

## REGULAR MEETING

## AGENDA

March 10, 2014

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum (5 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
  - a. City Manager's Report
  - b. City Attorney's Report
  - c. Other Official's Report
  - d. Mayor's Report
7. Licenses and Permits:
  - a. Liquor & Entertainment Licenses – Trackside Station Restaurant
  - b. Liquor & Entertainment Licenses – Sandbaggers Café
  - c. Lodging House License – Ripple Inn at the Harbor
  - d. Liquor & Entertainment Licenses – The Chowder House
  - e. Liquor License – Conte's 1894
  - f. Lodging House License – Captain Lindsey House
8. Resolves:
  - # 9 Authorizing Grant Application – CDBG Downtown Revitalization City Manager
  - #10 Accepting Donations – Library City Manager
  - #11 Appointments – Boards and Commissions Mayor Pritchett
  - #12 Authorizing Reserve Fund Expenditure – Police Department City Manager
  - #13 Authorizing Budget Adjustments – Employee Health Insurance City Manager
  - #14 Support for LD1754 – Public Utility Vehicle Excise Tax City Council
  - #15 Authorizing Appropriation of TIF Funds – Downtown Lighting City Manager
9. Ordinances in Final Reading and Public Hearing
  - # 2 Chapter 8, Section 8-708 Max Levels of Assistance – Food Councilor Dickerson
  - # 3 Zoning Map Amendment – North Main/Cottage Streets Mayor Pritchett
  - # 4 Chapter 19, Section 19-303 Flag Lots Access Roads Councilor Isganitis
  - # 5 Bond Ordinance – Summer St. Sewer Mayor Pritchett
10. Ordinances in First Reading:
  - #23 Bond Ordinance – PW Garage (Postponed from 01/13/14) City Council
  - # 7 Purchase & Sale Agreement Amendment – S. Hale Councilor Hebert
  - # 8 Zoning Map Amendment – Broad/Grace Street Area Mayor Pritchett
11. Orders:
  - #28 Declaration of Official Intent – PW Garage (Postponed from 01/13/14) City Council
  - #39 Adopting Art Display Policy (Postponed from 12/09/13) Councilor Hebert
  - #15 Authorizing Property Boundary Agreement – Belyea Estate City Manager
  - #16 Review of Options & Rules - Alcohol At Events On City Property Mayor Pritchett
  - #17 Accepting Forfeited Assets – C. Soto City Manager
  - #18 Accepting Grant – American Library Association City Manager
  - #19 License Agreement – Brass Compass Tables (Winslow Holbrook Park) Mayor Pritchett
12. Adjournment.

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant MICHAEL & KELLY WOODS Phone 354-0473

Address of Applicant 62 DONAHUE DR. (PO BOX 354)  
SO. THOMASTON, MAINE 04858

Name of Business TRACKSIDE STATION RESTAURANT Phone 594-7500

Address of Business 4 UNION STREET (PO BOX 946)  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) MDOT

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 03/30/14

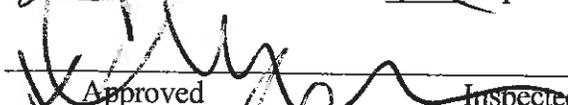
Fee(s) Paid \$300.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature MICHAEL & KELLY WOODS Date 02/11/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

 Code Officer 2/18/14 Date  
 Approved  Inspected; See Report

 Fire Inspector 03/04/14 Date  
 Approved  Inspected; See Report

 Police Chief 2/13/14 Date

 City Clerk 3/6/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant MARCIA FLANAGAN Phone 975-3167

Address of Applicant 1 ACADIA DRIVE  
ROCKLAND, MAINE 04841

Name of Business SANDBAGGERS CAFE Phone 594-9322

Address of Business 606 OLD COUNTY ROAD (PO BOX 507)  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) ROCKLAND GOLF CLUB

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

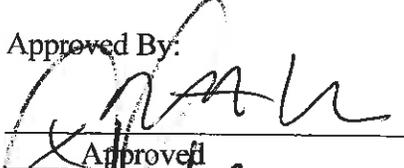
Expiration of Current License 03/28/14

Fee(s) Paid \$300.00 Date \_\_\_\_\_

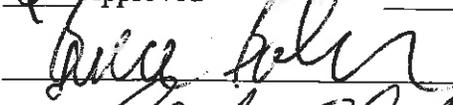
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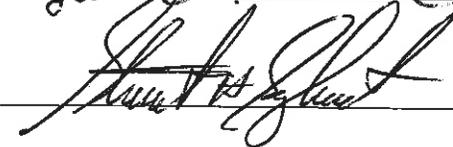
Applicant's Signature MARCIA FLANAGAN Date 02/11/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

 Code Officer 3/3/14 Date  
 Approved  Inspected; See Report

 Fire Inspector 03/06/14 Date  
 Approved  Inspected; See Report

 Police Chief 2/13/14 Date

 City Clerk 3/6/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE  
270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant SANDRA DILLON Phone 594-5771

Address of Applicant 16 PLEASANT STREET  
ROCKLAND, MAINE 04841

Name of Business RIPPLES - INN AT THE HARBOR Phone 594-5771

Address of Business 16 PLEASANT STREET  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) SAME

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business BED & BREAKFAST

Expiration of Current License 04/09/14

Fee(s) Paid \$100.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature SANDRA DILLON Date 02/11/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 3/3/14 Date  
 Approved  Inspected; See Report

[Signature] Fire Inspector 03/06/14 Date  
 Approved  Inspected; See Report

[Signature] Police Chief 2/13/14 Date

[Signature] City Clerk 3/6/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant K & K ENTERPRISES Phone 691-2737

Address of Applicant 7 GAY STREET  
THOMASTON, MAINE 04861

Name of Business THE CHOWDER HOUSE Phone 596-6665

Address of Business 2 PARK DRIVE  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) TRADE WINDS MOTOR INN INC.

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT/LOUNGE

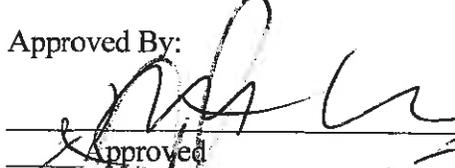
Expiration of Current License 04/08/14

Fee(s) Paid \$300.00 Date \_\_\_\_\_

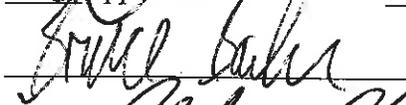
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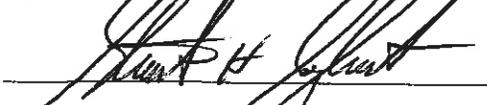
Applicant's Signature KEVIN LABREE Date 02/11/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

 Code Officer 3/3/14 Date  
 Approved  Inspected; See Report

 Fire Inspector 03/06/14 Date  
 Approved  Inspected; See Report

 Police Chief 2/13/14 Date

 City Clerk 3/6/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant JOHN CONTE Phone 594-7080

Address of Applicant 148 MAIN STREET  
ROCKLAND, MAINE 04841

Name of Business CONTE'S 1894 Phone 594-7080

Address of Business 148 MAIN STREET  
ROCKLAND, MAINE 04841

Name of Property Owner (if different) ROBERT WIGGIN

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (Specify) \_\_\_\_\_

Type of Business RESTAURANT

Expiration of Current License 04/13/14

Fee(s) Paid \$150.00 Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature JOHN CONTE Date 02/11/14

Approved By: \_\_\_\_\_ License # \_\_\_\_\_

[Signature] Code Officer 03/06/14 Date  
Approved \_\_\_\_\_ Inspected; See Report

[Signature] Fire Inspector 03/06/14 Date  
Approved \_\_\_\_\_ Inspected; See Report

[Signature] Police Chief 2/13/14 Date

[Signature] City Clerk 3/6/14 Date

APPLICATION FOR CITY LICENSE  
CITY OF ROCKLAND, MAINE

270 Pleasant Street  
Rockland, Maine 04841

Name of Applicant Minana Inc d/b/a Captain Lindsey House Phone 207-576-7950

Address of Applicant 5 Lindsey Street  
Rockland, ME 04841

Name of Business Captain Lindsey House Phone same

Address of Business same

Name of Property Owner (if different) Ellen Barnes

Type of License(s):  Liquor  Victualer  Entertainment  
 Lodging House  Commercial Hauler  Landscape Contractor  
 Billiard Room  Second Hand Dealer  Other (specify) \_\_\_\_\_

Type of Business Bed + Breakfast

Expiration of Current License state license expires 7/31/14

Fee(s) Paid \_\_\_\_\_ Date \_\_\_\_\_

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release of disclosure.

Applicant's Signature [Signature] Manager Date 2/18/14

Approved By: [Signature] License # \_\_\_\_\_

Approved  Inspected; See Report Code Officer 3/6/14 Date

\_\_\_\_\_  
 Approved  Inspected; See Report Fire Inspector \_\_\_\_\_ Date

\_\_\_\_\_  
Police Chief \_\_\_\_\_ Date

\_\_\_\_\_  
City Clerk \_\_\_\_\_ Date

**CITY OF ROCKLAND, MAINE**

**RESOLVE #9**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE** Authorizing application and matching funds for, and expenditure of, a Community Development Block Grant (CDBG) Downtown Revitalization Program Grant

**WHEREAS**, the City has continued to implement its Downtown Revitalization and associated plans; and

**WHEREAS**, said Plans call for improvements to sidewalks to and from Main Street between Park Street and Museum Street; and

**WHEREAS**, sidewalks on side streets in the Downtown are in need of improvement; and

**WHEREAS**, the City has accepted plans for Harbor Trail that include plans to bridge over Lermond Cove and connect the Thorndike Parking Lot with Ferry Terminal Park; and

**WHEREAS**, the City also intends to improve Downtown lighting; and

**WHEREAS**, the CDBG Downtown Revitalization Program provides funding for sidewalk and other infrastructure improvements up to \$400,000;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Council authorizes the City Manager to apply for a CDBG Downtown Revitalization Program grant to fund improvements to City sidewalks and related infrastructure in the Downtown, and the extension of Harbor Trail to Ferry Terminal Park; and

**THAT**, the City hereby appropriates up to \$100,000 from the Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) for the City's match for such grant; and

**THAT**, the City hereby appropriates \$95,000 from the FY 2014 Tillson Avenue Area (Downtown) TIF Development Program and \$105,142 from the FY 2015 Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) as additional funding to complete the projects, should such CDBG Downtown Revitalization Program grant be awarded to the City; and

**THAT**, in the event the City is awarded such CDBG Downtown Revitalization Program grant, the City Manager is hereby authorized to expend such grant, matching funds and additional appropriations, and to execute any such contracts or instruments as may reasonably be required to effectuate the purposes of this Resolve.

Sponsor: City Manager

Originator: Community Development Director

## MEMORANDUM

To: Tom Luttrell, Acting City Manager, City Council  
From: John Holden, Community Development Director  
Date: March 5, 2014  
Re: Cover Memo: CDBG Downtown Project and use of Downtown TIF Funds

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Attached are more detailed project budgets for the CDBG Downtown Grant and the Downtown and Fisher TIF Investment Schedule used, in part, as match to the Downtown Grant.

Let me begin with the TIF Investment Schedule Summary. We have worked on this Investment Schedule for some time in order to plan the use of the Downtown and Fisher TIF funds. This summary identifies categories for which we may use those funds. This schedule is for planning purposes and is not intended to commit future fiscal year funds. Rather it is intended to help guide, balance, and plan for the many investments the City desires.

The TIF Investment Summary plans for use of funds from both the Downtown and Fisher TIF Development Program. As shown in the FY14 column for each, some FY14 funds have been committed by Council (for example, to Rockland Main Street, Inc. and to match some grants, such as the SHIP grant we were awarded for the ramp at the Public Pier). These are designated in bold type.

The Downtown TIF Investment schedule shows that we are planning for future investments in a variety of infrastructure projects including Tillson Avenue, the Downtown lights (under Utilities), Harbor Park (under parking), Harbor Trail, and in sidewalks and curbs. I will come back to those and details on the next three fiscal years below. For now, please note that we have plans for investing Tillson Avenue, Harbor Park, Harbor Trail, the Public Pier, and other desired infrastructure improvements in the future.

The Fisher TIF is used to support our overall economic development program, infrastructure in the industrial park, and other economic development projects such as recreation trails, employee training support, revolving loan funds, etc.

Turning to the Downtown TIF and the proposed CDBG Downtown application let me begin by summarizing public input to date. As I began to explore applying for this grant, I had hoped to support sidewalk improvements and investment in Harbor Trail at Lermond Cove. We held a public information meeting on February 27. The response was clear that there is a desire and need to focus on the side street sidewalks. Property owners and businesses reported sidewalks that hindered door openings, were impediments to the elderly, and in one case created dangerous walking conditions. Additionally, as the need to include separation of waste water and storm water became clear, costs rose as we must begin to work on that separation and should do so as streets or sidewalks are opened up.

We began to revisit the planned TIF Investment Schedule and using it to meet the above needs, but not at the total exclusion of other needs. The Draft CDBG DT & DT TIF Budget, Capital

Projects FY2014-15-16 shows in detail the TIF Investment Schedule for FY2014, 15, and 16. It also shows how we can use those funds as match to the CDBG application.

Using the CDBG funds we will be able to complete sidewalks and underground infrastructure for Winter, School, and Elm Streets (using preliminary engineering and cost estimates from licensed engineering firms). To complete those projects we propose using \$195,000 from the Downtown TIF funds in FY2014 and \$105,142 from Downtown TIF funds in FY2015. We are also funding the replacement of Downtown lights from the TIF funds. We are recommending that Council approve \$245,000 in expenditures from the FY2014 Downtown TIF for these projects. We will present a revised Resolve #9 that dedicates \$195,000 for sidewalk improvements as match to CDBG and a second Resolve for \$50,000 to set aside funds for Downtown lights.

We cannot submit an application that only completes a portion of a sidewalk. Therefore, the request (Resolve #9) includes \$105,142 from FY2015 in order to complete those three streets.

The table shows in more detail planned investments for FY2015 and FY2016. We will bring remaining FY2015 recommendations to Council during budgeting for FY2015. These include:

- additional sidewalks to complete work on Union Street,
- additional funds for Downtown lighting,
- additional funds for improvements to Thorndike Parking Lot (in addition to funds in place),
- signage and other street amenities, and
- continued funding of Rockland Main Street, Inc. and our economic development in the Downtown.

I have included planned details for investments from FY2016 as well. These include:

- preliminary engineering for Tillson Avenue,
- reserving funds for improvements to sidewalks at Park & Main Streets,
- Harbor Trail in the Downtown,
- Additional signage, and other amenities, and
- continued funding of Rockland Main Street, Inc. and our economic development in the Downtown.

The FY2015 and FY2016 are planned investments. We want and will remain flexible, of course, to leverage other grant funds from the State or Federal government. That may require some movement of investments across line items. There may be other opportunities, as well, that may allow us additional flexibility in making the most use of TIF funds.

In summary, at this time, we have planned investments for the near future making wise use of our limited investment dollars. Our immediate need is for improvements to side street sidewalks and the associated underground infrastructure. Our plan seeks to meet those needs and leverage our funds with the CDBG Downtown Program. The estimate for improvements to the eight side streets is nearly \$1.4MM. As planned, and if the grant application is successful, we will complete half of that cost by FY2015. We will aggressively seek additional outside funds and continue to manage Investment Schedule to work on other infrastructure needs.

**CITY OF ROCKLAND, MAINE**

**RESOLVE #10**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE Accepting Donations**

**WHEREAS**, Bob and Trudie Young of Rockland donated the book Pocket Neighborhoods to the Library, valued at \$30, to be added to the Library's collection; and

**WHEREAS**, the Friends of the Rockland Public Library donated \$1,081.30 for 73 children's books, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003).

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City gratefully accepts these donations and directs that letters of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager

Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**RESOLVE #11**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE** Appointments

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the appointments by the Mayor of the following persons to the following Boards, Commissions and/or Committees for the prescribed terms are hereby confirmed:

Mark Breton, 87 Lake Avenue, Economic Development Advisory Committee (2016);

Dean Felton, 30 Linden Street, Ad Hoc Harbor Trail Committee (No Term).

Sponsor: Mayor Pritchett  
Originator: Mayor Pritchett

**CITY OF ROCKLAND, MAINE**

**RESOLVE #12**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE** Authorizing Reserve Fund Expenditure – Police Department Management Evaluation

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to expend up to \$6,000 from the Police Department Reserve Account (#10000-01706) to pay the cost of a Police Department Management Evaluation by the Maine Chiefs of Police Association.

Sponsor: City Manager  
Originator: Police Chief

**The Maine Chiefs of Police Association**  
**Proposal For**  
**Police Management Evaluation**

The Maine Chiefs of Police Association (“the Association”) offers the following proposal for a Police Management Evaluation for the City of Rockland, Maine

**Goal**

The goals of the evaluation are to assess the management of the police department services and recommend any changes that would benefit the city, the police department and the citizens of the city.

**Subject Matter To Be Evaluated**

The Association will conduct a site visit and evaluate the following subject matter:

- Administration
- Budget
- Collective Bargaining Agreement (if applicable)
- Community Relations (including Community Policing)
- Cost of Police Services
- Crime Analysis
- Data Processing/Record Keeping
- Facilities
- Investigations (Unit)
- Operational Equipment
- Personnel & Staffing (Hiring, Promotions, Internal Investigations, Staffing, Morale).
- Policies and Procedures
- Reserve Officers
- School Liaison (School Resource Officer)
- Training
- Communications

**Performance Of The Evaluation**

The association will complete its evaluation, prepare a written report documenting its findings and recommendations, and submit eight copies of the report to the city within (90) days of completion of the site visit. Prior to releasing the report to the public or the media, the city shall provide the Association a reasonable opportunity to present to the police chief, city manager and city council the report’s findings and recommendations and the potential ramifications of its publication.

**Indemnification**

In the event that any actions, complaints, demands, notices of claims, or other claims for damage arise out of any evaluation, report, or oral presentation made by the Association as a result of the city accepting this proposal, the city agrees to reimburse, indemnify, and hold harmless the Association for any money and other costs or damages that it may have to pay to any party as a result of such claims, including reasonable attorney's fees.

**Cost of Study**

Within thirty (30) days of its receipt of the report, the town will pay to the association the sum of \$ 6,000.00.

**Binding Agreement**

By signing below, you are indicating that on behalf of the City of Rockland, Maine you accept and agree to be bound by the terms set forth in this proposal.

Respectfully submitted this 12th day of February 2014.

\_\_\_\_\_  
Robert M. Schwartz  
Executive Director  
The Maine Chiefs of Police Association

Read, Understood, Confirmed and Agreed:

Dated: \_\_\_\_\_

\_\_\_\_\_  
City of Rockland, Maine  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF ROCKLAND, MAINE**

**RESOLVE #13**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE** Authorizing Budget Adjustments – Employee Health Insurance

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to make the following Budget Adjustments to the Employee Health Insurance line items in the following departmental budgets:

<u>Department</u>	<u>Adjustment</u>
10012 Executive	- \$ 792.00
10013 Assessment	- \$ 3,789.00
10014 Finance	- \$ 7,368.00
10015 Legal	- \$ 168.00
10016 City Clerk	+\$ 3,461.00
10031 Police	+\$ 6,647.00
10032 Fire	- \$ 2,552.00
10036 Code Enforcement	+\$ 5,334.00
10037 Community Development	+\$ 196.00
10041 Public Works	+\$ 7,276.00
45000 Transfer Station/Solid Waste	+\$11,572.00
20010 Waste Water Treatment	- \$ 7,593.00
20015 Storm Water	- \$ 8,154.00
50000 Emergency Medical Service	- \$ 536.00
10062 Library	- \$ 3,535.00
<b>Total Effect on Budget</b>	<b>\$ 0.00</b>

Sponsor: City Manager  
Originator: Finance Director

**CITY OF ROCKLAND, MAINE**

**RESOLVE #14**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE** Supporting LD 1754, An Act to Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicle Owned by Public Utilities

**WHEREAS**, current State law requires public utilities to pay excise tax on motor vehicles owned by the public utility in the municipality in which the corporate headquarters of the public utility are located regardless of the municipality in which the motor vehicle are housed and used; and

**WHEREAS**, in 1977, State law was changed to allow corporation and partnerships that are not public utilities to pay excise tax on motor vehicles owned by such corporations or partnerships in the municipality in which the vehicles are located; and

**WHEREAS**, LD 1754, An Act to Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicle Owned by Public Utilities, would treat public utilities the same as other corporations and partnership with respect to the payment of vehicle excise tax; and

**WHEREAS**, Central Maine Power Company currently houses and operates 24 vehicles out of its Rockland Service Center facility in the Rockland Industrial Park, meaning that the City of Rockland would receive approximately \$15,600 in excise tax on these vehicles should LD 1754 is enacted; and

**WHEREAS**, given that the State continues to raid Municipal Revenue Sharing year to year, having this relatively stable revenue source will help offset the costs of providing municipal services; and

**WHEREAS**, the excise tax paid by public utilities comes from the ratepayers statewide it is only fair and equitable that these same ratepayers see their dollars flow back into the local economies where they live and work,

**NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the Rockland City Council hereby supports adoption of LD 1754 as an equitable distribution of excise tax dollars to those municipalities that provide services to public utilities.

Sponsor: City Council  
Originator: City Council

## TALKING POINTS

LD 1754

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Public Hearing: Wednesday, March 12, 2014, 1pm  
State House Room 127

### *An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities*

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**Current Law requires:** Public Utilities to register their entire motor vehicle fleet in the city or town in which their corporate headquarters is located.

**Legislative History:** Law was changed in 1977 to allow corporations and partnerships to register their fleet of vehicles in the city and towns in which they are located. The change did not include public utilities, nothing in the legislative history suggests why the legislature did not allow utilities to be treated like corporations and partnerships, when for nearly 50 years utilities were permitted to pay their excise taxes in towns in which they were located or to the State.

**Amendment to Legislation:** The bill as currently written would need to be amended so it would give utilities the option to register their entire motor vehicle fleet in the city or town in which their corporate headquarters is located OR in the city or town in which the motor vehicles are located.

- City of Rockland has 24 CMP vehicles located at the CMP Rockland Service Center
- If the legislation passes, the City of Rockland would receive approximately **\$15,605.10** per year in excise tax revenue
- With revenue sharing in limbo year after year, cities and towns, can at the very least be assured that a predictable, stable source of revenue no matter how large or small will be available from the excise tax should this legislation pass
- After the 2013 Holiday Ice Storm, it became apparent to a number of utilities that their vehicles and equipment place considerable wear and tear on town infrastructure while at the same time town resources were used to clear roads for crews to restore power and telephone service, yet current law prohibits utilities from reinvesting in these same communities with the excise tax
- The vehicle excise tax on public utility vehicles is paid by all ratepayers in the utility's service territory, it is only fair and equitable that these same ratepayers see their dollars flow back into the local economy where they live and work
- In just a few years, many communities across Maine have made substantial investments in online registration and tax payments, thus making it easier for companies like Central Maine Power to register their vehicles on a town-by-town basis. In fact, if presented with this option, there is only 1 community in CMP's service territory that does not have online registration
- Given ratepayer contributions it is even more important that public utilities are treated the same way in the law as corporations and partnerships

- **Not good public policy for ratepayers across the State of Maine to be subsidizing one community's tax base**

Total = 490 vehicles

Alfred – 29

Augusta – 114

Belfast – 14

Bridgton – 21

Dover -18

Fairfield – 35

Farmington – 21

Lewiston – 46

Rockland - 24

Rumford/Stratton - 8

Skowhegan - 19

Brunswick -34

Portland - 97

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 36 MRSA §1484, sub-§3, ¶C**, as amended by PL 2007, c. 627, §33, is  
3 repealed and the following enacted in its place:

4 C. The excise tax on a motor vehicle owned by a corporation or a partnership must  
5 be paid to the place in which the owner's registered or main office is located, except  
6 that if the owner has an additional permanent place of business where motor vehicles  
7 are customarily kept, the tax on these vehicles must be paid to the place where that  
8 permanent place of business is located. The temporary location of an office and the  
9 stationing of vehicles in connection with a construction project of less than 24  
10 months' duration are not considered to constitute a permanent place of business. If the  
11 owner is a foreign corporation or partnership not maintaining a place of business  
12 within the State, the excise tax must be paid to the Secretary of State.

13 Within 3 years from the date of an excise tax levy under the authority of this  
14 paragraph, a municipality, county or motor vehicle owner that feels the excise tax has  
15 been improperly levied may request a determination of this question by the State Tax  
16 Assessor. The State Tax Assessor's determination is limited to the same 3-year period  
17 and is binding on all of the parties. Any of the parties may seek review of the  
18 determination in accordance with the Maine Rules of Civil Procedure, Rule 80-C.  
19 Within 30 days after receipt of notice of a determination made by the State Tax  
20 Assessor under this paragraph, a municipality or county that has incorrectly accepted  
21 excise tax money must pay the money, together with interest at the maximum rate  
22 established by the Treasurer of State pursuant to section 505, to the municipality or  
23 county identified in the determination as the proper place of payment.

24 **SUMMARY**

25 Current law allows an owner of a public utility to pay excise tax for its motor  
26 vehicles to the place where its registered or main office is located. This bill treats public  
27 utilities like other corporations and partnerships by requiring the payment of excise tax to  
28 the place where the owner has a permanent location where its motor vehicles are kept.

**3. Motor vehicles.** Motor vehicles are subject to excise tax as provided in this subsection.

A. The excise tax on a motor vehicle owned by an individual resident of this State must be paid in the place where the owner resides. [2007, c. 627, §33 (AMD).]

B. The excise tax on a motor vehicle owned by a nonresident individual must be paid in the place where the owner is temporarily or occasionally residing. If there is no such residing place, the tax must be paid to the Secretary of State. [2007, c. 627, §33 (AMD).]

C. The excise tax on a motor vehicle owned by a corporation or a partnership must be paid in the following manner.

(1) If the owner is a corporation or partnership other than one described in subparagraph (2), the excise tax must be paid to the place in which the owner's registered or main office is located, except that if the owner has an additional permanent place of business where motor vehicles are customarily kept, the tax on these vehicles must be paid to the place where that permanent place of business is located. The temporary location of an office and the stationing of vehicles in connection with a construction project of less than 24 months duration is not considered to constitute a permanent place of business. If the owner is a foreign corporation or partnership not maintaining a place of business within the State, the excise tax must be paid to the Secretary of State.

(2) If the owner is a corporation described in Title 35-A, sections 2101 to 2104, the excise tax must be paid to the place in which the registered or main office of that organization is located.

Within 3 years from the date of an excise tax levy under the authority of this paragraph, a municipality, county or motor vehicle owner that feels the excise tax has been improperly levied may request a determination of this question by the State Tax Assessor. The State Tax Assessor's determination is limited to the same 3-year period and is binding on all of the parties. Any of the parties may seek review of the determination in accordance with the Maine Rules of Civil Procedure, Rule 80-C. Within 30 days after receipt of notice of a determination made by the State Tax Assessor under this paragraph, a municipality or county that has incorrectly accepted excise tax money must pay the money, together with interest at the maximum rate established by the Treasurer of State pursuant to section 505, to the municipality or county identified in the determination as the proper place of payment. [2007, c. 627, §33 (AMD).]

**CITY OF ROCKLAND, MAINE**

**RESOLVE #15**

**IN CITY COUNCIL**

March 10, 2014

**RESOLVE** Authorizing Appropriate of TIF Funds – Downtown Lighting Project

**BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the City Manager is hereby authorized to appropriate \$50,000 from the FY 2014 Tillson Avenue Area (Downtown) TIF Development Program (Account #10000-1899) to cover the cost of the Downtown Lighting project.

Sponsor: City Manager

Originator: City Manager

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #2  
IN CITY COUNCIL**

February 10, 2014

**ORDINANCE AMENDMENT** General Assistance – Maximum Levels of Assistance  
**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 8, General Assistance, SECTION 8-708, Basic Necessities; Maximum Levels of Assistance, BE AMENDED AS FOLLOWS:**

**Section 8-708—Basic Necessities; Maximum Levels of Assistance**

A) **Food.** The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. *Thrifty Food Plan* for the appropriate household size. For this purpose, the municipality hereby incorporates by reference the U.S.D.A. *Thrifty Food Plan*, as distributed by the Maine Department of Human Services on or about October of each year. In determining need for food the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S. § 4301.7(A); 7 U.S.C. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The maximum amounts allowed for food are:

Number in Household	Weekly	Monthly
1	<del>\$46.51</del> <u>\$43.95</u>	<del>\$209</del> <u>\$189</u>
2	<del>\$85.35</del> <u>\$80.70</u>	<del>\$367</del> <u>\$347</u>
3	<del>\$122.33</del> <u>\$115.58</u>	<del>\$526</del> <u>\$497</u>
4	<del>\$155.35</del> <u>\$146.97</u>	<del>\$668</del> <u>\$632</u>
5	<del>\$184.42</del> <u>174.42</u>	<del>\$793</del> <u>\$750</u>
6	<del>\$221.40</del> <u>209.30</u>	<del>\$952</del> <u>\$900</u>
7	<del>\$244.65</del> <u>231.40</u>	<del>\$1052</del> <u>\$995</u>
8	<del>\$279.53</del> <u>264.42</u>	<del>\$1202</del> <u>\$1137</u>

\*Add \$150 \$142 a month for each additional person

The administrator will exceed the above maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

First Reading 2/10/14  
 First Publication 2/20/14  
 Public Hearing 3/10/14  
 Final Passage \_\_\_\_\_  
 Second Publication \_\_\_\_\_  
 Effective Date \_\_\_\_\_

Sponsor: Councilor Dickerson  
 Originator: GA Administrator

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #3  
IN CITY COUNCIL**

February 10, 2014

**ORDINANCE AMENDMENT** Zoning Map Amendment – North Main Street/Cottage Street

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

THAT the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

- \* At 6 Cottage Street (Tax Map 13-D-3), extend the Commercial 2 zone northwestward to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Transitional Business 1 zones; and
- \* At 19 North Main Street (Tax Map 13-D-8), change the zone from Transitional Business 1 to Commercial 2; and
- \* At 632 Main Street (Tax Map 13-D-6), extend the Commercial 2 zone westward to North Main Street, to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Residential B zones.

The zone boundary is intended to follow parcel boundary lines where applicable.

Sponsor: Mayor Pritchett  
Originator: Code Enforcement Officer

First Reading 2/10/14  
First Publication 2/20/14  
Public Hearing 3/10/14  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

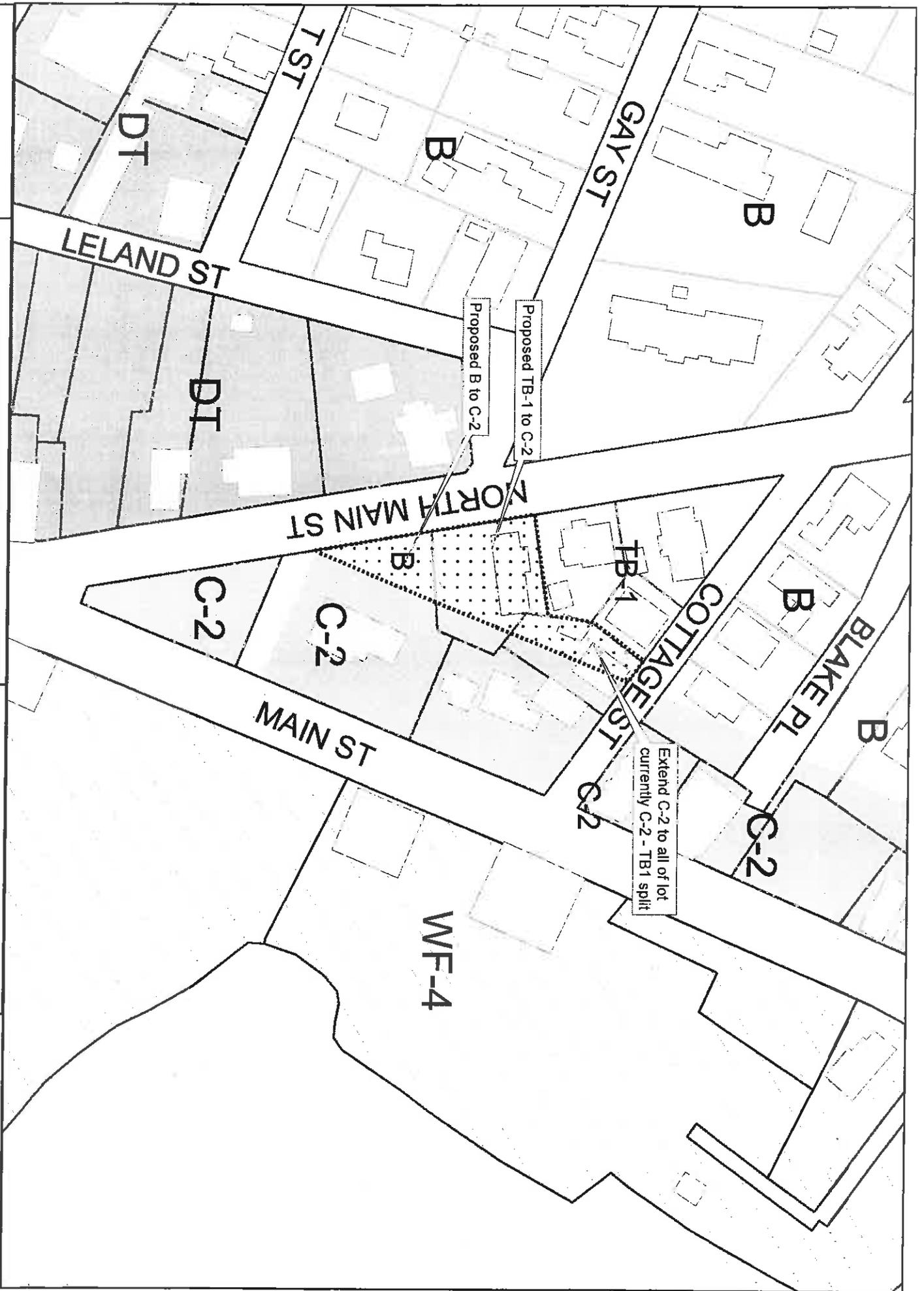


CITY OF  
ROCKLAND  
KNOX COUNTY  
MAINE

Ordinance Amendment # 3

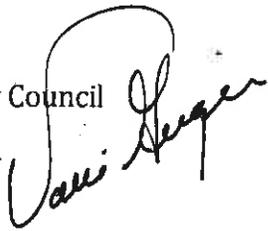


**DISCLAIMER**  
Tax maps are compiled from aerial photography,  
existing surveys, deeds, and landowner's descriptions.  
They are to be used for assessment purposes only,  
and not for conveyance



## MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council  
From: Valli Geiger, Chair, Comprehensive Planning Commission  
Date: February 26, 2014  
Re: Ordinance Amendment # 3 Zoning Map Amendment – North Main Street/Cottage Street, and Ordinance Amendment #4 Flag Lots, Minimum Width



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The Comprehensive Planning Commission met on Thursday, February 20, 2014 at the Town Hall. Members present included: Valli Geiger, Chair, Ann Morris, Audra Caler-Bell, Eileen Wilkinson, Thomas Keedy and Ex Officio member Mayor Pritchett.

The Commission reviewed and made the following recommendations on two ordinance amendments:

- Ordinance amendment #3, Zoning Map Amendment – North Main Street/Cottage Street. The Commission voted 5-0 to recommend approval of the amendment with one revision. We recommend that the entire lot at 6 Cottage Street (Tax Map 13-D-3) be zoned TB-1. (It is currently divided by the C-2/TB-1 zone boundary line.)

This amendment was reviewed with background provided by John Root, Code Enforcement Officer, and Mayor Pritchett. Discussion concerned how to protect the residential neighborhoods on Cottage and North Main while amending the code to reflect business activity already taking place.

- Ordinance amendment #4 Flag Lots, Minimum Width. The Commission voted 4-0-1 to recommend approval with the following revisions to Section B. Dimensional Standards:
  - Eliminate subsection B.(1) "~~fifteen (15) feet where it serves two or more single family homes used as residences~~ ... or"
  - Remove the following clause in subsection B.(2), "~~... where it serves just one single family home~~" and,
  - Renumber subsections (2) and (3) to become (1) and (2).

Valli Geiger noted, that this was an amendment requested by her to City Councilman, Frank Isganitis and she would, therefore, abstain from voting. Fire Chief Jordan, John Root, and Valli Geiger provided context and background, along with recommendations. Discussion centered on the possible conflict between public safety needs and historic neighborhood aesthetics and differing definitions of driveway widths, depending on zone.

Please let me know if any additional clarification is needed.

**PROPOSED AMENDMENT TO ORDINANCE AMENDMENT #3 (as per Comprehensive Planning Commission Recommendation):**

THAT the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

- \* At 6 Cottage Street (Tax Map 13-D-3), extend the ~~Commercial 2 zone northwestward~~ Transitional Business 1 zone southward to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Transitional Business 1 zones; and
- \* At 19 North Main Street (Tax Map 13-D-8), change the zone from Transitional Business 1 to Commercial 2; and
- \* At 632 Main Street (Tax Map 13-D-6), extend the Commercial 2 zone westward to North Main Street, to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Residential B zones.

The zone boundary is intended to follow parcel boundary lines where applicable.

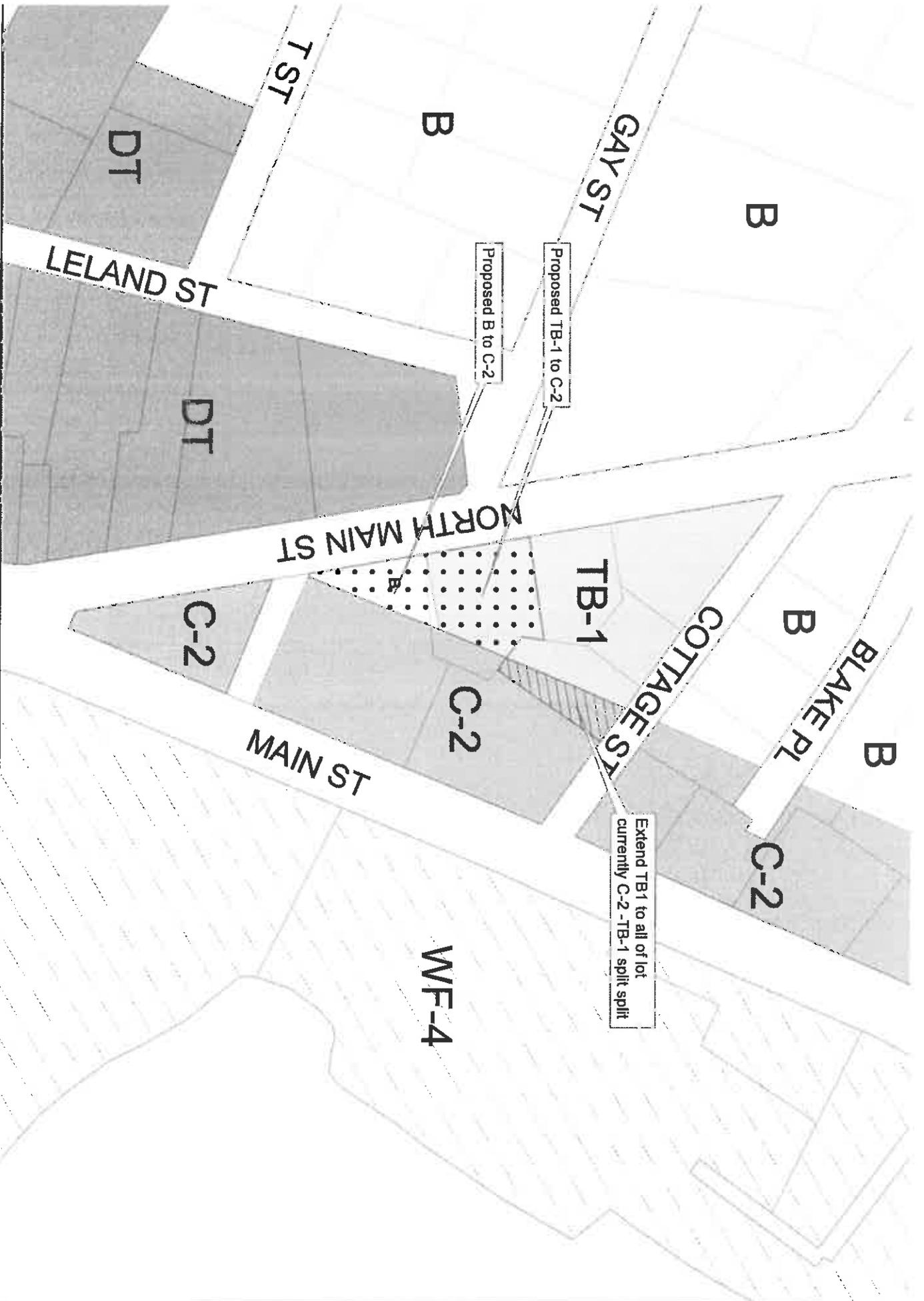


CITY OF  
ROCKLAND  
KNOX COUNTY  
MAINE

Ordinance Amendment #3 (amended)



**DISCLAIMER**  
Tax maps are compiled from aerial photography,  
existing surveys, deeds, and landowner's descriptions.  
They are to be used for assessment purposes only,  
and not for conveyance



**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #4**  
**IN CITY COUNCIL**

February 10, 2014

**ORDINANCE AMENDMENT** Flag Lots, Minimum Width

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, SECTION 19-303 General Provisions, (9) Flag Lots, BE AMENDED AS FOLLOWS:**

**Sec. 19-303 General Provisions**

**9. Flag Lots.**

Where permitted by the applicable zone regulations, the development or redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

**B. Dimensional Standards.** The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

(1) fifteen (15) feet where it serves two or more single family homes used as residences for a residential use or

(2) twelve (12) feet where it serves just one single-family home, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or

(3) eighteen (18) feet for other uses, and

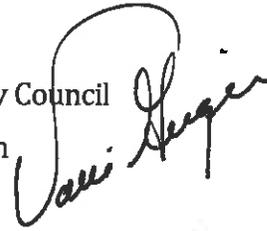
The plan for the access road must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three.

First Reading 2/10/14  
First Publication 2/20/14  
Public Hearing 3/10/14  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

Sponsor: Councilor Isganitis  
Originator: Code Enforcement Officer

## MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council  
From: Valli Geiger, Chair, Comprehensive Planning Commission  
Date: February 26, 2014  
Re: Ordinance Amendment # 3 Zoning Map Amendment – North Main Street/Cottage Street, and Ordinance Amendment #4 Flag Lots, Minimum Width



---

The Comprehensive Planning Commission met on Thursday, February 20, 2014 at the Town Hall. Members present included: Valli Geiger, Chair, Ann Morris, Audra Caler-Bell, Eileen Wilkinson, Thomas Keedy and Ex Officio member Mayor Pritchett.

The Commission reviewed and made the following recommendations on two ordinance amendments:

- Ordinance amendment #3, Zoning Map Amendment – North Main Street/Cottage Street. The Commission voted 5-0 to recommend approval of the amendment with one revision. We recommend that the entire lot at 6 Cottage Street (Tax Map 13-D-3) be zoned TB-1. (It is currently divided by the C-2/TB-1 zone boundary line.)

This amendment was reviewed with background provided by John Root, Code Enforcement Officer, and Mayor Pritchett. Discussion concerned how to protect the residential neighborhoods on Cottage and North Main while amending the code to reflect business activity already taking place.

- Ordinance amendment #4 Flag Lots, Minimum Width. The Commission voted 4-0-1 to recommend approval with the following revisions to Section B. Dimensional Standards:
  - Eliminate subsection B.(1) "~~fifteen (15) feet where it serves two or more single family homes used as residences ... or~~"
  - Remove the following clause in subsection B.(2), "~~... where it serves just one single family home~~" and,
  - Renumber subsections (2) and (3) to become (1) and (2).

Valli Geiger noted, that this was an amendment requested by her to City Councilman, Frank Isganitis and she would, therefore, abstain from voting. Fire Chief Jordan, John Root, and Valli Geiger provided context and background, along with recommendations. Discussion centered on the possible conflict between public safety needs and historic neighborhood aesthetics and differing definitions of driveway widths, depending on zone.

Please let me know if any additional clarification is needed.

**PROPOSED AMENDMENT TO ORDINANCE AMENDMENT #4 (as per Comprehensive Planning Commission Recommendation):**

**Sec. 19-303 General Provisions**

**9. Flag Lots.**

Where permitted by the applicable zone regulations, the development or redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

**B. Dimensional Standards.** The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

~~(1) fifteen (15) feet where it serves two or more single family homes used as residences for a residential use or~~

~~(2) (1) twelve (12) feet where it serves just one single family home, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or~~

~~(3) (2) eighteen (18) feet for other uses, and~~

The plan for the access road must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three.

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #5  
IN CITY COUNCIL**

February 10, 2014

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$79,000 TO FINANCE SUMMER STREET SEWER LINE REPLACEMENT AND STORM WATER SEPARATION, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$79,000 is hereby appropriated to finance Summer Street sewer line replacement and storm water separation (the "Project"), and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$79,000.

**Section 3.** Subject to this ordinance, the City Charter, and all other applicable laws and such orders, or resolutions as may hereafter be adopted by the City Council fixing the terms and details of the bonds or notes to be issued to finance such appropriation, the Director of Finance of the City, with the approval of the Mayor, is authorized to take all steps necessary and expedient in respect to the aforesaid borrowing.

Sponsor: Mayor Pritchett  
Originator: City Manager

First Reading 2/10/14  
First Publication 2/20/14  
Public Hearing 3/10/14  
Final Passage \_\_\_\_\_  
Second Publication \_\_\_\_\_  
Effective Date \_\_\_\_\_

**CITY OF ROCKLAND, MAINE**  
**ORDINANCE AMENDMENT #23**  
**IN CITY COUNCIL**

August 26, 2013

**BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$ \_\_\_\_\_ TO FINANCE THE CONSTRUCTION OF A PUBLIC WORKS GARAGE, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.**

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Subject to Section 2 hereof, an amount not to exceed \$ \_\_\_\_\_ is hereby appropriated to finance the construction of a public works garage (the "Project"), and such other ancillary and related costs with respect thereto, plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

**Section 2.** For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$ \_\_\_\_\_.

**Section 3.** Subject to this ordinance, the City Charter, and all other applicable laws and such orders, or resolutions as may hereafter be adopted by the City Council fixing the terms and details of the bonds or notes to be issued to finance such appropriation, the Director of Finance of the City, with the approval of the Mayor, is authorized to take all steps necessary and expedient in respect to the aforesaid borrowing.

Sponsor: City Council

Originator: City Manager

Postponed 8/26/13 to 1/13/14

Postponed 1/13/14 to 3/10/14

# MEMO

TO: Mayor Pritchett  
City Councilors

February 28, 2014

FROM: Acting City Manager Tom Luttrell

RE: Bond Ordinance #23 – Public Works Garage

Bond Ordinance #23 was postponed again last month and is on the agenda for discussion again in March. I recommend that we postpone the Public Works Garage till the land issue at the Transfer Station is resolved.

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #7  
IN CITY COUNCIL**

March 10, 2014

**ORDINANCE AMENDMENT** Purchase and Sales Agreement Amendment – S. Hale

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

THAT the Purchase and Sale Agreement between the City of Rockland and Stephen C. Hale for the purchase of 242 Old County Road (Tax Map #80-A-5), adopted by the City Council pursuant to Ordinance Amendment #16-11, effective 06/08/11, and amended pursuant to Ordinance Amendment #04-13, effective 07/29/13, is hereby further amended as follows:

**SECOND AMENDMENT TO  
PURCHASE & SALE AGREEMENT**

The **CITY OF ROCKLAND, MAINE**, a municipal corporation duly organized and existing under the laws of the State of Maine (“Seller”) and **STEPHEN C. HALE**, an individual residing at 242 Old County Road in Rockland, and formerly of 130 Thomaston Street in Rockland (“Buyer”) hereby amend that certain Purchase And Sale Agreement For Municipal Lien-Acquired Property – namely, real property located at 242 Old County Road in Rockland, Maine (Tax Map 80-A-5) – by and between Seller and Buyer and dated April 13, 2011 (the “P & S”), as follows:

\* \* \*

4. PURCHASE PRICE: For such Quitclaim Deed and conveyance Buyer agrees to pay the total purchase price of \$18,000 \$\_\_\_\_\_.

\* \* \*

6. ACCEPTANCE; CLOSING DATE: The Closing Date shall be no later than March 31, ~~2014~~ 2015.

\* \* \*

25. OTHER CONDITIONS: Buyer to lease the Premises for no more than ~~three~~ four years, and pay the purchase price no later than March 31, ~~2014~~ 2015. Until closing, Buyer shall pay Seller rent in the amount of \$400.00/month on or before the first day of each month for the period up to and concluding on March 31, 2013; ~~and~~ in the amount of \$600.00/month on or before the first day of each month commencing April 1, 2013; ~~; and in the amount of~~ \$\_\_\_\_\_ /month on or before the first day of each month commencing April 1, 2014. Buyer shall be responsible for repairs necessary to render the property habitable, and for yard maintenance and snow removal; shall pay all utilities; and shall pay the City a payment in lieu of

tax at the rate of \$1,223/year pro-rated to Buyer to cover the period between the Closing Date and the completion of the then-current fiscal year. If the Closing Date is between April 1, 2013, and June 30, 2013, Buyer shall make a further payment in lieu of tax for ~~Fiscal Year 2014~~ the following fiscal year, in the amount of the tax that would have been assessed had Buyer owned the property on such April 1, 2013. Of Buyer's rent payments to the City for periods prior to the Closing Date, \$300/month shall be credited to the purchase price at closing. Buyer shall secure and maintain property and liability insurance coverages for the property, and shall name the City of Rockland a certificate holder of the same.

\* \* \*

Terms and conditions in the Purchase and Sale Agreement, as amended, or subparts thereof, not amended in this Second Amendment shall remain in full force and effect and binding upon the Parties.

Sponsor: Councilor Hebert  
Originator: Councilor Hebert

**CITY OF ROCKLAND, MAINE  
ORDINANCE AMENDMENT #8  
IN CITY COUNCIL**

March 10, 2014

**ORDINANCE AMENDMENT** Zoning Map Amendment – Broad Street, Grace Street Place, Grace Street.

**THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:**

**THAT** the Official Zoning Map of the City of Rockland be amended by changing the zoning classification as follows, and in conformance with the attached map:

- ❖ At 47 Broad Street (Tax Map 20-A-29), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 43 Broad Street (Tax Map 20-A-28), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 5 Grace Street Place (Tax Map 20-A-5), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 9 Grace Street Place (Tax Map 20-A-27), change the zone from Commercial 2 Zone to Residential Zone A; and
- ❖ At 10 Grace Street Place (Tax Map 20-A-7), change the zone from Commercial 2 Zone to Residential Zone A; and

Also at 38 Grace Street (Tax Map 20-A-10), extend the Residential A zone eastward to encompass the entire parcel, thus eliminating the split of the parcel between the Commercial 2 and Residential A zones as currently shown on the Official Zoning Map of the City of Rockland.

The zone boundary is intended to follow parcel boundary lines where applicable.

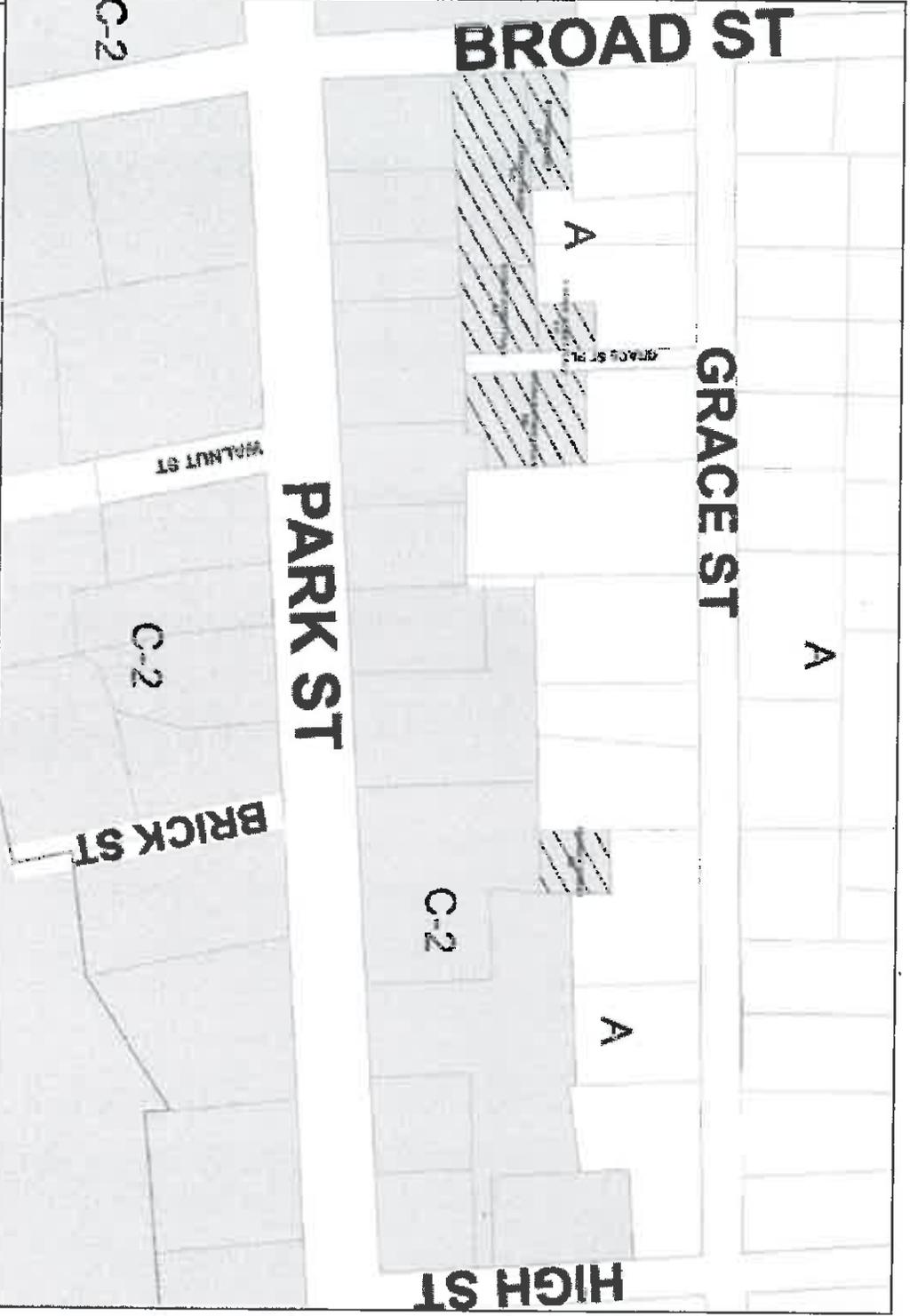
Sponsor: Mayor Pritchett  
Originator: Code Enforcement Officer



Change from Commercial 2 to Residential Zone A



DATE: 11/15/11  
This map is a record of zoning changes as determined by the City of Portland Zoning Department. It is not a legal document and should not be used for legal purposes.



## Larry Pritchett

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**To:** City Council  
**Cc:** City Manager; City Clerk; City Attorney; Code Office  
**Subject:** Possible Zone Change > Grace Street Place Area > C-2 to Res A

Councilors,

Code Officer Root was approached yesterday by a property owner wishing to replace a structurally deficient garage at their home with a new garage. In looking at the project, John realized that residence, as well as five others in the Grace Street Place, Broad Street and Grace Street area, were in the C-2 zone.

This is potentially problematic on two fronts. First, C-2 has much larger setbacks than the adjacent residential zone, so the C-2 designation makes common residential projects (adding/replacing garages, adding/replacing decks, building additions) difficult if not impossible.

Second, three of these parcels are only accessible via Grace Street Place. So, functionally there are several parcels zoned C-2 for which access for commercial activity on these lots (if any were proposed) could only occur by driving through a Residential A neighborhood.

The attached map shows the residential properties that are now zoned C-2 (Yellow Outline). I concurred with the Code Officer that it was a legitimate question as to whether these purely residential properties should be in the C-2 zone. So I agreed to add an Ordinance amendment for a zone change in this area to Council's Monday agenda.

There may well be a valid reason to leave one or more of these currently residential properties in C-2. But, I thought the best way to clarify the appropriate zone for these parcels was to bring forward an ordinance amendment for discussion and debate.

The code office is working to contact the property owners that would be effected. Please let me know if you have concerns about this possible zone change and please let the City Manager know if there are questions you would like City staff to explore ahead of Monday evening's Council meeting.

Larry R. Pritchett  
Phone: (207) 594-8806  
[LarryPritchett.Council@GMail.Com](mailto:LarryPritchett.Council@GMail.Com)

**CITY OF ROCKLAND, MAINE**

**ORDER #28**

**IN CITY COUNCIL**

August 26, 2013

**ORDER** Adopting Declaration of Official Intent and Establishing Date for Public Hearing on Bond Ordinance

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT, WHEREAS,** the City desires to borrow up to a maximum amount of \$ \_\_\_\_\_ for purposes of financing construction of a public works garage, and such other ancillary and related costs with respect thereto; and

**WHEREAS,** the provisions of Treasury Regulation § 1.150-2 require that the Declaration of Official Intent be adopted by the City in order for the City to reimburse itself for costs of the project with proceeds from the issuance of tax-exempt bonds;

**NOW, THEREFORE,** it is hereby

**ORDERED:** That the Declaration of Official Intent attached hereto be and hereby is adopted; and

**ORDERED:** That the Bond Ordinance attached hereto and incorporated herein by reference be scheduled for a public hearing to be held on September 9, 2013; and

**ORDERED:** That the City Clerk be and hereby is authorized and directed to publish notice of the public hearing at least seven (7) days prior to the date of the public hearing.

Sponsor: City Council  
Originator: City Council

*Postponed 8/26/13 to 1/13/14*  
*Postponed 1/13/14 to 3/10/14*

**DECLARATION OF OFFICIAL INTENT**

TREASURY REGULATION § 1.150-2

**WHEREAS**, the City of Rockland, Maine (the "Issuer") currently intends to proceed with the following project (the "Project"): Construction of a public works garage, and such other ancillary and related costs with respect thereto;

**WHEREAS**, the Issuer intends to finance the costs of the Project through the issuance of bonds or notes in anticipation thereof; and

**WHEREAS**, certain of the costs of the Project may be paid by the Issuer prior to the issuance of notes or bonds and be reimbursed from the proceeds thereof; and

**WHEREAS**, Treasury Regulation § 1.150-2 requires that an Issuer declare its official intent to reimburse expenditures with proceeds of borrowings prior to the date of expenditure;

**NOW, THEREFORE**, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Project with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer in the maximum principal amount of \$\_\_\_\_\_, plus an amount not to exceed 2% for payment of the cost of issuance of bonds or notes issued with respect thereto.

2. **General Description of Property to which Reimbursement Relates.** The description of the Project in the first recital hereto is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursement will be made.

3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer and shall be maintained and otherwise supervised by its Clerk on behalf of the Issuer.

4. **Treasury Regulation.** This is a declaration of official intent pursuant to the requirements of Treasury Regulation § 1.150-2.

5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Order adopted by its City Council.

**CITY OF ROCKLAND, MAINE**

**ORDER #39**

**IN CITY COUNCIL**

October 16, 2013

**ORDER** Adopting Criteria for the Review And Placement of Public Art

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to Rockland Code, Ch. 13, Art. I, Sec. 13-103(C), the Parks Commission shall apply the following procedures and criteria when reviewing artwork proposed for display in a public park or on other City property in the City of Rockland.

**Procedure:**

1. The Parks Commission, in consultation with the City Manager, shall prepare an application form to be utilized by persons or entities, including the City of Rockland, that propose to display artwork in a public park or on other City property ("Public Art"). Such form shall elicit the name and contact information of the owner and, if applicable, gallery owner / broker, of the Public Art; the location and term proposed for its display; a statement of placement, maintenance, and other conditions / limitations proposed by the Applicant; other pertinent information; and acknowledgement by the Applicant that the display of Public Art in Rockland shall be at the Applicant and/or owner's risk;
2. No person may display Public Art until granted approval therefor by the Parks Commission, and if not in conformance with any conditions imposed therefor;
3. Applications shall be submitted to the City Manager, who shall inform the Parks Commission Chair. The Parks Commission shall meet to review and act upon such application within 60 days of the date of the application. The Parks Commission shall provide prior, written notice to the Applicant of the date and time of the hearing for the application; shall provide the Applicant and owner an opportunity to be heard; shall conduct a public hearing on such application; shall – applying the Review Criteria set for thin in this Order – grant, grant with conditions, or deny such application; and shall issue, under the Chair's signature, a written decision consistent with the decision and vote of the Parks Commission;
4. The approval of an application to display Public Art shall be conditioned upon the availability of private or authorized public resources to install, maintain, and remove the Public Art, and upon the availability and maintenance of property and general liability insurance coverages for the Public Art;
5. The Public Art must be available and shall be displayed for a fixed term of no fewer than three months and no more than 12 months;
7. The public art shall not be available for sale and removal during such term;

8. The Parks Commission's decision on an application for the display of Public Art may be appealed by the Applicant or City Manager to the City Council, by submitting written notice of such appeal with the City Clerk within ten business days of the date of written notice of the Commission's decision; and
9. Until the effective date of Ordinance Amendment #13-26, authorizing the Parks Commission to review applications for the display of Public Art, and in the event, once so authorized, that the Parks Commission fails to act upon any such application within 60 days thereof, the City Manager is authorized to review and grant, grant with conditions, or deny such application, without notice or public hearing.

**Review Criteria:**

- A. The Public Art is of a size, durable material, quality, and condition suitable for display at the proposed location;
- B. The subject matter of the Public Art is not political in nature, and is appropriate for viewing by the general public;
- C. The Public Art contains no commercial advertising, logos, slogans, or mascots other than mascots of public schools located within the City; and
- D. The subject matter of the Public Art is suitable for and not incompatible with the purpose, nature, and other amenities of the public park or City property where it is proposed to be displayed, and shall not unreasonably be susceptible to damage, theft, or vandalism at such location.

Sponsor: Councilor Hebert

Originator: City Manager

*Postponed 10/16/13 to 12/9/13*

*Postponed 12/9/13 to 3/10/14*

## MEMO

TO: Mayor Pritchett  
City Councilors

February 28, 2014

FROM: Acting City Manager Tom Luttrell

RE: Order #39 – Adopting Art Display Policy

Ordinance Amendment #26 which corresponds with Order #39 was postponed last month till April 14, 2014. Therefore, Order #39 should be postponed as well.

There is a council work session scheduled for March 19, 2014, 6:30pm with Farnworth, AIR, Blues Fest, RMS and the Strand to get more feedback on the public art display policy as requested last month.

**CITY OF ROCKLAND, MAINE**

**ORDER #15**

**IN CITY COUNCIL**

March 10, 2014

**ORDER** Authorizing Boundary Agreement – Belyea Estate

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to enter into a Boundary Agreement with the Estate of John Belyea to clarify the property boundary between the City of Rockland property located at 9 Burrows Street (Tax Map #57-A-5) and the Belyea Estate properties located at 266 Pleasant Street (Tax Map #57-A-4) and 268 Pleasant Street (Tax Map # 57-A-3).

Sponsor: City Manager  
Originator: City Attorney

**CITY OF ROCKLAND, MAINE**

**ORDER #16**

**IN CITY COUNCIL**

March 10, 2014

**ORDER** Review of Options & Rules For Serving Alcohol At Events On City Property

**BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**WHEREAS**, both Maine Law (Title 28-A §1076) and Rockland's Municipal Ordinances (Ch. 11, Sec. 11-113) give City Council the option of permitting the service of alcohol at events on City property; and

**WHEREAS**, several towns and cities in Maine including Camden, Portland, Rockport, Kennebunk and others have adopted ordinances or policies governing where and under what conditions alcohol may be served at events on municipal property; and

**WHEREAS**, several organizations have asked in recent years about the possibility of serving alcohol at events held on City property; and

**WHEREAS**, the City has no rules or ordinances governing the locations, conditions and requirements under which alcohol could be served at events on municipal property;

**NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, the City Manager, working with city committees, shall review which municipal properties, including but not limited to Harbor Park, the Library, Buoy Park, Snow Marine Park as well as on city streets during street closures, at which it might be appropriate to allow the serving of alcohol at events as well as which areas the serving of alcohol should be prohibited; and

**THAT**, the City Manager shall develop a policy for permitting the serving of alcohol on City property for Council consideration that addresses, among other issues, liability insurance requirements, minimum number of trained servers needed, provisions for clearly defining and controlling the area in which alcohol can be served and consumed, as well as when the City may require the event organizer to pay for a duty officer to be present; and

**THAT**, to allow time for this review and policy development, the City Clerk is directed not to accept any applications for the serving of alcohol on City property prior to October 15, 2014.

Sponsor: Mayor Pritchett  
Originator: City Manager

**Date:** February 28, 2014

**To:** City Council

**From:** Acting Manager Luttrell  
Mayor Pritchett

**Re:** Serving Alcohol At Events On City Property (Order #16)

This winter representatives of the Lobster Festival board approached the Mayor, the Manager and at least two other members of Council with a request that the City consider allowing the Festival to have a "Bear and Wine Tasting Tent" at the Lobster Festival. Other organizations (the Farnsworth, the Maine Boats and Harbors Show as well as RPLEA) have made similar inquires in the past about possible options for serving alcohol at events on City property.

To enable Council to have an informed discussion on this request, the Mayor, the Manager and the City Attorney begin to explore both what the legal constraints would be around such a request and what other municipalities' rules are around the serving of alcohol at events on public property. Order #16 is the outcome of that research.

#### State Law & City Ordinances Appears to Gives Council Authority to Approve

In contrast to some people's impression, there does not appear to be any blanket prohibition in either state law or in the City's ordinances on serving alcohol at events on municipal property. Both leave the question of whether to allow the serving of alcohol on public property (assuming the general conditions around the serving of alcohol are met) to Council as the representatives of the "owners."

#### Several Municipalities Allow Alcohol To Be Served At Events On Public Property

A number of towns and cities allow the serving of alcohol at certain types of events on specific municipal property and have developed policies governing the terms and conditions under which this may be permitted. Three examples:

Camden has permitted the serving of alcohol at events in space at the Opera House, the Amphitheatre and the Snow Bowl. Under certain conditions Rockport allows serving of alcohol at events both at the Opera House and in town parks. Kennebunk allows the serving of alcohol at events in specific places in certain municipal buildings as well as at events held on closed city streets.

#### Common Aspects Of Policies Governing Serving Alcohol At Events On City Property

In looking at the policies that other municipalities have on this issues and discussing this with officials in various towns, Rockland probably should carefully consider at least five questions before permitting the serving alcohol at events on any city property (or in any city facility).

*Required Liability Limits:* Rockport staff stressed the importance of separate properly drafted liability insurance certificates for the serving of alcohol (beyond the general liability insurance

for the event). Kennebunk has a liability insurance requirement for serving of alcohol at events on town land that varies from \$2 million to \$5 million depending in the size of the event.

*Compatible Properties & Facilities:* Some municipalities clearly delineate the town facilities, and even the areas in the facility, where an event at which alcohol may be served is permitted. The specifics vary by town, but a prohibition on serving alcohol at events held on town athletic fields does not seem to be uncommon.

*Compatible Uses:* Some towns go a step further and define specify compatible uses/events. For example, Kennebunk does not allow alcohol to be served at an event on a municipal campus if a kid or youth focused event is occurring elsewhere on that municipal campus.

A common underlying goal seems to be to avoid alcohol being served at events on municipal property where a substantial fraction of the attendees at the event are not old enough to drink. Kennebunk also prohibits marketing practices that might encourage alcohol consumption.

*Define Boundaries of Area:* Rockport noted that events in parks pose a particular challenge in that the area in which alcohol can be served and consumed needs to be defined in such a way that it is clear to the applicant and can be enforced by the town.

*Required Staffing:* The minimum number of TIPS trained staff for serving and monitoring the site (based on the size of the event) as well as when the event is required to pay for a municipal policy officer to be present are also aspects of other municipalities policies.

The above captures some of the key points that appear in various towns policies governing the sell/serving of alcohol on municipal property. All of these are covered in Kennebunk's "Alcohol Policy-Municipal Facility" ( <http://www.kennebunkmaine.us/documentcenter/view/125> ).

#### What Approach Would Work Best For Rockland?

In bringing forward Order #16, it is neither the Mayor's nor the Manager's desire or intend to encourage Council to permit the selling or serving of alcohol at any particular event(s). Both of us would be inclined to caution Council against approving the serving of alcohol at any event on City property until staff and Council has taken the time to research and debate the issues detailed here.

Likewise we would discourage Council from approving the serving of alcohol at events on a case by case basis. If the City allows this at all, it is our recommendation that it should be down in the context of a comprehensive policy that can be applied fairly to any event organizer (& where serving alcohol is permitted, where is prohibited and the conditions are clear). Hence Order #16 in its current form includes a moratorium on applications to serve alcohol at events on city land.

**CITY OF ROCKLAND, MAINE**

**ORDER #17**

**IN CITY COUNCIL**

March 10, 2014

**ORDER** Accepting Forfeited Assets – C. Soto

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT**, pursuant to 15 M.R.S. §§ 5824(3) and 5826(6), the City of Rockland hereby grants approval of the transfer of the Defendant *in Rem* listed below, or any portion thereof, on the ground that the Rockland Police Department did make a substantial contribution to the investigation of the case:

- \$4,780.00 U. S. Currency, State of Maine v. Cameron Soto, Superior Court Docket # CR-14-01.

Sponsor: City Manager  
Originator: Police Department

STATE OF MAINE  
Knox, ss

SUPERIOR COURT  
Criminal Action  
Docket No. CR-14-01

State of Maine	}	
	}	
v.	}	Municipality of Rockland
	}	Approval of Transfer
Cameron Soto,	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$4,780.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Rockland, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$2,390.00 U.S. Currency), or any portion thereof, on the grounds that the Rockland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Rockland, Maine does hereby approve of the transfer of the Defendant(s) in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Rockland municipal legislative body on or about

\_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Municipal Officer  
Rockland, Maine  
(Impress municipal legislative body seal here)

**CITY OF ROCKLAND, MAINE**

**ORDER #18**

**IN CITY COUNCIL**

March 10, 2014

**ORDER** Authorizing Acceptance of Grant Funds – American Library Association

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is hereby authorized to accept a Carnegie Whitney Grant in the amount of \$1,660 on behalf of the Rockland Public Library from the American Library Association for the *Booktalk Podcast for Young Adults*. There are no local matching funds for this grant.

**AND**, it is further Ordered that the City Manager be authorized to execute any instruments necessary to effectuate such acceptance.

Sponsor: City Manager  
Originator: Library Director

**CITY OF ROCKLAND, MAINE**

**ORDER #19**

**IN CITY COUNCIL**

March 10, 2014

**ORDER** Authorizing License Agreement – Brass Compass Tables

**IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**THAT** the City Manager is authorized to sign a limited use license agreement with the owner of the Brass Compass Cafe to place public tables in a portion of Winslow-Holbrook Memorial Park and to provide food and beverage service to those tables for the 2014 Summer Season (May 15, 2014 through October 31, 2014) under the terms and conditions specified in the license agreement substantially in the form attached hereto.

Sponsor: Mayor Pritchett

Originator: Mayor Pritchett

## **LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT** by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and Lynn W. Archer, d/b/a The Brass Compass Cafe, of 305 Main Street, Rockland, Maine (the "Licensee"), is effective May 15, 2014, if duly executed by each party.

**WHEREAS**, Licensee operates a restaurant at 305 Main Street (Tax Map 1-H-9) (the "Brass Compass"), immediately adjacent to the northerly boundary of Rockland's Winslow-Holbrook Memorial Park (Tax Map 1-H-7) (the "Park"); and

**WHEREAS**, Licensee seeks to place and serve food at tables in the Park,

**NOW, THEREFORE**, in consideration of the promises and undertakings set forth herein, the parties hereto do agree as follows:

**1. Grant of License.** The City of Rockland grants to Licensee a non-exclusive license, between May 15, 2014, and October 31, 2014, temporarily to place tables and chairs for public and customer seating, and – from and by the Brass Compass – to serve food and refreshments at the same within the License Premises as hereinafter defined;

**2. License Premises.** The License Premises shall be the area of the Park that (A) falls within, and does not exceed, ten (10) linear feet measured southerly from and at right angles to the southerly foundation of the Brass Compass building; (B) lies easterly of the east side of the City's street light control panel in the Park; and (C) excludes the areas in the Park (1) between the north side of the control panel and the Brass Compass building, (2) between the south side of said control panel and Park Drive, and (3) between the west side of said control panel and Main Street (the "License Premises")

**3. Fee.** Licensee shall, prior to placing any table or chair in the Park, pay to the City a total fee of \$1,500.00 (the "Fee") for the permissions granted under this License; provided, however, that in the event the City suspends or terminates this License Agreement pursuant to subparagraph 8(A), the fee shall be pro-rated to exclude the period in which this License is suspended, and the excess payment, if any, shall be refunded to Licensee no later than November 30, 2014;

**4. Conditions.** Such license and use of the Park shall be subject to and limited by the following conditions:

- A. Licensee shall not place or allow any third party to place or move Licensee's tables or chairs or other property at or to any location outside the License Premises. Licensee has the sole obligation and burden of assuring that her patrons and property remain within the License Premises;
- B. Licensee shall neither conduct nor permit any food preparation; nor place or allow any greeting stand, bussing station, or storage facility; nor play, show, or operate any audio or visual device; nor use or store any cooling, refrigeration, or other equipment or devices, in the License Premises;
- C. Licensee may not serve and shall prohibit the consumption of alcoholic beverages in or around the License Premises;
- D. Licensee shall keep the License Premises, and tables and chairs placed therein, in a clean, neat, and orderly condition at all times;
- E. Licensee may not affix or attach any table, chair, or other item to the ground in the License Premises in any manner, nor cordon off or establish any barrier to the public's access to or use of such tables and chairs in the License Premises;
- F. Licensee may not place, and shall remove if placed by any third party, any commercial logos, promotional materials, or other advertising for Licensee's or any other business or enterprise (other than the existing awning attached to the Brass Compass building) within or over the License Premises or the Park;
- G. Licensee shall permit and welcome members of the public to use, within the License Premises, any or all of the tables and/or chairs placed by or for the Licensee within the License Premises. Licensee may in no way, explicitly or by implication, restrict the use of the License Premises or Licensee's tables and chairs therein to patrons of the Licensee's business(es). Notwithstanding the foregoing, Licensee may exclude from the License Premises any unruly, intoxicated, or disruptive persons, consistent with Licensee's policies or practices for removing such persons from the interior of Licensee's restaurant;
- H. Licensee shall be responsible for the repair of any damage that occurs within the License Premises during the term of this License Agreement;
- I. Licensee shall secure and maintain property insurance for the License Premises, and liability insurance covering occurrences within the License Premises in amounts not less than

\$1,000,000/occurrence and \$3,000,000/ aggregate, and shall cause the City to be named therein as an additional insured. Licensee shall cause an original certificate of such insurance to be submitted to the City prior to Licensee's use of the License Premises. Licensee shall keep current such liability insurance coverage throughout the term of this License Agreement;

- J. Nothing herein is intended nor shall be deemed to grant to Licensee or any other party any property or other right, title, or interest in the real and personal property subsumed within the License Premises. Nor does the grant of the permissions set forth in the License Agreement establish any precedent for or subsequent right to the renewal of such license and/or permissions in the future;
- K. License shall not make or permit any construction, reconstruction, demolition, or other activity affecting the condition of the License Premises. Any improvements to or in the License Premises by, on behalf of, or with the permission of the Licensee shall become the property of the City, without cost and free and clear of any lien or other encumbrance or claim;

**5. Term.** Except upon the occurrence of an Event of Default, the Term of this License Agreement shall be from May 15, 2014, to October 31, 2014;

**6. Costs; Maintenance.** Licensee shall be fully and solely responsible for the costs of the permanent or temporary improvement(s) and amenities authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensee shall maintain the License Premises, and Licensee's property therein, in a safe and presentable condition throughout the Term of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof;

**7. Indemnification; Hold Harmless.** Licensee hereby agrees and undertakes to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the permissions granted to Licensee herein, and/or from Licensee's acts or omissions in or relating to her use of the License Premises. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

**8. Termination.** The City may terminate this License Agreement prior to the expiration of the Term as follows:

- A. if (1) the City Council shall have adopted a plan for the rehabilitation or improvement of the Park and/or the surrounding City sidewalk(s), and (2) work is to commence to implement such plan within the effective period of this License, which work – in the sole discretion of the City Manager – requires the suspension or termination of this License and the removal of the tables and chairs, Licensee shall cease her use of the Park for seating and service, and shall remove the tables and chairs from the Park until informed by the City that such use may resume; or
- B. without notice, if the City Manager, in consultation with the Code Enforcement Officer or other City staff member of competent jurisdiction, finds that Licensee is in violation of any condition, term, obligation, or requirement of this License Agreement or other applicable law, regulation, or rule (“cause”). Cause shall included, but not be limited to, Licensee’s service of alcohol or allowance of the consumption of alcohol within the License Premises at any time during Licensee’s business hours or while Licensee or any employee or other agent of Licensee shall be present at 305 Main Street. In the event of the termination of this License Agreement by the City Manager for cause, no part of the Fee shall be refunded to Licensee, notwithstanding anything to the contrary herein.

In the event of such suspension or termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensee shall cease upon the effective date of such termination; Licensee shall, with or without order or other notice to that effect, and at Licensee’s sole expense, remove or cause to be removed all of Licensee’s property from the License Premises; and Licensee shall immediately cease any use of such License Premises;

#### **9. Miscellaneous.**

A. This License Agreement is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the

parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

**IN WITNESS WHEREOF**, this License Agreement has been duly executed by the parties hereto as of the date first above written.

WITNESS:

CITY OF ROCKLAND, MAINE:

\_\_\_\_\_  
by: Stuart H. Sylvester, City Clerk

\_\_\_\_\_  
by: Thomas J. Luttrell,  
its: Acting City Manager

As to Form:

\_\_\_\_\_  
Kevin J. Beal, City Attorney

WITNESS:

LYNN W. ARCHER:

\_\_\_\_\_  
Print: \_\_\_\_\_