

NOTE: This draft is the subject of a public hearing before the City Council on May 9th 2016; it reflects the unanimous recommendation of the City's Highway Committee by vote May 3rd 2016.

NOTE: Many of the referenced documents are posted on the City's webpage.

Whereas the City of Hallowell and MaineDOT entered into a Cooperative Agreement in August, 2014, (hereafter "the 2014 Agreement,") regarding the reconstruction of Water Street, following a unanimous vote of the then-seated City Council;

Whereas the City and MaineDOT have had multiple public meetings, committee meetings, and other joint efforts to advance the proposed reconstruction since signing the 2014 Agreement;

Whereas the City and MaineDOT together outlined and invited public input on the issues covered by today's Resolve through a Preliminary Public Meeting in April, 2016, and the City held a public hearing on May 9, 2016; and

Whereas the 2014 Agreement created certain milestones for City decision-making on or near MaineDOT's completion of a Preliminary Design Report (hereafter "PDR,") which milestones are addressed by today's Resolve.

NOW THEREFORE, the City makes the following findings and commitments.

1. **SUPPORT FOR THE RECONSTRUCTION PROJECT:** The City supports moving the reconstruction of Water Street and associated modernization of water, sewer, and stormwater systems toward final design, contractor selection, and expected 2018 construction. The City applauds the Maine Department of Transportation for addressing through planning and preliminary design phases the project's many stated "purposes and needs" as outlined in the October 2014 feasibility study. When the reconstruction project is completed, the City of Hallowell will benefit from rebuilt highway, pedestrian, and utility infrastructure that will support Hallowell's vibrant and historic downtown business and residential district for generations to come, inviting future private investment in historic buildings, and dramatically improving access and safety for the elderly and those living with disabilities including customers, employees, and residents. The relationship between the Maine Department of Transportation and the City of Hallowell is stronger than ever; the City will continue to invest in a successful partnership recognizing the considerable challenges ahead.
2. **BINDING DECISIONS.** The City recognizes the contractual implications and extraordinary fiscal penalties that would result from future reversals in City positions including those above and below, as laid out in the "Termination" section of the 2014 Agreement.
3. **MORE ATTENTION NEEDED TO MINIMIZE BUSINESS IMPACTS:** Especially noting the binding fiscal nature of today's Resolve, the City notes that the 2014 Agreement incorporated by reference and thus made contractually binding both the 2014 feasibility study and its associated powerpoint presentation, which documented MaineDOT's commitment to use of available tools

to reduce construction impacts, including those that will challenge businesses and residents, especially scheduling and duration of construction. MaineDOT at the April 2016 Preliminary Public Hearing made full and thorough outline of options being scoped, and commitments to continue to work to reduce construction impacts through assurances to work “outside the box.” Yet Hallowell businesses will suffer intolerably if MaineDOT invokes cost as a reason to stay inside the box of typical contracting, or to back off from commitments to schedule-based contracting. The City finds that the Termination provision of the 2014 Agreement shall not apply should MaineDOT fail in good faith to reach mutual agreement with the City on tools to minimize construction impacts. The City pledges full good faith toward cohesion and pragmatic solutions; Maine DOT has pledged continued outreach to Hallowell’s merchants, especially. All parties recognize a goal to restore two-way traffic on Water Street as early as possible during construction, with a goal of free-flowing traffic during July and August. The City of Hallowell pledges to work with its legislative and congressional delegations to support MaineDOT’s fiscal needs.

4. REDUCING IMPACTS REQUIRES PREDICTABILITY FOR BUSINESSES AND RESIDENTS: Hallowell businesses and residents have been planning for construction impacts during 2018. Businesses and residents would be adversely affected should the project slip to 2019 for fiscal or other programming reasons; minimization of business and residential impacts requires predictability. The City pledges all good faith necessary to keep the project scheduled for 2018, and requests the same from MaineDOT. All parties recognize that final paving is planned for 2019.
5. WAIVER OF PRELIMINARY DESIGN COSTS. The City notes MaineDOT’s commitment that MaineDOT will not charge to the City any costs for preliminary engineering laid out in the 2014 Agreement.
6. COLLABORATION FOR ADDITIONAL ADA ACCESS: The City urges MaineDOT to invite building owners where possible to opt into business-financed enhancements such as minor granite slopes to improve access between sidewalks and building entrances.
7. COMMITMENT OF FUNDS FOR LOCAL DESIGN ELEMENTS: Per the 2014 Agreement, the City at or near PDR shall demonstrate and commit (subject to Termination section sanctions) available City funds toward local cost elements. The scope of local cost elements listed in the 2014 Agreement differs from the scope of local cost elements outlined at the April 2016 Preliminary Public Meeting; today’s Resolve replaces the scope of work described in 2014. Today’s Resolve creates a contractual commitment by the City of Hallowell for the following local cost elements, which will later be refined and formalized per Miscellaneous second paragraph of the 2014 Agreement, providing for a state-municipal agreement on terms and payment to be finalized roughly one year from today’s Resolve:

- a. \$381,762 in local costs as described in 4.12.2016 "Updated Preliminary Opinion of Probable Costs" distributed and summarized at the April Preliminary Public Meeting, including: two sidewalk extensions; new snow dump parking; side street drainage; roof drain connections; westerly sidewalk lights; and easterly sidewalk lights extending north to Granite City Park.
 - b. In addition to the \$381,762 above, which includes roughly \$196,000 for sidewalk lights, an additional \$102,000 to extend sidewalk lighting south to the northerly extent of the boat ramp on the easterly side of Water Street, and south to the pocket park below the Cotton Mill on the westerly side of Water Street.
8. FUTURE LOCAL COST DECISIONS: Noting many fiscal variables in the two years leading up to construction, ongoing final design-work and historic consultation, and ongoing City negotiation for acquisition of real-estate on Central Street for permanent parking, the City and MaineDOT pledge to work together over the next twelve months and oning as possible to incorporate additional design items at City expense:
- a. Central Street parking and related streetscape, at a City cost not yet estimated;
 - b. Brickwork on southerly existing and proposed sidewalks, at a City cost not yet estimated, perhaps using bid alternatives;
 - c. Visually enhanced crosswalks, especially where visual accents would enhance safety, at a City cost not yet estimated, perhaps using bid alternatives, with goals of historic and aesthetic enhancement, and goals of informed awareness of maintenance and bicycle impacts. The City urges consideration of relocation of the historic granite crosswalk instead to a preferable location for more visibility, more appreciation, and more safety benefits.
 - d. Streetscape improvements on Temple Street, at a City cost (if any) not yet estimated, including granite curbing, bituminous sidewalks, and maximization of on-street parking, noting planned major stormwater and detour work at this location.
 - e. Sidewalk improvements at Second & Chestnut near the Congregational Church, at a City cost (if any) not yet estimated, noting planned major stormwater work at this location.
 - f. Removal of CMP cobra-head high-level street lighting at some locations, at a cost-saving to the City, pending MaineDOT analysis of safety upon installation of sidewalk lighting instead.

END.