

CITY OF ROCKLAND, MAINE



*270 Pleasant Street
Rockland, Maine 04841*

CITY CLERK'S OFFICE

September 1, 2016

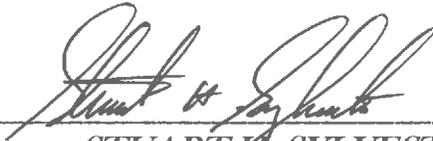
***YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE
ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL
CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET,
ROCKLAND, MAINE ON WEDNESDAY, SEPTEMBER 7, 2016 AT 5:30 P.M.
FOR THE FOLLOWING PURPOSE(S):***

[Please Note Starting Time and Date]

Set Agenda for the September 12, 2016 Regular Meeting

Discussions: Common Sewer Laterals
 City Manager Search
 Legal Services

***YOUR PUNCTUAL ATTENDANCE IS REQUESTED
PER ORDER OF THE MAYOR OF THE CITY OF ROCKLAND***



**STUART E. SYLVESTER
CITY CLERK**

ITEMS FOR 09/12/16 REGULAR MEETING AGENDA:

September 7, 2016

Communications:

- a. Letter from Rockland Cooperative History Project – Donation of Funds

Licenses and Permits:

- a. Liquor & Entertainment Licenses – Waterworks Restaurant
- b. Lodging House License – Trade Winds Motor Inn
- c. Taxi Company License – Schooner Bay Taxi
- d. Lodging House License – Zadoc F. Brewster House

Resolves:

- #25 Exploring Multi-Town Lighting Project (Postponed 08/08/16)
- #38 Appointments – COMPS & Parking
- #39 Accepting Donation – Rockland Cooperative History Project
- #40 Appreciation – Kevin Beal
- #41 Donations - Library

Ordinances in Final Reading and Public Hearing:

- #12 Ch. 2, Sec. 2-509 Disposition of Lien-Acquired Property
- #17 Ch. 4, Art. II Sprinkler Exception (Postponed 08/08/16 after PH)
- #19 Ch. 16, Sec. 16-203 Environmental Impact Assessment (Postponed 08/08/16 after PH)
- #22 Lease to Own Contract – Capital Equipment
- #23 Bond Ordinance – Sewer Repairs & Improvements
- #24 Bond Ordinance – Library Repairs
- #25 Bond Ordinance – Road Repairs
- #26 Bond Ordinance – Fiber Optic Broadband Network
- #27 Bond Ordinance – Old County Rd Repairs
- #29 Lease Amendment – Rockland Breakwater Lighthouse
- #30 Ch. 17, Sec. 17-801 Pleasant Street Parking Restriction
- #31 Ch. 2, Sec. 2-212 Rules of Procedure; Council Response

Ordinances in First Reading:

- #32 Ch. 17, Sec. 17-802 Summer Street Parking

Orders:

- #60 Setting Polling Times; Placing Ref Questions on Ballot – 11/08/16 Municipal Election
- #61 Authorizing Weatherize Rockland Initiative

Rockland Cooperative History Project
Theodore W. Sylvester Jr – Paul G. Merriam – Thomas J. Molloy
77 Pleasant Street
Rockland, Maine 04841

August 11, 2016

Ms Audra Caller-Bell
Interim City Manager
City of Rockland
170 Pleasant Street
Rockland, Maine 04841

Dear Ms. Caller-Bell,

I am writing on behalf of the Rockland Cooperative History Project Scholarship Committee.

The Rockland Cooperative History Project was the brainchild of five Rockland native sons, with the idea of writing a book covering the war years in Rockland. The group included the late John Knight Esq, the late Theodore W. Sylvester, Paul G. Merriam, Terence Economy and Thomas J. Molloy.

The book Homefront on Penobscot Bay – Rockland During the War Years 1940-1945 was written by three members of the committee, with the proceeds from the sale of the book used to provide scholarships to Rockland students who graduated from Rockland District High School. More than twenty-five Thousand Dollars (\$25,000) has been awarded to students in the past twenty-four years.

Since 1992, the city of Rockland has administered the funds for the committee at no charge. As a way of showing an appreciation for your continued support over the years, the committee wishes to donate the remaining funds to the City of Rockland.

The only stipulation is the funds must be used for **professional development** by any employee of the city. The finance department will be able to determine the remaining amount to be turned over to the city.

Without the cooperation and help from the finance department, the committee would have found it difficult to administer the funds.

This is a way to say “THANK YOU” to a city that has been very good to us.

Very truly yours,

Thomas J. Molloy Paul G. Merriam – Stuart Sylvester for Theodore Sylvester Jr.

cc: file

207-594-4778

E-mail tmolloy@roadrunner.com

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

Name of Applicant CJS CORPORATION Phone 594-6150

Address of Applicant 28 ELM STREET
ROCKLAND, MAINE 04841

Name of Business WATERWORKS RESTAURANT Phone 596-2753

Address of Business 7 LINDSEY STREET
ROCKLAND, MAINE 04841

Name of Property Owner (if different) PAWNEE LEASING CORP

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

Type of Business RESTAURANT

Expiration of Current License 10/14/16

Fee(s) Paid \$300.00 Date _____

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

Applicant's Signature VICKI FALES Date 08/31/2016

Approved By: _____ License # _____

Approved _____ Inspected; See Report _____ Code Officer _____ Date _____

Approved _____ Inspected; See Report _____ Fire Inspector _____ Date _____

Police Chief _____ Date _____

City Clerk _____ Date _____

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

Name of Applicant Trade Winds INN Phone 596-6661

Address of Applicant 2 PARK DRIVE

Name of Business Trade Winds INN Phone 5966661

Address of Business 2 PARK DRIVE
Rockland Me 04841

Name of Property Owner (if different) _____

Type of License(s): Liquor Victualer Entertainment

Lodging House Commercial Hauler Landscape Contractor

Billiard Room Second Hand Merchant Other (Specify) _____

Type of Business Hotel

Expiration of Current License 10/15/16

Fee(s) Paid \$100.00 Date 8/25/16

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

Applicant's Signature [Signature] Date 9-1-16

Approved By: _____ License # _____

Approved Inspected; See Report Code Officer _____ Date _____

Approved Inspected; See Report Fire Inspector _____ Date _____

Police Chief _____ Date _____

City Clerk _____ Date _____

APPLICATION FOR TAXICAB LICENSE

City of Rockland, Maine
270 Pleasant Street
Rockland, Maine 04841

Office Use Only

Date:

Approved:

Police Chief

City Clerk

License #

Name of Applicant CHRIS MERRITT Phone 542-1744

Address of Applicant 509 ROCKLAND STREET
ROCKPORT, MAINE 04856

Name of Taxi Company SCHOONER BAY TAXI Phone 594-5000

Address of Taxi Company 509 ROCKLAND STREET
ROCKPORT, MAINE 04856

Other persons or entities having an interest in the company:

Table with 2 columns: Name, Address. Rows include CHRISTOPHER MERRITT and RENITA MERRITT.

(Use Separate Sheet, if necessary)

Has Applicant, or any interested party, been convicted of any of the following offenses in the last 5 years:

Criminal homicide; rape; aggravated assault; child molestation; sale or distribution of narcotic drugs, barbituric acid derivatives, and/or central nervous system stimulants; criminal solicitation or criminal attempt to commit any of the above; or any felony in the commission of which a motor vehicle was used. YES X NO

If Yes, specify: (Use Separate Sheet, if necessary)

Experience in Transportation of Passengers: Has the Applicant operated a mode of public conveyance previously? YES Z NO If YES, specify: TAXI SERVICE IN ROCKLAND FOR 19 YRS

(Use Separate Sheet, if necessary)

Number of Taxicabs Owned By Applicant: Number of Taxicabs to be Operated in City:

Fee: (\$50 per taxicab) \$

Description:

Table with 5 columns: Make, Model, Year, VIN Number, Seating. Row contains SEE ATTACHED.

(Use Separate Sheet, if necessary)

Certificate of Insurance: A certificate of insurance covering the business and all vehicles registered to the business must be submitted with this application. Certificate Submitted YES

The applicant hereby swears that the information contained in this application is true and correct to the best of his or her knowledge, and agrees to conform with the provisions of the Ordinance regulating the operation of taxicabs within the City of Rockland and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature CHRIS MERRITT Date 08/31/2016

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

Name of Applicant Catherine H Shore & William G Whisher Phone 207-593-6721

Address of Applicants 4 Bay View Square
Rockland Me 04841

Name of Business Zadoc F Brewster House Phone 207-593-6721

Address of Business 4 Bay View Square
Rockland Me 04841

Name of Property Owner (if different) —

Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor

Billiard Room Second Hand Merchant Other (Specify) B & B

Type of Business B and B

Expiration of Current License New

Fee(s) Paid \$ 100 — Date Aug 14, 2016

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

Applicant's Signature Catherine H Shore Date Aug 14, 2016

Approved By: Wm Butler License # — Code Officer 8/29/16 Date

Approved Wm Butler for Fire Inspected; See Report Fire Inspector 8/29/16 Date

Approved [Signature] Inspected; See Report Police Chief 8/30/16 Date

[Signature] City Clerk 8/30/16 Date

CITY OF ROCKLAND, MAINE

RESOLVE #25

IN CITY COUNCIL

June 13, 2016

RESOLVE Exploring Four Municipality Approach To Transitioning To City Owned LED Street Lighting

WHEREAS, prior to 2013 the only option commonly available to municipalities for most types of lighting along municipal streets and roads was to lease lighting from the local electrical power transmission and delivery utility;

WHEREAS, in 1999 Massachusetts became the first state in New England to develop a competitive market for street lighting services by allowing municipalities to own street lights attached to shared use utility poles located along public rights of way; and

WHEREAS, in 2005, 2011, and 2013 towns and cities sought law changes that would transition Maine from a monopoly utility service for street lighting to a market based system where municipalities could own street lighting competitively sourced from a variety of vendors; and

WHEREAS, Rockland, through Council Resolves 2011-18 and 2013-06, along with South Portland, Falmouth, the Maine Municipal Association and other towns supported legislation to allow municipal ownership of street lighting on shared use utility poles; and

WHEREAS, the 2013 legislative effort was successful and the Public Utilities Commission has been developing regulations to allow for the transition to municipal ownership of street lighting when requested; and

WHEREAS, Rockland currently leases 704 street lights on shared use utility poles from CMP throughout the City; and

WHEREAS, in 2013 financial models used in Massachusetts and other states indicate the City should be able to lower its annual costs for street lighting by at least \$41,000 by transitioning to city owned LED lighting; and

WHEREAS, City Council in Orders 2014-91 And 2016-07 has direct staff and the Energy Committee to explore options for transitioning to City owned LED street lighting city wide; and

WHEREAS, data out of Ontario, Massachusetts, Pennsylvania, and other states suggest that Rockland could potential acquire new street lighting at a lower costs if the lighting is purchased in larger quantities than just Rockland purchasing own its own; and

WHEREAS the Managers on Falmouth, South Portland, Biddeford and Rockland have discussed jointly pursuing a transition to LED street lighting;

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

THAT the City Manager, or designee, with support from the Energy Committee, is encouraged to explore a multi town approach to transitioning to City owned LED street lighting throughout Rockland and report possible benefits, risks, options and costs back to Council.

Sponsor: Councilor Pritchett
Originator: Energy Committee

Postponed 6/13/16 to 8/8/16
Postponed 8/8/16 to 9/12/16

CITY OF ROCKLAND, MAINE

RESOLVE #38

IN CITY COUNCIL

September 12, 2016

RESOLVE Appointment to Comprehensive Planning Commission

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the appointments by the Mayor of the following persons to the following Boards, Commission and/or Committees for the terms listed, are hereby confirmed.

- Comprehensive Planning Commission: Terry Pinto, 195 Broadway (2018)
- Parking Advisory Committee: Taylor Carson, 38 Linden Street (2016)

Sponsor: Mayor MacLellan-Ruf
Originator: Mayor MacLellan-Ruf

CITY OF ROCKLAND, MAINE

RESOLVE #39

IN CITY COUNCIL

September 12, 2016

RESOLVE Accepting Donation – Rockland Cooperative History Project

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation of \$5,497.92 from the Rockland Cooperative History Project, representing the remaining balance of a scholarship fund established from the proceeds of the sale of the book “Homefront on Penobscot Bay – Rockland During the War Years 1940-1945”, in recognition of the City acting as the fiscal agent for these funds since 1992 at no charge. The funds shall be deposited into a dedicated account, under the control of the City Manager, from which any City employee may receive funding for Professional Development.

AND, be it further Resolved that a letter of thanks be sent to the Rockland Cooperative History Project in recognition of their generous donation.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #40

IN CITY COUNCIL

September 12, 2016

RESOLVE Commending and Thanking City Attorney Kevin Beal for His Years of Service

WHEREAS, Kevin J. Beal was hired as City Attorney for the City of Rockland on September 4, 2007; and

WHEREAS, from his date of hire, Mr. Beal has worked tirelessly for the benefit of the City as a whole with honesty, integrity, professionalism and a genuine concern for the welfare of the community; and

WHEREAS, often times, Mr. Beal would go above and beyond the call of duty to assist the City's administrative staff, and well as various City Boards, Commissions and Committees, in performing their functions; and

WHEREAS, Mr. Beal provided leadership and guidance to the City through many complicated and difficult situations, always with the goal of moving the City forward in a positive direction; and

WHEREAS, Mr. Beal will be leaving the employ of the City as of September 30, 2016;

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

THAT, City Attorney Kevin J. Beal is hereby commended and thanked for his outstanding and dedicated service to the City of Rockland over the past 9 years, and that the Council wishes him all the best in his future endeavors.

Sponsor: Mayor MacLellan-Ruf
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #41

IN CITY COUNCIL

September 12, 2016

RESOLVE Accepting Donations - Library

WHEREAS, the Friends of the Rockland Public Library donated \$71.00 to the Rockland Public Library for 5 Audiobooks, and \$738.68 for 59 titles, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated \$2,876.62 to the Rockland Public Library for landscaping services, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Kathryn Severns Avery, Rockland, Maine, donated a copy of her book *Your Countdown to Retirement*, to the Rockland Public Library to be added to the Library's collection; and

WHEREAS, Steve Donoso, Terra Ceia, Florida, donated a copy of his book *Returning the Gift*, to the Rockland Public Library to be added to the Library's collection; and

WHEREAS, Kathleen Ellis, from the English Department at the University of Maine at Orono, Orono, Maine, donated a copy of her book of poetry *Narrow River to the North*, to the Rockland Public Library to be added to the Library's collection; and

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 Council
Originator: City Council

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #12
(As Amended 08/08/16)
IN CITY COUNCIL

April 11, 2016

**ORDINANCE AMENDMENT: Amending the Procedure And Adding Criteria
For the Bid Sale of Lien-Acquired Property**

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration,
ARTICLE V, Department of Finance, SECTION 2-509, Regulations Governing Purchase
and Sale of Property, BE AMENDED AS FOLLOWS:**

Sec. 2-509 Regulations Governing Purchase and Sale of Property

* * *

13. Sales; \$5,000 or More. No municipal property, supplies, materials and equipment valued at five thousand dollars (\$5,000) or more, and no real estate regardless of its value, shall be offered for sale unless and until the City Council so orders. If such sale is authorized, it shall be conducted in the same manner, and subject to the same procedures, as hereinbefore required for purchases in amounts in excess of five thousand dollars (\$5,000), except that in the case of sales, awards shall be to the highest and best bidder, considering such factors, where appropriate, as the use to which the property will be put after the sale and the positive effect upon the City of such use, if any. The Council shall have the right to reject any and all bids. There is no local preference for sales of municipal property. The procedure in this subsection shall not apply to reconveyance to the former owner of property taken on tax or sewer lien, to which the procedures in subsection 15 (below) shall instead apply.

* * *

15. Disposition of Real Estate Acquired by Tax Lien or Sewer Lien Foreclosure. When real estate is acquired through the automatic, statutory foreclosure on municipal tax or sewer liens ("Lien-Acquired Property"), the following procedures shall apply:

A. The City Manager shall promptly inform the City's insurance carrier and secure property and liability insurance coverage for Lien-Acquired Property where appropriate;

B. The Rockland Code Enforcement Officer or his designee shall inspect Lien-Acquired Property as soon as possible after acquisition, and inform the City Council and City Manager of the physical condition of the property;

C. The City Manager shall notify the former owner or owners of Lien-Acquired

Property who are eligible for reconveyance of the property pursuant to Subsection 2-509(15)(D)(3) and shall invite each such owner to make a written request that the City Council reconvey the acquired property to such former owner. Any such request for reconveyance must be served upon the City Manager within thirty (30) days of the City Manager's notice required by this paragraph;

D. The City Council may dispose of Lien-Acquired Property by one of the following methods:

(1) Sell the property after seeking competitive bids as set forth in this Chapter and taking into consideration one or more of the factors set forth in subparagraph E; or

(2) Retain the property for later sale, City use, or other lawful disposition other than reconveyance to its former owner(s); or

(3) Reconvey the property to its former owner or owners, or to a court-appointed personal representative or executor of a deceased prior owner, only if such former owner(s) are eligible for reconveyance. A former owner is eligible for reconveyance if:

(a) The Lien-Acquired Property is, at least in part, residential (either single-family, multi-family, or mixed use);

(b) The former owner resided at the Lien-Acquired Property for at least one year prior to the statutory lien foreclosure or, where the former owner is deceased at the time of the foreclosure, at any time within the two years prior to the statutory lien foreclosure. Provided, however, that the City Council may waive this requirement where (i) the Lien-Acquired Property has been occupied by a spouse, domestic partner, or child of the former owner within the prescribed period and such occupant demonstrates a capacity to meet the requirements for reconveyance and to maintain the property following reconveyance, or (ii) the former owner has been absent from the property to obtain medical care, mental health care, rehabilitation, or similar care, and demonstrates both an intention to resume residency at the property and the capacity to meet the requirements for reconveyance and to maintain the property following reconveyance; and

(c) The former owner has not previously received title to any property by means of reconveyance of Lien-Acquired Property from the City.;

Prior to authorizing the sale of City property by any means, the City Council shall ascertain (1) whether the value of the property may be enhanced if dilapidated or unsafe structure(s) on the property are demolished, and (2) whether the City should retain any interest in the property, such as a sewer or storm water easement, right-of-way for a public trail or other public purpose, or other interest having a benefit for the community.

E. Factors to be considered in deciding what disposition to make of Lien-Acquired Property may include, but are not limited to, the value of the property to the citizens of Rockland if it is either sold or retained for City use, such as:

- (1) The physical condition of the property;
- (2) The public policy of seeking to maintain people in their homes when they have the capacity to meet their financial obligations for the property without public assistance and to maintain the property in conformance with the Property Maintenance, Life Safety, and other applicable Codes;
- (3) If the property is to be reconveyed to its former owner, the feasibility of the former owner's plan and capacity, including financial capacity, for complying with the preconditions for reconveyance set forth below, without public assistance;~~and~~
- (4) The opportunity to reuse the property as a public park, playground, or forest, or for an environmentally-beneficial use such as storm water retention;
- (5) The opportunity to create affordable housing for low- or middle-income households;
- (6) The opportunity to create workforce housing for persons employed in Rockland;
- (7) The opportunity to partner with a local business or non-profit organization in the rehabilitation and reuse of the property;
- (8) The opportunity to improve the energy-efficiency of buildings on the property;
- (9) The opportunity to combine the lot with one or more other lots for reuse for a public purpose, low- or middle-income housing, a community-based renewable energy project, or similar purpose having a community benefit; or
- (10) Any other factor(s) that the Council determines shall best serve the public's interest;

F. If the City Council authorizes the City Manager to reconvey Lien-Acquired Property to an eligible former owner or his estate pursuant to Section 2-509(15)(D)(3), the City Manager shall reconvey the property if, within sixty (60) days of the effective date of an ordinance authorizing reconveyance, the former owner shall have:

- (1) Paid all taxes, sewer charges, and lien and service costs owed to or incurred by the City, up to the date of reconveyance by the City, including amounts that would have been due had the City not become the owner of the property;
- (2) Where the property was held by the City on the first day of April preceding the reconveyance, paid an amount equivalent to the tax that would have been assessed on the property for the following fiscal year had the City not held title to the property on April 1;
- (3) Reimbursed the City for its insurance and other costs and charges incurred by the City in maintaining the property during the period of the City's ownership;

(4) Made those repairs and improvements that, in the sole discretion of the Code Enforcement Officer, are required to protect the health, safety, or welfare of any occupant of the property or any other persons, or to avoid risk of damage or loss to other property, including utilities, ways, and other public improvements;

(5) Paid interest on the tax, sewer charges, and other costs owed to or incurred by the City pursuant to the City's Cash Collection Policy;

(6) Paid the document preparation fee imposed by Subsection 2-509(17); and

(7) Paid all filing and other charges and fees imposed by the Knox County Registry of Deeds for filing the quitclaim deed and/or other documents required to effect the reconveyance.

G. If the City reconveys Lien-Acquired Property to its eligible, former owner, or his estate, the requirements of Subsection 2-509(13) relating to sale of municipal property are not applicable, except that such reconveyances must be made by ordinance;

H. In the event the eligible former owner or court-appointed personal representative of the estate of the eligible former owner fails to satisfy the preconditions set forth in Subsection 2-509(15)(F) within the deadline therefor:

(1) Such former owner and every other person residing at the property shall end their occupancy at the property, remove all personal property, and quit the premises within ninety (90) days of the effective date of the City Council's authorization of reconveyance, and

(2) The City Manager, ~~shall offer the property for sale by competitive bid pursuant to Subsection 2-509(13),~~ unless otherwise specified by the City Council in the ordinance amendment authorizing the reconveyance, shall inform the City Council, identify for the Council all known parties interested in obtaining or reusing the property, and present a proposed Order authorizing a substitute disposition of the property. The City Council may order that the property be retained or offered for sale utilizing the competitive bid procedure required under and considering one or more factors identified in subparagraph E.

I. The City Council may also dispose of commercial Lien-Acquired Property by reconveying the property to its former owner by authorizing a reconveyance agreement that includes appropriate terms and conditions, including as minimum requirements the conditions imposed on reconveyance of residential Lien-Acquired Property under Subsection 2-509(15)(F).

J. Neither the opportunity of an eligible, former owner to request a reconveyance of a property, nor any other provision in this section, shall imply or create an obligation of the City Council to reconvey any property to its former owner; nor shall the decision of the City Council to dispose of one or more Lien-Acquired Properties by reconveying the property to its former owner(s) be binding upon the City Council with respect to, or create any precedent for, the reconveyance of other Lien-Acquired Property.

16. Records of Real Estate Conveyances. All conveyances of City-owned real estate,

regardless of value, must be by ordinance. After the effective date of the ordinance, the deed conveying the real property shall be executed as required by the Code, recorded in the Registry of Deeds, and a copy of the executed deed shall be filed with by the City Clerk, who shall cause it to be kept together with all other deeds and conveyances involving City property. The Clerk shall also provide copies of the executed deed to the offices of the Finance Director and of the City Assessor. Neither the text nor the deed shall be maintained as part of the Rockland Code under the procedures set forth in Chapter 1, Section 1-103.

17. Document Preparation Fee. A fee of up to \$150.00 shall be imposed for the City's preparation of documents relating to title to property.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

Postponed 5/9/16 to 7/11/16 (after PH)
Postponed 7/11/16 to 8/8/16
Amended 8/8/16 and sent back to 1st Reading

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #17
(As Amended 07/11/16)
IN CITY COUNCIL

July 11, 2016

ORDINANCE AMENDMENT: Exempting Single Family Homes with Fewer Than ~~1,200~~ 1,000 Sq. Ft. From Sprinkler Requirement

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections & Enforcement, ARTICLE II, Fire Prevention and Life Safety, BE AMENDED AS FOLLOWS:

Sec. 4-202 Adoption of Life Safety Code; Amendments

A. Adoption. Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-402(B) below, the National Fire Protection Association (“NFPA”) 101, 2012 Edition, is hereby referred to and adopted as the Life Safety Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings, except one- and two-family dwellings, that protect the safety of inhabitants and firefighters in the event of a fire; and each and all of the regulations of the NFPA 101 Life Safety Code, 2012 Edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Life Safety Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland. Eff: 12/10/14

State Law References: 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, *et seq.*

B. Amendments.

(1) Amendment by Reference. The Rockland Life Safety Code is amended as set forth in the regulations of the Department of Public Safety, Title 16, Code of Maine Regulations, Part 219 – Office of the State Fire Marshal, Chapter 20– Code For Safety To Life From Fire In Buildings And Structures.

(2) Exceptions. The exceptions to the Life Safety Code adopted by the State Fire Marshall in Title 16, Code of Maine Regulations, Part 219, Chapter 20, are hereby amended as follows:

- (a) Extinguishment Requirements in One- And Two-Family Dwellings. Section 4.3.4.1 of the NFPA 101 Life Safety Code is incorporated by reference in the City of Rockland; provided, however, that a sprinkler system otherwise required pursuant to Section 4.3.4.1 shall not be mandatory if all of the provisions of B(2)aIII are met and if either the provisions of B(2)aI or B(2)aII either are met:

- (I) The dwelling is a single-family structure with fewer than 1,000~~1,200~~ sq. ft. of living area, or
- (II) The dwelling is either a single-family structure with 1,000~~1,200~~ or more sq. ft. of living area or a two-family structure and the building, whether a single family or two family, is located within 1000 feet of a public, pressurized fire hydrant; ~~all of the following conditions are met:~~
- (III) A sprinkler system otherwise required pursuant to Section 4.3.4.1 shall not be mandatory for structure meeting either B(2)aI or B(2)aII above and all of the following provisions:
- (i) The building shall not be utilized for any purpose other than a one-family dwelling;
 - (ii) ~~The dwelling must be located within 1000 feet of a public, pressurized fire hydrant;~~
 - (iii) The entire load bearing structure of the house including but not limited to floor joist if not on a concrete slab, interior of exterior wall studs or posts, wall plates, rafters, trusses, and any load bearing beams are made of appropriately sized dimensional wood or protected steel and the load bearing structure of the house does not contain any low mass or laminated engineered wood products or unprotected steel.~~No floor or roof system shall be constructed of trusses, web joists, TJI joists or similar low mass engineered products, unprotected steel or unprotected engineered carrying beams such as, but not limited to LVL, Microlam, etc.;~~
 - (iii~~v~~) In new one-family dwellings and in existing buildings, the use of which is changed to a one-family dwelling, operational smoke alarms shall be required outside each separate sleeping area in the immediate vicinity of bedrooms; in each room used for sleeping purposes, and on each story including the basement. Smoke alarms shall be photoelectric type, where required, and shall be hard-wired with battery back-up. Smoke alarms must be interconnected such that activation of one alarm within the building shall activate all smoke alarms within the dwelling;
 - (iv) At least one carbon monoxide detector shall be located in each area within, or giving access to, any bedroom in the dwelling. Carbon monoxide detectors shall be powered by the electrical service and shall have battery back-up; and
 - (vi) Building plans shall be reviewed by the Fire Department and the benefits of residential sprinkler systems shall be concisely presented to the property owner, at which time the property owner shall explicitly opt out

of the NFPA 101 Life Safety Code requirements for installation of a residential sprinkler system.

- (b) Building Rehabilitation. Chapter 43 of the NFPA 101 Life Safety Code is incorporated by reference in the City of Rockland.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

Postponed 8/8/16 to 9/12/16 (after PH)

First Reading 7/11/16
First Publication 7/21/16
Public Hearing 8/8/16
Final Passage _____
Second Publication _____
Effective Date _____

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #19
IN CITY COUNCIL

July 11, 2016

ORDINANCE AMENDMENT – Site Plan Review; Environmental Impact Assessment

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 16, Subdivision and Site Plan Review, ARTICLE II, Site Plan Review Ordinance, SECTION 16-203 Elements of the Site Plan, BE AMENDED AS FOLLOWS:

Sec. 16-203 Elements of the Site Plan

* * * *

16. Environmental Impact Assessment (EIA). When deemed necessary by the Planning Board, applicants for the construction of any industrial development, or any development of land five acres or more in area, or more than three structures with a combined footprint of 10,000 square feet or more, shall pay for an EIA performed by the City. All approvals of such applications will be subject to the results of the EIA. For the purposes of this section, Environmental Impact Assessment (EIA) shall mean a process of evaluating the likely environmental impact of a proposed project or development, taking into account inter-related socio-economic, cultural and human health-related impacts, both beneficial and adverse.

[Re-number remainder of Section accordingly]

Sponsor: Mayor MacLellan-Ruf
Originator: Mayor MacLellan-Ruf

*Postponed 8/8/16 to 9/12/16
(After PH)*

First Reading 7/14/16
First Publication 7/21/16
Public Hearing 8/8/16
Final Passage _____
Second Publication _____
Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #22
IN CITY COUNCIL**

August 8, 2016

ORDINANCE AMENDMENT Authorizing Lease to Own Contract – Capital Equipment

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT, pursuant to Charter Section 702(c), and Chapter 2, Section 2-105 of the City Code, the City Manager is hereby authorized to solicit competitive bids and to enter into a Lease-to-Own contract, having a term of no more than five years, in a total principal amount not to exceed \$361,200, for the acquisition of the following, approved capital equipment:

- Network Upgrades
- Police Vehicle with Equipment
- Fire Department Command Vehicle
- Public Services Department - Diesel Straw Blower
- Public Services Department - Compressor
- Public Services Department – Loader/Sidewalk Snow Blower

Sponsor: City Council
Originator: City Manager

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

2017 Lease to Own Contract		
Department	Equipment	Amount
Technology	Network Upgrade	\$160,000
Police	Police Vehicle w/Equipment	\$31,000
Fire	Command Vehicle	\$57,500
Public Services	Diesel Straw Blower	\$28,000
Public Services	Compressor	\$14,700
Public Services	Loader/Sidewalk Snow Blower	\$70,000
	TOTAL	\$361,200

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

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$10,000,000 TO FINANCE THE COST OF REPAIRS AND IMPROVMENTS TO THE CITY'S WATER POLLUTION CONTROL FACILITY AND WASTE WATER COLLECTION SYSTEM, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$10,000,000 is hereby appropriated to finance the cost of Repairs and Improvements to the City's Water Pollution Control Facility and Waste Water Collection System, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto. Repayment of said bonds or notes shall be equitably divided between revenues derived from user fees and revenues derived from the tax levy.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$10,000,000.

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

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

Sponsor: City Council
Originator: City Council

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #24
IN CITY COUNCIL**

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$1,100,000 TO FINANCE THE COST OF REPAIRS TO THE ROCKLAND PUBLIC LIBRARY BUILDING ENVELOPE, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$1,100,000 is hereby appropriated to finance the cost of Repairs to the Rockland Public Library Building Envelope, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$1,100,000.

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

Sponsor: City Council
Originator: City Council

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #25
IN CITY COUNCIL**

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$2,700,000 TO FINANCE THE COST OF ROAD REPAIRS, RECONSTRUCTION AND RESURFACING, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$2,700,000 is hereby appropriated to finance the cost of Road Repairs, Reconstruction and Resurfacing, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$2,700,000.

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

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

Sponsor: City Council
Originator: City Council

PROPOSED ROAD REPAIRS, RECONSTRUCTION & RESURFACING

<u>Project</u>	<u>Estimated Cost</u>
Atlantic Street (Mechanic to Crescent)	\$ 66,453.00
Broadway (Pleasant to Gordon Drive)	\$ 114,953.00
Limerock Street (Broadway to Old County Road)	\$ 526,000.00
Lovejoy Street (Thomaston to Holmes)	\$ 80,349.52
Old County Road (Urban Compact Line to Rt. 17)	\$ 132,000.00
Park Drive (Main to Tillson)	\$ 126,866.25
Rt. 73 (So. Main St) (Park Street to Owls Head Town Line)	\$ 400,000.00
Talbot Avenue (Top of Hill to Old County Road)	\$ 349,050.00
Talbot Avenue (Union to Broadway)	\$ 197,347.50
Thomaston Street (Broadway to Thomaston Town Line)	\$ 191,709.00
Thomaston Street (Rt. 73 [So. Main] to Broadway)	\$ 110,514.60
Winter Street (Main to Commercial)	\$ 160,000.00
	<hr/>
Total (with 7% contingency)	\$2,627,110.73

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #26
IN CITY COUNCIL

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$400,000 TO FINANCE THE COST OF IMPROVMENTS TO THE CITY'S FIBER OPTICS BROADBAND NETWORK, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$400,000 is hereby appropriated to finance the cost of Improvements to the City's Fiber Optics Broadband Network, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$400,000.

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

Sponsor: City Council
Originator: City Council

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #27
IN CITY COUNCIL**

August 8, 2016

BOND ORDINANCE AUTHORIZING ISSUANCE OF THE CITY'S BONDS OR NOTES IN AN AMOUNT NOT TO EXCEED \$99,000 TO FINANCE THE COST OF REPAIRS, RECONSTRUCTION AND RESURFACING OF A PORTION OF OLD COUNTY ROAD NORTHEASTERLY FROM ITS INTERSECTION WITH ROUTE 17 TO THE END OF THE URBAN COMPACT ZONE, AND SUCH OTHER ANCILLARY AND RELATED COSTS WITH RESPECT THERETO, PLUS AN AMOUNT NOT TO EXCEED 2% TO PAY THE COST OF ISSUANCE OF ANY BONDS OR NOTES WITH RESPECT THERETO.

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

Section 1. Subject to Section 2 hereof, an amount not to exceed \$99,000 is hereby appropriated to finance the cost of repairs, reconstruction and resurfacing of a portion of Old County Road northeasterly from its intersection with Route 17 to the end of the Urban Compact Zone, and such other ancillary and related costs with respect thereto (the "Project"), plus an amount not to exceed 2% to pay the cost of issuance for any bonds or notes issued with respect thereto.

Section 2. For purposes of financing the foregoing appropriation contained in Section 1, the City is hereby authorized to issue its general obligation bonds and notes in anticipation thereof in a principal amount not exceeding \$99,000.

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

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

Sponsor: Mayor MacLellan-Ruf
Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #29

IN CITY COUNCIL

August 8, 2016

ORDINANCE AMENDMENT First Amendment to Lease – Rockland Breakwater Lighthouse

THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:

THAT the Lease of the Rockland Breakwater Lighthouse, the City of Rockland and the New England Lighthouse Foundation, dated August 13, 2001, is hereby amended, substantially in conformance with the attached First Amendment to Lease.

Sponsor: Councilor Ackor
Originator: Harbor Master

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

FIRST AMENDMENT TO LEASE

This FIRST AMENDMENT TO LEASE OF ROCKLAND BREAKWATER LIGHTHOUSE (the "First Amendment"), by and between the City of Rockland, Maine, a municipal corporation duly formed and existing under the Laws of the State of Maine (the "City"), and New England Lighthouse Foundation, a non-profit corporation having a mailing address of P.O. Box 741, Rockland, Maine 04841 (the "Lessee") is made and effective November 11, 2016.

WHEREAS, the City and Lessee entered into that certain "Lease of Rockland Breakwater Lighthouse," dated August 13, 2001 (the "Lease"), whereby the City leased to Lessee the Breakwater Lighthouse owned by the City and situated at the terminus of the Rockland Breakwater in Rockland Harbor (the "Lighthouse"); and

WHEREAS, the Lease erroneously referred to New England Lighthouse Foundation as a non-profit corporation, rather than as an assumed name of the American Lighthouse Foundation, which is a non-profit corporation in good standing and the proper party to the Lease; and

WHEREAS, the Lease required Lessee to perform certain renovations at the Lighthouse, as set forth in Exhibit B to the Lease, including the installation of a "floating dock and ramp to allow for access from the water;" and

WHEREAS, in an effort to assist the Lessee in making the Lighthouse accessible to the general public as a fine museum of traditional New England lighthouses, the City has instead provided and, at Lessee's expense, maintained the float(s) at the Breakwater serving the Lighthouse; and

WHEREAS, the parties wish properly to document these arrangements,

NOW, THEREFORE, in consideration of the agreements, covenants, and promises set forth herein, the City and Lessee agree and hereby amend that certain Lease of Rockland Breakwater Lighthouse, dated August 13, 2001, as follows:

A. Lessee:

The Lessee under the Lease has been, is, and shall be during the Term(s) of the Lease the American Lighthouse Foundation, d/b/a New England Lighthouse Foundation or Friends of Rockland Breakwater Lighthouse;

B. Leased Property.

The description of the property leased by City to Lessee in paragraph 1 of the Lease shall be amended as follows:

1. LEASED PROPERTY. Under the terms and conditions of this Lease, the City leases to the Lessee the property known as Rockland

Breakwater Lighthouse, located at the end of the Rockland Breakwater, described with particularity in the Deed from the United States of America to The Inhabitants of the City of Rockland, attached as Exhibit A, dated September 2, 1998, and recorded in the Knox County Registry of Deeds at Book 2276, Page 281, including all improvements and appurtenances that exist on the facility, and one or more floats provided by the City. Located and attached to the leeward edge of the Rockland Breakwater adjacent to the Lighthouse, for the exclusive use of members of Lessee and members of the public for the limited purpose of accessing the Lighthouse.

C. Maintenance.

Provisions for the maintenance of the Leased Property shall be amended as follows:

7. MAINTENANCE OF PREMISES.

* * *

C. Maintenance and Operation By Lessee. Lessee, upon commencement of the Lease, shall assume responsibility for all day-to-day maintenance and repair of the building and shall keep the premises in at least as good condition as it was received. Such maintenance shall include preventative maintenance, servicing of all mechanical equipment on an annual basis, replacement of filters and lightbulbs, testing of backflow preventors on the water system, seasonal shutdowns and energizing of water systems, compliance testing as required for fuel pumps, and otherwise ensuring that all equipment and fixtures are maintained in good and safe condition. Both the interior floors, walls and ceilings and all exterior features of the building shall also be maintained by Lessee and repaired in good and functional condition so that the building will not deteriorate. The City, at Lessee's expense, shall maintain the float or floats providing public access to the Lighthouse.

D. Insurance.

* * *

9. INSURANCE. The City shall maintain a general liability policy (bodily injury and property damage combined) on the property; provided, however, that the coverage limits of such policy need not exceed the statutory limits on the City's liability. Lessee shall procure and maintain at its expense a policy or policies of insurance (i) on the contents of the building, with the exception of the Aids to Navigation Equipment, and on the ramp and floats, and (ii) for general liability (including bodily injury), with coverage amounts of at least \$1 million / occurrence. Lessee shall name the City as an additional insured under each such

policy of insurance.

- A. **Lessee Shall Indemnify City.** Lessee will indemnify, defend, and hold harmless City, its officers, directors, employees and subcontractors from (i) any costs, expenses, liabilities (including costs, expenses, or liability of third party and attorney's fees) for bodily injury (including death), damage to tangible property, or regulatory noncompliance, or (ii) any fines or penalties for any and all violations of applicable laws of which in the case of (i) and (ii) are caused by or arises from Lessee's breach of this Agreement or the negligent or willful acts or omissions of Lessee or its agents, employees or subcontractors.
- B. **City Not Responsible for Lessee Negligence.** City will not be responsible for any portion of loss, damage, or liability arising from contributing negligent acts by Lessee, Lessee's employees, agents, staff or subcontractors.
- C. **City to Indemnify Lessee for City Negligence.** City will indemnify, defend, and hold harmless Lessee, its officers, directors, employees and subcontractors from (i) any costs, expenses, or liabilities (including costs, expenses, or liability of third parties and attorney's fees) for bodily injury (including death), damage to tangible property, or regulatory noncompliance, or (ii) any fines or penalties for any and all violations of applicable laws of which in the case of (i) and (ii) are caused by or arises from City's beach of this Agreement or the negligent or willful acts or omissions of the City or its agents, employees or subcontractors; provided, however, that in no event shall the City's duty to indemnify, defend and hold Lessee or its officers, directors, employees, or subcontractors harmless exceed the City's statutory limit(s) of liability, nor apply to any claim, damage, loss, or expense for which the City is immune from liability.

Except as provided herein, all the terms, conditions, covenants, promises, and undertakings of the parties hereto in the Indenture of Lease shall remain in full force and effect and binding upon the parties.

The Recitals in this First Amendment are incorporated as terms and conditions of this First Amendment, and made binding upon the parties hereto.

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #30
IN CITY COUNCIL**

August 8, 2016

ORDINANCE AMENDMENT Parking Restrictions – Pleasant Street

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic & Vehicles, SECTION 17-801, Schedule I, Parking Prohibited, BE AMENDED AS FOLLOWS:

Sec. 17-801 Schedule I. Parking Prohibition

Parking is prohibited at all times upon the following streets or parts thereof:

Street	Area Affected
34. Pleasant	A. South side from Main Street to Union Street. B. Both sides three hundred (300) feet in an Easterly direction from Broadway. C. South side beginning at the entrance to E. Allen Gordon Park, one hundred eighty-three (183) feet in an Easterly direction. D. South side beginning at the entrance to E. Allen Gordon Park, three hundred (300) feet in a Westerly direction. E. North side beginning at its intersection with Belvedere Street, two hundred (200) feet in a Westerly direction to its intersection with Columbia Avenue. F. North side forty five (45) feet <u>fifty five (55) feet from Main Street in a Westerly direction to Union Street</u> in a Westerly direction from Main Street.

Sponsor: Councilor Ackor
Originator: Rockland Police Department

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

Stuart

From: Troy Peasley <tpeasley@ci.rockland.me.us>
Sent: Monday, August 15, 2016 11:03 AM
To: ssylvester@ci.rockland.me.us
Subject: Pleasant Street Parking

Stuart,

All members of the parking committee have said "yes" via email to support the parking restriction extension I sent to you and the council. However the parking committee will be meeting on Wednesday August 31st at 5:30pm to officially discuss this matter (and other issues like voting on a new chair of the committee).

Thanks-
Troy

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #31
(As Amended 08/08/16)
IN CITY COUNCIL**

August 8, 2016

ORDINANCE AMENDMENT: Amending Order Of Business For Council Meetings To Increase Opportunities For Public Comment and Opportunities For Council To Answer Public Questions

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 2, Administration, ARTICLE II, City Council, SECTION 2-212, Rules of Procedure BE AMENDED AS FOLLOWS:

Sec. 2-212 Rules Of Procedure

* * *

7. Meetings: Agenda. The Agenda for each meeting of the City Council shall be prepared by the City Clerk after consultation with the Mayor and the City Manager. Agendas for regular meetings shall consist of those items for Council action that are submitted by the City Manager, City Attorney, City Clerk, or by a member of the public and that are accepted onto the agenda by the Mayor, and items submitted by any member of the City Council at or before noon on the Wednesday prior to the regular meeting. Agendas for regular meetings shall be filed in the City Clerk's office and made available to the public by noon on the Wednesday prior to the regular meeting and shall be distributed to the Council on the Friday prior to the regular meeting. No further items shall be added to the agenda of any meeting except by the unanimous consent of those members present at that meeting. Each Ordinance, Order, Resolve or communication on the agenda shall be in written form and shall contain the name of the sponsor and originator of the Ordinance, Order, Resolution or communication. A public forum of not longer than thirty (30) minutes shall be part of each regular meeting of the Council, and not longer than fifteen (15) minutes at Special Meetings, at which time first Rockland citizens and then other members of the public shall be given an opportunity to be heard on matters concerning City business. ~~Additional public comment shall be allowed after such public forums for other Rockland citizens and other members of the public to address the City Council as necessary. Immediately following such public forums, the City Council and City Manager shall have an opportunity to respond to questions and/or comments from the public made during the public forums. City Council shall hold public hearings on Licenses and Permits as required under the provisions in Chapter 11 as well on Ordinance Amendments in second reading as specified in paragraph 2-212(29) during regular monthly meetings, or special meetings as needed. The Council shall hold one public comment period during which the public may speak to any Order that is before Council for action as well as one public comment period during which the public may speak to any resolve that is before Council for action. Such p~~ublic forums and/or public comment periods may be waived if no member of the public wishes to speak. All ~~such~~ public forums, public comment periods and public hearings shall be conducted under the following guidelines:

a. Anyone wishing to address the Council shall so indicate by raising their hand and shall not speak unless and until recognized by the Mayor. After being recognized to speak by the Mayor, such person shall preface their comments by stating their name and street address.

b. Persons addressing the Council shall be permitted to speak once and for no more than five (5) minutes. Persons speaking at a public hearing being held on a particular agenda item~~ss. or speaking during any public comment period on Orders or Resolves on Council's agenda.~~ shall limit their comments to that item~~(s)~~ and shall speak for no more than five (5) minutes. Such persons may be permitted to speak more than once at the discretion of the Council.

c. Persons present at City Council meetings are cautioned to refrain from applause or other expressions of approval or disapproval of any statements made or actions taken at such meetings. Placards and signs shall not be permitted.

d. Persons speaking during such public forums, public comment periods or public hearings shall strive to be accurate in their statements, avoid personal attacks and innuendoes, and conduct themselves in a respectful manner expected of all meeting participants under this section. Eff: 11/14/08, Amended 10/14/09; 02/09/11

* * *

26. Order of Business. At every regular meeting of the City Council, the order of business shall be as follows:

1. Roll Call by the City Clerk.
2. Pledge of Allegiance to the Flag.
3. Public forum of not more than thirty (30) minutes for Rockland citizens to address the Council, pursuant to Charter Section 210(a)(1), followed by an additional public comment period to allow other members of the public to address the Council.
- ~~4.~~ Council and Manager response to questions and issues raised during public forum
- ~~4~~ 5. Meeting notice to determine that the meeting has been given proper notice.
- ~~5~~ 6. Reading of the Record by the City Clerk, not previously read and approved, of all preceding meetings.
- ~~6~~ 7. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
- ~~7~~ 8. Licenses and Permits and Public Hearing.
- ~~9.~~ Public comment period on Resolves before Council
- ~~8~~~~10~~ 9. Resolves
- ~~9~~~~11~~ 10. Ordinances in Final Reading and Public Hearing
- ~~10~~~~12~~ 11. Ordinances in First Reading
- ~~13.~~ Public comment period on Orders before Council
- ~~11.~~ ~~14~~ 12. Orders
- ~~12.~~~~15~~ 13. Adjournment.

First Reading 8/8/16
First Publication 8/18/16
Public Hearing 9/12/16
Final Passage _____
Second Publication _____
Effective Date _____

Sponsor: Councilor Pritchett
Originator: Councilors Pritchett & Ackor

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #32
IN CITY COUNCIL

September 12, 2016

ORDINANCE AMENDMENT Summer Street Parking

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, SECTION 17-802, Schedule II, Time Limits on Parking, BE AMENDED AS FOLLOWS:

Sec. 17-802 Schedule II. Time Limits on Parking

1. General Limitation. Parking time limited between 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays, and between 9:00 AM and 9:00 PM on Fridays and Saturdays, with the exception of Sundays and public holidays:

Street	Area Affected
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B. Two-Hour Limit

15A. Summer	A. South side from Union Street to Lincoln Street. Eff: 11/12/04 <u>B A.</u> South side beginning three-hundred (300) feet westerly from Main Street and extending to Union Street. Eff: 10/12/11
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Sponsor:
Originator: Parking Enforcement Officer

Stuart

From: Troy Peasley <tpeasley@ci.rockland.me.us>
Sent: Sunday, August 07, 2016 6:32 PM
To: 'Stuart'
Subject: FW: Remove 2 hour on Summer Street

City Clerk Stuart Sylvester,

Please submit the following ordinance change to the Rockland City Council.
This will remove the 2 hour parking limit on Summer Street between Union Street and Lincoln Street.
You can put me as sponsor.
-Troy

Please remove the bold and underlined below:

Sec. 17-802 Schedule II. Time Limits on Parking
B. Two-Hour Limit
Page 17-28
15A. Summer
A. South side from Union Street to Lincoln Street. Eff: 11/12/04

CITY OF ROCKLAND, MAINE

ORDER #60

IN CITY COUNCIL

September 12, 2016

ORDER Calling Election and Placing Referendum Question on Ballot – November 8, 2016
Municipal Election

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Annual Municipal Election shall be held in conjunction with the State General Election on November 8, 2016; and

THAT, the polls at the Rockland Recreation Center/Community Building, 61 Limerock Street, Rockland, Maine, shall be opened at 8:00 a.m. and closed at 8:00 p.m. on November 8, 2016 for said Election; and

THAT the City Clerk is authorized and directed to submit the following questions to the voters of the City of Rockland at the Regular Municipal Election schedule for November 8, 2016:

QUESTION #1 BOND ORDINANCE – SEWER REPAIRS & IMPROVEMENTS

Shall the Ordinance entitled “Bond Ordinance Authorizing Issuance of the City’s Bonds or Notes in an Amount Not To Exceed \$10,000,000 To Finance the Cost of Repairs and Improvements to the City’s Water Pollution Control Facility and Waste Water Collection System, and Such Other Ancillary and Related Costs With Respect Thereto, Plus an Amount Not to Exceed 2% to Pay the Cost of Issuance of any Bonds or Notes With Respect Thereto” be adopted?

QUESTION #2 BOND ORDINANCE – LIBRARY REPAIRS

Shall the Ordinance entitled “Bond Ordinance Authorizing Issuance of the City’s Bonds or Notes in an Amount Not To Exceed \$1,100,000 To Finance the Cost of Repairs to the Rockland Public Library Building Envelope and Related Costs With Respect Thereto, Plus an Amount Not to Exceed 2% to Pay the Cost of Issuance of any Bonds or Notes With Respect Thereto” be adopted?

QUESTION #3 BOND ORDINANCE – ROAD REPAIRS

Shall the Ordinance entitled “Bond Ordinance Authorizing Issuance of the City’s Bonds or Notes in an Amount Not To Exceed \$2,700,000 To Finance the Cost of Road Repairs, Reconstruction and Resurfacing, and Such Other Ancillary and Related Costs With Respect Thereto, Plus an Amount Not to Exceed 2% to Pay the Cost of Issuance of any Bonds or Notes With Respect Thereto” be adopted?

QUESTION #4 BOND ORDINANCE – FIBER OPTICS

Shall the Ordinance entitled “Bond Ordinance Authorizing Issuance of the City’s Bonds or Notes in an Amount Not To Exceed \$400,000 To Finance the Cost of Improvements to the City’s Fiber Optics Broadband Network, and Such Other Ancillary and Related Costs With Respect Thereto, Plus an Amount Not to Exceed 2% to Pay the Cost of Issuance of any Bonds or Notes With Respect Thereto” be adopted?

**QUESTION #5 REGION 8 MID-COAST SCHOOL OF TECHNOLOGY
SCHOOL CONSTRUCTION**

Shall the Cooperative Board of the Region 8 Mid-Coast School of Technology (“Region 8”) be authorized to issue bonds or notes in the name of Region 8 for a school construction project in an amount not to exceed \$25,000,000 to construct and equip a new career and technical school building and related facilities to be located at 1 Main Street in the City of Rockland and as part of that project, to demolish the existing school building?

Sponsor: City Council
Originator: City Council

Stuart

From: Larry Pritchett <larrypritchett.council@gmail.com>
Sent: Wednesday, August 31, 2016 10:10 AM
To: 'Stuart Sylvester'; 'Audra Bell'
Cc: Brooks Winner ; 'Nathan Davis'; 'Tony Coyne'; 'Pearce, Bill'; Kevin Beal ; Terry Pinto
Subject: September Council Meeting Agenda > Energy Committee > Order > Weatherize Rockland

Morning Audra and Stu,

With late summer vacations and the holiday weekend, I am not sure what the schedule is for putting together the agenda and materials for Council's September Agenda Setting meeting next Wednesday.

As Audra noted in the Manager's report, the Energy Committee is finalizing a "Weatherize Rockland" proposal for Council discussion/consideration. An order and a proposed project summary memo should be finalized at the Committee's meeting tomorrow afternoon (and can be to staff first thing Friday morning).

Thus, if Stu is currently assembling an "Agenda List" one item would be an order titled something like "Authorizing Weatherize Rockland Initiative" or "Authorizing Weatherize Rockland Residential Energy Savings Initiative." The Energy Committee would be the originator and I would be the sponsor.

Thanks!
Larry
594-8806