

## SPECIAL MEETING

## AGENDA

April 27, 2015

Proposed FY 2016 Municipal Budget Review as follows:

April 27: Departments A – Code, Community Development - Executive, and Fire/EMS

May 6: Departments F – G, and Public Services/Solid Waste

May 13: Departments H - L, Library and Recreation

May 18: Departments M - U and Sewer

May 20: Police, Community Development – Executive (if not completed 4/27), Review and CIP Update

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Larry Pritchett, William Clayton, and City Manager Chaousis.

Councilors Louise MacLellan-Ruf and Valli Geiger were excused from attending this meeting.

Also in attendance was Finance Director Tom Luttrell.

**Public Forum:** There were no speakers for the public forum.

**Budget Review:** The Council went into informal session to begin the review of the proposed FY 2016 Municipal Budget, review the following departmental proposals: Fire & EMS, Assessment, City Clerk, City Hall, Code Enforcement, Community Development, Contributions, Debt Service, Dispatch-Communications, Engineering, and Executive.

Also, Councilor Pritchett asked the City Manager to provide scenarios to the Council of the effect on City services of cuts to the proposed budget of \$300,000, \$600,000 and \$1,000,000.

With the above reviews completed, Mayor Isganitis recessed the meeting at 7:30 p.m. until May 6, 2015 at 5:30 p.m. at which time the Council is scheduled to review the budget proposals from Departments F-G and Public Services/Solid Waste.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## SPECIAL MEETING

## AGENDA

April 29, 2015

Order #30 Authorizing Option Agreement for Sale of City-Owned Property

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, William Clayton, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

Councilors Louise MacLellan-Ruf and Larry Pritchett were excused from attending this meeting.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Ron Huber, Executive Director of Friends of Penobscot Bay, spoke in opposition to the proposed development of a natural gas-fired power plant in the City, siting potential pollution from such a plant and its effect on the air and water. He also questioned how natural gas would be supplied to the plant and whether it would be stored on site, noting that there is not a natural gas pipeline to Rockland.

- Joe Patten, 150 Cedar Street, expressed concern over the process being used and the lack of transparency with regard to this proposal. He also questions if a gas-fired power plant was the highest and best use of the City Hall/Public Works properties. He suggested that the Council look at other proposals for use of these properties before rushing into this one.

- Jesse Watson, 168 West Meadow Road, spoke in opposition to the proposed power plant because of his opposition to the method of fracking used to release natural gas. He said fracking has been known to pollute ground water and poison peoples' wells, and he was morally opposed to any developments that would support such practices. He suggested that the City look to encourage conservations and other more "green" energy options.

- David Myslabodski, 53 Broad Street, spoke in opposition to the proposal and urged the Council to look toward bring more "green" energy to the City. He also said that the City should look at other ways to address the high tax rate situations, suggesting that the City collect monies that are currently owned to the City, stop spending so much money on the downtown alone, and stop giving way space at the landfill.

- Amy Files, 39 Pleasant Street, expressed concerns over the lack of transparency and lack of communications with the public on such an important proposal. She lamented the fact that the public had to find out about this proposal in the

newspaper. She urged the Council to vote no on this proposal and do a more thorough discussion of the matter before proceeding. She also said that was not appropriate to locate a dangerous and polluting plant within a mile of the South and Middle Schools. She said that this development was too dangerous and there are too many questions to proceed.

- Kathryn Fogg-Hill, 84 Grace Street, said that she does not know enough about this proposal to say whether it is a good thing or a bad thing for Rockland. However, she said that she did not believe that the City should tie itself to this one proposal, and should be open to exploring other proposals that may be a better fit for the City. She also suggested that the City look at siting this plant at a location other than the southern entrance to the City.

Councilor Clayton moved to suspend the Rules and extend the public forum for up to an additional 45 minutes. Councilor Geiger seconded the motion.

Vote: 3 for.

The Rules were suspended and the public forum was extended for up to an additional 45 minutes.

- Sandra Schramm, 16 Broad Street, said that this proposal looks as though the Council is looking for a quick fix to its tax situation, and wondered if this was also a way for the City to get its new public works garage which the voters have rejected twice at referendum. She said it is just another example of the Council not listening to a majority of the voters, as it was with the pay per bag issue which has also been overturned by the voters twice. She said that the parent company of this bidder was not able to get a power plant project approved in its home state of Massachusetts, so they believe that they can site the plant here and ship the power off to Massachusetts. She also said that even though this plant would use natural gas, it still pollutes nearly as much as a coal-fired plant. She urged defeat of this proposal.

- Eileen Wilkenson, 38 Gay Street, said that she was disappointed that two council members were not present for this very important vote. She also said that there is no time table for the expansion of the natural gas pipeline to Rockland anytime soon so there is a question on how the gas will get to the plant. She added that there seems to be other locations that would be more appropriate for this facility, and that there were too many questions to move forward with this proposal at this time.

- Brian Fuller, 15 Jefferson Street, warned of the dangers of natural gas, citing an incident where a natural gas pipeline exploded and killed many people. He said that the Council needs to be cautious before heading down that road. He also expressed concerns over the practice of fracking, and pipelines in general. He urged the Council to explore better, safer alternatives.

- Eric Hebert, 283 Limerock Street, said that he did not know if this was the right thing for Rockland, but expressed concern over the processes used to evaluate the properties that are being offered for sale, and where the city facilities would be relocated if the sale goes through. He cautioned that the Council should not jump at the first offer; rather they should wait see what other offers may come now that it is known that the Council is willing to consider offers of this property. He said that the Council should slow down and cast a wider net to see what else may be out there. He also said that the City needs to consider the costs associated with selling these properties, ie, the relocation of City Hall and Public Works. He said there seems to be a false sense of urgency on this matter, but it is likely there more time to consider this proposal than it appears. He urged the Council to step back and take a closer look at the issue.

- Charles Jordan, Jr., 1 Walker Place, said that he came to this meeting fully intending to completely support this proposal. However, after hearing the comments and concerns expressed, he has changed his mind and agrees that the City should slow down and take a closer look at this proposal before proceeding. He said if this company is serious about this proposal, they will be around when the City makes up its mind.

- Susan Ware Page, Vice-President of Maritime Energy, also urged the Council to take a step back as it appears that the Council is putting the cart before the horse. She said that the City should have an appraisal done to determine the fair market value of the properties in question, and should determine where City Hall and Public Works would be relocated and the costs associated with such relocations. She said that \$1.5 million will not pay for a new City Hall and Public Works facility, and the taxpayers need to know what addition costs are going to be thrust upon them should this proposal move forward. She also said that the City should consider doing more extensive marketing of the properties to see what other proposal may come before tying itself to one proposal.

- Brooks Winner, 7 Granite Street, said that he was the coordinator of the Island Institute's Community Energy Program which helps island communities determine their energy needs and how best to address those needs. He said that the three question that they ask may be helpful in determining if this project would be a good fit for Rockland; 1) is the facility

properly sited to minimize impact to residents and the environment; 2) do the community benefits outweigh any negative impacts; and 3) has a good process been established for engaging the community stakeholders. He added that the developer should make its case to the community, and that the Council and residents should approach the proposal with open minds.

- Sarah Woodman, 25 Linden Street, said that there just isn't enough information to proceed with this proposal and urged the Council to vote no.

- Debby Atwell, 81 Pleasant Street, said that haste isn't "of the devil, it is the devil".

- Lewis Metcalf, 211 Thomaston Street, noted that a significant portion of the land adjacent to the City Hall property is marsh land that is owned by the State, and that any development adjacent to that property is going to have wetland issues. He also said that he agreed that the Council seemed to be putting the cart before the horse. He said the City hasn't looked into possible location for City Hall, and urged the Council to take a step back and take a long hard look at this proposal before proceeding. He added that if a referendum was held on this issue, it is not likely that the voters would support it.

- Maggie Trout, 77 Broadway, said that she was impressed with the thought and effort that people have put into their comments in such a short amount of time. She said that people have done their homework on this issue and are not simply "NIMBY's". She said that the Council should honor those comments.

- James York, 38 Linden Street, said that he did not know if the power plant was the right thing for Rockland, but noted that taxes keep going up and it was the Council's responsibility to explore any possibilities to increase the City's tax base. He said people are being forced out of their homes because the taxes are too high, and the Council needs to do whatever it can to encourage development to keep the tax rate competitive.

At this time, the City Manager addressed some of the questions and concerns expressed during the public forum:

- He said that, like many speakers, the City has not made up its mind on this proposal as there is not enough information yet to make any decisions on the project. He said that a yes vote tonight will allow those discussions to move forward and that information to be gathered.

- As for the process that has been followed thus far, the City Manager said that the City has a competitive bid process for sale of City property which has been followed; the same as has been following for the sale of other City-owned properties.

- The new Public Works Garage proposal has been turned down by the voters twice, but he wondered if it was purely for economic reasons or does the public think that the current facility is adequate.

- Questions have been raised about where the natural gas is coming from, on the environmental impact, more information needed to move forward, all are good questions that the City also would like answered. He said that the process moving forward would answer those questions, and that informational meetings would be held so that the developer could address the concerns expressed at this meeting. He said that this vote would only authorize a non-binding option for the purchase of the properties, and would authorize negotiations on a purchase and sales agreement that would outline the other parameters discussed, such as the actual value of the properties, the costs of relocating City Hall and Public Works, and other concerns expressed. He said his goal would be to make a tax-neutral solution for the taxpayers.

- It was mentioned repeatedly that the Council should slow down the process and take a step back on this proposal. He said that should the Council vote no on this order, there would be no more process. To even have the conversations that most people seem to want to get the answers to their questions, the Council must vote affirmatively on this order. He said that any purchase and sales agreement would have to come back to the Council for approval through the Ordinance Amendment process. He said this is just the beginning of a months-long process that will include plenty of input from the public; experts on both sides of the issues will be invited to give their input as well so that the City can make an informed decision. He said all of that starts with a yes vote tonight.

Mayor Isganitis declared a 5 minute recess at 6:20 p.m.

The Council reconvened at 6:25 p.m.

**Order #30** Authorizing Option Agreement for Sale of City Property

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

**THAT** the City Manager is hereby authorized to negotiate and execute an option agreement with Rockland Energy Center, LLC, for the sale of City property located at 270 Pleasant Street (Tax Map 57-A-2) and 9 Burrows Street (Tax Map

57-A-5), which shall include minimum monthly option payments of \$1,000 / month beginning no later than August 1, 2015; and

**THAT**, the City Manager shall negotiate the terms and conditions for the proposed sale of said City property to Rockland Energy Center, LLC, subject to approval by the City Council by ordinance amendment.

Sponsor: City Manager

Originator: City Manager

Councilor Geiger moved passage and said that she does not know if this is the right proposal for Rockland. She said that an economic development opportunity was dropped in the laps of the Council, and as steward of the City it is the Council's responsibility to at least explore the opportunity. She said that the City is facing a mil rate of \$22+, and exploring economic development opportunities is the responsible thing to do. She said that they at least need to have the conversation. She added that she favors green energy alternatives as well, but everything she has read concerning natural gas indicated that it is better than other sorts of fossil fuels, being a highly efficient and clean process. She said that it is her preference that the question not be decided by the Council, but rather put out to a vote of the people. She said if this turns out to be the wrong project for the City, she will vote against it. She said that she was disappointed with the constant inference that the Council is stupid or is up to something nefarious, but nothing could be further from the truth. She said the City does not engage in "Chicago-style" politics. She said as stewards of the municipality they owe it to the residents to at least explore the possibility. She said this may be the worst project to be proposed in the history of proposals, but they are not going to know that unless the process is allowed to proceed. She said all this vote is doing is allowing the discussion to proceed. Councilor Geiger then moved to amend Order #30 as follows: "...subject to approval by ~~the City Council by ordinance amendment~~ **the voters of the City of Rockland.**"

Vote on amendment: 3 for.

Councilor Clayton said that the hardest part of being a City Councilor is the public comment session. He said that the Council is forced to listen to untruths and outright lies without being able to respond to them. He said that he would attempt to dispel some of the rumors and untruths stated from the podium on this matter. He said that he agreed completely with those who said that more information is needed, but explained that this was a proposal that came to the Council from out of the blue and the Council needed to determine if they should move forward with the proposal on a short timeline. He said that the Council is often labeled by people speaking at the podium and the public believes what is said as gospel if it is said with conviction, regardless of whether it is true or not. He said one of the hardest things for a Councilor to do is try and dispel those rumors that are disseminated as fact without any actual facts to back them up. He also challenged the media to contact members of Council to confirm the facts before publishing an article on a particular issue. He said that he agreed with Councilor Geiger that the Council does not engage in "Chicago-style" politics, and stated that this Council is one of the most open Councils that there has been. He said sometimes the Council has information that the public does not, and the Councilors are elected by the public to make decision based on the information that they have and that are in the best interest of the City as a whole.

Councilor Clayton then said that he was totally on board with this proposal, but has changed his mind and will vote against this order. He said he was trusting the people who spoke against this issue, but challenged those same people to remain involved and attend and future meetings that are held on the issue.

Mayor Isganitis asked Councilor Clayton to take the Chair so that he could speak on this issue.

Mayor Isganitis said he was concerned about Councilor Clayton's comments, reiterating that if this order is defeated there will be no further workshops on this issue and this is where the conversation will end. He said that during the recess, he spoke with Mr. Winner about the Island Institute about leveraging its expertise with the informational meetings to make sure the City has the right information to make the correct decision. He also agreed that the Council does not engage in "Chicago-style" politics, saying that nothing was further from the truth. He said that the Council needed to protect the citizens and the bargaining position of the City to avoid someone from submitting a proposal that could sabotage the other potential financial opportunities that could arise from the project. He said, metaphorically, that they were not building a superhighway here, rather a path with many stepping stone with this vote being the first stepping stone. He said that each step along the path will further vet the proposal. He said that if the Council votes no on this order, the discussion will end before it begins, and the Council will be sending the message that the City is not open-minded, and that would be the wrong message to send. He said he hoped that the Council will move forward, and noted that there may be 42 people here, but there are 7,500 residents in the City and that is a very small percentage of the total.

The City Manager said that Rockland Energy Center LLC was responding to an RFP put out by the PUC for a long term energy provider contract. One of the requirements of the RFP was that the bidder have an interest in property. REC chose Rockland as the location of their proposal and chose the City Hall and Public Works properties as the appropriate location. He said that a non-binding option would satisfy the requirement of the RFP. He said that he will be interested to see REC's bid to the PUC to see the actual bones of the proposal, such as the expansion of natural gas to Rockland, the economic

Special Meeting, Order #30 continued:

April 29, 2015

benefits to the community, the financial backing for the project, etc. He said none this will occur with a no vote, and recommended that the Council approve this order.

Vote as amended: 2 for, 1 opposed.

(Clayton)

Because no action of Council can be approved with less than three votes, the motion was defeated.

Councilor Clayton returned the Chair to Mayor Isganitis.

With no further business to come before the City Council, the meeting was adjourned without objection from the Council at 6:47 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## **SPECIAL MEETING**

## **AGENDA**

**May 1, 2015**

### Reconsideration of Order #30 Authorizing Option Agreement for Sale of City Property

The meeting was called to order by the Mayor at 9:00 a.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Valli Geiger, City Manager Chaousis, and City Attorney Beal. Councilor Larry Pritchett was excused from attending this meeting.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- David Bell, 14 Pine Street, said that Rockland is an amazing place to live, but people face many financial issues. He said it seems like to opposition to this proposal is being led by .005% of naysayers. He said he favored exploration of the project, and added that there is the potential for enormous financial benefits to the City, to area private industry and to the region as a whole. He said that the City will still have complete control of the properties and if this is not the right project for the City the voters can still vote no when the question comes to them.

- David Myslabodsky, 53 Broad Street, said that the issue to be addressed is the illegality of this meeting. He said that the memo from the City Manager called for this meeting, which the City Manager does not have the authority to do. He also stated that reconsideration of a vote must be done at the same meeting or on the next day, therefore it is too late to reconsider Order #30 as the vote was taken two days ago. He added that reconsideration of the vote will send the message to the public that the Council will do whatever it can to get what it wants.

- Barbara Morang, 57 Warren Street, said that the secrecy surrounding this proposal may have been necessary, but believed it could have been handled better. She added that the process going forward should be open. She said that she would like to hear more on what the highest and best use of this property may be. She also said that it was sad to see the Council belittled and berated for doing what they were elected to do, and thanked the Council for what they do. She said she looked forward to hearing more about this proposal.

- Paul Chartrand, 45 Crescent Street, said that the Council needs to be cautious and more transparent moving forward on this proposal. He said that there needs to be a budget created for the relocation of City Hall and the Public Services garage, as it could be much more expensive than anticipated. He said that there is plenty of time for these discussions and added that the bid process was tainted because it basically closed out any competition for the properties. He said that the City can negotiate with this company without this vote, but can only negotiate with this company if this vote is approved.

- Sandra Schramm, 16 Broad Street, questioned the transparency of this process and the need for the Wednesday night meeting. She wondered why the Council didn't just wait until Councilor MacLellan-Ruf returned to hold the meeting. She said that the Council obviously thought it has the votes to pass this proposal on Wednesday, but Councilor Clayton changed his vote, necessitating this meeting. She said that she understood the need to get the information out to the public, but wanted the Council to follow the procedures that are set out for these meetings.

- Zander Shaw, 39 Pleasant Street, said that the PUC has issued similar long-term energy contract RFP's in the past, and it is likely they will issue others in the near future, so there is no need to rush into this agreement. He said that it appears the City Manager discredits public opinion and encourages like opinions. He also said that the public is about to see the

democratic process overturned. He said that this matter was already voted on and that decision should stand. He urged the Council to take a step back and do more research on this proposal.

At this time, Mayor Isganitis suspended public comment to allow Rockland Energy Center LLC spokesman Even Colman to make a brief presentation on the proposal. Mr. Coleman touched upon the following:

General Overview: The Rockland Energy Center (REC) is a proposed 76MW combined cycle cogeneration facility that will provide base load power to the Maine electric grid while simultaneously providing low cost steam to local industry in Rockland. The construction and long term operation of the facility will allow for the construction of a natural gas pipeline into the Mid-Coast region of Maine, making clean, efficient and low cost natural gas available to businesses and residences throughout the region. The plants design allows for the highest levels of efficiency and significantly aids in the reduction of the marginal emission rate in Maine. This project is the only viable solution to bring natural gas to the Mid-Coast while simultaneously allowing for over \$200 million private investment into the region. The developers of REC have developed, constructed and owned over 1,000 MW of generating capacity in the United States.

#### Economic Highlights:

- Total private investment of \$200 million
- Over 100 construction jobs for two years
- 12-15 full-time personnel employed at the plant
- In excess of \$3 million in annual goods and services purchased
- New Public Services headquarters and City Hall for the City of Rockland
- Potential for \$1.5 million in annual energy savings for a local manufacturer
- Natural gas access for the entire Mid-Coast region

The next step in the process will be REC submitting its bid for electricity supply on May 1, 2015 in response to the capacity RFP from the PUC. To do that, REC needs to have an interest in the property on which the facility is proposed to be built. This non-binding option will satisfy that requirement. Also, this vote will allow the beginning of negotiations and create the dialogue for the exploration of the project that the public is seeking to address the questions and concerns that have been raised. He said that REC and its parent company, Energy Management Inc., are fair companies that want to invest in Rockland, and will do so in a respectful and responsible manner.

Councilor MacLellan-Ruf asked if the practice of fracking would be used for extract the natural gas that will ultimately be used at this facility.

Mr. Coleman said that fracking is a common way to extract natural gas, and if done correctly there is little danger for the types of problems that have been reported.

Councilor MacLellan-Ruf asked if any natural gas would be stored on site at this facility.

Mr. Coleman said that there would be no storage of natural gas on site, it would all be delivered by pipeline.

The City Manager asked Mr. Coleman if the questions surrounding land use issues, relocation of City Hall and Public Services as being tax-neutral, public education, and needs of the City, were outside of the framework under which REC is willing to proceed.

Mr. Coleman said that they feel the amount offered for the properties was a fair purchase price, but the company understands that there will be additional costs and are willing to discuss them. He also said that the facility in Rumford is similar to the proposed facility for Rockland, and suggested that the Rumford Town Manager be contacted to comment on that facility and its relationship it has enjoyed with the town of Rumford for nearly 20 years. He added that the facility in Dartmouth, Massachusetts is the most similar in size to this proposed facility, and it has been a part of that community for decades with no issues being raised. He said that REC wants to understand the needs and concerns of this community and address those needs and concerns. He said that this vote will allow that dialogue to begin.

Councilor Geiger said that she was disappointed to hear that fracking would be used as a source of the natural gas. However, she said that natural gas is considered the "greenest" method for large-scale electricity production at this time. She said that she would like to be convinced that the damage done by fracking is overcome by the benefits of such a facility being located in Rockland.

Mr. Coleman said that fracking has allowed many U.S. industries to flourish and compete around the work. He also said that fracking can be done safely but it has to be done correctly. He added that EMI is a green company, being involved in solar and wind power projects as well as natural gas. He said that they will provide whatever information is necessary to alleviate any fears.

Mayor Isganitis asked if it was possible to get a commitment from the company to operate the plant with natural gas that is obtained by methods other than fracking.

Mr. Coleman said that would not be possible. The gas supplier pumps the gas into the pipeline and it is not possible to tell how that gas was produced.

Mayor Isganitis then said if this order is passed, the City would only be authorizing a non-binding option for the purchase of these properties, and that the final sale of the properties is not guaranteed.

Mr. Coleman said that they understand that, but if the City is willing to work with REC to get the necessary information out to the public, they are confident that the project will be allowed to move forward. He did add that the company would like to have some sort of guarantee that the negotiations for the purchase of the properties would be exclusive.

Mayor Isganitis then invited the public to ask questions of Mr. Coleman. He added that following the question and answer period, he would once again open the public forum for the public to make further comments on this matter.

- Amy Files, 39 Pleasant Street, said that there has been a sense of urgency to get this option, and the company has stated that it needs to have the option for submit its bid to the PUC. However, she said that she contacted the PUC and was told that no such requirement exists in the bid documents. She asked Mr. Coleman why there seemed to be a discrepancy in what they are saying and what the PUC is saying.

Mr. Coleman explained that the PUC bid documents require that a bidder meet the standards set forth by ISO New England, which states that a developer is obligated to provide evidence of site control. He said that evidence does not have to guarantee sale of the property, but it is necessary to move forward with the project.

- Kathryn Fogg-Hill, 84 Grace Street, asked if the municipal buildings could be exempted for the sale so the City could continue to use them. She also asked if other sites were considered, such as the Route 90 area. She also asked if the \$1000 per month option fee that the company has agreed to pay would be refundable if the sale does not go through, or added as part of the payment should the sale proceed. And, finally, she asked if the City would have able to consider other offers during the option period.

Mr. Coleman said that other sites were considered, but this one was the most advantageous for their proposal for many factors. As for the option fee and considering other offers, he said that he was not in a position to comment on those matters.

- Tony Coyne, 41 Highland Street, asked if the deadline to file its bid was close of business today (5/1/15). Mr. Coleman said that the filing deadline was 5/1/15 to participate in this round of the RFP.

- Allan Toubman, 45 Ocean Street, asked what other towns the company has approached with this proposal, and how many of these kinds of cogeneration plants does he feel will be established in Maine over the next 10 years.

Mr. Coleman said that many factors went into choosing Rockland for this proposal. He said this was the most advantageous site for their needs. He said he could not comment on what other towns were contacted. As for the future energy needs of the state, he said that the power processing capabilities of the state are declining while need for power is increasing. He said that the plants that are closing will need to be replaced, and that he estimated several thousand more megawatts of electricity will be needed to be generated over the next 25 years.

- The City Manager asked Mr. Coleman if one of the criteria that the company looks at when deciding where to locate a project is the reputation the community has for working with developers to bring industry to a community.

Mr. Coleman said that is one of the criteria that is used. He said capital goes where capital is wanted. He said one of the things that attracted them to Rockland was the work ethic of the people of Rockland and large industries that could benefit from this project. He said that they view Rockland as an up and coming city. He said that they will give the city and the public all the information that they will need to make an informed decision. He said that they are not trying to hide anything.

- Owen Dorr, 256 Old County Road, asked if this was the only rabbit he had up his hat. He asked if there was the possibility of establishing wind or solar projects instead of a natural gas plant.

Mr. Coleman said that the most feasible project at this time is the natural gas-fired plant, adding that wind, solar and bio-mass plants are not what is needed to meet the energy needs. However, he said that does not mean that wind, solar or bio-mass will not be added to this facility at some point in the future.

- Rodney Lynch, 123 Summer Street, asked if the company intended to seek any local incentives for this project such as Tax Increment Financing or Credit Enhancement Agreements, State or Federal new market tax credits. He also asked if the negotiations would include any local financial incentives and impact fees, a percent share of profits returned to the community, and what the overall financing for the project would be.

Mr. Coleman said that there would be no new market tax credits and no State or Federal subsidies. He said that they would be willing to discuss a Tax Increment Financing District as the City looks to make infrastructure improvements that would be

agreeable to the company and the City. He also said that a credit enhancement agreement may be part of the negotiations as well, but the company is not looking for a tax break. He said it would be more like front loading the agreement with a payback over time. He also said that the facility will be constructed using 100% private dollars.

The City Manager added that during the negotiations he will use all the tools that are available to him to get the best deal for the City.

- Carmen DeStefano, 14 Tea Street, said that there is no natural gas pipeline within 40 miles of the City. He asked what the company used to determine that Rockland would be the best location for this plant.

Mr. Coleman said that the State is looking to expand natural gas service to the mid-coast, but needs to have a large end user to make that expansion feasible. He said this plant would be that large end user to anchor that expansion, and once the pipeline is in place, it will be available for others to hook into.

The City Manager asked if there would be additional markets for the steam that the plant would produce other than what has already mentioned.

Mr. Coleman said that it was a possibility.

At this time, Mayor Isganitis declared a 5 minute recess (10:25 a.m.).

The Mayor reconvened the meeting at 10:30 a.m. and the public forum was continued.

- Sandra Schramm, 16 Broad Street, said that the company is not registered in Maine, but is registered in Massachusetts, New Hampshire and Vermont. She asked if the electricity that would be produced at this facility would be sent back to Massachusetts.

Mr. Coleman said that they are responding to an RFP issued by the Maine PUC to provide electricity in Maine. He added that it was not uncommon for a company to be registered in another state. He said that is typically done for accounting, legal and tax purposes.

Mrs. Schramm then said that the PUC has said that an option on property is not a requirement of the RFP.

Mr. Coleman explained that the RFP asks bidders to conform with the requirement of ISO New England. It is those requirements that say an interest in property is necessary.

Mayor Isganitis asked if it would be possible to provide low-cost power directly to residents and businesses in Rockland.

Mr. Coleman said that would not be possible. He said that the electricity is sold directly to the power distributor, and once they have no control over where the power goes. However, he said everyone should benefit from lower-cost power statewide.

- Ron Huber, 148 Broadway, challenged the validity of this meeting, saying that reconsideration of a vote must be done the next succeeding day from the original vote (noting that the original vote was held on Wednesday and this is now Friday). He also said that there are serious air emission challenges for a facility such as this.

Mayor Isganitis asked the City Attorney to address the issue of the validity of this meeting.

The City Attorney said that under the City's Rule of Procedure, a motion to reconsider any vote of the Council can be made at the same meeting, or at the next succeeding meeting when motion are in order. He said motions are in order at any duly called meeting of Council, and special meeting require only 12 hours notice. He said that this meeting meets the legal requirements of special meetings and a motion to reconsider Order #30 would be appropriate.

Mr. Coleman said that New England in general has constrained natural gas availability, and the question is how to accomplish expanding that capacity. He also said that many factors are looked at when air emission are considered. He said that an independent group investigates the proposal and issues a report to the EPA before an emissions permit is issued. He said that emission controls are set to the best available control methods. He also said that a gas-fired plant is much cleaner than plants fired by other fuels.

- Susan Ware Page, Maritime Energy, said that a lot is being discussed; the PUC issuing an RFP for long term energy production contract, the company having to show an interest in property to submit its bid to the PUC, natural gas to be delivered to the plant by a pipeline that someone else will build, and possible industrial users of the steam produced by this plant. She asked if the company does not win the PUC bid, would they still be interested in moving forward with this project. Mr. Coleman said that his company does not build pipelines and are not a gas distributor, however, for the expansion of natural gas to the mid-coast to be feasible, there must be a large end user of the gas. He said that his company would be that anchor user that would make such expansion feasible. He added that if they are unsuccessful in their bid to the PUC, they would most likely re-apply in the next round of RFPs but at a different location.

- Eileen Wilkinson, 38 Gay Street, asked what guarantees there were that the natural gas pipeline would be built and made available to the residents and businesses in Rockland, what the plant would look like as it is being proposed to be built

at the southern entrance to the City, what the impact would be to the local and surrounding environment (water usage, lighting, impact on the night sky), and is there a possibility that the natural gas would be exported from Rockland Harbor because of its deep water port.

The City Manager said, as for expansion of the pipeline within the City, the City is in a good position to mandate that through TIFs and/or CEAs offered to the pipeline developer.

Mr. Coleman said that more users there are for the pipeline, the lower the costs will be to REC to produce the electricity and therefore the lower the cost of the electricity. He also said that REC would never be involved with an export terminal of any kind, and added that because of the configuration and topography of the harbor and surrounding area, it would never be able to meet the safety standards required for such a facility in the first place. He also said that the water for the plant would come from Maine Water Company, and they are exploring the possibility to using grey water from the City's water pollution control facility as well. As for the effect that the plant would have on the night sky, there would be a stack at the facility but not to a height that would require any lighting, and the exterior lighting of the entire facility would be minimal. He also said that the electrical service and gas lines to the plant would be underground.

- James York, 38 Linden Street, asked what the expected lifetime of the plant would be and what would happen to it once it was retired.

Mr. Coleman said that the expected life of the facility would be 40-50 years, however, it is not their intention to every close the plant. He said it is more likely that the plant would be regularly updated or replaced.

- Debby Atwell, 81 Pleasant Street, asked once again for clarification on the question of whether the vote today on the option was necessary, and what would happen if they do not get the option today.

Mr. Coleman said that for his company to meet the requirements of the RFP, they must demonstrate control over property. He said if they do not get the option today, they cannot submit their bid to the PUC, and it is likely that they would go elsewhere for the next RFP. He said that this is a non-binding option which still gives the City final say over the sale of the property. However, he said that capital goes where capital is wanted.

With the question and answer session completed, Councilor Clayton moved to suspend the Rules to allow further public comment for up to an additional 15 minutes. The motion was seconded by Councilor Geiger.

Vote: 4 for.

Public forum was extended for up to an additional 15 minutes:

- Amy Files, 39 Pleasant Street, said that she believes everyone wants what is best for the City, but said it was important for the Council to build trust with the community. She said by voting to overturn the previous vote will damage the democratic process. She said she would like to see the discussion on this proposal continue, but not under this pressure to act. She said that she was told by a representative of the PUC that such a option was not necessary for the PUC to consider a bid under this RFP. She said that the company may be interpreting the regulations that way, but the PUC said the option was not necessary. She said that alternate sites should be looked at more closely, as this site is within a mile of schools and residential properties.

- Abby Knickelbein, 183 Broadway, said that not everyone was opposed to this proposal, or think anything nefarious is going on. She said that people need to trust staff to do their jobs to find out if this project is right for the community and hammer out a deal that is best for the community. She said if the company does not get the option on these properties, they will go away.

- Allan Toubman, 45 Ocean Street, said that is has been unseemly to respond to the developer's request to act so quickly on this issue, and noted that they have had since February to discuss this issue. He said the secrecy surrounding the bid process would not have been necessary if there wasn't the potential for other interested parties to come forward with proposals for this property. He said that the PUC issues these kinds of RFPs all the time, and that the City should shop these properties around and maybe get a better offer. He said that an exclusive option is not fair negotiating. He said that the Council should think about the concrete silos in the south end, another decision that was made in haste.

- Bill Wyatt, 57 Acadia Drive, said that he felt the Council was doing an excellent job, and that nothing untoward was being done. He said that the fracking issue has been dealt with, and that it is only those few against the proposal that have been vocal. He said he was certain that there was a silent majority that supports exploring this matter further. He said this is just the first step in a very long process, and that natural gas would be a good thing for Rockland.

- Owen Dorr, 256 Old County Road, said that he was part of a project to find a home for the historic schooner, a project that took seven years to get permission to tie up at a dock behind the City's wastewater treatment plant. He said during that process, they never once threatened to go somewhere else. He said he felt like the City was being asked to make this decision with a gun to their heads. He said that he does not oppose the use of natural gas, but is opposed to fracking as the method of extracting the gas. He also said he does not object to at least exploring the matter.

Councilor Clayton noted that the extended time for public comment has expired, and once again moved to suspend the Rules to allow for up to another 6 minutes for public comment. The motion was seconded by Councilor MacLellan-Ruf.

Vote: 4 for.

Public forum was extended for up to another 6 minutes.

- Chris Whytock, 387 Old County Road, said that he always believed that the City had a taxation and spending problem, but does not think that anymore. He said that the City has a revenue problem, and anything that has the potential to bring revenues into the City should at least be explored.

- Ed Glaser, 548 Old County Road, said that one cannot oppose or favor something if one does not know anything about it. He said that the City should move forward and thoroughly investigate the proposal and find out if it is the right thing for Rockland. He said that Rockland has a long history of industry, and that it should keep that tradition.

Hearing no other speakers, the public forum was closed.

Councilor Clayton, being on the prevailing side of the vote, moved to reconsider the April 29, 2015 vote on Order #30, as amended.

The City Manager read from a memo he sent out regarding his reasons for asking the Council to consider a motion to reconsider that April 29<sup>th</sup> vote:

Last night the Rockland City Council voted 2-1 to support Order #30. That order would have authorized the City Manager to execute an option agreement with Rockland Energy Center, LLC for the sale of city property. It would have additionally authorized the City Manager to negotiate the terms and conditions for the proposed sale of the same properties. Three affirmative votes of the five Councilors are necessary to create an action of the City Council.

A 2-1 vote with two absent Councilors and the one dissenting vote claiming support is not definitive. The City is left without guidance on an issue that needs tremendous knowledge and development. Creating development and growth in the city tax base takes time and patience. This time and patience rarely leads to any guarantees in future development. Discussing large issues like energy, environment, and city resources takes more time and patience. Our time for analysis is not complete and shouldn't stop here. More discussion is necessary and I don't believe the City's decision making is complete on this issue.

Therefore, I am requesting that the City Council reconsider their decision at a special council meeting at the Rockland City Hall Council Chambers, tomorrow, **May 1st, 2015 at 9:00 am**. I understand that people do not have time to attend meetings, and therefore, correspondence and comment can be sent to me directly as directed below. Rockland Energy Center, LLC, will be sending representatives to explain some of the finer details, as well.

Councilor MacLellan-Ruf said that she was out of town when this matter came to the Council on Wednesday. She added that people are feeling strong-armed on all sides, but there will be a process followed. She said that there are two issues that have been intertwined; the natural gas-fired power plant and the relocation of City Hall and Public Services. She said that she expects a proper assessment of the properties to be done, a determination of where City Hall and Public Services will be located, and what a "relocation fee" from the company means. She said that all of the questions surrounding this proposal can only be answered if this process moves forward, and that the process will be transparent. She said that the Council will have the same learning curve as the public on this issue as none of them are experts on natural gas or power plants, and that she would not support this project in the end if it was not the best thing for the Community.

Councilor Clayton said that behind the scenes work goes on all the time in City government, but it does not mean anything nefarious is taking place. He said that he too wants to know more about this proposal before making any decisions. He said that prior to the meeting on April 29<sup>th</sup>, the people that he has spoken with overwhelmingly supported exploring the issue, but when none of those who supported the proposal showed up at the meeting, he was swayed by those who spoke against the proposal. He said this fact alone shows that Council votes are not pre-determined as some would have the public believe. He said that since that vote he has reached out to both sides, and the majority of those he spoke with supported moving forward with the proposal, and therefore he was making the motion to reconsider the April 29<sup>th</sup> vote, and that he will support Order #30 as amended should reconsideration be approved. He also urged all parties concerned on both sides of this issue to remain

Special Meeting, Reconsideration of Order #30, as amended, continued:

May 1, 2015

involved in the process. He said this is just the start of a very long process, and that he has many of the same concerns as those expressed. He said they need to get as much information as possible before making any decisions on this issue.

Vote: 4 for.

Order #30, as amended, was reconsider.

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

**THAT** the City Manager is hereby authorized to negotiate and execute an option agreement with Rockland Energy Center, LLC, for the sale of City property located at 270 Pleasant Street (Tax Map 57-A-2) and 9 Burrows Street (Tax Map 57-A-5), which shall include minimum monthly option payments of \$1,000 / month beginning no later than August 1, 2015; and

**THAT**, the City Manager shall negotiate the terms and conditions for the proposed sale of said City property to Rockland Energy Center, LLC, subject to approval by the ~~City Council by ordinance amendment~~ **voters of the City of Rockland.**

Sponsor: City Manager

Originator: City Manager

Order #30, as amended April 29, 2015, was back before the Council for consideration. It was noted that the Order, as amended, was now pending and an additional motion for passage was not necessary.

Councilor Clayton moved to further amend Order #30 as follows: Add **“No such sale can be finalized earlier than August 31, 2015.”**

Vote on amendment: 4 for.

Councilor Geiger wanted to confirm that the provision for sending the question to the voters was still in effect, and that the Council is under no obligation to continue with any agreement with REC if the public votes no on the question.

The City Attorney said that was correct, that the agreement was non-binding and that fact was made explicit in the option agreement.

Councilor MacLellan-Ruf asked what would happen if someone else came along with an offer on the properties that the Council wished to consider.

The City Manager said that there is a provision in the agreement for termination of the agreement. If a proposal came along that was a better fit for the community, the City could opt out of the agreement and consider another offer. He added that the agreement also give the company the same opt out provision.

Vote as amended: 4 for.

With no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 11:45 a.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**May 4, 2015**

Resolve #23 Commendation – Heidi Neal, Loyal Biscuit Company

Resolve #24 Commendation – Kate McAleer, Bixby & Company

Presentation of FY 2014 Municipal Audit

Set Agenda for May 11, 2015 Regular Meeting

Budget Review – Police Department

Executive Session pursuant to Title 1, M.R.S. § 305(6)(D) which allows for the discussion of labor contracts and proposals for a discussion of Union Negotiations

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

Councilor Larry Pritchett was excused from attending this meeting.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Adele Faber, 73 Willow Street, spoke concerning the proposed cuts to the budget, saying that such severe cuts would not be necessary of the Council simply adopted zero-based budgeting, stopped issuing TIFs and CEAs, stop issuing fee waivers and look at the City's fee structure to charge appropriate fees for service provided, collect outstanding bills, charge appropriate fees at the landfill, follow the provisions of the condominium association for 1 Park Drive, restructure the legal department, and increase Harbor revenues. She added that recycling and composting at the landfill/transfer station would also reduce costs. Those things alone would balance the budget without cutting the Library and Recreation Department.

Hearing no other speakers, the public forum was closed.

**Resolve #23 Commendation – Heidi Neal, Loyal Biscuit Company**

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

**THAT** Heidi V. Neal, Loyal Biscuit Company, is hereby commended and congratulated for being selected the 2015 Maine Small Business Person of the Year by the U.S. Small Business Administration.

**AND**, be it further Resolved that Certificate of Commendation be presented to Mrs. Neal in recognition of this outstanding accomplishment.

Sponsor: City Council  
Originator: City Council

Councilor MacLellan-Ruf moved passage.

Vote: 4 for.

Mayor Isganitis said that Mrs. Neal could not attend this meeting as she was at a conference in Bangor, but presented the Certificate of Commendation to her husband, Rockland Police Detective Joel Neal, as a token of the City's appreciation of her accomplishment.

**Resolve #24 Commendation – Kate McAleer, Bixby & Company**

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

**THAT** Kate McAleer, Bixby & Company, is hereby commended and congratulated for being selected the 2015 Maine Young Entrepreneur of the Year by the U.S. Small Business Administration.

**AND**, be it further Resolved that Certificate of Commendation be presented to Ms. McAleer in recognition of this outstanding accomplishment.

Sponsor: City Council  
Originator: City Council

Councilor Geiger moved passage.

Vote: 4 for.

Mayor Isganitis presented a Certificate of Commendation to Ms. McAleer as a token of the City's appreciation of her accomplishment.

**Presentation of FY 2014 Municipal Audit:** The Council then went into informal session for presentation of the FY 2014 Municipal Audit by James W. Wadman & Associates. In attendance for the presentation was James W. Wadman, Kelly Bowden, Wanese Lynch, and Finance Director Tom Luttrell.

**Set Agenda for the May 11, 2015 Regular Meeting:** With the audit presentation completed, the Council then set the agenda for the May 11, 2015 Regular Meeting.

**Budget Review – Police Department:** With the agenda set, the Council then held a review of the proposed FY 2016 budget for the Police Department.

**Executive Session:** With the Police Department budget proposal review completed, Councilor Clayton moved to enter into an Executive Session pursuant to Title 1, M.R.S. § 305(6)(D) which allows for the discussion of labor contracts and proposals for a discussion of Union Negotiations.

Vote: 4 for.

The Council entered Executive Session at 7:50 p.m.

Special Meeting, continued:

May 4, 2015

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 8:35 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE FY 2016 BUDGET REVIEW**

**May 6, 2015**

Public Works/Solid Waste  
Departments F-G

The Budget Review session which was recessed from April 27, 2015 until this date was reconvened at 5:30 p.m. with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Also in attendance was Finance Director Tom Luttrell.

The Council then held a review of the budget proposals for Public Works/Solid Waste, Finance, General Assistance, General Fund (other revenue), and General Fund (tax revenue).

With the above reviews completed, Mayor Isganitis recessed the meeting until May 13, 2015 at 5:30 p.m. at which time the budget proposals for Library, Recreation, Harbor and Waterfront, Legal and Legislative are scheduled to be reviewed. Without objection from the Council, the meeting was recessed at 6:45 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**REGULAR MEETING**

**AGENDA**

**May 11, 2015**

- 1. Roll Call
- 2. Pledge of Allegiance to the Flag
- 3. Public Forum of not more than 30 minutes (3 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 License – Himalayan Restaurant
  - b. Liquor License – Hill’s Seafood
  - c. Liquor License – Claws Inc.
  - d. Liquor License – Blackboard Deli
  - e. Liquor & Entertainment Licenses – Café Miranda
  - f. Liquor & Entertainment Licenses – Rock Harbor Pub & Brewery
  - g. Lodging House License – Navigator Motor Inn

- 8. Resolves:
  - #25 Accepting Donations – Library City Manager

- 9. Ordinances in Final Reading and Public Hearing:
  - # 5 Authorizing Quit Claim Deed – Reconveyance - 107 First Street City Council
  - # 6 Authorizing Quit Claim Deed – Reconveyance - 24 Jefferson Street City Council
  - # 7 Authorizing Quit Claim Deed – Reconveyance - 19 Franklin Street City Council
  - # 8 Authorizing Quit Claim Deed – Reconveyance - 26 Rockland Street City Council
  - #10 Amending Lease to Own Contract – WPCF Vehicle Councilor Clayton
  - #11 Authorizing Lease – “Sea Scout” Building Councilor Pritchett
  - #12 Chapters 9 & 19 Special Event Off-Premises Signs Councilor MacLellan-Ruf

- |  |                   |
|--|-------------------|
| #13 Authorizing Quit Claim Deed – Reconveyance of 127 First Street | City Council      |
| 10. Ordinances in First Reading:                                   |                   |
| #14 Authorizing Quit Claim Deed – Sale of 10 Katahdin Avenue       | City Council      |
| #15 Chapter 17, Section 17-802 & 17-809 Tillson Ave Parking        | Mayor Isganitis   |
| 11. Orders:  |                   |
| #31 Authorizing Listing of Property for Sale – 63 Warren Street    | Councilor Geiger  |
| #32 Authorizing Street Closure & Fee Waiver – Summer Solstice      | City Council      |
| #33 Authorizing Street Closure – Blues Festival “Club Crawl”       | City Council      |
| #34 Accepting Forfeited Assets – A. Hunt                           | City Manager      |
| #35 Authorizing Fee Waiver – Lobster Festival                      | Councilor Clayton |
| #36 Adopting Special Event Policy                                  | Councilor Clayton |
| #37 Authorizing Reserve Fund Expenditure – Lien-Acquired Property  | City Manager      |
| #38 Authorizing Transfer of Funds – Downtown Lighting Project      | City Manager      |

Executive Session pursuant to Title 1, M.R.S., Sec. 405(6)(A) which permits the discussion or consideration of evaluation of personnel, to hold the 30-day performance review of the City Manager.

12. Adjournment

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Steve Carroll, 326 Old County Road, said that with the reduction in both state aid to education and municipal revenue sharing, it is up to the School Board and Council to rein in runaway spending. With the school budget expected to rise 18% for the City because of a loss of revenue with the withdrawal of St. George from the district, and the County budget expected to rise 5% for the City, he appreciated the City Manager providing the Council with options to reduce spending in the City. He urged the Council to let the City Manager do his job and make the cuts where necessary.

- Zander Shaw, 39 Pleasant Street, said that Rockland Energy Center LLC did not submit a bid to the PUC last Friday so there was no need for the option to purchase City property. He said that the Council should reverse its decision and cancel the option. He said then the City would be free to explore other alternatives.

- Brian Plourde, representing the Maine Lobster Festival Corporation, spoke in favor of the Council granting a fee waiver to the Festival Corporation for use of the City parks for the Lobster Festival. He thanked the Council for its support of the festival in the past, and hoped that they could continue to partner in the future. He said he hoped that the Council would waive the fees so that the Festival Corporation could continue its support of area projects, but understood the concerns about funds and taxes. He said that the Festival Corporation would love to partner with the City on a future City project in exchange for the waiver.

- Esther Kilgour, 19 Beech Street and a Rockland representative to the RSU #13 Board of Directors, spoke concerning the RSU #13 budget and its effect on the City. She said that the school budget accounts for more than 50% of the tax bill, and understands that the City Council has absolutely no say when it comes to the school budget, but usually takes the heat for increases because the City sends out the tax bills. She said that the taxpayers have two days in which to make their voices heard; at the District Budget Meeting on May 21, 2015 at which they can actually make changes to the budget, and on June 9, 2015 for the Budget Validation Referendum which is a yes or no vote. She urged all registered voters to attend the budget meeting and make their voices heard.

- Gordon Page, Executive Director of Rockland Main Street, Inc., spoke concerning RMS’s request for a fee waiver for the annual Summer Solstice Celebration. He asked the Council to divide the question and hold off on voting on the fee

waiver portion of the Order. He said that the RMS Executive Committee would like an opportunity to discuss the matter further and may withdraw the request for a fee waiver.

- Stacy Keefer, Maine Boats, Homes & Harbors, spoke in support of the proposed policy that would allow for the service of alcohol at special events held on City-owned property. However, there was one provision that was of concern, that being the prohibition on marketing events that would encourage the consumption of alcohol. She said that provision would prohibit advertising a wine or beer tasting event, which would be sponsored by local vineyards or brewers, and they would like to be able to promote those events.

Hearing no other speakers, the public forum was closed.

**Meeting Notice:** It was noted that this meeting has been given proper notice.

**Reading of the Record:** Reading of the Record was waived, and the Record of previous meeting transmitted to the Council deemed accepted, without objection from the Council. Anyone wishing to review the Record may do so at the City Clerk's Office at Rockland City Hall during regular business hours.

**Reports:**

a. City Manager's Report: The City Manager said that other than matters already transmitted to the Council, he had nothing further to report.

b. City Attorney's Report: The City Attorney said that other than matters already transmitted to the Council, he had nothing further to report.

c. Other Official's Report: Councilor Pritchett said that this is a very challenging budget season, and that the Council asked the City Manager to provide scenarios of what effect cuts of \$300,000, \$600,000 and \$900,000 from the municipal budget would have on municipal services. He said that memo has been posted on the City's website and will be discussed by the Council at Wednesday's budget review session (May 13, 2015).

d. Mayor's Report: Mayor Isganitis said that he had nothing to report at this time.

**Licenses and Permits:**

- a. Liquor License – Himalayan Restaurant
- b. Liquor License – Hill's Seafood
- c. Liquor License – Claws Inc.
- d. Liquor License – Blackboard Deli
- e. Liquor & Entertainment Licenses – Café Miranda
- f. Liquor & Entertainment Licenses – Rock Harbor Pub & Brewery
- g. Lodging House License – Navigator Motor Inn

A public hearing was opened with Beth Bowley 410-412 Main Street speaking in opposition to the entertainment license for Rock Harbor Pub & Brewery, and outlined three years of noise complaints and broken promises by the owner of Rock Harbor. Ms. Bowley read the following statement:

I own, operate 2 businesses from, and live at 410-412 Main Street.

I purchased the building in 2006 and have done an extensive, and expensive, rehabilitation over the last 9 years. Major renovations have been made to its infrastructure and design allowing the creation of the businesses and 3 renovated apartments, including my own home on the top floor. My concept for the project matched the city's vision of a vibrant downtown community of buildings with a mix of commercial and residential use.

When I purchased 410-412 Main Street, the ground-floor space at 420 Main Street, just to the north/sharing a wall with my building, was occupied by the Black Bull Tavern. They held Liquor & Entertainment licenses and occasionally had live music. The live music was performed in the north side of their space, in the bar area, and was typically an individual or small

group playing at a moderate level. There were only very occasionally, during city festivals such as the Blues Festival, larger bands.

This was a reasonable amount of impact on me, and my tenants, I never had a complaint from a tenant, nor did I experience enough noise to prevent me from enjoying my home.

Rock Harbor opened in 2011, and when applying for Liquor & Entertainment Licenses, stated that the business's plan for the licenses would consist of much the same as the previous business. That statement is not representative of the entertainment activities at Rock Harbor.

Over the past 3 years there have been regular open mic nights, and loud bands performing in the south dining room sharing a wall with my building...so loud that on several occasions my floor vibrated. The bands often continue past 12:00 pm. The patrons congregate outside smoking and shouting in close proximity to the residential windows, and I have endured behavior from the patrons including frequent loud fights, urinating in my back lot, and at least one occasion, drinking on the sidewalk and breaking glass, not to mention the daily cigarette waste clean up.

I have fielded numerous complaints from long term and short term tenants about the noise and have had rental guests, on more than 4 occasions now, who were so outraged by the noise levels that I was forced to refund partial, and on one occasion, full payment for the rental.

This has had a negative effect on my ability to enjoy my home, as well as a major financial impact on the value of my rental properties.

I reasonably expect to be able to enjoy my home and not have my investment and business impacted by noise that is beyond the zoning regulations. The value of my building's rental business has decreased significantly as Rock Harbor has increased their live music. I have been talking with Dan Pease/Rock Harbor owner the past 3 years about the impact from noise from his business on myself and the situation has not improved.

My attempts at finding a solution have been met with false promises and dismissal - including responses like "my family has owned this building for years" and "my customers deserve a good time." The Rock Harbor facebook page photo for the entertainment events is of a hands-raised party crowd. The general disregard for the noise regulations is dear.

Just 3 weeks ago, prompted by a conversation with city officials, Dan Pease suggested we meet to find a solution...the weekend immediately following that communication, there was a large amplified size band playing in the south dining room until 12 pm. The crowds of party-goers continued the revelry on the sidewalk for another hour. These are not the actions of someone seeking a solution.

I have kept an event and call log to the RPD. I shared the 2014 call log at the end of August last year, when, at the end of my patience, and realizing the police can not enforce the code, I escalated the conversation and contacted City Code Officer John Root, Mr. Root has been accommodating and flexible in helping me address this issue, and has witnessed and recorded levels over the code on at least 3 occasions. The nights that I was able to coordinate visits by Mr. Root, although over the limit, are not *even close* to some of the extreme levels experienced in the past and witnessed by the RPD.

The existing code requires the noise levels be not more than 55 decibel after 9 pm, and also *requires businesses* to be responsible for patrons while in the business, as well as entering and leaving the property.

Rock Harbor operates in violation of this code on a regular basis.

I love living downtown and I still share the belief that the ideal vision for downtown Rockland is a blend of commercial and residential use. This situation must be resolved to prevent further damage to the value of my investment, and for myself, and my tenants to enjoy our homes.

I respectfully request that Rock Harbor's egregious neglect of the zoning regulations compel the city to review the Rock Harbor's permission and conditions to hold an entertainment license.

Also presented to the Council were the following documents:

- Email and memo from Beth Bowley dated 05/11/15 which included a list of correspondences and complaints concerning noise dating from 06/06/11 to 04/25/15; copy of a letter from Code Enforcement Officer John Root clarifying the regulations regarding issuance of Liquor License, Special Amusement Licenses and the regulations regarding noise.
- Memo from Deputy Police Chief Christopher Young detailing an incident that occurred 05/02/15 at Rock Harbor Pub & Brewery whereby the owner was observed consuming alcohol and was visibly intoxicated in violation of his liquor license.
- Email dated 05/11/15 for the applicant requesting a meeting with Ms. Bowley to discuss the noise issue.
- Memo dated 05/11/15 from Code Enforcement Officer John Root detailing his response to noise complaints, including charts of actual sound level readings taken on 05/05/15.

Hearing no other speakers, the public hearing was closed.

Councilor MacLellan-Ruf moved to grant the licenses for the Himalayan Restaurant, Hill's Seafood, Claws Inc., Blackboard Deli, Café Miranda, and Navigator Motor Inn. Vote: 5 for.

Councilor Clayton moved to grant the licenses for Rock Harbor Pub & Brewery.

Councilor Geiger asked if the Council could consider the liquor license and entertainment license separately.

Councilor MacLellan-Ruf moved to divide the question to consider each application separately.

Vote: 5 for.

Liquor License Application: Councilor Pritchett moved to postpone the application for Liquor License until the June 8, 2015 Regular Meeting to get the inspections done.

Councilor Geiger said that the inspections have been performed and that two recommendations have been made. She said she was concerned about the liquor license violations that have been cited, and asked why they were delaying action on this license.

Councilor MacLellan-Ruf agreed with Councilor Geiger's concerns about the liquor license violations.

Councilor Clayton said that he would like to postpone action on this license to hear more from the police department on the issue, and to hear whether additional oversight other than the TIPs training should be imposed.

Vote: 4 for, 1 opposed.  
(Isganitis)

The Liquor License applications was postponed until the June 8, 2015 Regular Meeting.

Entertainment License Application: Councilor Pritchett said that a part of what makes Rockland great is the ability to live and work together. For that to work, especially in mixed use area, it is critical that everyone play by the rules that have been established for the protection of everyone. He said the complaints that have been made against this business are not unreasonable, and he wondered if the Council should consider denying the entertainment license.

Councilor MacLellan-Ruf said that she was concerned about this issue. She said if Rockland wants to promote mixed uses, especially in the downtown area, there needs to be some sort of guarantee that issues like this will not happen again. She said this is a precedent-setting decision, and the Council needs to take its time and make sure it gets it right. She said that the Council needs to protect residents while at the same time allowing businesses to flourish. She said that she would not support granting the entertainment license at this time.

Mayor Isganitis informed the Council that they can put conditions and limitations on the entertainment license to address these issues.

Councilor Clayton said that it was a shame that Ms. Bowley and Mr. Pease could not get together and come to some sort of agreement that would satisfy them both. He said if the license is denied, Rock Harbor would not be allowed to have any sort of entertainment. He suggested that the Council authorize small entertainment but restrict it to the southerly side of the building away from Ms. Bowley's building (noting that Ms. Bowley has mentioned that the noise was usually tolerable when entertainment was on that side of the building).

Without objection from the Council, Mayor Isganitis allowed Ms. Bowley to address the issue once again.

Ms. Bowley said that typically it is the large, amplified bands playing in the dining room that cause the majority of the problems. She said when there is someone playing a guitar and singing on the other side of the building it is not typically as bad. She said she spoke with Mr. Pease about this and he agreed to limit the entertainment to that side of the building, but did not follow through with that promise. She added that regardless of the location of the entertainment, the noise level varies depending on the type of entertainment and whether the doors are open or not.

Councilor Geiger said that she was concerned about the reports of violations from the Police Department. She said she was not sure that the business owner deserves the benefit of the doubt in this case. She said if the City is going to encourage mixed uses in the downtown area, it must ensure that the regulations in place to protect residences and businesses alike are being adhered to. She said that it would set a bad precedent to allow someone with such a history of violations to continue to operate.

At this time, and without objection from the Council, Mayor Isganitis allowed Code Enforcement Officer John Root to comment on this issue.

Mr. Root outlined the memo on this issue that he submitted to the Council regarding noise violations, saying that he did not have an opportunity to record noise levels when a “large” band was playing, and that he is still trying to establish a base line reading to determine the level of violations. He also added that simply closing the doors may not solve the issues.

The City Manager interjected that the Council does have some middle ground in determining this issue. He said that the Council can grant the license with conditions, and suggested if the Council delays issuance of this license the Code Officer could come up with some reasonable conditions to address the issues.

Councilor MacLellan-Ruf asked if these discussions have been held with the owner.

Mr. Root said that he has met with Mr. Pease and advised him to do all of these things to try and alleviate the noise problems, but said that a message from the Council may be more forceful.

The City Manager said that there is a different effect when conditions are placed on issuance of a license as opposed to a warning from staff. He said compliance is then tied to the license itself.

Councilor Clayton moved that the Council grant a one month conditional entertainment license that would not allow live bands or DJs but would allow for other low-impact forms of entertainment. He said this would allow the business to continue with some entertainment while allowing more discussion of the noise issue.

Councilor Geiger questioned why the Council would want to consider issuing a license at all to someone who drinks on the job to the point of intoxication. She said that she would rather deny the license for a period of time and give him a list of issues that need to be addressed before the Council would again consider the license.

Councilor MacLellan-Ruf agreed that the license should be denied. She said that the owner can re-apply after 30 days, giving time to gather more information and address the issues at hand. She said that the behavior cited at this establishment has been egregious to the community as a whole, and is unacceptable.

Councilor Pritchett agreed with Councilors Geiger and MacLellan-Ruf.

Vote on Councilor Clayton’s Motion to grant a conditional license: 2 for, 3 opposed.  
(Geiger, Pritchett, MacLellan-Ruf)  
Motion Defeated

Councilor Pritchett said that there were three overriding reasons for voting against the issuance of this license:

- Numerous noise complaints over multiple years
- Violations of the City’s Noise Ordinance
- Violation of Liquor License by consuming alcohol after hours and allowing a visibly intoxicated person in the bar.

Vote on original motion to grant the Entertainment License: 1 for, 4 opposed.  
(Clayton, MacLellan-Ruf, Pritchett, Geiger)  
Motion Defeated.

The Entertainment License for Rock Harbor Pub & Brewery was denied for the following reasons:

- Numerous noise complaints over multiple years
- Violations of the City’s Noise Ordinance
- Violation of Liquor License by consuming alcohol after hours and allowing a visibly intoxicated person in the bar.

At this time, Councilor Clayton moved to take Ordinance Amendment #11, and Order #'s 32, 35 & 36 out of order. Without objection from the Council, it was so ordered.

**Ordinance Amendment #11 Authorizing Lease – “Sea Scout” Building**

(See pages 80 – 84 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Pritchett moved passage.

Vote: 5 for.

The Ordinance will become effective June 10, 2015.

**Order #32 Authorizing Street Closure & Fee Waiver – Summer Solstice Celebration**

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

**THAT** the Rockland Main Street Inc. is hereby authorized to close Main Street, between Park Street and Summer Street, from 3:00 p.m. to 8:00 p.m., with parking along Main Street to be prohibited beginning at 12:00 noon to allow for set up, on Saturday, June 20, 2015 to hold the 13<sup>th</sup> Annual Summer Solstice Celebration. The Organizers shall be responsible for setting up for and cleaning up after the event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event. Any fees associated with this event are hereby waived.

Sponsor: City Council  
Originator: Summer Solstice Committee

Councilor Pritchett moved passage and moved to amend Order #32 as follows: Delete “Any fees associated with this event are hereby waived”. He said this was in response of the request made by Mr. Page during the public forum. He said a fee waiver request could come next month as a separate action if necessary.

Mayor Isganitis reminded the Council that there is a funding component in the City Budget for Rockland Main Street, so a fee waiver could be looked upon as the City waiving a fee to itself, and those funds could be used for other activities of Rockland Main Street Inc.

The City Manager informed that Council that administration has developed an internal mechanism for tracking such fee waivers by transferring any waivers to the legislative account to have a record at the end of the year.

Councilor MacLellan-Ruf said that it was outstanding that the RMS Executive Committee was taking a second look at whether the fee waiver is needed.

Vote on amendment: 5 for.

Vote as amended: 5 for.

**Order #35 Authorizing Fee Waiver – Festival Corporation Use of City Parks**

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

**THAT** the park rental fees for use of Harbor Park, Buoy Park and Mildred Merrill Park by the Rockland Festival Corporation to hold the 2015 Maine Lobster Festival are hereby waived as follows:

Setup – 7 days (1 day excused) @ \$250 per day	\$ 1,500.00
Lobster Festival – 5 days @ \$2,500 per day	\$12,500.00
Tear down – 2 days (1 day excused)@ \$250 per day	<u>\$ 250.00</u>
Total	\$14,250.00

The Rockland Festival Corporation shall be responsible for paying any real costs incurred by the City for service provided in support of the Lobster Festival.

Sponsor: Councilor Clayton  
Originator: Rockland Festival Corp.

Councilor Clayton moved passage and said that he would support this request. He said that the Lobster Festival is different from the other festivals held at Harbor Park, as they are for-profit entities. He also noted the large number of volunteers who take their personal time to make the Lobster Festival what it is. He added if this order does not pass, he hoped that the Council would consider the suggestions made by Mr. Plourde during the public forum.

Councilor MacLellan-Ruf said that she had no problem with the Festival Corporation coming to the City and saying that would do this project or that project in lieu of paying the rental fee; a quid pro quo, if you will. She added that the fees in the past were waived based on monies expended on the City’s behalf for particular purposes. She said those agreements have expired, and the Council needs to look out for the taxpayers. She said that the City simply cannot afford to continue to waive these fees.

Councilor Pritchett seconded what Councilor MacLellan-Ruf said and added that if the Festival Corporation wanted the money to be designated for a particular project, he would be willing to consider it. He said that the City should be looking at phasing out fee waivers entirely, and has stepped back from them over the past few years.

Councilor Geiger agreed with Councilors MacLellan-Ruf and Pritchett, and added that she has spoken with Festival volunteers who are understandably upset about the denial of the fee waiver, but added that she simply cannot support a waiver given the tight budget situation. She added that she too would be willing to talk about designating the fees for a particular project.

Vote: 1 for, 4 opposed.  
(MacLellan-Ruf, Isganitis, Pritchett, Geiger)  
Motion Defeated

**Order #36 Adopting Policy for Special Events on City Property**

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

**THAT** the Policy for Special Events on City Property is hereby adopted substantially in the form attached hereto and incorporated herein by reference. The purpose of the policy is to state the procedures, requirements and limitations for the use of City property for special events that are not conducted or organized by or on behalf of the City.

Sponsor: Councilor Clayton  
Originator: City Manager

**CITY OF ROCKLAND, MAINE**

**Policy for Special Events on City Property**

**PURPOSE:** This policy states the procedure, requirements, and limitations on the use of City property for special events not conducted or organized by or on behalf of the City. Special events do not include gatherings of families and friends in public parks, unless such gatherings are to include the erection of tents and/or amplified audio or video broadcasts. This policy is subject to and supplements any applicable provisions in the Code of Ordinances for special events on and other uses of City property.

**PROPERTIES AVAILABLE FOR SPECIAL EVENTS:** The following properties are available for use by organizations and individuals for special events:

<u>Facility:</u>	<u>Address:</u>
Harbor Park <sup>1</sup>	271 Main Street
Mildred Merrill Park	255 Main Street
Buoy Park	3 Park Drive
Sandy Beach Park	9 Scott Street
Snow Marine Park	51 Mechanic Street
Winslow-Holbrook Memorial Park	301 Main Street
Marie H. Reed Breakwater Park	End of Samoset Road
Breakwater Lighthouse	101 Samoset Road
Chapman Park	294 Main Street
MacDougal School Park	330 & 338 Broadway
Johnson Memorial Park	151 Lake View Drive
Jaycee Park	435 Old County Road
Kenniston Field	435 Old County Road
Community Building (Various rooms)	61 Limerock Street
Public Library (Meeting rooms)	80 Union Street
City Hall (Council Chambers & Board Room)	270 Pleasant Street

**APPLICATION; SCHEDULING:** Any person or organization (the “Applicant”) seeking to use City property for a special event shall complete and submit an application therefor on a form prepared by the City Clerk. Applications shall be submitted not less than 30 (thirty) days prior to the special event, though the City Manager may accept late applications in exigent circumstances. The City Manager shall cause to be maintained an updated schedule of special events with pending or

<sup>1</sup> See Ch. 9, Art. II, Sec. 9-215 for additional provisions relating to special events in Harbor Park, Buoy Park, and Snow Marine Park. For cruise ship visits to the Public Landing in Harbor Park, see Order 2010-57 – Cruise Ship Shore Operations Policy.

approved applications. Once granted, the schedule for a special event may be altered only by either agreement of the applicant and the City, or –unilaterally – by the City Council.

REVIEW AUTHORITY:

Waterfront Parks: Applications for special events in Harbor, Mildred Merrill, Buoy, and/or Snow Marine Park shall be submitted to the Harbormaster, 270 Pleasant Street, Rockland, ME 04841. The Harbormaster shall solicit review and comment on such applications from the Police Chief, Fire Chief, Parks & Recreation Director, and Public Services Director. Those applications requesting the exclusive use of Harbor (including Mildred Merrill), Buoy, and/or Snow Marine Parks are reviewed and acted upon by the City’s Harbor Management Commission. The Commission may not limit public access to Harbor Park by granting permission for the exclusive use of that park for more than four weekends during the period of Memorial Day to Labor Day of each year. The Harbormaster shall within ten days grant, grant with conditions, or deny applications not requesting the exclusive use of the Waterfront Park.

Other City Properties: Applications for special events at City properties other than a Waterfront Park shall be submitted to the Office of the City Manager, 270 Pleasant Street, Rockland, ME 04841. The City Manager may solicit review and comment on such applications from the Police Chief, Fire Chief, Parks & Recreation Director, Public Services Director, and/or other City official. The City Manager shall grant, grant with conditions, or deny such applications within ten days.

**PRIORITY OF USAGE:** Applications for special events in specific facilities shall be reviewed and acted upon on a first-come, first-served basis; provided, however, that no special event may be scheduled in Harbor Park, Mildred Merrill Park, or Buoy Park during the anticipated set-up, duration, and clean-up for either the North Atlantic Blues Festival, Lobster Festival, or Maine Boats Homes & Harbors Show, other than for such festival, without first ascertaining, in writing, that such festival intends not to occupy the park in which the special event is proposed.

**FEE(S); DEPOSIT:** By separate Order, the Council may establish a fee for processing such applications, and/or the use of City property, and may require the payment of a deposit to secure the proper maintenance and restoration of the condition of City property on which special events are conducted. If a deposit is required, the City may retain all or a portion of it either as reimbursement for the loss of value occasioned by damage caused by the special event organizer; to repair such damage; and/or to pay for any necessary clean-up costs or any other costs incurred by the City in connection with the Applicant’s misuse of City property. Any such costs incurred by the City in excess of the amount of the deposit shall be paid by the applicant within fourteen days of receipt of an invoice therefor from the City

**LIABILITY:** The City, its officers, agents and employees shall not be liable for any injury or damage to any person or property occurring at or in connection with any special event on City Property. The Applicant agrees to defend, indemnify, and hold harmless the City, its officers, agents and employees from and against any and all liabilities, losses, damages, suits, penalties, claims and demands of every kind or nature by and on behalf of any person or entity, arising out of any injury or damage alleged to have been suffered at or in connection with the Applicant’s special event.

**INSURANCE:** The Applicant must provide a Certificate of General Liability Insurance, insuring the Applicant for combined bodily injury and property damage claims with minimum coverage amounts of \$1,000,000 per occurrence / \$2,000,000 aggregate. The Applicant shall cause the City to be named as an additional insured for claims arising during Applicant’s occupancy or control of City property.

OPERATIONAL REQUIREMENTS:

Hours of Operation: Outside special events on City Property may not open earlier than \_\_\_\_ a.m., and must close to the public no later than \_\_\_\_ p.m. Amplified music, announcements, and other audio broadcasts must cease no later than \_\_\_\_ p.m.

Security Detail: Events anticipated by the Police Chief to include fifty (50) or more people in attendance at any one time may require, in the sole discretion of the Police Chief, the presence of a Rockland Police Officer, who shall be assigned by the Police Chief, or other security detail approved by the Police Chief. The Applicant shall pay the City the actual cost, in personnel and equipment, for providing a Rockland Police Officer detail, together with a 5% administrative charge for the oversight of such detail. The City Manager may waive such administrative charge if

he determines the Applicant is non-profit entity and that proceeds from the special event that exceed the sponsor's costs are to be donated to or used for charitable activities in Rockland.

Site Disturbance: The Applicant may not make any alteration to City property without the prior, written consent of the City, including without limitation the installation of new or alteration of existing permanent utilities or connections; the trimming or removal of vegetation; puncturing or other disturbance of paved surfaces for tent poles or stakes, etc. Any new or alterations to electrical facilities shall comply with the National Electrical Code.

Fire Prevention & Life Safety Regulations: The Applicant shall assure compliance with applicable NFPA regulations for rides and amusements, if any, at the special event. The Applicant shall not allow open fires without prior approval from the Fire Chief.

Water; Wastewater: It shall be the responsibility of Applicant to provide an ample of clean, potable water for consumption, cleaning, and cooking at the special event. Applicant shall provide for the proper disposal of grey water generated at the special event, and shall provide clean and sanitary portable toilets in adequate numbers to serve the anticipated attendees, except where, in the determination of the City, adequate bathroom facilities are already available to Applicant at the site.

Firearms: The possession and use of firearms on City property during special events is prohibited.

Sound: Amplified music or sound is allowed only upon review and approval by the Chief of Police. No unreasonably loud noise or music shall be allowed by Applicant after 10:00 p.m., irrespective of the closing time of the special event, including unreasonably loud noise from announcements and departing guests and vehicles.

Miscellaneous:

- \* Activities shall be restricted to the area for which permission is granted;
- \* The Applicant shall be solely responsible for moving its equipment, material, and supplies into and out of the special event location, and the cost thereof;
- \* No City property or equipment may be altered or removed from the premises;
- \* No decorations or materials will be attached to City building walls, floors, or ceilings, or to fences or other improvements, in any manner which may damage the building or improvement;
- \* All special event workers must refrain from consuming alcohol while working at the event;
- \* All event workers should be provided with highly visible identification such as a button, badge, apron, uniform or other form of identification.

ALCOHOL: Subject to the conditions and limitations herein, alcohol may be sold<sup>2</sup> or served to persons who have attained at least the age of 21 years at an authorized special event at Harbor Park, Mildred Merrill Park, Buoy Park, Sandy Beach Park, Snow Marine Park, Marie H. Reed Breakwater Park, Breakwater Lighthouse, the Public Library, MacDougal School Park, or City Hall Council Chambers, if approved by the City. Alcohol may not be sold or served at any of the City's playing fields or play grounds.

Unless waived by Order of the City Council prior to the special event, an Applicant who has received permission to sell or serve alcohol at a special event shall pay a fee therefor, as set forth in the Alcohol Risk Chart below.

Alcohol may be served for on-premises consumption only by a licensed caterer. Prior to the special event, the caterer shall provide proof that the caterer has received all State and local licenses and permits necessary for serving alcohol at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to be determined by the City, which Certificate names both the City of Rockland and the Applicant as additional insureds.

At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) any applicable rental alcohol services fees; (2) Applicant's deposit; (3) copies of all required permits, licenses and insurance certificates; (4) the name(s) and complete and accurate contact information for the State-licensed caterer who will be staffing the event; (5) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training;

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<sup>2</sup> Applications for state licenses to sell wine or malt liquor at farmers markets in Rockland, pursuant to 28-A M.R.S. § 1366(4), require City Council approval under Ch. 11, Art. I, Sec. 11-113.

and (6) the name of a Responsible Party (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of alcohol at the special event. Should these requirements not be met, alcohol may not be served at the event and the City may rescind the special event approval and retain the Applicant's non-refundable deposit.

The Responsible Party shall serve as the contact person during the event, and must be present on the site and for the entire duration of the sale or service of alcohol at the special event. If the risk associated with the event, as set forth in the Alcohol Risk Chart below, requires that a police officer be present, the arrangements and expense for the same shall be borne by the Applicant.

All alcohol servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine. Alcohol may be served only in area(s) identified for the same in the special events application and approved by the City. The Applicant must designate a caterer/TIPS trained server or bartender to serve and oversee the alcoholic beverage area at all times. This person is responsible for verifying the legal age of each person consuming alcohol. The Applicant or its caterer is responsible for the purchase and transportation of all alcoholic beverages to be sold or served at the special event. Patrons of the event are strictly prohibited from bringing in their own beverages or "brown bagging." Bottled beer and other alcoholic beverages must be served in paper or plastic containers or glassware provided by the caterer. Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty alcohol containers is the responsibility of the Applicant. All bottles must remain behind the bar area. No person less than 21 years of age may serve, possess and/or consume alcoholic beverages on City property. No marketing to encourage alcohol consumption is allowed. Oversized drinks, contests, volume discounts, or similar incentives are not permitted. The Applicant shall assure that prominent signs are posted indicating any alcohol-restricted areas. The serving of all alcoholic beverages must cease at least one (1) hour prior to the specified and approved closing time of the special event. All alcohol and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any alcohol residue or smell on the premises.

An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-alcoholic beverages must be made available and at a lower cost than any alcoholic beverages.

Violations of any State of Maine laws will result in Applicant and the caterer's loss of serving privileges, and may result in the loss of Applicant's facility use privileges. Applicant, the caterer, and their guests at the special event must adhere to all posted rules. Violations of posted rules may result in the loss of service to specific individuals, loss of serving privileges, and/or termination of the special event approval, depending upon the severity of the violation. It is the responsibility of the Applicant to prevent underage consumption of alcohol, to prevent intoxicated or rowdy persons from entering events, to manage patrons from becoming intoxicated, to refuse service to intoxicated patrons, and to facilitate the prompt and safe removal of patrons from the event if their actions warrant removal. Alcohol distribution may be discontinued for any patron or for an entire event at the discretion of the caterer, TIPS-trained staff, police officer, or the City Manager. Profanity, disorderly acts or illegal activities of any kind are absolutely prohibited. Those violating this prohibition will be ejected from the premises. If any individuals at the event become too disruptive, City staff members monitoring the special event are authorized to themselves order the disruptive individuals to leave the premises or notify law enforcement. The City reserves the right to discontinue the service of alcoholic beverages at any time during a special event. Special event approval can be revoked at any time and any violation of this policy may result in immediate termination of the event without refund.

**Alcohol Risk Chart**

<b>Risk</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>
<b>Number of people</b>	1 - 50	51 - 100	101— 200 *
<b>Police Officers (in addition to one City Staff member hired by the Applicant)</b>	1 police officer or 'bouncer' with TIPS training	1 police officer and 1 'bouncer' with TIPS training	2 police officers and 1 'bouncer' with TIPS training

<b>Fee (in addition to regular facility use / rental fees)</b>	\$30/hour	\$80/hour	\$130/hour
<b>Damage/Clean-up deposit</b> Two deposits are required; one for the facility and second for damage and clean up.	\$250	\$500	\$1,000
<b>Servers/Caterer (TIPS training or equivalent)</b>	Min. 1 TIPS trained server	Min. 1 TIPS trained server	Min. 2 TIPS trained servers

\* Requisite levels of staffing for special events with over 200 participants shall be determined by the review authority on a case-by-case basis.

The City reserves the right to amend and/or impose additional policies, requirements, and restrictions for the sale or service of alcohol on City property, by Order of the City Council and/or as conditions imposed on one or more special events applicants.

**TERMINATION OF ACTIVITY:** The City Manager, Chief of Police, or their designee may order the immediate termination of the special event if the Applicant is found to be in violation of any term or condition of Applicant’s permit, or any State or local statute, ordinance or regulation. Upon such termination, all activities shall cease and all equipment, furnishings and other material shall be removed from the premises, and the premises cleaned and restored to its original condition forthwith.

**SITE CLEAN UP & DAMAGE ASSESSMENT:** The applicant shall be responsible for clean up, removal of equipment and waste, and for leaving the facility in a condition commensurate with the condition of the facility immediately prior to Applicant’s entry to set up and conduct the special event. The City may condition the permission for the special event on compliance with specific site clean-up and restoration requirements, including the deadline therefor. The City Manager or his designee shall inspect the facility to determine, in his sole discretion, (1) the adequacy of Applicant’s clean up and restoration of the facility, and (2) whether any damage has occurred during Applicant’s set up, occupancy, and/or clean up of the facility, the extent of any such damage, and the estimated cost of its repair. The Applicant is responsible for all clean-up activities and repairs. If the Applicant’s clean-up and repair of the facility is insufficient and, within a reasonable time after notice fails adequately to restore the condition of the facility, the City may conduct the clean-up and repair activities, at Applicant’s expense. The City may offset such costs with Applicant’s deposit, and seek the recovery of any remaining balance by negotiation, mediation, and/or legal proceedings. The City may refuse a subsequent application for a special event by the same applicant who failed adequately to clean up and restore the condition of the facility.

**ASSIGNMENT:** Applications issued pursuant to these Regulations are for the specific event; time and place listed on the application and are not transferable or assignable to any other person, group or other entity.

Councilor Clayton moved passage and moved to amend the policy as follows: Under “:ALCOHOL”, sixth paragraph, delete the phrase “No marketing to encourage alcohol consumption is allowed.”

Councilor Pritchett asked if this phrase was taken from the policy in the town of Kennebunk.

The City Attorney said that the prohibition was contained in the policies of both Kennebunk and Rockport, from which this policy was derived.

Vote on amendment: 4 for, 1 opposed.  
(Pritchett)

Mayor Isganitis noted that concern had also been expressed over the level of police and bouncer services required by the policy, but noted that those levels are set by the volume of the activity.

Councilor Pritchett said that the levels required by the policy seemed to make sense, and that he would be reluctant to step back from them at this time.

Councilor MacLellan-Ruf said that the question concerned the substitution for hired private security for the requirement that a certain number of police officers be on site depending on the size of the event.

Councilor Pritchett said that there are multiple reason why private security may be employed by an organization holding such an event, but they serve a different purpose that the police officers required by this policy. He said that the additional police coverage was warranted, but that the burden of proof would be on the applicant that the requirements have been met.

Vote as amended: 5 for.

The order of the agenda was then resumed.

**Resolves:**

#25 Accepting Donations – Rockland Public Library

**WHEREAS**, the Friends of the Rockland Public Library donated \$876.82 for 61 children’s titles to be added to the Library’s Children’s Collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Sue Ellen Gerrish of Rockland, Maine, donated \$10 to the Rockland Public Library in memory of Doris Huber, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Olga Hamilton of Goose Creek, South Carolina, donated \$100 to the Rockland Public Library in memory of Stephen K. Hamilton, 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 a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 5 for.

At this time, Councilor Pritchett moved to add Resolve #26, Supporting Reductions in the Proposed RSU #13 School Budget, on the agenda.

Vote: 5 for.

**Resolve #26 Supporting Reductions in the Proposed RSU #13 School Budget**

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

**Whereas**, this Council recognizes that quality public education contributes to the vibrancy, quality of life, and the potential for economic development in Rockland; and

**Whereas**, this Council also recognizes it is critical for RSU 13 to provide a quality education at a cost that neither discourage investments in homes & businesses, nor places an unreasonable burden on working families, retired citizens on fixed income, or other Rockland residents; and

**Whereas**, the FY 16 School Budget recommended by the RSU 13 Board would raise the property taxes Rockland residents and businesses pay to the school district by approximately \$1.5 million which is an 18% increase over last year; and

**Whereas**, if approved, this school budget would result in the cost of education shouldered by Rockland’s taxpayers rising by 58% over the last decade while the valuation of the City has only increased by approximately 3.9% in that same period; and

**Whereas**, Rockland's mill rate is already in the top 3% among all towns in Maine's eight coastal counties creating a disincentive for families to buy homes here and businesses to invest here; and

**Whereas**, the cost of core educational programming at the high school level in RSU 13 is 15% to 30% higher than a number of other similar sized high schools in Maine, and

**Whereas**, this Council believes that given the steep rise in the cost of education borne by Rockland taxpayers in the last decade that the RSU 13 staff and board should have developed either a "no increase" budget or a budget with a much lower increase than proposed; and

**Whereas**, the district wide budget meeting scheduled for Thursday May 21st provides Rockland residents an opportunity to amend the budget proposed by the RSU 13 Board before it goes before voters for a district wide vote in June;

**NOW, THEREFORE, Be it hereby resolved**

**That**, the City Council directs the City Manager to utilize all tools available to the provide information to Rockland residents about the tax impacts of the proposed school budget and about the budget hearing on May 21st; and

**That**, all members of Council commit to individually reaching out to Rockland residents to inform them about the school budget and the May 21st budget hearing; and

**That**, Council encourages all residents to attend the May 21st hearing and vote to support appropriate meaningful reductions in the school budget; and

**That**, Council directs the City Manager to send a letter to RSU 13 tomorrow requesting lower budget options be prepared for discussion and consideration at the May 21 Budget Hearing; and

**That**, the City Manager is encouraged to attempt to continue discussions with the RSU13 called for in Order 2015-5 as another means to gain information on possible budget alternatives.

Sponsor: Councilor Pritchett  
Originator: City Council

Councilor Pritchett moved passage.

Councilor Geiger thanked Councilor Pritchett for bringing this Resolve forward.

Councilor Pritchett said that the Resolve speaks for itself, and that he was reluctant to go here. He said that a similar resolve was adopted by the Council a couple of years ago, and RSU #13 staff did make some meaningful changes to the budget at that time. He said that he hoped this resolve will have a similar impact. He said that the public needs to understand the impact such an increase will have on the taxpayers, and balance that with educational needs.

Vote: 5 for.

At this time, Mayor Isganitis declared a 2 minute recess at 8:44 p.m.

The Meeting was reconvened at 8:46 p.m.

**Ordinances in Final Reading and Public Hearing:**

#5 Authorizing Quit Claim Deed – Reconveyance of 107 First Street

(See pages 73-74 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

The Ordinance will become effective June 10, 2015.

#6 Authorizing Quit Claim Deed – Reconveyance of 24 Jefferson Street

(See pages 74-76 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

The Ordinance will become effective June 10, 2015.

#7 Authorizing Quit Claim Deed – Reconveyance of 19 Franklin Street

(See pages 76-77 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Pritchett moved passage.

Vote: 5 for.

The Ordinance will become effective June 10, 2015.

#8 Authorizing Quit Claim Deed – Reconveyance of 26 Rockland Street

(See pages 77-79 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Geiger moved passage.

Vote: 5 for.

The Ordinance will become effective June 10, 2015.

#10 Amendment to Lease To Own Contract – Pollution Control Facility Vehicle

(See pages 79-80 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Clayton moved passage.

Vote: 5 for.

The amendment will become effective June 10, 2015.

#12 Chapters 9 & 19, Special Event Signs

(See pages 84-86 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

The amendment will become effective June 10, 2015.

#13 Authorizing Quit Claim Deed – Reconveyance of 127 First Street

(See pages 86-87 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Geiger moved passage.

Vote: 5 for.

The Ordinance will become effective June 10, 2015.

**Ordinances in First Reading:**

#14 Authorizing Quit Claim Deed – Sale of 20 Katahdin Avenue

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

**THAT** the City Manager is hereby authorized to issue a municipal quit claim deed to Ryan Lawrence of Rockland, Maine, for a City-owned parcel of land and the building(s) thereon located at 20 Katahdin Avenue, Rockland, Maine (Tax Map #71-C-9) for \$32,000; said sale being subject to the execution and substantial compliance with terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council  
Originator: City Manager

**PURCHASE AND SALE AGREEMENT FOR  
MUNICIPAL LIEN-ACQUIRED PROPERTY**

1. **PARTIES:** This Agreement is made between the **CITY OF ROCKLAND, MAINE** (“Seller”) and **RYAN LAWRENCE** (“Buyer”).

2. **DESCRIPTION:** Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy, BY QUITCLAIM DEED, [ X ] all of / [ ] part of (if “part of,” explain below) the property situated in the City of Rockland, County of Knox, and State of Maine, located at **20 KATAHDIN AVENUE, ROCKLAND, MAINE (TAX MAP 71-C-9)** and described in deed(s) recorded on the Knox County Registry of Deeds in Book 4774, Page 295 (the “Property”). Seller shall not and is not required to warrant title to the premises, intending only to release its interest in the Property to Buyer, subject to any encumbrances, encroachments, or other matters that may now exist, or hereafter appear to exist.

3. **FIXTURES; PERSONAL PROPERTY:** The Buyer and Seller agree that all fixtures, including but not limited to existing storm and screen windows, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood stoves, sump pumps, and electrical fixtures are included with the sale except for the following: N/A

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Seller makes no representation or warranty as to the condition, capacity, or suitability of any mechanical components of fixtures at the time of closing, and shall convey the same "as is," and without any warranty as to their condition, fitness for particular purpose, or otherwise.

4. **PURCHASE PRICE:** For such Quitclaim Deed and conveyance Buyer agrees to pay the total purchase price of \$32,000.

5. **DEPOSIT.** Buyer has delivered to the Buyer a deposit of earnest money in the amount of N/A. The remainder of the purchase price shall be paid by a certified or cashier's check upon delivery of the Deed. In the event Buyer fails to purchase the property as provided herein, for any reason other than the termination of this Agreement by the Seller, such earnest money shall be non-refundable and shall be retained by Seller.

6. **CLOSING DATE:** The Closing Date shall be July 8, 2015, or on another date thereafter upon mutual agreement of the parties.

7. **TITLE:** Seller shall deliver a quitclaim deed for the Property to Buyer. Seller is not required to warrant title to the Property, intending only to release its interest in the Property to Buyer, subject to any encumbrances, encroachments, or other matters that may now exist, or hereafter appear to exist. Seller makes no representation to Buyer that the Seller will have marketable title following the conveyance contemplated herein.

8. **POSSESSION, OCCUPANCY, AND CONDITION:** Unless otherwise agreed in writing, possession and occupancy of the Property, free of tenants and occupants, shall be given to Buyer immediately at closing. Buyer has inspected the Property; acknowledges that the structure(s) on the Property previously were damaged; require demolition or repair; and may contain mold and other potentially-hazardous conditions; and accepts and assumes the cost and risk of loss and liability arising from the condition of the Property. Seller makes no representation about and accepts no responsibility or liability for the condition of the Property or its fitness for any use contemplated by Buyer.

9. **RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE:** Prior to closing, risk of loss, damage, or destruction of structures at the Property shall be assumed solely by the Seller. Seller shall keep the principal structure(s) insured against fire and other extended casualty risks prior to closing. If any structure is damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the Property "as-is" together with an assignment of the insurance proceeds relating thereto.

10. **FUEL / UTILITIES; PRORATIONS:** Any fuel in operable fuel tanks at the Property shall be purchased by the Buyer at the cash price as of the date of the closing of the supplier that last delivered fuel at the Property. Metered utilities such as electricity, water, and sewer will be paid through the date of closing by Seller. The following items, where applicable, shall be prorated as of the date of closing: collected rent, association fees, (other) payment in lieu of tax. The day of closing is counted as a Seller day for purposes of pro-rating expenses and income. Real estate taxes due and owing in the current municipal fiscal year (or payment in lieu of taxes if the municipality owned the Property on April 1) shall be prorated as of the date of closing; Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained. **BUYER AGREES TO MAKE PRORATED PAYMENT IN LIEU OF TAX FOR FISCAL YEAR 2016 (JULY 1, 2015, THROUGH JUNE 30, 2016) AT THE CLOSING, CALCULATED FROM THE AMOUNT OF TAX THAT WOULD HAVE BEEN ASSESSED ON THE PROPERTY HAD THE BUYER HELD TITLE TO THE PROPERTY ON APRIL 1, 2015, WHICH WAS ASSESSED AT \$159,600.** Buyer and Seller will each pay their transfer tax if and as required by the State of Maine, if applicable. The payment and other requirements of the parties set forth in this paragraph are contractual, and shall survive closing and remain in full force and effect until performed.

11. **DUE DILIGENCE:** Neither Seller nor Agency makes any warranties regarding the condition, permitted use, or

value of Seller’s real or personal property, or any representations as to compliance with any federal, state, or municipal codes, including, but not limited to, fire, life safety, electrical, plumbing, and property maintenance. Buyer is encouraged to seek information from professionals regarding any specific issue or concern.

12. FINANCING: This Agreement is not subject to Financing.

13. BROKERAGE DISCLOSURE. Buyer and Seller acknowledge they have been advised of the following relationships:

Licensee:                      Agency:                       Seller’s Agent:                       Buyer’s Agent:

None.

14. PROPERTY DISCLOSURE FORM: Buyer waives notice and receipt of property disclosure, lead paint, private water supply, arsenic, and any other form or information regarding the condition of the Property.

15. DEFAULT: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the deposit. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

16. PRIOR STATEMENTS: This Agreement sets forth sets forth all of the obligations of the parties, and replaces any prior agreement between the parties, either written or oral, relating to the Property. Any prior representations or statements by a party not also set forth herein are not valid or binding upon such party.

17. HEIRS / ASSIGNS: This Agreement shall extend to and be obligatory upon the successors and/or assigns of the parties.

18. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original or faxed signatures are binding.

19. ADDENDA:  No;  Yes – List, and Attach. \_\_\_\_\_

20. EFFECTIVE DATE; NOTICE; MISCELLANEOUS: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, whether oral or in writing. This Agreement is a binding contract when signed by the Buyer and approved, in first reading, by the City Council. Licensee is authorized to fill in the Effective Date on Page 1 hereof, once ascertained. Except as expressly set forth to the contrary, the use of the term “days” in this Agreement, including all addenda made a part hereof, shall include all days of the week, and not be limited to “business days.”

21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing. Buyer acknowledges with its signature that Seller is a municipality and that this Agreement is a public record that Seller may be required by the Maine Freedom of Access Act to disclose it, upon request.

22. OTHER CONDITIONS: Seller shall return to Buyer Buyer’s bid bond or equivalent at the closing.

23. ACKNOWLEDGMENTS; APPLICABLE LAW. A copy of this Agreement is available to each of the parties and, by signature, receipt of a copy is hereby acknowledged by each party. Each party acknowledges that it has had full opportunity to consult legal counsel regarding any and all matters in this Agreement not fully understood by the party. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of

capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services. This is a Maine contract and shall be construed according to the laws of Maine.

Buyer's Mailing address is: 245 Bog Road; Rockland, ME 04841

Date: May \_\_, 2015

\_\_\_\_\_  
BUYER: Ryan Lawrence

Subject to approval by the Rockland City Council, Seller agrees to deliver the Property at the price and upon the terms and conditions set forth herein.

Seller's Mailing address is: City Manager; Rockland City Hall; 270 Pleasant St.; Rockland, ME 04841.

Dated: May \_\_, 2015

\_\_\_\_\_  
SELLER: City of Rockland, Maine  
by: James D. Chaousis II  
its: City Manager

Councilor Clayton moved passage.

Councilor Geiger asked what the assessed value was of the property.

The City Attorney said that the assessed value of the property was \$159,600.

Councilor Geiger then asked if the City has had the property appraised to ascertain its current value.

The City Attorney said that the property has not been appraised.

Councilor Geiger said that the City is in the property business whether it likes it or not, and it is unnecessary to simply get back what is current outstanding on the property and selling the property substantially below market value.

Councilor Pritchett said that this was a situation where the property was re-conveyed to a bank which failed to comply with the conditions of the reconveyance agreement.

The City Attorney said that was correct and added that the bank failed to make the required repairs to the property.

Councilor Pritchett said that the Council recently defeated the sale of 63 Warren Street on the same grounds, which brings up the question of what the City should do with properties that do not have a previous owner. He suggested that the City develop a list of items to consider before giving up these properties, such as determined broader interests in the property and what are the benefits or negatives to the community.

Councilor MacLellan-Ruf said that the City is in the real estate business whether they like it or not, and that the concerns expressed by Councilors Geiger and Pritchett should be looked at.

Councilor Clayton said that the City is not in the real estate business by choice, and that market value of any property is determine by the amount that someone will pay for a particular property. He also said that the neighbors of this property would probably like to see it rehabilitated, and that Mr. Lawrence has a track record in the City for turning these kinds of properties into habitable homes. He said the Council should take a look at this particular property, and they would see that it is in a distressed condition.

Councilor Geiger said that if there was a previous owner of such a property, the City would work hard to reconvey the property to that person. However, if there is no individual previous owner, the City would be remiss to allow the property to be left to crumble. She said that the City can do better, and take such properties and improve them to meet mortgage requirements and give a property back to the community. She said such properties could be sold for closer to market value and those funds could be used to help others.

Councilor Pritchett said in those instances where there is not an individual owner, the City should take a step back and look at the property.

The City Manager said that all the points made on this issue are relevant, but there is a process in place on how to receive bids. He said Mr. Lawrence has followed that process and wants to invest in the City. He said that such points could apply to future consideration, but recommended that the Council approve this sale as presented and let Mr. Ryan do what he has demonstrated in the past he has the ability to do.

Councilor MacLellan-Ruf agreed with Councilor Clayton and the City Manager, saying that it is hard to deny someone when they have followed the rules. However, she said she agreed with Councilors Geiger and Pritchett for consideration of future properties.

Vote: 3 for, 2 opposed.  
(Geiger, Pritchett)

A public hearing was set for June 8, 2015 at 7:00 p.m.



Crawl” shall be limited to those within the area stated above. The organizers shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event.

Sponsor: City Council  
Originator: Paul Benjamin

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

#34 Accepting Forfeited Assets – A. Hunt

**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:

- One 2012 Toyota Tacoma Truck (VIN#5TFUU4EN9CX034855)
- One Sig Sauer 1911 .45 cal Handgun (Serial #54B031228)
- One Bryco, Jennings 9mm Handgun (Serial #1563940)
- \$132,036.00 U.S. Currency
- \$4,410.00 U.S. Currency

State of Maine v. Ashley Hunt, Superior Court Docket # CR-15-021.

Sponsor: City Manager  
Originator: Police Department

Councilor Pritchett moved passage.

Vote: 5 for.

#37 Authorizing Reserve Fund Expenditure – Lien-Acquired Properties

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

**THAT** the City Manager is hereby authorized to expend up to \$5,000 annually from the City Land Sales Reserve Account (#70000-01724) for maintenance of any lien-acquired properties.

Sponsor: City Manager  
Originator: City Manager

Councilor Pritchett moved passage.

Councilor Geiger asked if \$5000 annually would be enough.

The City Manager said that he felt this was a decent cap at this time.

Councilor Clayton asked if banks would be held accountable for upkeep of properties that are reconveyed to them.

The City Attorney said that any funds expended by the City with respect to lien-acquired properties would be reimbursed through the reconveyance agreement, or when the property is sold.

Councilor Pritchett added that there are immediate costs to the City when a property is acquired by lien foreclosure to simply secure the property. He said that these costs can be recouped by the City at a later date.

Vote: 5 for.

#38 Authorizing Transfer of Funds – Downtown Lighting Project

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

**THAT** the City Manager is hereby authorized to transfer \$50,000 from the FY 2015 Downtown TIF Account (#10000-01899) to the Downtown Street Lighting Account (#10000-01815).

Sponsor: City Manager  
Originator: Finance Director

Councilor Pritchett moved passage and said that this is a housekeeping measure. He said this is an annual transfer of funds for this project, and added that the City is still waiting on legislative changes before moving forward on this project.

Vote: 5 for.

**Executive Session:** Councilor Pritchett moved to enter into an Executive Session pursuant to Title 1, M.R.S., Sec. 405(6)(A) which permits the discussion or consideration of evaluation of personnel, to hold the 30-day performance review of the City Manager.

Vote: 5-for.

The Council entered Executive Session at 9:21 p.m.

The Council came out of Executive Session and, with no further action being taken, adjourned without objection from the Council at 10:04 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE FY 2016 BUDGET REVIEW**

**May 13, 2015**

Library  
Recreation  
Harbor & Waterfront  
Legal  
Legislative

The Budget Review session which was recessed from May 6, 2015 until this date was reconvened at 5:30 p.m. with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Also in attendance was Finance Director Tom Luttrell.

Prior to the review on any departmental budget proposals, the Council discussed the following memorandum from the City Manager prepared at the request of the Council to outline scenarios of what effects cuts to the budget of \$300,000, \$600,000, and \$1 million would have on municipal services:

This memo is the formal response to the request from City Council proposed at the April 27th, 2015 Budget Workshop. The assignment was to develop a proposal that demonstrated budget reductions in tiers of \$300,000, \$600,000, and \$1,000,000. As I explained before, the services that the City provides are valued by the community and any reduction will come with resistance. My analysis will also come with criticism from the effected service users and supporters.

I want to plainly explain the rationale I used in my recommendation because other approaches will be proposed. Different approaches are fair but I am working within the framework of the Council assignment. Based on my professional experience, I think it is a fair approach. ***This analysis is based on areas of service where the community and existing staff can fill the void left by budget reductions.*** Areas like library service and recreation are community supported services. Hopefully, through expense reductions, the community responds with positive support of the services that are not tax dependent. Other proposed reductions, that are more internal, would call for increased effort by existing staff.

***TIER 1- \$348,470***

As I stated earlier, the first tier is composed of value laden services that are not essential to public safety and public infrastructure maintenance.

**Recreation Department- \$129,763**

The proposal would eliminate the Recreation Department, as we know it. This would eliminate the publicly funded department with employees. Responsibility of maintaining the parks would be transferred to the Department of Public Service. Additionally, I propose that the City retain \$50,000 of the expense and the City assets (summer camp and recreation center) to leverage better private recreational programs. The City should solicit proposals through an RFP process for long term rental of the Recreation facility and the Summer Camp. The private sector may respond favorably and provide a less budgetary constrained service.

Attached City staff has provided information for the Council to consider while analyzing this reduction.

	Original	Reduction	Budgetary Savings	
Total Revenues	(47,000)	-	47,000	
Payroll	104,310	-	(104,310)	
Health Insurance	37,264	-	(37,264)	
Retirement	5,215	-	(5,215)	
P/R Taxes	8,053	-	(8,053)	
Worker Comp	6,500	3,250	(3,250)	
Power	8,239	3,000	(5,239)	
Water Sewer	1,993	500	(1,493)	
Recreation Prog	19,000	-	(19,000)	
Offic Equip Maint	1,900	720	(1,180)	
Bldge Repair	25,000	5,000	(20,000)	
Park Maintenance	7,000	7,000	-	
Parks Commission	6,500	6,500	-	
Office Supplies	1,000	-	(1,000)	
Gasoline	300	300	-	
Heat	16,559	8,000	(8,559)	
Uniforms	200	-	(200)	
Cost of Goods Sold	8,000	-	(8,000)	
Day Camp bus Driver	2,500	-	(2,500)	
Senior Program	1,500	-	(1,500)	(129,763)
<b>Support Expense</b>	-	-	<b>50,000</b>	

**Library- \$166,255**

The proposal would reduce all library staff to 25 hours per week, closing Sundays, and part-time labor would be reduced to half. There are several support groups associated with the library that will attempt to provide additional assistance. The City should consider being the administrative and fiscal agent of any effort to maintain the library services at their current levels. This means that library staff could be employees of the City but some of the funding required to sustain their employment would be donated by support groups. In the absence of support reductions would take place but reliance would not be tax levy dependent.

Attached City staff has provided information for the Council to consider while analyzing this reduction.

	Original	Reduction	Budgetary Savings	
Payroll	280,382	193,310	(87,072)	
Health Ins	98,413	20,968	(77,445)	
Retirement	16,394	5,339	(11,055)	
P/R Taxes	21,450	14,788	(6,662)	
Revenues	(70,143)	(35,072)	35,072	
Heat	16,092	12,000	(4,092)	
Books	42,000	27,000	(15,000)	(166,255)

**Legal- \$52,452**

This proposal would eliminate full-time in-house counsel with outside contract legal services. Several similar sized cities have performed this function quite well but the City of Rockland has enjoyed the skillful work of Attorney Beal for a while. The transition will be measured in sweat and frustration more than expense. I propose that the City engage with a full service legal firm through an interview process. The interview process could be performed prior to budget execution to maximize the legal department viewpoint.

Attached Attorney Beal has provided information for the Council to consider while analyzing this reduction.

<b>Total Appropriations</b>	<b>112452</b>	<b>60000</b>	<b>(52,452)</b>	<b>(52,452)</b>
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**TIER 2A- \$311,214**

The second tier alternative is composed of expenses that are controllable within reason. They are labor contracts that we can control but are sensitive to relationships with existing employees.

**Unionized Employment- \$80,000**

The City has just submitted a proposal to the collective labor unions due to the regularly expiring contracts. Obviously, the City Council shouldn't measure the success of an ongoing collective bargaining relationship but there is built in savings. The City is optimistic in this proposal to the unions and it should create compound savings over the successive years. The reduction in budgeted expense would be \$80,000.

**City Manager- \$133,438**

The City Manager is within the six month probationary period. There is no obligation to him if he is terminated during this timeframe. The severities of the budget implications are unprecedented and I am comfortable offering this suggestion based on overall net worth.

**Fire Chief- \$97,776**

The Fire Chief position is currently budgeted and needed but all the other suggested positions are budgeted and needed. I fear that the elimination of this position from the budget will have a severe impact on retaining other senior managers in the Fire Department but it must be considered.

**Harbor Master- \$19,361**

Eliminating the assistant Harbor Master and merging the Harbor and Waterfront Department with the Fish Pier Department would provide minimal expense reduction.

**TIER 2B- \$229,730**

The second tier alternative is composed of expenses that really start to hit service levels of basic governmental impact. The reductions are little harder to present because they encompass elimination of noncritical employees and reductions of City Hall service time to 30 hours per week Obviously, more consideration to the union negotiation discussions would be needed.

<b><i>Eliminate Non Critical Positions in all Departments</i></b>				
Clerk 1	56773	0	(56,773)	
Code reduce hrs to 30	56915	48630	(8,285)	
Finance 1	63050	0	(63,050)	
General Assistance	21386		(21,386)	
Police 1 either secretary or parking enforcement			-	<b>(149,494)</b>
<b><i>Reduce Service Hours - City Hall only open 30 hours per week(clerks union affected)</i></b>				
Clerks Office	101894	87098	(14,796)	
Code	56915	48630	(8,285)	
Assessing	34008	34008	-	
Finance	145584	107928	(37,656)	
Police	68129	48630	(19,499)	<b>(80,236)</b>
			<b>Total Tier 2B Reductions</b>	<b>(229,730)</b>

**TIER 3- \$????**

The final tier will take more time. I wanted to give the City Council this document to illustrate the difficulties of presenting \$250,000 to \$1,000,000 worth of reductions to the budget. I will continue to develop this final tier but it will mean public safety and public infrastructure maintenance reductions. I take these reductions very seriously because they have unintended consequences that a weeklong analysis cannot produce.

**Summary- \$889,414**

In conclusion, I have fallen short in my brief assignment to illustrate a tiered approach to recommending \$1,000,000 worth of municipal expense reductions but I have likely given the City Council some perspective on how this would be approached to determine if we go that far. This document demonstrates a path to \$889,414 in expense reduction and doesn't touch public safety and public infrastructure maintenance. If the final tier is not worthwhile, please let me know.

Mayor Isganitis then allowed several member of the public to speak on the proposed cuts to the Library and Recreation Departments. Those speaking expressed their support for the Library and the Recreation Department and urged the Council to look at cuts across the board rather than singling out two particular departments. A member of the public also spoke in support of the in-house City Attorney, saying that contracted legal services have always cost the City more and the services provided cannot compare with the services that Mr. Beal provides.

The Council then continued to review the memorandum, choosing to stop after review the options titled "Tier 2A".

With the above discussion completed for the evening, Mayor Isganitis recessed the meeting until May 18, 2015 at 5:30 p.m. at which time the Council would continue its discussion of the City Manager's memorandum, and, as time allowed, review the budget proposals for Sewer and departments M-U (Municipal Fish Pier, Services, Unclassified Fringe Benefits, and Unclassified Other).

Without objection from the Council, the meeting was recessed at 8:35 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE FY 2016 BUDGET REVIEW**

**May 18, 2015**

Sewer  
Departments M-U

The Budget Review session which was recessed from May 13, 2015 until this date was reconvened at 5:30 p.m. with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Also in attendance was Finance Director Tom Luttrell.

Prior to resuming the review of the proposed FY 2016 Budget, the Council concluded its discussion of the memorandum submitted by the City Manager at the May 13, 2015 budget review session, reviewing the suggestions title "Tier 2B" and "Tier 3" (see page 121 above for text).

With the discussion of the memorandum complete, the Council then reviewed the budget proposals for Sewer and departments M-U (Municipal Fish Pier, Services, Unclassified Fringe Benefits, and Unclassified Other).

With the above review completed, Mayor Isganitis recessed the meeting until May 20, 2015 at 5:30 p.m., at which time the Council would review the budget proposals from Library, Recreation, and departments H-L (Harbor & Waterfront, Intergovernmental, and Legal. Without objection from the Council, the meeting was recessed at 7:57 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE FY 2016 BUDGET REVIEW**

**May 20, 2015**

Budget Review Meeting continued:

May 20, 2015

The Budget Review session which was recessed from May 18, 2015 until this date was reconvened at 5:30 p.m. with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Also in attendance was Finance Director Tom Luttrell.

The budget reviews originally scheduled for this session (Library, Recreation, and departments H-L (Harbor & Waterfront, Intergovernmental, and Legal)), were postponed until May 27, 2015, in favor of a discussion of the proposed RSU #13 Budget with RSU #13 Superintendent John McDonald, Business Manager Peter Orne, RSU #13 Board Chairman Steven Roberts and Board Vice-Chairman Loren Andrews.

With the above discussion completed, Mayor Isganitis recessed the meeting until May 27, 2015 at 5:30 p.m., at which time the Council will review the budget proposals for Library, Recreation, and departments H-L (Harbor & Waterfront, Intergovernmental, and Legal). Without objection from the Council, the meeting was recessed at 7:20 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**RECONVENE FY 2016 BUDGET REVIEW**

**May 20, 2015**

Library  
Recreation  
Departments H-L

The Budget Review session which was recessed from May 20, 2015 until this date was reconvened at 5:30 p.m. with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Also in attendance was Finance Director Tom Luttrell.

The Council reviewed the budget proposals for Library, Recreation and Harbor & Waterfront with the department heads making presentations to address the proposed budget reductions contained to the City Manager’s memorandum presented to the Council on May 13, 2015 (see pages 120-121 above for text). A combination of additional revenue and reductions in expenditures proposed by the Library Director addressed the issue proposed in the memorandum to the satisfaction of the Council. The Recreation Director addressed the issues proposed in the memorandum by proposing the elimination of the Director’s position. The Council requested that the City Manager continue to explore option for outside management of programs and the facilities. The Harbor Master objected to the elimination of the Assistant Harbor Master, and said that it was not realistic to expect the department to increase revenues by \$30,000. The Council determined that the proposal to eliminate the in-house City Attorney and replace him with contracted legal services was not something that the Council wished to pursue at this time.

With the above reviews completed, Mayor Isganitis recessed the meeting until June 4, 2015 at 5:30 p.m., at which time the Council would do a general review of the budget and adopt a preliminary budget document to be advertised for the public hearing and final adoption. Without objection from the Council, the meeting was recessed at 8:23 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**SPECIAL MEETING**

**AGENDA**

**June 1, 2015**

Discussion – Report on Order #17 – Options for 1 Park Drive & Coast Guard Collection  
Set Agenda for June 8, 2015 Regular Meeting

The meeting was called to order by the Mayor at 5:30 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Gordon Page, Executive Director of Rockland Main Street, Inc., informed the Council that the Executive Committee of Rockland Main Street, Inc., voted to withdraw its request for a fee waiver for the annual Summer Solstice Celebration, citing the difficult budgetary situation the City finds itself in. The fee is estimated to be \$400.

- Dan Pease, owner of Rock Harbor Pub & Brewery at 416 Main Street, requested that the City reconsider its decision to deny the entertainment license for his establishment. He said that he has worked very hard over the past few years to make Rock Harbor a successful and friendly place for his patrons. He acknowledged that there has been some issues, but said that he is working with his neighbor and the City to address any issues that have arisen or may arise in the future.

- Ed Glaser, Rockland Harbor Master, spoke in support of waiving the docking fees for both the schooners participating in the Schooner Races on the July 4<sup>th</sup> weekend, and for the participants of the Lobster Boat Races on June 21, 2015. He said these events honor the history of the area and where we come from. He also said that Rockland is home to a large number of schooners and it was appropriate to support these activities in this manner.

Hearing no other speakers, the public forum was closed.

**Discussion – Report on Order #17 – Options for 1 Park Drive & Coast Guard Collection:** The Council held a discussion on a proposal by the City Manager to address the issues raised in Order #17 (see page 61 for text) concerning 1 Park Drive and the Coast Guard collection on display at the Maine Lighthouse Museum. The City Manager provided the following draft proposal as a starting point for the discussion:

On March 9th, 2015 the City Council ordered specific action and recommendations to come forward from my office regarding One Park Drive and the Coast Guard collection. Some of this order was technical and easy and the rest was challenging and grueling. The technical aspects of the order have been complied with.

- The City has verified that property insurance is paid and current.
- Critical expenses have been paid and are current.
- The collection is secure to the most reasonable level.

Making technically and fiscally viable recommendations on options has been a challenge and demands some explanation of the history of the arrangements and the collection.

### ***Maine Lighthouse Museum and City History***

In 2004, the City, the Museum, and other community organizations entered into a lease of One Park Drive from MBNA Corporation with a shared vision of establishing a visitor's center, police station, and a site for the public display of significant lighthouse, life-saving, and other maritime artifacts and memorabilia formerly housed at the City's Shore Village Museum on Limerock Street. The lighthouse collections consisted largely of items belonging to the U.S. Coast Guard and on loan to the City since the 1970s, and the City's own collection of similar maritime artifacts. The City and the Museum entered into a Revocable License Agreement to document the City's loan of these collections to the Museum, stating as the sole consideration for the loan the requirements that the Museum insure them, and make the collections available for display to the general public for a minimum of 500 hours per year.

On March 19, 2007, the City, the Museum, and the sponsor of the annual Lobster Festival in Rockland – The Rockland Festival Corporation – entered into a Memorandum of Understanding for the purchase of One Park Drive from MBNA's successor, Bank of America, and for the establishment of a condominium association to consist of three units in the structure owned, respectively, by the Museum, the City, and the Festival Corporation. The parties closed on the purchase of the property, the resale of Unit 1 to the Museum and Unit 3 to the Festival Corporation, and the establishment of the One Park Drive

The group created the Business Condominium Association, on September 6, 2007. The Museum capitalized its \$250,000 purchase price for Unit 1, and fit-out and operational costs, with a loan from Camden National Bank. As the owner of Unit 1, the largest unit in the Condo Association, the Museum secured a 50% controlling vote on the Condo Association Board, with the City having 30% and the Festival Corporation 20%.

Unfortunately, almost immediately from the formation of the Condo Association and notwithstanding the Museum's important role on its Board, the Museum fell into arrears on annual dues and Capital Expenditures Reserve assessments

approved by the Board. The annual dues fund operational costs such as the heating and air conditioning plant, fuel, and common element expenses. The Capital Expenditures Reserve was established to fund capital expenses such as needed roof repairs and a current, urgent need for a new boiler and related HVAC system upgrades. The City and the Festival Corporation have consistently paid its operating and capital reserve assessments in full and on-time. Yet, as of February 27, 2015, the Museum has not paid any of its Capital Expenditures Reserve and Special Assessments since 2009, totaling \$88,500, or the bulk of the its annual dues since 2012, leaving an outstanding annual dues balance of \$59,914.47. All in all, the Museum owes the One Park Drive Business Condominium Association \$148,414.47.

These arrearages have left the Condo Association in dire straits and facing urgent operational and capital expenditures far in excess of the Association's current resources. In recent years, the City and Festival Corporation have agreed to pay their own assessment early, to fund winter heating costs, but this short term remedy obviously does not address the deteriorating condition of the heating plant serving the building. In addition to the Condo Association's operational, maintenance, and capital needs, the Museum itself has sustained plumbing and water damage in Unit 1 which it has failed to repair, and the Museum has failed to maintain the elevator serving the unit, resulting in the revocation of the State license needed to operate the elevator. Moreover, the City was recently notified that the Museum has failed to pay the premium to insure the City's collections, a mandate imposed under the Agreement for the protection of the collections. In sum, the Museum's arrearages and insolvency threaten the condition and value not only of the Museum's unit, but of the entire building, including the City's lighthouse artifacts collections, and the City's Police Station.

The City has been given to understand that the Museum is consistently in arrears in its mortgage payments to Camden National Bank, and that the Museum's total indebtedness to the Bank has grown over the years to \$512,000.

Notwithstanding these severe financial challenges, the Museum has not implemented, or even formulated, a financial plan to bring the Museum's many debts current and to adequately protect the collections and the building. Assurances over the years have not resulted in action, and the Museum's financial position continues to worsen.

The City's Revocable License Agreement under it which it placed the U.S. Coast Guard and City collections in the Museum's care will terminate on July 31, 2015. The Museum has not requested that the Agreement be renewed, and indeed has not demonstrated how the Museum can possibly continue to operate. Against the backdrop of the Museum's long-standing and worsening financial posture, the City Council has concluded that it can no longer entrust the valuable lighthouse artifact collections to the Museum's care. The City has requested, instead, that the Museum provide the City with access to the collections for the purposes of conducting an inventory and planning next steps in how these valuable artifacts may continue to be made available for public display consistent with the City's obligations to the U.S. Coast Guard, and in a manner that is consistent with the City's obligations to its taxpayers.

### ***US Coast Guard Concerns***

The collection on loan from the US Coast Guard is sensitive in the manner that the City is responsible for the collection. I didn't immediately alert the Coast Guard of our concerns with the collection out of fear of returning the loaned pieces.

Obviously, by now, everyone is familiar with the correspondence from Arlyn Danielson, Coast Guard Curator. She explains her consideration of the financial situation and overall artifact loan at the Maine Lighthouse Museum. The most recent loan agreement has been in place since 2004, but the bulk of the material included in this loan has been on continuous exhibition for over 20 years. In order to properly preserve, care for, and maintain these important artifacts we need to make arrangements to return them to the Coast Guard as soon as possible. The duration of this loan as well as the recent financial hardships have put this collection of valuable and historically significant artifacts at risk.

Coast Guard records indicate that the Maine Lighthouse Museum has over 700 items on loan. This loan, having been established many years ago and under unusual circumstances, is an outlier in terms of the number of items on the agreement. In order to maintain consistent control and monitoring ability for Coast Guard heritage assets with the staff and financial resources at hand, loans executed today are generally limited to under 10 items to any one organization.

However, in the interests of maintaining a Coast Guard artifact presence and interpretive opportunity for Rockland, going forward, the Coast Guard is willing to consider a much smaller, tightly focused loan of artifacts to the museum (only 50 to 60 items), but cannot renew the vast majority of items for extended loan.

The Coast Guard is planning on visiting the Maine Lighthouse Museum on June 8th and 9th. At that time, the City will be expected to provide a written proposal articulating our vision for a professionally planned exhibition. Items that we would approve for continued loan will have to be in good to excellent condition and able to withstand further time on display.

Alternatively, if the City decides that a loan renewal of fewer artifacts within a professionally designed exhibition is not feasible, the City and the Coast Guard can discuss the issues pertaining to the return of the entire collection.

### ***Suggestion***

I have had a few conversations with fellow stakeholders about a theoretical plan. Ideally, it would be more developed by now but I have been stretched on resources. Also, the news from the Coast Guard has accelerated my delivery of this proposal. Some framework of this proposed action must be presentable to the Coast Guard when they attend Rockland to inspect the collection. Please forgive its rudimentary structure.

A coalition of investors can be formed in short notice with Council support to make an offer to Camden National Bank to purchase the debt owned by the Maine Lighthouse Museum. Very brief conversations have been had with the Penobscot Bay Chamber of Commerce, the American Lighthouse Foundation, and the Penobscot Marine Museum about joining this coalition due to shared interest in the future of the condo, visitor's center, and the collection. Ideally, the Maine Lighthouse Museum and interested donors can join this coalition.

If each investor produced \$50,000 to \$60,000, the coalition could produce an offer of \$200,000 to \$300,000 for the purchase of the Camden National Bank debt. I believe the bank would consider this proposal. This is a calculated expense for the City because the cost incurred in returning the collection will be much more than investment in the debt. This also provides full control of the building and collection in the event that the current Maine Lighthouse Museum defaulted on the debt.

In control of the Maine Lighthouse Museum debt, the coalition of investors would mandate restructuring of the bylaws of the Maine Lighthouse Museum. The investing coalition would name designees to represent positions on the restructured Maine Lighthouse Museum Board of Directors. With governance control of the Maine Lighthouse Museum, ownership of the assets, and professional museum experience the restructured Maine Lighthouse Museum Board of Directors is poised for success. The investor coalition can consider the forgiveness of the debt.

The City can award a new sublease to the newly restructured Maine Lighthouse Museum if approved by the City Council. I think it is important to establish reporting criteria. That will ensure that the City does not fall into this situation again.

The City is not interested in running a nonprofit museum, and therefore, should consider leveraging its interest in the Maine Lighthouse Museum. The Maine Lighthouse Museum Board of Directors should apportion the responsibilities of the business through administrative contracts to the investors' host organizations. Ideally, the Chamber of Commerce can run the building and visitor center. The museums can split responsibilities of the donation and use additional display space for comingling their collections.

Additionally leveraging the City's interest in the museum, we could address the donation to Rockland Main Street, LLC. The City donates \$30,000 annually to Rockland Main Street, LLC. Rather than incrementally increasing donations to this organization the City could use its interest to carve out office space for the City. This City office space would be donated to Rockland Main Street to reduce overhead. This would likely include shared meeting space with the Chamber of Commerce. Increasing the cooperation between the Chamber of Commerce and Rockland Main Street by proximity will further the vision of the City and increase the potential of the City donation.

### ***Risk***

With investment there is risk and this is not risk free.

- The investment in the Maine Lighthouse Museum debt may not be sufficient.
- The US Coast Guard may not let the City retain a meaningful amount of the collection or any at all.
- The Coast Guard may make the City return the entire collection after investing in the museum debt.
- The coalition may not be prepared to join forces with the City.
- The public may resist any City intervention.
- The Maine Lighthouse Museum may not cooperate.
- There is limited time to act and convince the Coast Guard.

### ***Recommendation***

I have a hard time recommending to the Council to take risks. I am in a profession where conservative financial calculations are rewarded over boldness but the unfunded liability of the US Coast Guard taking the collection is likely severe. Pieces in the collection are expensive and sensitive. Some are priceless. The community investment in the museum is hard to calculate

Special Meeting continued:

June 1, 2015

but also valuable. The City has obligations to the building, the collection, and the visitor’s center. I recommend that the city enact my plan but I defer to the City Council’s better understanding of the community values.

By taking the leading role in this plan it changes the default storyline. No longer is the Maine Lighthouse Museum failing but it is recovered. The community’s rallying investment is no longer spent on debt and bills but the long term vision of the museum. I believe donors will be more likely to get involved. Our federal representatives can help the City negotiate with the Coast Guard and they have already shown interest.

This is one of the more difficult situations I have been asked to weigh in on. It is far from normal public administrative assignments. There are sensitive attachments to the history of the museum. Change will not be easy or embraced but there is a hopeful outcome.

I believe in the community support that will follow.

The City Manager said that the above memo was intended to garner support from local partners, but that effort failed. He said that he will be meeting with the Coast Guard Curator next week and was looking for guidance from the Council on this matter. The Council determined that the best course of action at this point is to hear the Coast Guard’s concerns and requirements with regards to the collection, and then move forward from that point.

**Set Agenda for June 8, 2015 Regular Meeting:** With the above discussion completed, the Council then set the agenda for the June 8, 2015 Regular Meeting. The following communications were considered:

- a. Letter from Leslie Mulhearn – Resignation from Board of Assessment Review. The communication was accepted and placed on file.
- b. Letter from Rockland Main Street, Inc. – Withdrawal of Fee Waiver Request. The communication was accepted and place on file, and the Council expressed its thanks to Rockland Main Street for understanding the difficult budgetary situation that the City is in.

With the agenda set, and with no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 6:56 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

## RECONVENE FY 2016 BUDGET REVIEW

June 3, 2015

### Review & Preliminary Adoption

The Budget Review session which was recessed from May 27, 2015 until this date was reconvened at 5:30 p.m. with the following members present: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, and City Manager Chaousis. Also in attendance was Finance Director Tom Luttrell.

The Council reviewed the consensus changes that have been made to the proposed 2016 Municipal Budget and agreed to adopt the following to be presented to the public at the public hearing and final adoption scheduled for June 24, 2015 at 5:30 p.m.:

		<b>Proposed FY2016 Budget</b>
		<b>Budget Summary</b>
8	General Fund Tax	\$ 419,496
11	Legislative	7,038
12	Executive	235,314

13	Assessment	164,890
14	Finance	530,146
15	Legal	112,452
16	City Clerk	212,864
18	Services	199,562
19	City Hall	37,291
25	Engineering	25,000
30	Dispatch – Communications	190,319
31	Police	1,929,996
32	Fire	1,559,211
34	Municipal Fish Pier	134,250
35	Lights and Hydrants	617,836
36	Code Enforcement	228,610
37	Community Development	131,834
41	Public Works	1,604,092
51	Contributions	20,000
52	General Assistance	82,040
61	Harbor & Waterfront	185,792
62	Library	520,232
63	Recreation	148,756
71	Unclassified Fringe Benefits	90,932
72	Unclassified Other	230,928
81	Total Debt Service	1,190,914
91	Intergovernmental	10,046,852
	<b>TOTAL GROSS BUDGET</b>	\$ 20,856,647
	Less Non-Property Tax Revenues	(3,941,278)
	<b>NET BUDGET, GENERAL FUND</b>	\$ 16,915,369
	Capital Improvements Fund	\$ 400,000
	Sewer Fund	\$ 3,968,066
	Transfer Station Fund	\$ 1,589,032
	Emergency Medical Service Fund	\$ 612,777

It was noted that the proposed FY2016 Budget above represents a 0% increase in the tax levy over the FY 2015 budget.

With the budget review and preliminary adoption completed, Councilor Clayton moved to adjourn the Budget Review meeting.

Mayor Isganitis reminded the Council that the Council retains the option to meet to further discuss the proposed FY 2016 Budget between this date and the date of the public hearing and final adoption, if the Council feels further discussion are necessary.

Without objection from the Council, the meeting was adjourned at \_\_\_\_p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**REGULAR MEETING**

**AGENDA**

**June 8, 2015**

- 1. Roll Call
- 2. Pledge of Allegiance to the Flag
- 3. Public Forum of not more than 30 minutes (3 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 License – Rock Harbor Pub & Brewery (Postponed from 5/11/15)
  - b. Liquor & Entertainment Licenses – Myrtle Street Tavern
  - c. Lodging House License – Berry Manor Inn
  - d. Liquor & Entertainment Licenses – In Good Company
  - e. Liquor & Entertainment Licenses – The Oyster Bar at the Pearl
  - f. Application for Special Taste Testing Event – Lobster Festival Corp.
- 8. Resolves:
  - #27 Accepting Donations – Library City Manager
  - #28 Commendation – Dennis Camber (20 Years of Service) City Council
- 9. Ordinances in Final Reading & Public Hearing:
  - #14 Authorizing Quit Claim Deed – Sale of 20 Katahdin Ave. City Council
  - #15 Chapter 17, Article VIII Tillson Avenue Parking Mayor Isganitis
- 10. Ordinances in First Reading:
  - #16 Authorizing Reconveyance – 7 Second Street City Council
  - #17 Zone Boundary Re-Alignment – Thompson Meadow Rd. Councilor MacLellan-Ruf
  - #18 Amending Tower & Ground Space Lease – Verizon Wireless Councilor Clayton
- 11. Orders:
  - #39 Authorizing Bids – Sale of City Properties City Manager
  - #40 Accepting Forfeited Assets – H. Hoffman City Manager
  - #41 Authorizing Docking Fee Waiver – Windjammer Races City Manager
  - #42 Authorizing Docking Fee Waiver – Lobster Boat Races City Manager
  - #43 Authorizing Street Closure – Farnsworth Summer Gala Councilor Pritchett
  - #44 Authorizing Letter of Intent & Negotiations – Recreation Lease City Manager
  - #45 Authorizing License Agreement – Moran Insurance City Manager
- 12. Adjournment.

The meeting was called to order by the Mayor at 7:00 p.m. with the following members answering the roll call: Mayor Frank Isganitis, Louise MacLellan-Ruf, William Clayton, Larry Pritchett, Valli Geiger, City Manager Chaousis, and City Attorney Beal.

**Pledge of Allegiance to the Flag:** All present joined in the Pledge of Allegiance to the Flag.

**Public Forum:** During the public forum, the following persons spoke on the following issues:

- Maggie Trout, 77 Broadway, spoke in opposition to leasing the Recreation Center to the YMCA and having the YMCA run the recreation programs for the City. She said that the taxpayers of Rockland should not be expected to subsidize an organization that makes \$6 billion dollars annually. She said this was a bad deal for the citizens of Rockland.

- Dwayne Anderson spoke concerning the entertainment license for Rock Harbor, saying that this venue has been instrumental in the development of his daughter's talent. He said that she has performed at Rock Harbor for a few years, and he has not witnessed any of the issues that have been brought up. He said, on the contrary, he has seen Rock Harbor staff doing what they can to be accommodating to neighbors, by asking performers to wrap up by 11 p.m. instead of the usual 1 a.m. He said this is a professionally run establishment and he hoped that the Council would reinstate the license.

- Pat O'Brien, FIORE Olive Oils at 503 Main Street, spoke in favor of the issuance of a liquor license and an entertainment license to Rock Harbor Pub & Brewery, saying that it is a thriving business that employees local people year round, and adds to the vibrancy of downtown Rockland.

- Cheryl Michaelson, owner of the Berry Manor Inn, spoke in favor of the granting of the renewal of her lodging house license, stating that she had met all of the requirements of State law and local ordinances with respect to that license. However, she stated that there are 75 other vacation rental properties in the City that are not required to meet such regulations. She said this creates a safety hazard to the vacationing public because these properties are not being required to meet life safety standards that the licensed lodging houses are, and the situation needs to be addressed by the City. She said that the City cannot continue to ignore the 80% of rental rooms that are not being inspected before there is some tragedy as occurred in Portland some time ago.

- Annette Burns, a resident of Owls Head, spoke in support of reinstating the Entertainment License for Rock Harbor Pub and Brewery, saying that as a local performer, and one who books performers, they have been affected professionally because they have not been able to perform at this venue. She said that Rock Harbor provides a place for musicians to hone their skills with its open mic night every Tuesday, something that is very important to musicians. She said that she was certain that Rock Harbor would do what is necessary to address the issues, and urged the Council to reinstate the license.

Hearing no other speakers, the public forum was closed.

**Meeting Notice:** It was noted that this meeting had been given proper notice.

**Reading of the Record:** Reading of the Record was waived, and the Record of prior Council meeting previously transmitted to the Council deemed accepted, without objection from the Council. Anyone wish to review the Record may do so at the City Clerk's office at Rockland City Hall during regular business hours.

**Reports:**

a. City Manager's Report: The City Manager said that other than items already distributed to Council, he had nothing further to report.

b. City Attorney's Report: The City Attorney said that other than items already distributed to Council, he had nothing further to report.

c. Other Official's Report. None.

d. Mayor's Report: The Mayor reminded the public that the annual Summer Solstice Celebration is coming up on June 20, 2015, and that the RSU #13 Budget Validation Referendum Election will be held tomorrow, June 9, 2015, at the Recreation Center. He added that the polls at the Recreation Center will be open from 8:00 a.m. to 8:00 p.m.

At this time, Councilor Pritchett moved to take Resolve #28 Commendation for Dennis Camber, out of order. Without objection from the Council, it was so ordered.

**Resolve #28 Commendation – 20 Year of Service (Dennis Camber)**

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

**THAT** Dennis E. Camber is hereby commended and congratulated for 20 years of service to the City of Rockland with the Fire Department.

**AND**, be it further Resolved that a Plaque and a Certificate of Commendation be presented to Lt. Camber as a token of the City's appreciation for his years of service to the Community.

Sponsor: City Council  
Originator: City Council

Councilor Clayton moved passage and said that it takes a special kind of person to run towards an emergency, and thanked Lt. Camber for his service. He added that he has known Lt. Camber for nearly 20 years and appreciates all he does in service to the community.

Councilor MacLellan-Ruf echoed Councilor Clayton's sentiments and added that the families of these emergency personnel deserve a thank you as well for their sacrifices. Vote: 5 for.

Mayor Isganitis presented Lt. Camber with a Plaque and a Certificate of Commendation as a token of the City's appreciation for his service.

The order of the agenda was then resumed.

**Licenses and Permits:**

- a. Liquor License – Rock Harbor Pub & Brewery (Postponed from 5/11/15)
- b. Liquor & Entertainment Licenses – Myrtle Street Tavern
- c. Lodging House License – Berry Manor Inn
- d. Liquor & Entertainment Licenses – In Good Company
- e. Liquor & Entertainment Licenses – The Oyster Bar at the Pearl
- f. Application for Special Taste Testing Event – Lobster Festival Corp.

Mayor Isganitis noted that the Liquor License application for Rock Harbor Pub & Brewery was a postponed item from the May 11, 2015 Regular Meeting, and therefore had already been given a public hearing. He then opened a public hearing for the remaining license applications. Hearing no speakers for or against any of the licenses, the public hearing was closed.

Councilor Clayton moved to grant the licenses for Myrtle Street Tavern, Berry Manor Inn, In Good Company, The Oyster Bar at the Pearl, and the Special Taste Testing Event for the Lobster Festival Corporation.

Vote: 5 for.

At this time, Councilor Clayton moved to rescind the vote taken by the Council at its May 11, 2015 Regular Meeting that denied the renewal of the Entertainment License for Rock Harbor Pub and Brewery. Vote: 5 for.

The Entertainment License application for Rock Harbor Pub and Brewery was once again before the Council for consideration.

Councilor Pritchett moved the grant the license with the following conditions:

**Entertainment License Conditions:**

**A. Minimum Security Staffing And Reporting Requirements**

A.1. After 9 PM on Friday and Saturday evenings, and after 9 PM on any evening Rock Harbor has live entertainment or digital audio entertainment such as a DJ but excluding programing delivered via TV, Juke Box, Radio, or internet music service, Rock Harbor shall have at least one staff person whose sole responsibility is maintaining security and code compliance at the doors and within Rock Harbor as well as monitoring activities around the perimeter of Rock Harbor.

A.2. Rock Harbor's security staff and managers shall maintain a log of all incidents at Rock Harbor including but not limited to: (1) people asked to leave Rock Harbor; (2) complaints received from patrons, abutters, or people in the area around Rock Harbor; (3) police calls; and (4) problems identified by Rock Harbor staff with people around the perimeter of Rock Harbor. This log shall include the date, time, nature of the incident, and number of people involved as well as what actions were taken by Rock Harbor staff. This log shall be provided to the City in the digital form specified by the City's Code Office on a monthly basis and made available when requested by a City Police Officer or a City Code Enforcement Officer.

**B. Steps To Minimize Disruptive Sound Levels Extending Outside Of The Building Perimeter**

- B.1. Rock Harbor shall operate all aspects of its business in a manner that insures compliance with the City's noise limits.
- B.2. Except when patrons are entering or leaving Rock Harbor the exterior doors shall be kept closed at all times when Rock Harbor has live entertainment or digital audio entertainment such as a DJ but excluding programing delivered via TV, Juke Box, Radio, or internet music service.
- B.3. By 9/25/2015 Rock Harbor shall provide to the Code Office for review options for installing sound deadening materials or a sound barrier along the South Wall of the building on the first floor, as well as other floors, as well as providing analysis of the reduction in decibel levels this change would provide. Whether this option should be required would be considered as a part of the fall 2015 license renewal.
- B.4. In addition to the requirement in B.3, Rock Harbor, at the company's discretion, may submit a list of management strategies such as limiting bands to the north side of building, acoustic only music or similar management strategies that Rock Harbor can demonstrate will, based on sound data collected at times when live entertainment was occurring in 2015, allow full compliance with the City's sound limits.

**C. Sound Level Monitoring Requirements**

- C.1. Beginning at 9 PM on Friday and Saturday evenings as well as on any evening Rock Harbor has live entertainment or digital audio entertainment such as a DJ but excluding programing delivered via TV, Juke Box, Radio, or internet music service, Rock Harbor shall record and log in the incident log hourly sound data at locations and using procedures and equipment approved by the City's Code Office.
- C.2. Rock Harbor shall also log sound data from all designated locations immediately after receiving a noise complaint if the activity potentially causing or contributing to the complaint is ongoing.

**D. Required Notification To Patrons Regarding Smoking Regulations**

- D.1. Rock Harbor shall maintain clearly visible and readable signs inside and outside its two entrance doors and the service entrance stating the ban on smoking within 20 feet of the entrance to a building or an open window or the air intake to a building's ventilation system.
- D.2. Security staff at Rock Harbor shall inform any people smoking around the perimeter of Rock Harbor, or known Rock Harbor patrons smoking around adjacent buildings, of the state law requirements.

**E. Maintain Perimeter Around Rock Harbor**

Rock Harbor shall daily inspect and clean the sidewalks around the facility and keep these areas clear of any trash or waste that might have originated with the Rock Harbor, its staff, or its patrons.

**F. Failure To Comply With License Conditions**

- F.1. If Rock Harbor is found to not be in compliance with any provision of this license twice in one day or three times in any ten day period or four times in any thirty day period by either a law enforcement officer or the City's Code Enforcement staff, Rock Harbor's entertainment license shall automatically be suspended. The suspension shall be effective upon written notification to Rock Harbor by Rockland's City Manager.
- F.2. Rock Harbor may appeal the suspension to City Council. City Council may sustain the appeal by revoking the license, re-instate the license with conditions to address the cause(s) of the suspension or overturn the license suspension. This suspension provision is in addition to, and not a replacement for, grounds for suspension or revocation in City Code or State Law.

**G. Duration of License**

The entertainment license shall expire on November 10, 2015. Rock Harbor shall file a renewal application that addresses any questions or complaints identified while this license is in effect no later than September 25th, 2015 or the date determined by the City Clerk that is necessary for the renewal to be complete for Council consideration at Council's 10/14/15 meeting.

Councilor Pritchett briefly went over the proposed conditions.

Councilor MacLellan-Ruf said that she wanted it to be clear that it was the City and the Council that determined that there were issues with regards to the entertainment license for Rock Harbor and not any individual. She also noted that the neighbor of this establishment has no objection to the issuance of an entertainment license as long as these conditions are met.

Councilor Geiger said that she would like to see Rock Harbor thrive; that she would like to see downtown thrive; that she would like to see downtown with a mix of businesses and residences. She said that will only happen if everyone must strictly comply with the ordinances that have been put in place to make such co-existence possible.

Councilor Pritchett said that the rationale on the conditions proposed for entertainment and noise is to ensure compatibility with uses. Both business and residential uses must have assurances that each will be allowed to continue if the regulations are followed. He said he was proposing a shorter term for the license thinking that by November there will be enough of a sample to see if the issues have been addressed or further work needs to be done.

Councilor Clayton said that there has been more time to consider this issue. He said that the location of Rock Harbor has been a bar for a long time. He said that with mixed uses being encouraged, the City should not be heavy-handed with the businesses. He added that the public does not see the work that goes on behind the scenes, and that the police reports don't tell the whole story. They simply record when a call is received and not necessarily any intent that may be behind a call. He said that a particular incident that troubled him was when an officer was told that an individual would call every Tuesday until something is done. He said that he would support the issuance of a conditional license for Rock Harbor, and hoped that everyone would work together on this for a successful outcome for everyone involved.

Councilor MacLellan-Ruf said that the Code Enforcement Officer determined that violations occurred, but a citation was not issued. She also said that police reports may not tell the whole story, but they do show a pattern. She said that she did not want to see the victim blamed in this instance. She said Rock Harbor was out of compliance with City Codes. A plan of correction has been established, it is now up to them to make it work. Vote: 5 for.

The conditional entertainment license was issued to Rock Harbor until November 10, 2015.

**Liquor License – Rock Harbor Pub & Brewery (Postponed from 5/11/15)**

It was noted that this application had been given a motion to grant at the May 11, 2015 meeting.

Councilor Pritchett made reference to a memo sent by the City Attorney outlining the guidelines in state law for liquor licensing, and noted that the law covers a lot of material that the City's application does not include. He specifically noted a requirement that employees receive TIPs training and asked if the City know how many Rock Harbor employees have received this training.

The City Attorney said that the law could be interpreted as saying that TIPs training is required for those who "serve: alcohol to patrons, however, state law does not define what "serve" is or who would be considered a "server".

Councilor Clayton moved to suspend the Rules to hear from the applicant or his representative on this matter. The motion did not receive a second and therefore did not proceed.

Councilor Geiger said that it is apparent that the City's application process is deficient, but said that was not Mr. Pease's responsibility. Vote: 5 for.

**Resolves:**

**#27 Accepting Donations – Library**

**WHEREAS**, the Friends of the Rockland Public Library donated \$1,753.09 for books to be added to the Library's Collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, the Rockland Public Library Endowment Association donated \$906.87 to the Rockland Public Library for periodical subscriptions, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

**WHEREAS**, Eloise Law, Plattsburgh, New York, donated \$100 to the Rockland Public Library as a thank you for research assistance provided by staff, 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 a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Manager  
Originator: City Manager

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

**Ordinances in Final Reading and Public Hearing:**

#14 Authorizing Quit Claim Deed – Sale of 20 Katahdin Avenue

(See pages 115-117 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor Clayton moved passage.

Vote: 5 for.

The Ordinance will become effective July 8, 2015.

#15 Chapter 17, Article VIII Tillson Avenue Parking

(See pages 117-118 for text)

A public hearing was opened. Hearing no speakers for or against, the public hearing was closed.

Councilor MacLellan-Ruf moved passage.

Vote: 5 for.

The amendment will become effective July 8, 2015.

**Ordinances in First Reading:**

#16 Authorizing Re-Conveyance – 7 Second Street

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

**THAT** the City Manager is hereby authorized, on behalf of the City, to issue a Bill of Sale to Theresa Hilchey for property located at 7 Second Street, as shown on Rockland Tax Map #58-A-8-7, in substantial conformance with the terms, conditions and provisions of the Reconveyance Agreement incorporated herein by reference. If Ms. Hilchey fails to sign the Reconveyance Agreement and comply with its requirements by August 14, 2015, the City Manager is authorized to solicit bids for the sale of said property.

Sponsor: City Council

Originator: City Manager

**RECONVEYANCE AGREEMENT**

*7 Second Street (Tax Map 58-A-8-7)*

The City of Rockland (the “City”) and **Theresa Hilchey** (the “Grantee”) hereby agree to the City’s reconveyance of the mobile home formerly owned by Grantee (the “Property”) located at **7 Second Street** in the City of Rockland, County of Knox, and State of Maine, Rockland Tax Map 58, Block A, Lot 8-7, pursuant to the City of Rockland Code of Ordinances (“Rockland Code”), Chapter 2, Article V, Section 2-509(15) as follows:

**WHEREAS**, on September 11, 2013, the City filed a Certificate of Lien on the Knox County Registry of Deeds in Book 4720, Page 208, to secure the payment of unpaid real property tax assessed on the Property for Fiscal Year 2013, pursuant to 36 M.R.S. § 942; and

**WHEREAS**, on March 11, 2015, any equitable right the Grantee may have had to redeem title to the Property by paying the overdue tax expired, and title to the Property passed to the City of Rockland pursuant to 36 M.R.S. § 943; and

**WHEREAS**, Maine law and Section 2-509(15) of the Rockland Code authorizes the City Council to reconvey property acquired by statutory lien foreclosure; and

**WHEREAS**, on July 13, 2015, by ordinance amendment effective 30 days thereafter, the City Council authorized the City Manager to enter into this Reconveyance Agreement and to issue a bill of sale to the Grantee for the Property,

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and agreements herein, the parties hereto agree as follows:

**1. Payment of Delinquent Real Estate Taxes.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(1), the Grantee shall, no later than **August 14, 2015** (the “Reconveyance Deadline”), cause to be paid to the City of Rockland all delinquent real estate taxes on the Property, as follows:

FY 2013:        \$367.93        (including lien charges and interest as of August 14, 2015,  
with interest accruing thereafter at a rate of 7% *per annum*)

FY 2014:	\$654.34	(including lien charges and interest as of August 14, 2015, with interest accruing thereafter at a rate of 7% <i>per annum</i> )
FY 2015:	\$565.32	(including interest as of August 14, 2015, with interest accruing thereafter at a rate of 7% <i>per annum</i> )
Subtotal:	<b>\$1,547.97;</b>	

**2. Payment In Lieu of Taxes.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(2), the Grantee shall, no later than the Reconveyance Deadline, make a payment to the City of Rockland in the amount that Grantee would have paid in taxes for Fiscal Year 2016, had the City not become the owner of the Property as a result of the statutory foreclosure on the City’s lien:

FY 2016 (estimated):	\$540.29
Subtotal:	<b>\$540.29</b>

In the event of a an increase in the mil rate from FY 2015 to FY 2016, Grantee shall pay the difference between the payment in lieu of tax estimated herein, and the product of the new mil rate and the assessed value of the Property on April 1, 2015 divided by 1,000. In the event of a decrease in the mil rate from FY 2015 to FY 2016, the City shall pay Grantee the difference between the payment in lieu of tax estimated herein, and the product of the new mil rate and the assessed value of the Property on April 1, 2015 divided by 1,000 (Balance = **\$540.29** – (mil rate x (assessed value/1,000))).

**3. Insurance.** The Grantee shall pay or cause to be paid to the City the actual cost to insure the Premises during the period of its ownership, in the amount of \$\_\_\_\_\_, on or before the Reconveyance Deadline;

**4. Lot Rental.** The Grantee shall, no later than the Reconveyance Deadline, reimburse the City for lot rental paid by the City, and associated late charges arising from Grantee’s failure timely to pay such lot rentals, on the Grantee’s behalf, for the purpose of continuing the placement and use of the Property at its current location, including:

<u>Month:</u>	<u>Rent Paid by City:</u>	<u>Late Fee Paid by City:</u>
April 2015	\$345.00	\$13.80
May 2015	\$345.00	\$13.80
June 2015	<u>\$345.00</u>	
	\$1,035.00	<u>\$27.60</u>
Subtotal:	<b>\$1,062.60</b> (as of June 3, 2015);	

**5. Repairs.** Pursuant to Rockland Code, Chapter 2, Article V, Section 2-509(15)(F)(4), and report of inspection of the Property on **April 7, 2015**, the Grantee shall effect the following repairs of violations of the Life Safety, Property Maintenance, and/or other applicable Codes at the Property, on or before the Reconveyance Deadline unless otherwise stated below:

- A. Repair or replace inoperable smoke detectors outside each bedroom with hard-wired, battery-backup smoke detectors (consider photoelectric combination smoke / carbon monoxide detectors);
- B. Install one carbon monoxide detector outside and in proximity to each bedroom (unless a combination smoke / carbon monoxide detector is installed pursuant to subparagraph A). Separate carbon monoxide detectors may be hard-wired or plugged in, but must have a battery backup in either case;
- C. Install one battery-operated smoke detector inside each bedroom; and
- D. Replace rotted planks on exterior deck.

All repairs and compliance with this paragraph, and with applicable codes, are subject to inspection and approval by the Code Enforcement Officer and/or Fire Inspector. Neither this Agreement, nor compliance with this paragraph, shall relieve the Grantee and/or any subsequent owner of the obligation to repair all code issues identified by the Code Enforcement Officer

on inspection, and to fully comply with the Property Maintenance Code and other codes as may be applicable following the reconveyance of the Property;

**6. Reconveyance.** The City shall release to the Grantee or its assign the City’s right, title, and interest in the Property, without warranty or covenant, upon the payment and/or performance of the charges, fees, interest, other payments, and repairs required by this Agreement within the applicable deadline(s);

**7. Extension.** The City Manager may extend the Closing Date, for cause, but for no longer than sixty (60) days;

**8. Representations; Indemnification.** The undersigned represent that they are the former owners of the Premises; that, prior to the aforementioned statutory lien foreclosure, they or none of them encumbered, conveyed, released, alienated, or otherwise granted their interest in the Premises to any other party; and that they are authorized and have the capacity to perform the undertakings set forth in this Reconveyance Agreement. The Grantees, jointly and severally, shall defend, indemnify, and hold the City of Rockland harmless from any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney’s fees) of any nature arising from or in connection with the occupancy, maintenance, and repair of the Property by the Grantees, their guest(s), invitee(s), or permittee(s), or by any trespasser(s), during the period of the City’s ownership of the Property.

**9. Remedies.**

A. City of Rockland’s Remedies. In the event that the Grantee shall fail to perform any term, condition, or obligation set forth in this Agreement within the deadline imposed therefor, the City shall not be obligated to reconvey the Property to the Grantee, may sell and convey the Property to another party, and shall not be obligated to repay any payment or partial payment made by or on behalf of the Grantee to the City; provided, however, that if the City shall sell the Property within one year of the effective date of this Agreement, the City shall repay to Grantee any payment to the City by or on behalf of the Grantee made during the period between the execution of this Agreement and the sale of the Property for taxes, sewer charges, finance charges, insurance coverage, or document preparation to the extent the proceeds of such sale of the Property, less any real estate broker or agent fee or charge, transaction costs, and additional carrying costs incurred by the City, permit.

B. Grantee’s Remedies. In the event that the Grantee shall sign this Agreement and fully perform all obligations imposed herein, and the City of Rockland shall have authorized the reconveyance but fail to release its interest in the Property for reasons other than a breach of this Agreement by the Grantee, or the destruction of the Property, the City shall either reconvey the Property to the Grantee, or pay to the Grantee any sums realized from the sale of the Property, less any amounts owed to the City pursuant to this Agreement and/or incurred by the City with respect to the Property. Grantee shall have no such remedy, and no rights in the Property arising from this Agreement, if Grantee fails both to sign this Agreement and perform all of Grantee’s obligations hereunder. Notwithstanding anything to the contrary in this Agreement or in the ordinance amendment authorizing the reconveyance, the City shall not be obligated to reconvey the Property to the Grantee in the event she and/or her guest(s) engage in any criminal activity at the Property during the period of the City’s ownership.

Councilor Clayton moved passage.

Vote: 5 for.

A public hearing was set for July 13, 2015 at 7:00 p.m.

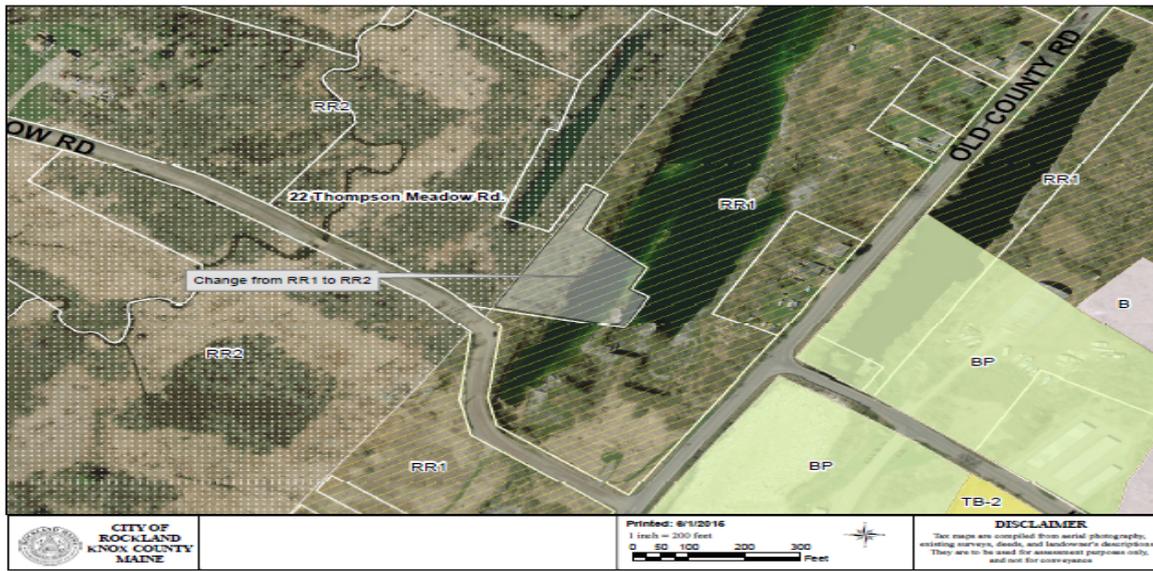
#17 Zoning Boundary Re-Alignment – 22 Thompson Meadow Road

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

**THAT** that the Official Zoning Map of the City of Rockland is hereby amended by realigning the zone boundary line currently dividing the Rural Residential 1 and Rural Residential 2 Zones at the parcel located at 22 Thompson Meadow Road (Tax Map #80-A-1) to follow the easterly boundary line of said lot at 22 Thompson Meadow Road.

Meaning and intending to include the entirety of the lot located at 22 Thompson Meadow Road (Tax Map #80-A-1) in the Rural Residential 2 Zone.

Sponsor: Councilor MacLellan-Ruf  
Originator: Code Office



Councilor MacLellan-Ruf moved passage.  
 A public hearing was set for July 13, 2015 at 7:00 p.m.

Vote: 5 for.

#18 Amending Town and Ground Space Lease – Verizon Wireless

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

**THAT** the Tower and Ground Space Lease and Agreement between the City of Rockland and Portland Cellular Partnership d/b/a Verizon Wireless, executed February 14, 2006, is hereby amended to allow for the replacement of existing equipment, the installation of additional equipment and an increase in the rental fee, in substantial conformance with the First Amendment to Lease attached hereto and incorporated herein by reference.

Sponsor: Councilor Clayton  
 Originator: City Manager

**FIRST AMENDMENT TO LEASE**

FIRST AMENDMENT TO TOWER AND GROUND SPACE LEASE AND AGREEMENT (this “First Amendment”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the CITY OF ROCKLAND, MAINE, a body corporate and politic (“LESSOR”), and PORTLAND CELLULAR PARTNERSHIP, a Maine general partnership d/b/a Verizon Wireless (“LESSEE”), who agree as follows:

1. RECITALS. This First Amendment is made with reference to the following facts and objectives:

(a) LESSOR and LESSEE entered into a Tower and Ground Space Lease and Agreement dated February 14, 2006 (the “Agreement”), pursuant to which LESSEE leased from LESSOR certain ground space and tower space on LESSOR’s property, together with non-exclusive easements for access and utilities (collectively the “Premises”) on LESSOR’s property situated at U.S. Route 1 and Broadway, in Rockland, Knox County, Maine (the “Property”), as more particularly described in the Agreement.

(b) LESSOR and LESSEE desire to amend the Lease to allow for LESSEE to add equipment to the Tower and make certain other equipment modifications as more fully set forth hereinbelow. LESSEE has obtained a Structural Analysis Report by All-Points Technology Corporation dated March 23, 2015 (the “Structural Analysis”) which indicates that the Tower is capable of handling the additional loading created by LESSEE’s proposed equipment modifications. Capitalized terms not otherwise defined in this First Amendment shall have the meanings ascribed to them in the Agreement.

2. AMENDMENTS. LESSOR and LESSEE agree that the Agreement is hereby amended as follows:

(a) Equipment Modifications. In addition to the twelve (12) panel antennas and other equipment that LESSEE currently has the right to install and maintain on the Tower, LESSEE shall have the right to install six (6) remote radio heads and two (2) junction boxes at the same tower height as its panel antennas, together with two (2) 1-5/8 hybrid cables to serve its equipment. LESSEE also intends to replace the panel antennas currently on the Tower with different models of panel antennas. The installation and use of such equipment shall be in accordance with all applicable terms and conditions of the Lease.

(b) Rent. LESSOR and LESSEE agree that the monthly rent set forth in Paragraph 2 of the Agreement (as increased to date pursuant to Paragraph 4 of the Agreement) is hereby increased by the amount set forth on Exhibit D attached hereto, effective on the first (1st) day of the month following full execution of this Amendment (the "Effective Date"). LESSOR and LESSEE acknowledge and agree that such rent increase shall not actually be sent by LESSEE until thirty (30) days after the Effective Date. By way of illustration, if the Effective Date is July 1, LESSEE shall send to the LESSOR the increased rent payments for July 1 and August 1 by August 1, 2015.

3. EFFECT OF AMENDMENT. Except as set forth in this First Amendment to Lease, all provisions of the Agreement shall remain unchanged and in full force and effect. This First Amendment shall be recorded without Exhibit D.

EXHIBIT D

The monthly rent increase referred to in Paragraph 2 (b) above shall be \$100.00, subject to all of the terms and provisions of the Agreement.

Councilor Clayton moved passage.

Vote: 5 for.

A public hearing was set for July 13, 2015 at 7:00 p.m.

At this time, Councilor Pritchett moved to add Ordinance Amendment #19, Authorizing Quit Claim Deed – Sale of 63 Warren Street, to the agenda.

Vote: 5 for.

#19 Authorizing Quit Claim Deed – Sale of 63 Warren Street

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

**THAT** the City Manager is hereby authorized to issue a municipal quit claim deed to William Heal, for a City-owned parcel of land and the building(s) thereon located at 63 Warren Street, Rockland, Maine (Tax Map #25-A-15) for \$20,000; said sale being subject to the execution and substantial compliance with terms and conditions set forth in a purchase and sale agreement incorporated herein by reference.

Sponsor: City Council  
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 5 for.

A public hearing was set for July 13, 2015 at 7:00 p.m.

**Orders:**

#39 Authorizing Bids – Sale of City Properties

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

**THAT** the City Manager is hereby authorized to solicit bids for the sale of the following City-owned parcels of land, with building(s) thereon:

- 15 Garden Avenue (Tax Map #60-A-3)
- 44 Old County Road (Tax Map #83-A-9)
- 35 Broadway (Tax Map #18-A-8)
- 99 West Meadow Road (Tax Map #84-B-8)
- 319 Broadway (Tax Map #23-A-3)
- 328 Limerock Street (Tax Map #66-B-8)

The City also reserves the right to accept and/or reject any or all bids. Should no acceptable bids be received, the City Manager is further authorized to recommend to the Council disposition of the properties by other appropriate means.

Sponsor: City Manager  
Originator: City Manager

Councilor MacLellan-Ruf moved passage.

Councilor Geiger asked what the assessed values of each of these properties was.

The City Manager said that information was provided to Council in their weekly packets.

Councilor Pritchett said thanked staff for providing the Council with this information, but said he wished there was a better way to integrate the information so that all of the related items were linked.

The City Manager said that he too would like to see that capability, and noted that it one of the areas that staff is working on to improve technology capabilities.

Vote: 5 for.

#40 Accepting Forfeited Assets – H. Hoffman

**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:

- \$15,040.00 U.S. Currency
- One .25 ca. Raven Arms pistol (Serial #1855919)
- One Colt .38 Special (Serial #449106)
- One .22 ca. Browning pistol

State of Maine v. Herman Hoffman, Superior Court Docket # CR-14-303.

Sponsor: City Manager  
Originator: Police Department

Councilor Pritchett moved passage and asked what is done with firearms that the City received from these asset forfeitures. The City Manager said that the City used to have an arrangement with a federally licensed gun dealer to trade any firearms that the department could not use for credit toward future purchase of firearms for the department. However, he said that arrangement is no longer in place, therefore if the firearms cannot be used by the department, they are destroyed.

Vote: 5 for.

#41 Authorizing Docking Fee Waiver – Windjammer Race Participants

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

**THAT**, the overnight docking fees at the Public Landing on July 3, 2015 are hereby waived for those schooners participating in the Annual Windjammer Races on the weekend of July 4, 2015. The estimated fees would total approximately \$2,400.

Sponsor: City Manager  
Originator: City Manager

Councilor Pritchett moved passage.

Vote: 3 for, 2 opposed.  
(MacLellan-Ruf, Pritchett)

Councilor Geiger said that she had not intended on voting for this proposal, and moved to reconsider the vote on Order #41.

Vote: 5 for.

Order #41 was reconsidered and back before the Council for consideration.

Councilor Geiger again said that she did not intend to vote for this measure, adding that in these economic times the City cannot continue to waive fees. She apologized for the confusion.

Vote: 2 for, 3 opposed.  
(Geiger, Pritchett, MacLellan-Ruf)  
Motion Defeated.

#42 Authorizing Docking Fee Waiver – Lobster Boat Race Participants

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

**THAT**, the overnight docking fees at the Public Landing for June 20, 2015 are hereby waived for those boats participating in the Annual Rockland Lobster Boat Races on June 21, 2015. The estimated fees would total approximately \$1,400.

Sponsor: City Manager  
Originator: City Manager

Councilor MacLellan-Ruf moved passage and said that she was insulted that these waiver requests were coming before the Council, saying that the organizations making these requests can afford to pay the nominal fees. She also said that the argument that these organizations will go elsewhere if they don't get the fee waivers does not fly. She said there is a reason why they are in Rockland Harbor and they will remain regardless of the waiver. She also said that she bet other communities do not waive such fees. She said that Rockland is a commodity and the Council needs to stop selling itself short. She added that the Harbor Management Commission did not recommend approval of these waivers, and that the lobstermen have no objection to paying the docking fees.

Councilor Geiger said that she agreed with Councilor MacLellan-Ruf.

Vote 1 for, 4 opposed.  
(MacLellan-Ruf, Isganitis, Pritchett, Geiger)  
Motion Defeated.

#43 Authorizing Street Closure – Farnsworth Museum Summer Gala

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

**THAT** the Farnsworth Art Museum is hereby authorized to close Museum Street on Friday, July 10, 2015 to hold its annual Summer Gala substantially in conformance with the attached Special Events Application and any additional requirements deemed advisable by City staff. The Farnsworth Art Museum shall be responsible for setting up for and cleaning up after this event, shall coordinate with the Rockland Police and Fire Departments for any necessary traffic control and/or public safety measures, and shall provide proof of liability insurance to the City prior to holding the event.

Sponsor: Councilor Pritchett  
Originator: Farnsworth Art Museum

Councilor Pritchett moved passage.

Vote: 5 for.

#44 Authorizing Letter of Intent and Negotiations – Long-Term Recreation Lease

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

**THAT** the City Manager is hereby authorized to enter into a non-binding Letter of Intent with the Penobscot Bay YMCA for providing recreational services at the Rockland Community Building/Recreation Center and other recreation department facilities and resources, and to negotiate a long-term lease for the same, to be presented to the City Council for approval by ordinance.

Sponsor: City Manager  
Originator: City Manager

Councilor Clayton moved passage.

Councilor Pritchett noted that the letter of intent is non-binding and the purpose of this order is simply to allow the City Manager to explore the option of having the YMCA provide recreation services for the City and bring any such proposed contract back to the Council for consideration.

The City Manager said it was his intent, should this order be passed, to negotiate a non-binding letter of intent outlining the framework of what a long-term lease would look like and bring that back to the Council for consideration. If the Council approves that letter of intent, he said he would then negotiate the terms of a long-term lease for the Council's consideration.

Councilor MacLellan-Ruf said that she wanted to see some guarantees that the City will come out ahead in this deal. She also said that she wanted to make sure that the City does not lose anything that it already has, such as the summer day camp,

Rockland District Nursing Association, and the other space rentals current at the Recreation Center. She said that she wanted to see the City maintain some control over the center and the programs offered.

Councilor Geiger said that the letter from the YMCA was just the first salvo in a much longer process, and agreed with Councilor MacLellan-Ruf that any agreement must be beneficial to the residents and children of Rockland. She said that she supports this proposal in theory, and will be interested to see how the YMCA does with this. She added that the initial term of any agreement should be time limited so that each would have an out if the agreement is not working.

Councilor Pritchett agreed with both Councilor MacLellan-Ruf and Councilor Geiger, and added that he envisioned a scenario where the City would manage the facility and contract with outside parties to run the various programs. He said he did not envision an exclusive contract with the YMCA.

Councilor MacLellan-Ruf said that the Council has been inundated with so many numbers with respect to this proposal, and wanted the City to slow down and focus on the pertinent questions.

The City Manager said that there are no guarantees on what the structure of this agreement will look like. He said that the City asked for proposal and this was the proposal submitted by the YMCA. He said that he is anxious to begin discussions with the YMCA to see what kind of deal can be hammered out.

Councilor Pritchett said that discussions of contract issue is appropriate for an executive session, and perhaps the Council should considering doing so at some point.

Vote: 5 for.

#45 Authorizing License Agreement – Moran Insurance Heat Pump Roof

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

**THAT**, pursuant to the Code of Ordinances, Ch. 15, Art. I, Sec. 15-137(B), E.C. Moran Insurance Company, Inc. is hereby granted a license for the installation at and maintenance of a shed-style roof structure over a heat pump on the Kimball Lane façade of the building located at 425 Main Street (Tax Map #4-B-15); and

**THAT**, the City Manager is hereby authorized to enter into a License Agreement with E.C. Moran Insurance Company, Inc., reciting the terms and conditions of such license in substantial conformance with the attached form of agreement.

Sponsor: City Manager

Originator: City Manager

**LICENSE AGREEMENT**

**THIS 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 E.C. Moran Company, Inc., a Maine business corporation with its principal place of business at 425 Main Street in Rockland, Maine (the "Licensee"), is effective June \_\_\_\_, 2015.

**WHEREAS**, Licensee owns a 19<sup>th</sup> Century brick office building at 425 Main Street in Rockland’s historic downtown (Tax Map 4-B-15) (the "Property"), and there operates the oldest family business in Rockland – E.C. Moran Insurance; and

**WHEREAS**, the Property also has frontage on Kimball Lane, at which location Licensee has installed in the façade HVAC equipment that Licensee now seeks to protect with the installation of a permanent canopy extending over a portion of the Kimball Lane sidewalk (the "HVAC Canopy"); and

**WHEREAS**, the HVAC Canopy meets the regulations established by the City Council in Ch. 15, Art. I, Sec. 15-106 for projections extending over sidewalks in the City of Rockland,

**NOW, THEREFORE**, the City grants to Licensee a license for the HVAC Canopy as follows:

**1. Grant of License.** The City grants to Licensee a license to install and maintain one roof structure or other canopy projecting over the Kimball Lane sidewalk in conformance with the City’s regulations for projections set forth in Ch. 15, Art. I, Sec. 15-106, and as approximately depicted in the attached Exhibit A. Such HVAC Canopy may not be placed lower than seven feet above the Kimball Lane sidewalk;

**2. Term.** The permissions granted to Licensee under this License Agreement shall terminate upon the discontinuance of the regular use of, or upon the removal of, the HVAC equipment installed in the Kimball Lane façade of the Property as of the date of this license agreement for which the HVAC Canopy is proposed;

**3. Construction; Maintenance; Default.** Licensee shall be fully and solely responsible for the construction

and/or costs of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensee shall maintain the projection authorized herein 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. In the event of any default under this Agreement by Licensee, or any failure of Licensee to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensee shall, at Licensee's sole expense, cure such default or failure to comply within thirty (30) days. Nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

**4. Termination.** The City may terminate this License, with or without cause, upon the sale, substantial rehabilitation, or demolition of the Property, or by giving ninety (90) days' prior, written notice to Licensee. In the event of such termination, the permissions granted herein to the Licensee shall cease upon the effective date of such termination, and Licensee shall, with or without order or other notice to that effect and at Licensee's sole expense, remove or cause to be removed the HVAC Canopy;

**5. 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 construction of one or more of the projections authorized herein, or their maintenance as required of Licensee herein. 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; and

**6. Miscellaneous.**

A. This License Agreement is contractual, and 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; and

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.

Councilor Pritchett moved passage and said that while he has no objection, it seems that the City is licensing the tail and not the dog. He said perhaps the City should look at licensing the heat pump itself rather than the roof. The City Attorney said that the heat pump unit itself is considered a utility and exempted from such licensing requirement.

Vote: 5 for.

With no further business to come before the City Council, Councilor Clayton moved to adjourn. Without objection from the Council, the meeting was adjourned at 8:32 p.m.

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk

**ELECTION RESULTS**

**RSU #13 Budget Validation Referendum**

**June 9, 2015**

Article I:	YES	NO	VOID
RSU #13 Budget Validation Referendum	195	393	2

Total Voters: 590 (including 37 absentee voters) out of 4,749 registered voters (12.4%).

A TRUE COPY.

ATTESTED: \_\_\_\_\_ City Clerk