitation Center (BNRC) in support of the replacement of an emergency generator. This application was submitted through Penobscot County's sub-recipient grant process.

Providing service to the community since 1827, the City transferred operational control of the facility to a non-profit corporation in 1999. BNRC is currently a 60 bed facility that provides both short-term rehabilitative and long-term care. The City's Public Health and Community Services department is also located in a portion of the building.

Ensuring the safety of individuals in a congregate setting, and investing in the City's Public Health infrastructure, are integral to ensuring our community is prepared to meet the needs of at risk individuals and any public health emergency.

If approved, this award would provide 1/3rd of the funding to replace the emergency generator at BNRC. This project supports public health initiatives and the City was pleased to be able to work collaboratively with the Penobscot County Commissioners to invest in projects that will enhance our community for years to come.

REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 22, 2024

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

<u>24-074</u>	<u>RESOLVE</u>	Ratifying the City Manager's Appointment of Jennifer Gunderman as Public Health and Community Service Director	FOURNIER
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Executive Summary: This Resolve will ratify the execution of an employment agreement with Jennifer Gunderman to serve as the City of Bangor's Public Health and Community Services Director. Ms. Gunderman received her Bachelor's degree in Health Policy and Management, with a minor in Biology from Providence College, as well as a Masters Degree from Emory University in Public Health, and is currently pursuing her Doctorate of Public Health.

She has worked in a number of capacities within the public health arena both as a provider of services and in agency leadership and project management. She has served as a public health specialist and nutritionist, epidemiologist and health educator, with experience in strategic planning. Most recently, she served as the Director of the Maine Area Health Education Center. Ms. Gunderman's extensive and varied public health experiences will be a great fit to lead our Public Health department.

The proposed employment contract will authorize a starting salary of \$116,937. The term of this agreement is three (3) years and shall be automatically extended on an annual basis unless either party provides notice sixty (60) days prior to the expiration.



CONSENT AGENDA

*Meeting called to order at 7:30 PM
Chaired by Council Chair Pelletier
Councilors Absent: None
Meeting adjourned at 8:13 PM*

PUBLIC COMMENT

Wayne Mallar was concerned that there were exceptions being made for parking in violation of City code. He has made a records request to find out more about this.

Mark Gibson spoke in regard to homelessness and felt h City needed to look out more for the taxpayers.

Larry Dansinger would like to see grant money obtained for planting more trees. He was also interested in participatory budgeting regarding ARPA funds.

Mike Tuller felt if better accommodations could be provided to the homeless if everyone would think outside the box.

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

**Explanatory Note: All items listed in the Consent Agenda are considered routine and are proposed for adoption by the City Council by one motion without discussion or deliberation. If discussion on any item is desired any member of the Council or public may merely request removal of the item to its normal sequence in the regular agenda prior to a motion for passage of the Consent Agenda.*

MINUTES OF:

Bangor City Council Regular Meeting of December 27, 2023, Finance Committee Meeting of December 27, 2023, Government Operations Committee Meeting of January 3, 2024 and Infrastructure Committee Meeting of December 27, 2023

Action: Approved

**LIQUOR LICENSE
RENEWAL:**

Application for Liquor License Renewal, Malt, Wine, Spirits of Apple New England LLC d/b/a Applebee's Neighborhood Grill & Bar, 718 Hogan Road HAWES

Action: Approved

Application for Liquor License Renewal, Malt, Wine, Spirits of DMF International, Inc. d/b/a Post Security Café, 299 Godfrey Boulevard HAWES

Action: Approved

Application for Liquor License Renewal, Malt, Wine, Spirits of Hero's Sports Grill, LLC d/b/a Hero's Sports Grill, 41 Washington Street HAWES

Action: Approved

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

*Application for Liquor License Renewal, Malt, Wine, Spirits of
Blaze Bangor, LLC d/b/a Blaze, 18 Broad Street*

HAWES

Action: Approved

*Application for Liquor License Renewal, Malt, Wine, Spirits of
Endwell LLC d/b/a Paddy Murphy's, 26 Main Street*

HAWES

Action: Approved

24-053 **ORDER** *Authorizing the Execution of a Municipal Quitclaim Deed for
Real Estate Located at 23 Mount Desert Drive*

HAWES

Action: Passed

24-054 **ORDER** *Authorizing the City Manager to Accept \$3,471.40 in
Funds as Result of a State Criminal Forfeiture (Burgos)*

TREMBLE

Action: Passed

24-055 **ORDER** *Authorizing the City Manager to Accept \$2,000 in
Funds as Result of a State Criminal Forfeiture (Cash)*

DEANE

Action: Passed

24-056 **ORDER** *Authorizing the City Manager to Accept \$500 in Funds
as Result of a State Criminal Forfeiture (Edwards)*

FOURNIER

Action: Passed

24-057 **ORDER** *Authorizing the City Manager to Accept \$520 in Funds
as Result of a State Criminal Forfeiture (Gillotti)*

YACOUBAGHA

Action: Passed

24-058 **ORDER** *Authorizing the City Manager to Accept \$6,951.52 in
Funds, as Result of a State Criminal Forfeiture (Pickett)*

LEONARD

Action: Passed

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 8, 2024

**CONSENT AGENDA
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

24-059 ORDER *Accepting the 2023 Annual Report from the Commission on Cultural Development* **HAWES**

Action: Passed

24-060 ORDER *Accepting the 2023 Annual Report from Historic Preservation Commission* **FISH**

Action: Passed

24-061 ORDER *Accepting the 2023 Annual Report from the Planning Board* **SCHAEFER**

Action: Passed

24-062 ORDER *Authorizing a Lease Agreement with the Bangor Farmers' Market Association for the Winter Market to be Held at the Upper Abbott Square Parking Lot* **LEONARD**

Action: Passed

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

**ASSIGNED TO
COUNCILOR**

24-063 ORDINANCE *Amending Chap. 177, Art. II, Retail Marijuana, §177-7, by Adding Subsection 177-7(K), To Clarify That Retail Marijuana Establishments May Not Transact Sales of Cannabis at Off-Site Specified Events* **FISH**

Action: First Reading

**UNFINISHED BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

None.

**NEW BUSINESS
ITEM NO.**

**ASSIGNED TO
COUNCILOR**

PUBLIC HEARING *Special Amusement Permit of Endwell LLC d/b/a Paddy Murphy's, 26 Main Street* **HAWES**

*Action: Motion made and seconded to Open Public Hearing
Public Hearing Opened
Motion made and seconded to Close Public Hearing
Public Hearing Closed
Motion made and seconded for Approval
Approved*

MINUTES OF REGULAR MEETING BANGOR CITY COUNCIL – JANUARY 8, 2024

NEW BUSINESS
ITEM NO.

ASSIGNED TO
COUNCILOR

- | | | | |
|----------------------|-----------------------|---|--------------------|
| <u>24-064</u> | <u>ORDER</u> | <i>Authoring Contract with PCI Municipal Services, LLC for Parking Management Services for the Downtown Area and the Bangor International Airport</i> | TREMBLE |
| | <i>Action:</i> | <i>Motion made and seconded for Passage Passed</i> | |
| <u>24-065</u> | <u>ORDER</u> | <i>Authorizing the Allocation of \$250,000 in State and Local Fiscal Recovery Funds to Fund Public Restrooms</i> | YACIOUBAGHA |
| | <i>Action:</i> | <i>Motion made and seconded for Passage Passed</i> | |
| <u>24-066</u> | <u>RESOLVE</u> | <i>Establishing Housing as the Bangor City Council's Priority for the 2023-2024 Council Year</i> | SCHAEFER |
| | <i>Action:</i> | <i>Motion made and seconded for Passage Passed</i> | |

ATTEST: 
Lisa J. Goggin, MMC, City Clerk



Finance Committee Minutes

January 8, 2024

Council Chambers, 262 Harlow St.

Councilors in Attendance – Committee Members – Tremble, Fournier, Yacoubagha, Deane, Leonard

Councilors in Attendance – Non-Committee Members – Schaefer, Hawes, Pelletier, Fish

Staff in Attendance – Little, O'Donnell, Laurie, Theriault, Huotari

1. Bids/Purchasing

- a. Parking Management – Community & Economic Development / Airport – PCI Municipal Services, LLC – Multi-year – Year One Costs \$584,784

Motion made and seconded to recommend contract, passed unanimously.

- b. Final Design Services – Ohio Street Bridge – Engineering – Haley Ward - \$98,500

Motion made and seconded to approve contract, passed unanimously.

2. Quarterly Interim Financials

Staff presented interim financial statements through September 30, 2023 with additional information for areas outside of expected budget levels.

3. Update on Annual Audit

Finance Director, David Little provided an update on the status of the annual audit and the challenges staff has faced impacting the finalization. The anticipated issue date will be in February.

Start Time: 5:30 pm

End Time: 5:45 pm



Finance Committee Minutes

January 17, 2024

Council Chambers, 262 Harlow St.

Councilors in Attendance – Committee Members – Tremble, Fournier, Yacoubagha, Deane, Leonard

Councilors in Attendance – Non-Committee Members – Hawes, Pelletier, Fish

Staff in Attendance – Little, O'Donnell, Pelletier, Huotari

1. Council Order – Grant Application – Fire Department

Motion made and seconded to recommend to Council, motion passed unanimously.

Upcoming Items (subject to change)
(Anticipated dates are subject to change)

- Procurement Policy Recommendations (TBA)



CITY COUNCIL ACTION

01/22/2024 24-067

Council Meeting Date: 01/22/2024

Item No: 24-067

Responsible Dept: Legal

Requested Action: Order

Map/Lot: R47-007-A

Title, Order

Authorizing the Execution of Municipal Bill of Sale for Property Located at 142 Holiday Park

Summary

This Order will authorize the execution of a municipal bill of sale for property located at 142 Holiday Park. Real estate tax liens matured on the property owned by Jeffrey Lee Rouse and Cindy Ella Rouse, at 142 Holiday Park. The outstanding charges due the City have been paid. No loans are owed to the City that are secured by the mobile home, and there are no pending code enforcement issues with the mobile home.

Because the liens matured, a municipal bill of sale is required to release the City's interest in the mobile home.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date: 01/22/2024

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: Consent



CITY OF BANGOR ORDER

01/22/2024 24-067

Date: 01/22/2024

Item No: 24-067

Assigned to Councilor: Tremble

Authorizing the Execution of Municipal Bill of Sale for Property Located at 142 Holiday Park

Be it Ordered by the City Council of the City of Bangor that, David W. Little, Finance Director, is hereby authorized and directed, on behalf of the City of Bangor, to execute a Municipal Bill of Sale releasing any interest the City may have in the mobile home located at 142 Holiday Park by virtue of tax liens recorded in the Penobscot County Registry of Deeds in Book 15653, Page 69; Book 16103, Page 190; and Book 16546, Page 266. Said Bill of Sale shall be directed to Jeffrey Lee Rouse and Cindy Ella Rouse, and shall be in final form approved by the City Solicitor or Assistant City Solicitor.



CITY OF BANGOR ORDER

01/22/2024 24-068

Date: 01/22/2024

Item No: 24-068

Assigned to Councilor: Hawes

Authorizing City Manager to Execute MaineDOT Modification 1 to a Locally Administered Project Agreement for WIN #021663.00 Broadway Intersection Safety Improvements

Whereas, the total funding for the project increased from \$100,000.00 to \$175,000.00 with Federal Highways providing 90 percent funding of \$157,500 and the State providing 10 percent funding of \$17,500. The City of Bangor's share is zero.

Be it Ordered by the City Council of the City of Bangor that,

the City Manager is hereby authorized to execute the Modification 1 to a Locally Administered Project Agreement with the Maine Department of Transportation for WIN #021663.00 Broadway Intersection Safety Improvements.



<i>MaineDOT use only</i>	
CSN: <u>37610</u>	_____
AMS ID: <u>20170609000000000744</u>	_____
PROGRAM: <u>Multimodal</u>	_____

MAINE DEPARTMENT OF TRANSPORTATION
Modification 1 to a Locally Administered Project Agreement
 With the
City of Bangor
 Regarding
Intersection Safety Improvements on Broadway

<i>MaineDOT Use Only: Payable Agreement – No Local Share</i>	
Total Amount: <u>\$175,000.00</u>	MaineDOT WIN: <u>021663.00</u>
Federal Share: <u>\$157,500.00 (90%)</u>	Federal Project #: <u>HSIP-2166(300)</u>
State Share: <u>\$17,500.00 (10%)</u>	Vendor ID: <u>VC1000007010</u>
Agreement Begin Date: <u>06/07/2017</u>	SAM Unique Entity ID: <u>MLLMBKS2LVQ5</u>
Agreement End Date: <u>04/30/2027</u>	Federal Assistance Listing #: <u>20.205</u>

Modification 1 amends an Agreement between MaineDOT and the City of Bangor that was executed on June 7, 2017, for the highway safety project referenced above. This modification adds money to cover preliminary engineering work performed before the project was advertised, as well as construction engineering work to be performed by City staff, as follows:

- Increased Agreement Amount.** The estimated Project Cost shall be increased by \$75,000.00, rising from \$100,000.00 to \$175,000.00.
- Increased Payable Amount.** The maximum payable to the City at the rate of 100 percent of participating costs shall be increased by \$75,000.00 – rising from \$100,000.00 to \$175,000.00.
- Expiration Date.** The expiration date of the Agreement shall be extended from June 30, 2022 to April 30, 2027.

All other terms and conditions of the original Agreement shall remain in effect without a gap. MaineDOT and the City of Bangor, by their duly authorized representatives, have executed this modification to the original Agreement on the date last signed below.

City of Bangor

Maine Department of Transportation

By: _____
Debbie Laurie, City Manager *

By: _____
Daniel Loring, Project Manager *

Date: _____

Date: _____

** I certify that the foregoing signature is true and accurate. I further certify – pursuant to 10 M.R.S.A. §9502, et seq. – that the signature, if electronic: (a) is intended to have the same force as a manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my sole control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*



REFERRALS TO
COMMITTEES
& FIRST READING



CITY COUNCIL ACTION

Council Meeting Date: January 22, 2024

Item No:

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: 002-009

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone the Property Located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD).

Summary

This Ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot 002-009, located at 108 Odlin Road, from a combination of Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to only Urban Service District (USD). The total area requested to be changed is approximately 6.27 acres. The applicant and owner of record is Bangor Lodge #244 B.P.O. Elks (also known as Bangor Elks Lodge).

The area around the property consists primarily of commercial and residential uses. The zoning in the area is primarily USD to the west and north and URD-1 to the east. This area is within the growth boundary shown in the 2022 Comprehensive Plan, and the future land use map in the Plan shows this property in the Airport Commercial area, which consists of "commercial and industrial areas in proximity to Bangor's airport that support, complement, or benefit from the airport's proximity."

Committee Action

Committee: Planning Board

Meeting Date: February 6, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: January 22, 2024

Assigned to Councilor: Hawes

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone the Property Located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD).

WHEREAS, the area around the subject property consists primarily of commercial and residential uses, and the zoning in the area is primarily USD to the west and north and URD-1 to the east; and

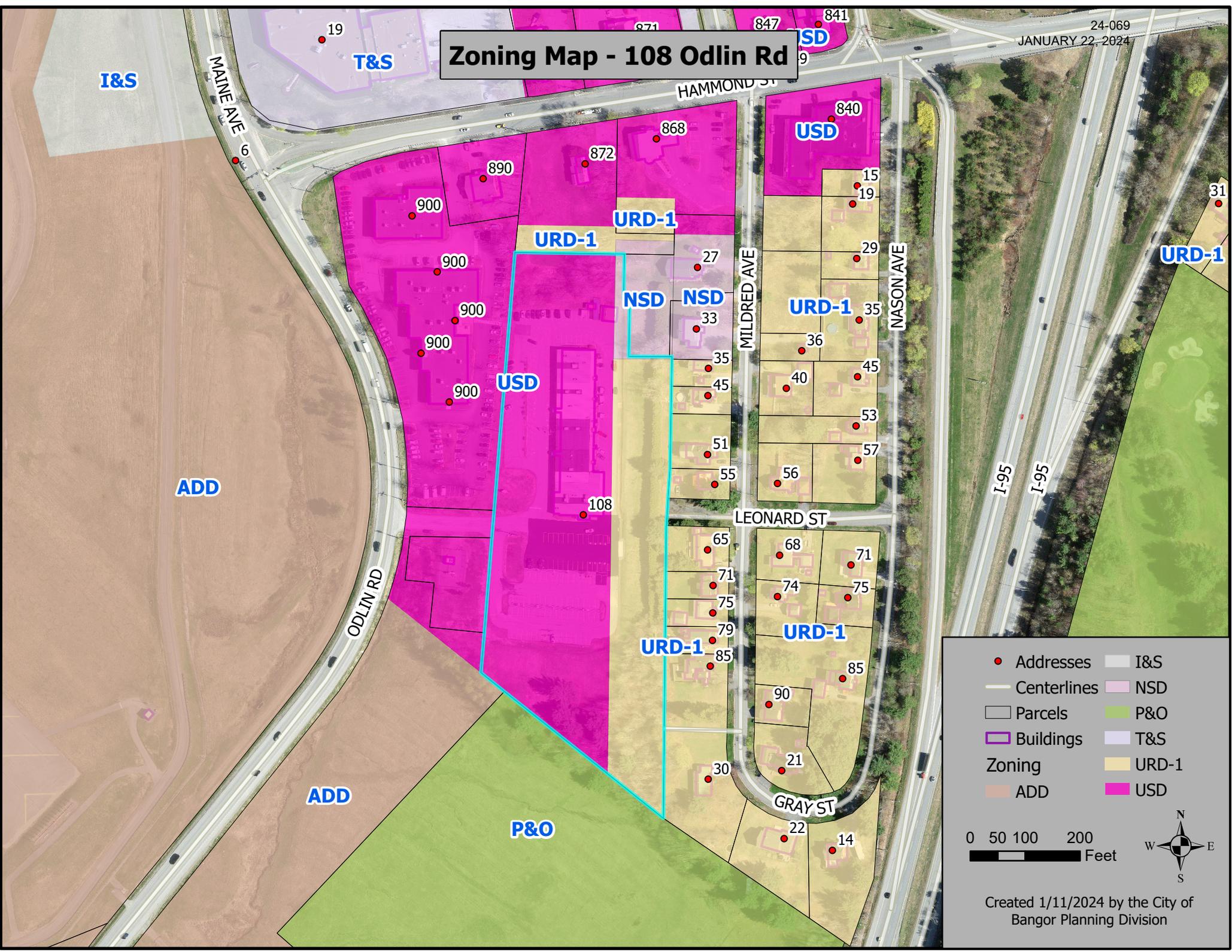
WHEREAS, the 2022 Comprehensive Plan shows this property in the Airport Commercial area, which consists of "commercial and industrial areas in proximity to Bangor's airport that support, complement, or benefit from the airport's proximity";

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

Chapter 165 of the Code of the City of Bangor, District Map, is amended to reclassify the property at Map-Lot 002-009, located at 108 Odlin Road from Urban Residence 1 District (URD-1), Neighborhood Service District (NSD), and Urban Service District (USD) to Urban Service District (USD). The total area requested to be changed is approximately 6.27 acres and is shown in the attached exhibit.

Zoning Map - 108 Odlin Rd

24-069
JANUARY 22, 2024



● Addresses	■ I&S
— Centerlines	■ NSD
□ Parcels	■ P&O
■ Buildings	■ T&S
Zoning	■ URD-1
■ ADD	■ USD

0 50 100 200 Feet

Created 1/11/2024 by the City of Bangor Planning Division



UNFINISHED
BUSINESS



CITY COUNCIL ACTION

Council Meeting Date: November 27, 2023

Item No: 24-033

Responsible Dept: City Manager

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 9, City Council, Section 8, Standing Committees by Assigning the Airport Department to the Business & Economic Development Committee and Making Minor Housekeeping Revisions

Summary

If approved, this Ordinance amendment would assign responsibility for Airport operational and capital items to the Business & Economic Development (B&ED) Committee, thereby eliminating the Airport Committee. While this does represent a change, prior to the establishment of the Airport Committee, all Airport related items were under the purview of the B&ED Committee. By reassigning this role to the B&ED Committee, one Committee will be charged with the oversight of development within the City.

In addition, this amendment would make minor housekeeping revisions that are a result of newly adopted policy and/or the realignment of departments.

Committee Action

Committee: City Council Workshop

Meeting Date: November 15, 2023

Action:

For:

Against:

Staff Comments & Approvals



 City Manager



 City Solicitor



 Finance Director

Introduced for: First Reading



CITY COUNCIL ORDINANCE

Date: November 27, 2023

Assigned to Councilor: Schaefer

ORDINANCE, Amending Chapter 9, City Council, Section 8, Standing Committees by Assigning the Airport Department to the Business & Economic Development Committee and Making Minor Housekeeping Revisions

WHEREAS, at present, there is a separate Airport Committee; and

WHEREAS, in order to streamline the Standing Committee process and better align operations, items related to the operations of Bangor International Airport will be reviewed by the Business & Economic Development Committee, thereby eliminating the Airport Committee;

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

Chapter 9 of the Code of the City of Bangor is amended as follows:

§ 9-8 Standing Committees.

A. There shall be five ~~six~~ standing committees of the City Council, to be known as the:

- (1) Finance Committee.
- (2) Government Operations Committee.
- (3) Business and Economic Development Committee.
- (4) Infrastructure Committee.
- ~~(5) Airport Committee.~~
- (5) Personnel Committee

...

C. Finance Committee. The Finance Committee shall have the following duties:

...

- (d) The total amount to be expended under the terms of the contract does not exceed \$250,000
~~100,000~~.

- (2) Review of bids and advisory comment to the City Council on proposed contracts for the purchase of supplies, equipment and services and the construction of public facilities not qualifying for direct award by the Committee pursuant to Subsection **C(1)** above.

- (3) Review of bids and final approval for the issuance of bonds for short-term and long-term borrowings where such borrowings have previously been approved by the City Council.
- (4) Review and advisory comment to the City Council regarding proposed Council orders, ordinances, resolves or other items relating to the following departments, divisions and special appropriation accounts: City Council, City Manager, finance, assessing, legal, pensions, ~~insurance~~, debt service, library, education and county taxes.
- (5) Upon recommendation of the City Manager, City Solicitor, City Finance Director, City Tax Collector or City Treasurer, review and approve, without further action by the City Council, the settlement, compromise or payment of City claims and accounts, including claims against the City, subject to the following limitations:

(a) Tax collection accounts, including tax abatements for infirmity or poverty pursuant to 36 M.R.S.A. § 841, Subsection 2, in any amount and charge-offs pursuant to 36 M.R.S.A. § 841, Subsection 3, not exceeding \$1,500 per account.

(b) City claims and collection accounts not exceeding \$10,000 per account.

~~(c) Insured claims against the City for property damage or personal injury not exceeding the lesser of \$50,000 or the limit of applicable insurance.~~

~~(d) Self insured claims against the City not exceeding \$10,000.~~

(6) Review and recommendation to the Council on resolves appropriating any City funds.

D. Government Operations Committee. The Government Operations Committee shall have the following duties:

- (1) Review and advisory comment to the City Council regarding proposed Council orders, ordinances, resolves or other items relating to the following departments, divisions and special appropriation accounts: City Clerk, police, fire, health and community services, parks and recreation, harbor, insurance, and administrative services. **[Amended 2-13-2012 by Ord. No. 12-069]**
- (2) Review and advisory comment to the City Council regarding agreements for the rental or lease of land and/or buildings under the control of the departments outlined above in Subsection **D(1)**. The Committee shall not grant options for the sale of land or buildings or finally authorize the sale of such facilities without prior approval of the City Council. In the event the Committee unanimously recommends approval of an agreement for the rental or lease of land and/or buildings, the Council order for approval shall be placed on the consent agenda portion of the City Council agenda. **[Amended 4-12-2010 by Ord. No. 10-111]**
- (3) Review and advisory comment to the City Council concerning changes and modifications to the City's parking regulations and policies outside of the Downtown Parking Management District.
- (4) Review and advisory comment to the City Council concerning matters relating to intergovernmental affairs.
- (5) Upon recommendation of the City Manager, City Solicitor, City Finance Director, City Tax Collector or City Treasurer, review and approve, without further action by the City Council, the settlement, compromise or payment of City claims and accounts, including claims against the City, subject to the following limitations:

(a) Insured claims against the City for property damage or personal injury not exceeding the lesser of \$50,000 or the limit of applicable insurance.

(b) Self-insured claims against the City not exceeding \$10,000.

E. Business and Economic Development Committee. The Business and Economic Development Committee shall have

the following duties:

- (1) Review and advisory comment to the City Council on proposed Council orders, ordinances, resolves or other items relating to the following departments, divisions and special appropriation accounts: community and economic development, Bass Park, Airport, Parking Fund, golf course, planning, code enforcement and Economic Development Fund. **[Amended 2-8-2010 by Ord. No. 10-063; 4-25-2011 by Ord. No. 11-119]**
- (2) Review and advisory comment to the City Council regarding agreements for the rental or lease of land and/or buildings under the control of the departments listed in Subsection **E(1)**. The Committee shall not grant options for the sale of land or buildings or finally authorize the sale of such facilities without prior approval of the City Council. In the event the Committee unanimously recommends approval of an agreement for the rental or lease of land and/or buildings, the Council order for approval shall be placed on the consent agenda portion of the City Council agenda. **[Amended 4-12-2010 by Ord. No. 10-111]**
- (3) Review and advisory comment to the City Council concerning economic development projects requiring final City Council approval.
- (4) Review and advisory comment to the City Council concerning other special development or redevelopment projects which require final City Council approval.
- (5) Review and advisory comment regarding capital plans and programs of the airport.
- (6) Advisory assistance to the City Council on federal and state legislation and regulatory matters affecting the Airport Fund.
- (75) Review and advisory comment to the City Council concerning changes and modifications to the City's parking regulations and policies in the Downtown Parking Management District.
- (86) Review and approval of user fees at the golf course.
- (97) Review and advisory comment to the City Council concerning proposed changes in the City's Comprehensive Plan and Land Development Code. [Added 4-25-2011 by Ord. No. 11-119]
- (108) Review and advisory comment on such other matters involving the departments and divisions listed in Subsection **E(1)** above as may be referred to the Committee by the Council or the City Manager.

F. Infrastructure Committee. The Infrastructure Committee shall have the following duties:

- (1) Review and advisory comment to the City Council on proposed Council orders, ordinances, resolves or other items relating to the following departments, divisions and special appropriation accounts: engineering, public works, the Sewer Fund, to include user fees and rates, and all matters related to stormwater management and funding. **[Amended 4-25-2011 by Ord. No. 11-119; 2-13-2012 by Ord. No. 12-069]**
- (2) Review and any comment to the City Council regarding agreements for the rental or lease of land and/or buildings under the control of the departments listed in Subsection **F(1)**. The Committee shall not grant options for the sale of land or buildings or finally authorize the sale of such facilities without prior approval of the City Council. In the event the Committee unanimously recommends approval of an agreement for the rental or lease of land and/or buildings, the Council order for approval shall be placed on the consent agenda portion of the City Council agenda. **[Amended 4-12-2010 by Ord. No. 10-111]**
- (3) Review and advisory comment regarding capital plans and programs of the Sewer Fund.
- (4) Review and approval, in accordance with Chapter **252**, Sewers and Drains, § **252-25**, of sewer abatements due to lost water, abatements due to water used in end manufactured products and

development discounts.

(5) Advisory assistance to the City Council on federal and state legislation and regulatory matters affecting the Sewer Fund.

(6) Review and advisory comment on such other matters involving the departments and divisions listed in Subsection **F(1)** above as may be referred to the Committee by the Council, the City Engineer or the City Manager.

G. Personnel Committee. The Personnel Committee shall have the following duties and responsibilities:

(1) Review and advisory comment to the City Council regarding applicants for positions on City boards, commissions and committees.

(2) Hear employee grievances as required by the City of Bangor Personnel Rules and Regulations.

~~H. Airport Committee. The Airport Committee shall have the following duties: **[Added 2-8-2010 by Ord. No. 10-063]**~~

~~(1) Review and advisory comment to the City Council on proposed Council orders, ordinances, resolves or other items relating to Bangor International Airport.~~

~~(2) Review and advisory comment to the City Council regarding final approval of agreements for the rental or lease of land and/or buildings under the control of the airport. The Committee shall not grant options for the sale of land or buildings or finally authorize the sale of such facilities without prior approval of the City Council. In the event the Committee unanimously recommends approval of an agreement for the rental or lease of land and/or buildings, the Council order for approval shall be placed on the consent agenda portion of the City Council agenda. **[Amended 4-12-2010 by Ord. No. 10-111]**~~

~~(3) Review and advisory comment regarding capital plans and programs of the airport.~~

~~(4) Advisory assistance to the City Council on federal and state legislation and regulatory matters affecting the Airport Fund.~~

~~(5) Review and advisory comment on such other matters involving the airport as may be referred to the Committee by the Council, the Airport Director, or the City Manager.~~

Additions are underlined, deletions struck through.



CITY COUNCIL ACTION

Council Meeting Date: January 8, 2024

Item No: 24-063

Responsible Dept: Legal

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chap. 177, Art. II, Retail Marijuana, §177-7, by Adding subsection 177-7(K), To Clarify That Retail Marijuana Establishments May Not Transact Sales of Cannabis at Off-Site Specified Events

Summary

This Ordinance amendment, if passed, would amend Chapter 177, Article II, Retail Marijuana, to clarify that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site specified events that take place within the City of Bangor.

The State Legislature recently enacted LD 202, "An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events." This state law does not require municipalities to permit sales of adult use cannabis or cannabis products at off-site specified events, but sets up a procedure for adult use cannabis stores to apply for a permit from the State Department of Administrative and Financial Services, which would be a temporary authorization from the State for a cannabis store to conduct sales of adult use cannabis and cannabis products at specified events. These specified events would typically occur off the premises of an adult use cannabis store, and the requests for State permits may come from adult use cannabis stores located within or outside the City of Bangor.

An applicant for a State permit would need municipal authorization in order to obtain the State permit, and the state law allows municipalities to restrict the sale of adult use cannabis and cannabis products at specified events, including prohibiting such sales. Without municipal approval, an applicant will not be able to obtain a State permit.

As the state law does not allow consumption of cannabis at the specified event, policing to ensure compliance with the state law is anticipated to be an issue organizers of specified events would have to address were such off-site cannabis sales to be permitted at specified events.

This item was reviewed by the Government Operations Committee at its January 3, 2024 meeting, with the Committee recommending the proposed ordinance revision, which clarifies that retail marijuana establishments may not transact sales of adult use cannabis or cannabis products at off-site specified events that occur within the City of Bangor.

Committee Action

Committee: Government Operations

Meeting Date: January 3, 2024

Action: Recommended for passage

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading



CITY COUNCIL ORDINANCE

Date: January 8, 2024

Assigned to Councilor: Fish

ORDINANCE, Amending Chap. 177, Art. II, Retail Marijuana, §177-7, by Adding subsection 177-7(K), To Clarify That Retail Marijuana Establishments May Not Transact Sales of Cannabis at Off-Site Specified Events

WHEREAS, the recent passage of the state law known as LD 202 has generated a need for the City to amend its Retail Marijuana ordinance to clarify regarding adult use cannabis establishments transacting sales of adult use cannabis or cannabis products at off-site specified events that occur within the City of Bangor;

WHEREAS, the City Council finds that it is in the best interests of the City to clarify that adult use cannabis stores may not transact sales of cannabis or cannabis products at off-site specified events that occur within the City of Bangor;

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

Chapter 177, Article II, Retail Marijuana, of the Code of the City of Bangor is hereby amended as follows:

§ 177-7 Security and oversight requirements.

....

K. A retail marijuana establishment or adult use cannabis store, whether located within or outside the City of Bangor, may not transact sales of adult use cannabis or cannabis products at off-site, specified events that take place within the City of Bangor.

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



NEW BUSINESS



CITY COUNCIL ACTION

01/22/2024 24-070

Council Meeting Date: 01/22/2024

Item No: 24-070

Responsible Dept: Fire

Requested Action: Order

Map/Lot: N/A

Title, Order

Authorizing a Grant Application to the Maine Emergency Medical Services Stabilization and Sustainability Program in the Amount of \$200,000 to Fund EMS Related Training Classes and Equipment

Summary

This Order will authorize a grant application to the Maine Emergency Medical Services (EMS) stabilization and sustainability program in the amount of \$200,000. This program was enacted into law by the 131st Legislature with the purpose of providing financial assistance to EMS in Maine.

The Maine Legislature has appropriated \$31 million for this program, which will be allocated in two separate time periods. The first funding period accounts for approximately 40% of the overall funding and is focused primarily on training and education.

Based on the funding formula developed by Maine EMS, the Bangor Fire Department is eligible to receive a maximum of \$200,000 in this round of funding with no local match required. The Fire Department will use this funding to purchase new training equipment, an online EMS education platform for all EMS providers, as well as iPads to use for EMS training. Additionally, the funding would cover the total cost for six (6) new hires, including wages and benefits, for the EMT class that the department is sponsoring in February, as well as any other training opportunities. We will also use the funds to increase the department's operational capability by purchasing one additional LUCAS mechanical CPR device.

This grant funding will remarkably enhance the stabilization and sustainability of the department's EMS division for years to come. This item was reviewed and recommended by the Finance Committee at the January 17, 2024 meeting.

Committee Action

Committee: Finance Committee
Action: Recommend for passage

Meeting Date: 01/17/2024
For: 5 Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

01/22/2024 24-070

Date: 01/22/2024

Item No: 24-070

Assigned to Councilor: Deane

Authorizing a Grant Application to the Maine Emergency Medical Services Stabilization and Sustainability Program in the Amount of \$200,000 to Fund EMS Related Training Classes and Equipment

Be it Ordered by the City Council of the City of Bangor that, the City Manager is hereby authorized to submit a grant application to the Maine Emergency Medical Services Stabilization and Sustainability Program in the amount of \$200,000 to fund EMS related training classes and equipment.



CITY OF BANGOR ORDER

01/22/2024 24-071

Date: 01/22/2024

Item No: 24-071

Assigned to Councilor: Leonard

Authorizing the Award of \$550,000 in State and Local Fiscal Recovery Funds to Community Care to Renovate the Shaw House Youth Shelter

WHEREAS, the City of Bangor and Penobscot County Commissioners are committed to work collaboratively where possible in the distribution of State and Local Fiscal Recovery Funds; and

WHEREAS, Penobscot County undertook a sub-recipient application process; and

WHEREAS, the application from Community Care is to renovate the Shaw House youth shelter; and

WHEREAS, the City Council determined that this project supports the safety of individuals in a congregate setting who are disproportionately impacted community members;

Now, Therefore, Be it Ordered by the City Council of the City of Bangor that, \$550,000 in State and Local Fiscal Recovery Funds are awarded to Community Care to renovate the the Shaw House youth shelter.



CITY OF BANGOR ORDER

01/22/2024 24-072

Date: 01/22/2024

Item No: 24-072

Assigned to Councilor: Yacoubagha

Amending Council Order 23-333's Award of State and Local Fiscal Recovery Funds to Wellspring to Reflect the Penobscot County Funding Allocation of \$220,000

WHEREAS, the City of Bangor and Penobscot County Commissioners committed to work collaboratively, when possible, in the distribution of State and Local Fiscal Recovery Funds; and

WHEREAS, the City of Bangor conducted an open and public application process to review projects submitted for consideration; and

WHEREAS, the City Council determined that this request supports disproportionately impacted community members, enhances access to substance use treatment and recovery as well as mental health services, and improves public health; and

WHEREAS, Council Order 23-333 authorized a grant award to Wellspring in the amount of \$441,540; and

WHEREAS, the Penobscot County Commissioners have approved \$220,000 of State and Local Fiscal Recovery Funds in partnership with the City of Bangor for this project;

Now Therefore Be it Ordered by the City Council of the City of Bangor that, Council Order 23-333's original grant award of \$441,540 is hereby amended to \$221,540 to reflect the contribution from Penobscot County.



CITY OF BANGOR ORDER

01/22/2024 24-073

Date: 01/22/2024

Item No: 24-073

Assigned to Councilor: Tremble

Authorizing the Award of \$50,000 in State and Local Fiscal Recovery Funds to Support the Replacement of an Emergency Generator at Bangor Nursing & Rehabilitation Center

WHEREAS, the City of Bangor and Penobscot County Commissioners are committed to work collaboratively where possible in the distribution of State and Local Fiscal Recovery Funds; and

WHEREAS, Penobscot County undertook a sub-recipient application process; and

WHEREAS, the application from BNRC was to support the replacement of an emergency generator; and

WHEREAS, the City Council determined that this project supports the safety of individuals in a congregate setting as well as City's Public Health department;

Now, Therefore, Be it Ordered by the City Council of the City of Bangor that, \$50,000 in State and Local Fiscal Recovery Funds are awarded to BNRC to support the replacement of an emergency generator.



CITY COUNCIL ACTION

01/22/2024 24-074

Council Meeting Date: 01/22/2024

Item No: 24-074

Responsible Dept: City Manager

Requested Action: Resolve

Map/Lot: N/A

Title, Resolve

Ratifying the City Manager's Appointment of Jennifer Gunderman as Public Health and Community Services Director

Summary

This Resolve will ratify the execution of an employment agreement with Jennifer Gunderman to serve as the City of Bangor's Public Health and Community Services Director. Ms. Gunderman received her Bachelor's degree in Health Policy and Management, with a minor in Biology from Providence College, as well as a Masters Degree from Emory University in Public Health, and is currently pursuing her Doctorate of Public Health.

She has worked in a number of capacities within the public health arena both as a provider of services and in agency leadership and project management. She has served as a public health specialist and nutritionist, epidemiologist and health educator, with experience in strategic planning. Most recently, she served as the Director of the Maine Area Health Education Center. Ms. Gunderman's extensive and varied public health experiences will be a great fit to lead our Public Health department.

The proposed employment contract will authorize a starting salary of \$116,937. The term of this agreement is three (3) years and shall be automatically extended on an annual basis unless either party provides notice sixty (60) days prior to the expiration.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR RESOLVE

01/22/2024 24-074

Date: 01/22/2024

Item No: 24-074

Assigned to Councilor: Fournier

Ratifying the City Manager's Appointment of Jennifer Gunderman as Public Health and Community Services Director

Whereas, the City of Bangor has a vacancy in the position of Public Health and Community Services Director, and

Whereas, Jennifer Gunderman has the requirements for the position;

Be it Resolved by the City Council of the City of Bangor that, the execution of the employment contract by the City Manager for Jennifer Gunderman to serve as the City's Public Health and Community Services Director is hereby ratified and approved.

EMPLOYMENT CONTRACT

THIS Agreement, made and entered into this ___ day of January 2024, by and between the CITY OF BANGOR (Penobscot County), State of Maine, a municipal corporation, hereinafter sometimes referred to as 'Employer', and Jennifer Gunderman, of Belfast, Maine, hereinafter sometimes referred to as " Employee."

WITNESSETH:

WHEREAS, the City of Bangor desires to employ the services of said Jennifer Gunderman as Public Health and Community Service Director of the City of Bangor; and

WHEREAS, the parties have reached agreement as to the benefits, conditions of employment, and working conditions of said Employee;

NOW, THEREFORE, in consideration of the mutual covenants therein contained, the parties agree as follows:

Section 1. Duties

Employer hereby agrees to employ said Jennifer Gunderman to perform the functions and duties of Public Health and Community Service Director of the City of Bangor as specified under the Charter and the Ordinances of the City of Bangor, the laws of the State of Maine, and applicable federal laws, and to perform such other duties and functions as the City Manager shall from time-to-time assign. Subject to the provisions contained therein, Employee shall serve at the pleasure of the City Manager.

Section 2. Term

- A. Subject to the provisions of Section 6 of this Agreement, Employee agrees to remain in the exclusive employ of the Employer until April 1, 2027 and neither to accept other employment nor to become employed by any other employer so long as this Agreement shall be in effect.
- B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from their position with Employer, upon sixty (60) days' notice to Employer, subject only to the provisions set forth in Section 3 of this Agreement.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Manager to immediately terminate the services of Employee at any time, subject only to the provisions set forth in Section 3 of this Agreement.
- D. In the event written notice is not given by either party to this Agreement to the other thirty (30) days prior to April 1, 2027, this Agreement shall be extended on the same terms and conditions providing for an additional term of one (1) year. Said Agreement shall continue for successive one (1) year periods unless either party thereto gives thirty (30) days' written notice to the other party that the party does not wish to extend this Agreement for an additional one (1) year term.

Section 3. Termination and Severance Pay

In the event Employee is terminated by the City during, or at the expiration of the aforesaid term of employment, or during any extension thereof, and during such time that Employee is willing and able to perform their duties under this Agreement, then in that event Employer agrees to pay Employee a lump sum cash payment equal to three (3) months' aggregate salary. Employee shall vacate their position with Employer immediately upon notice of termination, provided that the Employee and Employer may negotiate an alternate date that Employee vacates their position with Employer. In the event Employee is terminated because of willful misconduct or intentional wrongdoing related to their employment with Employer, or because of their conviction of any illegal act involving personal gain to him, then Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph or to continue Employer provided benefits, except to the extent that such benefits are required by law or the Personnel Rules and Regulations of the City of Bangor.

Section 4. Salary

- A. Employer agrees to pay Employee for their services rendered pursuant to the Executive pay schedule (Executive Pay Grade 3, Step 9) of the City of Bangor with an initial annual base salary of one hundred sixteen thousand nine hundred thirty-seven dollars (\$116,937), payable in installments at the same time as other employees of the Employer are paid.
- B. Employer agrees to handle future salary increases beyond that outlined in A above in the same fashion as salary increases are handled for other Executive Level Employees.

Section 5. Performance Evaluation

- A. On an annual basis, the City Manager and Employee shall define such goals and performance objectives which they deem necessary for the proper operation of City Departments and shall reduce said goals and objectives to writing. They shall generally be attainable within the time limitations specified and the annual operating and capital budgets and appropriations provided.
- B. The City Manager shall review and evaluate the performance of the Employee annually on or about the Employee's date of hire as Public Health and Community Service Director with the City. Said review and evaluation shall be in accordance with the goals and performance objectives jointly developed by the City Manager and Employee and the normal standards used to evaluate the performance of other City employees which are applicable to Employee's position. A work plan for the first year may be developed outlining the above referenced goals and objectives.
- C. In effecting the provisions of this Section, the City Manager and Employee mutually agree to abide by the provisions of applicable law.
- D. Employee agrees and understands that the term of their employment as Public Health and Community Service Director shall be subject to the City's Personnel Rules and Regulations as they currently exist and as they may be modified from time to time except where provisions of this Agreement modify or supersede the Personnel Rules and Regulations.

Section 6. Outside Activities

Employee shall not participate in any non-Employer connected business or employment without prior notification to and the approval of the City Manager.

Section 7. Fringe Benefits

- A. Employer agrees to allow the employee to accumulate three (3) weeks of vacation upon hire. The employee will receive one (1) week of their annual leave bank immediately upon hire.
- B. Employer agrees to pay or reimburse for professional development, education, and training expenses that are related in scope of position, to the extent that such costs are budgeted and approved by the Employer's governing body.
- C. Employer agrees to provide Employee with all categories of fringe benefits in the same amounts and coverages as are provided from time to time by employer to other employees of the City of Bangor at the Executive Level.

Section 8. Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claims or demand or other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the performance of Employee's duties as City Solicitor. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 9. Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 10. Other Terms and Conditions of Employment

The City Manager, in consultation with the Employee, shall fix any such other terms and conditions of employment, as may be determined from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter or any other law.

Section 11. Notices

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

Employer: City of Bangor
73 Harlow Street Bangor, Maine 04401
Attn: City Manager

Employee: Jennifer Gunderman
8 Sandalwood Rd.
Belfast, Maine 04915

Alternately, notices required pursuant to this Agreement may be personally served in the same manner as is prescribed for personal service of process under the Maine Rules of Civil Procedure. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 12. General Provisions

- A. The text therein shall constitute the entire Agreement between the parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.
- C. This Agreement shall become effective commencing April 1, 2023, or when Employee assumes the position as Public Health and Community Service Director, whichever shall occur first.
- D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WTHEIREOF, The City of Bangor has caused this Agreement to be signed and executed in its behalf by its City Manager, and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

CITY OF BANGOR

Deborah Laurie
City Manager

Jennifer Gunderman

ATTEST:

City Clerk

City Solicitor