



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	09/21/2022	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	4.j ) Consider acceptance of CDBG Public Service Grant Award - Council Resolution		
<b>Est. Cost</b>	n/a		

**Background Information**

The City of Gardiner has received a Public Service Grant through the Office of Community Development in the amount of \$50,000. This grant is earmarked for the Boys and Girls Club of Kennebec Valley to help offset cost of programing.

As part of Phase II of the grant, City Council through a public hearing process must accept the grant funds.

The city is not responsible for any match requirement. The Council Resolution and back up documents are attached.

<b>Requested Action</b>	'I move to approve the acceptance of a CDBG Grant in the amount of \$50,000.00 on behalf of the Boys and Girls Club"
<b>City Manager and/or Finance Review</b>	The City Manager recommends the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____



## Step Two: The Community Development Advisory Committee

Each community receiving Community Development Block Grant (CDBG) funds must form a community development advisory committee (CDAC) to oversee and guide their project through its planning and implementation stages. The committee is formally created and appointed by the community's governing body.

### Roles for the CDAC

The CDAC performs several functions:

- **Selection of consultants and/or contractors** – including developing requests for proposals
- **Community input** – organizing opportunities for the public to be involved in the projects.
- **Public relations** – organizing and publicizing the project and its progress.
- **Handling complaints** – developing and implementing a policy for hearing and resolving complaints about the project. (See the Policy Statement #13 on Handling Complaints following this section)

### Who to appoint

Selecting members of the community to serve on the committee is very important. The community should contain representatives of the various stakeholders in your project, **ESPECIALLY** residents of your target area or individuals who may use the services you will support with CDBG funds. This will help the CDAC structure a program that truly meets the needs of the target group.

### Possible Committee Members (submit actual list with your Project Development package)

Committee Member	Affiliation
Carrie Arsenault	Johnson Hall
Colin Frey	City Councilor
Debby Willis (Chair)	Resident
Doug Baston	Resident
Melissa Lindley	Gardiner Main Street
Tamara Whitmore	Resident
Terry Berry	City Councilor
Tracey Desjardins	City of Gardiner



Department  
Of  
Economic and Community Development  
111 Sewall Street, 3rd Floor  
59 Statehouse Station  
Augusta, Maine 04333

**POLICY STATEMENT #13**

**Subject:** *CDBG Program Complaint Policy*

**Revised:** **March, 2012**

During the implementation of a CDBG project, the Office of Community Development (OCD) is available to advise the community in completing the project and complying with Federal and state regulations. The CDBG Program awards funds to communities who in turn must create local guidelines to implement their programs. Communities are also responsible for local program administration.

It is the policy of the OCD that each community establish its own procedure for handling complaints about the implementation of its program. If caught early, most complaints are easily resolved and require minimal action. Because the local program administrator is most familiar with local needs, the guidelines of the community program and its implementation, every attempt should be made to resolve a complaint at the local level. Local community development staff should attempt to resolve complaints by utilizing a policy adopted by the community development program or by the municipality. OCD staff will be happy to provide guidance and advice **but will not resolve local disputes**. The role of the OCD is to ensure that the local procedure has been fairly and appropriately followed, and that it is consistent with Federal and state requirements.

At the time of a complaint, the local community development staff or CDBG administrator should share a copy of the CDBG Guidelines with the complainant. If the community does not have a set of guidelines, the individual could be provided with a copy of the project application to learn more about the project and its goals.

*Local community development staff or the CDBG administrator will use the following complaint process:*

1. Request that all complaints be submitted in writing to the **local** community development office.
2. The local CDBG program administrator should respond in writing within a specified time frame. If the response is not satisfactory, the complainant should request in writing that

the complaint be forwarded to the Chief Executive Officer of the community. The CEO would then respond in writing within a specified time frame.

3. If the complainant remains unsatisfied with the local resolution, they may contact the Office of Community Development CDBG Program Manager. The CDBG Program Manager may request that the complainant forward the written complaint and copies of all correspondence pertaining to the complaint to the OCD.

**It is the policy of the OCD and the CDBG Program Manager not to interfere with the decisions reached by a community that is in keeping with the CDBG regulations.** The OCD review will ensure that the process has been fair and consistent with program regulations (local, federal and state). However, the decision of the Program Manager whether in favor with the community, the complainant or a compromise, will be final.



September 14, 2022


Ms. Brianne Hasty  
Office of Community Development  
59 State House Station  
Augusta, ME 04333-0059

Dear Ms. Hasty:

The Planning Board has reviewed the 2022 Public Service Grant Program. The City is a Certified Local Government, and will follow the established procedures for review of the Boys and Girls Club of Kennebec Valley Equipment for the new program spaces project.

This project is consistent with the city's plans and goals. Any construction or installation will be reviewed by the appropriate permitting authority, and will meet all local permitting requirements and regulations.

Sincerely,

  
Debby Willis  
Planning Board Chair

c: Tracey Desjardins, Director of Economic Development & Planning  
Kris McNeill, CEO

Public Hearing Notice  
The City of Gardiner

The City of Gardiner will hold a Public Hearing on September 21, at 6:00 p.m., at the Gardiner City Council Room to discuss acceptance of a Public Service CDBG Grant. The purpose of the grant is to assist the Boys & Girls Club of Kennebec Valley in purchasing new equipment and learning manipulatives for the new program spaces in the New Clubhouse. Public comments will be solicited at this Hearing and will be submitted as part of the Project Development Phase. All persons wishing to make comments or ask questions about the acceptance of these funds are invited to attend this Public Hearing. Comments may be submitted in writing to: Tracey Desjardins, Director of Economic Development & Planning at any time prior to the Public Hearing. TDD/TTY users may call (711). If you are physically unable to access any of the City's programs or services, please call Angie Christopher at (207) 582-6892, so that accommodations can be made.



EQUAL HOUSING  
OPPORTUNITY

Town/City









STATE OF MAINE  
DEPARTMENT OF ECONOMIC  
AND COMMUNITY DEVELOPMENT



JANET T. MILLS  
GOVERNOR

HEATHER JOHNSON  
COMMISSIONER

July 11, 2022

Christine Landes, Manager  
City of Gardiner  
6 Church Street  
Gardiner, Maine 04345

SUBJECT: City of Gardiner  
PS 2022  
BGCKV  
ERR Clearance: June 15, 2022

Dear Ms. Landes:

We received a complete environmental review consisting of an Environmental Summary, appropriate checklist reviews, and an Environmental Review Statement on June 15, 2022. You initially contacted us that your project was eligible for a 58.35(b) review and your submission served as notification your project is Categorical Excluded/Exempt. The effective date for removal of environmental conditions for obligations of CDBG funds is shown above.

Please note that all documentation for your environmental review, including those referenced in checklist reviews or necessary to verify compliance with requirements, must be located in your local ERR community file and available for public view. Availability of this documentation will facilitate compliance review during program monitoring.

If you have questions, please feel free to contact this office at 624-7484.

Sincerely,

Deborah Johnson, Director  
Office of Community Development

cc:  
sjb



## Maine Community Development Block Grant Program

### Environmental Review Statement: 58.35(b)

Project Name: Boys & Girls Club of Kennebec Valley Equipment for the new program spaces  
Project Location: 14 Pray Street, Gardiner, ME  
Contact Person: Tracey Desjardins, Director of Economic Development/Planning

After consultation with the assigned Project Development Specialist or Development Fund Coordinator in the Office of Community Development, the following activities has been reviewed under 24 CFR 58.34(a)(4) and 58.35(b). Project activities listed have been found to be categorically excluded from the provisions of the National Environmental Protection Act (NEPA) and Federal laws and authorities listed in 24 CFR 58.5. Activities have been reviewed and determined in compliance with laws and authorities listed in 24 CFR 58.6 and conditions of 58.35(c). Therefore, in accordance with 24 CFR 58.35(c) and (d), the submission of the following 58.35(b) Environmental Review Summary with appropriate attachments is sufficient evidence that no further environmental action is needed for project execution. This submission serves as a Request for Release of CDBG Funds for project activities. Signature certifies that environmental review responsibilities have been completed as required and information on comments received is included in this submission.

#### LIST PROJECT ACTIVITIES:

These funds will be used to help offset cost of new furniture for the new Boys & Girls Club of Kennebec Valley program room.

  
Signature of Environmental Review Officer

6-15-22  
Date

  
Signature of Chief Executive Officer

6/15/22  
Date

**58.35(b) CHECKLIST**

**PROJECT NAME/LOCATION:**  
**GRANTEE NAME:**

Boys & Girls Club of Kennebec Valley Equipment for the new program spaces  
City of Gardiner

Statutes, Regulations, Authorities	Not Applicable to Project	Consultation or Review required	Permits in Hand	Describe/explain/provide basis for compliance decision; Identify file documents that back this up; attach supportive materials as needed
Floodplain Management/ Flood Insurance	N/A			Project is not located in the floodplain.
Coastal Zone Management	N/A			Project is not located in a coastal zone.
Coastal Zone Resources	N/A			Project is not located in a coastal zone.
Runway Clear Zone	N/A			Project is not located near any airport.
<b>OTHER APPLICABLE LOCAL, STATE, FEDERAL LAWS/STATUTES/AUTHORITIES</b>				

  
Signature of Preparer

207-620-4853  
Telephone Number

Code Enforcer Other  
Relationship to Grantee

6/15/22  
Date Submitted to Grantee

**Maine Community Development Block Grant Program**

**Exempt By Definition 58.35(b) Review Public Services Physical Impact Checklist**

Project:

Grantee:

Impact Areas	No Impact; No Conflict	Compatible with/ Supportive of Services	Potential Conflicts; Solutions in Place	Requires More Study	Needs Mitigation	Requires Project Modification	Sources or Documentation for Conclusions; Attach supportive descriptions as needed
Community Noise Levels	X						The project is replacing the facility that was already in the same location.
Solid Waste	X						The project is replacing the facility that was already in the same location.
Waste Water	X						Project is on City Sewer
Water Supply	X						Projects is on City Water
Public Safety, Police, Fire, Emergency/ Medical	X						Project is replacing the facility that was already in the same location so no additional impact to these services.
Transportation/ Parking/ Pedestrian Access	X						Project will improve parking and pedestrian access.
Site Hazards, Nuisances, Surface Water	X						There are no known site hazards, nuisances or surface water.
Unique Site Characteristics, such as unique natural features, vegetation and wildlife	X						Project was built on former athletic field and was maintained as such.
Other							
Other							



# State of Maine CDBG Program

## Final Budget Summary (Include Cash & In-Kind)

Cost Category	Column 1 CDBG	Column 2 Local (Municipality Contribution)	Column 3 State	Column 4 Utility	Column 5 Non- CDBG Federal	Column 6 Other (BGCKV Fundraising)	Column 7 Cost Category Total
Land Acquisition							
Legal Expenses							
Appraisals							
Relocation							
Demolition							
Site Work							
Architectural							
Engineering							
Administration							
Program Delivery							
Planning							
Loans							
Grants							
Operational							
Construction							
Materials							
Equipment	\$50,000	\$25,000				\$613,888	\$688,888
Inspection							
Other (List)							
1.							
2.							
3.							
<b>TOTAL COSTS</b>							<b>\$688,888</b>

### Directions for Completing Budget Summary

1. For each applicable cost (cash and in-kind) in the Cost Category column, list the dollar amount for all applicable funding sources in columns 1-6.
2. List the total dollar amount for each cost category in column 7, Cost Category Total
3. Enter the total of all Cost Category amounts in column 7 in the TOTAL COSTS box directly under column 7.
4. Submit a copy of this Budget Summary with the Phase II materials.



Department  
Of  
Economic and Community Development  
111 Sewall Street, 3rd Floor  
59 Statehouse Station  
Augusta, Maine 04333

#### **POLICY STATEMENT #4**

**Subject:** *Bonding and Insurance Requirements for CDBG Funded Contracts*

**Revised:** 04/2012

The following outlines the minimum requirements to be followed when purchasing supplies, equipment, construction and professional services paid in whole or in part with Community Development Block Grant (CDBG) funds.

You may use your municipality's procurement procedures provided that the State of Maine and/or the Department of Housing and Urban Development have made a written determination that the governments' interest is adequately protected, or you may adopt the requirements described below. If appropriate, you may supplement your procedures to improve existing systems. To ensure fair procurement practices, a written policy identifying the procedures must be available for review by all potential bidders and the OCD.

#### **PERSONAL BONDING**

Community officials who are authorized to process CDBG funds, including signing of checks, **must be bonded.**

#### **BID BOND**

For contracts which exceed \$100,000, including the practice of "block bidding" housing rehabilitation projects, a bid guarantee from each bidder equivalent to five percent of the bid price is required. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of their bid, execute such contractual documents as may be required within the time specified.

#### **CONTRACT BOND**

For contracts which exceed \$100,000, including the practice of "block bidding" housing rehabilitation projects, there must be prior to signing of the contract, a **performance bond** on the part of the contractor for 100 percent of the contract price. The "performance bond" is executed in connection with the contract to secure fulfillment of all of the contractor's obligations under the contract. There must also be, prior to signing of the contract, a **payment bond** on the part of the contractor for 100 percent of the contract price. The "payment bond" is executed in connection

with the contract to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

## **INSURANCE**

Communities undertaking construction projects with CDBG funds, including housing rehabilitation activities, must ensure that construction contractors purchase and maintain insurance until final acceptance of their work. The community must have evidence of this insurance at the time of executing any contract/agreement with the contractor or assisting in the execution of any contract/agreement between a contractor and homeowner. The insurance policy must have the following attributes:

- \* It must protect the contractor, the community and the owner from all claims and liabilities for damages for bodily injury, including accidental death, and for property damage, which may arise from operations under the contract, whether such operation is by the contractor or any employee, **The amount of the insurance must be at least:**

**Construction contracts other than housing rehabilitation:**

- \$1,000,000 for any one person and for each accident in cases of liability for bodily injury and/or accidental death; and

-\$1,000,000 for any and all accidents in cases of liability for property damage.

**Housing rehabilitation contracts:**

-\$100,000 for bodily injury to anyone, and not less than \$300,000 for each occurrence

-\$50,000 per occurrence and \$100,000 aggregate for property damage

-\$100,000 for any one person and \$300,000 per occurrence for vehicular liability

The contractor must also maintain the following types of insurance:

- \* Full worker compensation insurance coverage for all persons employed by the contractor to perform work on the project. The insurance must be in compliance with State of Maine requirements.
- \* Bodily injury and contractor's protective property damage (broad form), each including coverage for blasting explosion, and injury to, or destruction of wires, pipes, conduits and similar property, appurtenant apparatus, whether public or private and collapse of, or structural injury to, any building or structure, except those on which work under the contract is performed.
- \* Bodily injury and property damage insurance covering the operation of all motor vehicles and equipment being operated in connection with project work, whether or not owned by the contractor.
- \* Contractual liability insurance as described earlier.
- \* Owner's protective liability insurance issued to the owner at the expense of the contractor.



\* Fire insurance included with all property damage insurance in an amount equal to the total bid price of all structures subject to fire damage.

\* Builders' "All Risk" insurance equal to or greater than the total amount.

**All policies must designate the loss payee as the community and require that the community be notified in the event of any changes to the insurance policies. Contractors shall indemnify and hold harmless the U.S. Government, the State of Maine, the Owner and the grantee from liability for any injury or damage to persons or property resulting from the prosecution of work under a construction contract.**

Please remember that if a bid goes out for eight (8) or more rehab or sewer hookup projects at one time, and one contractor is awarded 8 or more of these projects, Federal Labor Standards will apply. This will be true even if contracts are technically between the homeowner and contractor. Please refer to the Labor Standards section of this book for further information.



Department  
Of  
Economic and Community Development  
111 Sewall Street, 3rd Floor  
59 Statehouse Station  
Augusta, Maine 04333

**POLICY STATEMENT #7**

**Subject:** *Program Income, Program Income Plan and Post Close Out Reporting*

**Revised:** 04/2012

**I. Introduction**

This policy statement defines terms and reporting requirements and compliance measures associated with income generated as a result of your Community Development Block Grant funded activities. This policy assures that funds are used in a timely and consistent manner as required by federal and state regulations.

**II. Policy**

**1. Definitions**

**Program Income:** Program income is defined as gross income received that was generated from the use of CDBG funds as described below and in Section 570.489(e) at 24 CFR part 570.

**Program Income Plan:** Developed by your community and approved by the OCD during the project development phase, the program income plan describes the amount and sources of anticipated program income and how it will be managed and expended during and/or after the grant. Program income can only be expended on eligible activities as defined by Title I of 24 CFR 570.

**Open Grant:** Any grant during the period between contract beginning date and conditional closeout.

**Conditional Closeout:** The point in your community's CDBG project when all program funds are expended (except those for your audit costs), monitoring findings have been resolved but your program goals have not yet been met and/or your audit (if necessary) is pending.

**Final Closeout:** Final closeout is granted after your audit (if necessary) is completed and approved, all program goals have been met, monitoring findings have been resolved and the package has been approved by the Office of Community Development.

## 2. Policy Statement

**Program Income Received During the Grant Period:** Your community must use Program Income for specific activities identified in your approved Program Income Plan. Program income funds must be expended prior to drawing down current grant funds for the same activities that the program income is slated for.

**Program Income on Hand at the End of a Grant Period:** Your community may return unexpended program income to the Office of Community Development or continue to expend it for those activities undertaken during the open grant period. Your Program Income Plan identifies how these funds are managed and expended.

**Income Received AFTER the Grant Closeout up to \$34,999.99:** Communities may continue to expend income received after the grant period ends or return it to the Office of Community Development. If you expect to receive and expend income up to \$34,999.99 per calendar year (Jan. – Dec.) you must spend it on Title I eligible activities as stated in your approved program income plan, but no report on how funds are expended is required.

**Program Income Received AFTER the Grant Closeout in EXCESS of \$34,999.99:** Communities may continue to expend program income in compliance with their approved program income plan after the grant period ends. If you generate more than \$34,999.99 per calendar year (Jan. – Dec.), you must comply with all CDBG regulations when expending it and report the activities funded to the Office of Community Development. These funds should be treated as a new grant funds and must meet all CDBG program requirements. Your Annual Post-Grant Program Income Report must be submitted on or before January 31<sup>st</sup> for the previous calendar year.

### **REMEMBER!**

If your community doesn't expect to exceed the **\$34,999.99** limit BUT THEN DOES, you must have complied with all CDBG regulations including environmental review, labor standards, etc. for all funds received and expended from \$0 on, and must comply with the Post-Grant Program Income Reporting requirements.

Communities receiving program income from more than one closed CDBG grant must aggregate this income to determine whether they are over the **\$34,999** threshold.

## III. Policy Requirements

The following is required under this policy statement:

### 1. Creation and Submission of a Program Income Plan:

The Program Income Plan outlines how revenue generated during or after a grant close out will be expended. You must submit a Program Income Plan during the Project Development Phase for all CDBG program awards.

## 2. Required Components of a Program Income Plan:

Your Program Income Plan must reflect the overall goals of your CDBG Program and have the following components:

- V. **Source of Program Income** - Identify any and all activities expected to generate revenue.
- VI. **Estimated amount of income to be generated and anticipated timeframe** - For example, for a micro-loan revolving fund, identify the businesses, the amounts you expect to be repaid and the anticipated timeframe for receiving repayments and re-lending the amount received.
- VII. **Uses of Program Income** – identify the activities on which the program income will be spent and determine how those funds will be distributed in a timely manner.
- VIII. **Administration** – include a management plan detailing the process and responsible person for administering the plan. The Office of Community Development will determine the amount of program income to be used for administration on a case-by-case basis. In any event, the amount shall not exceed 10%.

## 3. Special Requirements

The following special requirements apply to program income generated by CDBG assistance to for-profit businesses:

**Micro-Enterprise Loans:** Except for grantees who demonstrate demand for the use of program income for continuing a micro-enterprise loan program, Micro-enterprise loan repayments will be collected and returned to the Office of Community Development.

**Development Fund Loans:** All Development Fund loan repayments must be returned to the State of Maine CDBG Development Program.

**Economic Development Program:** The assignment of program income will be negotiated at the time of grant award.

## 4. Reporting Requirements

Grantees are required to complete a post grant program income report annually. The report must cover the period January 1<sup>st</sup> through December 31<sup>st</sup> and be submitted to the Office of Community Development by January 31<sup>st</sup> of the following year. The report must contain documentation of: Source and Dates of Program Income received, Uses of Program Income, Dates of Expenditures and Compliance with all CDBG Program regulations

