



**WESTBROOK CITY COUNCIL
SPECIAL CITY COUNCIL MEETING AGENDA
MONDAY JULY 27, 2020 AT 6:00 PM
WESTBROOK PERFORMING ARTS CENTER, 471 STROUDWATER ST.**



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- I. READING THE CALL FOR A SPECIAL CITY COUNCIL MEETING**
 - II. ROLL CALL**
 - III. PLEDGE OF ALLEGIANCE**
 - IV. APPROVAL OF MINUTES**
July 6, 2020 Finance Committee Meeting; Regular City Council Meeting
 - V. MAYOR'S MESSAGE**
 - VI. STUDENT REPRESENTATIVE UPDATE**
 - VII. PUBLIC COMMENT**
 - VIII. UNFINISHED BUSINESS**
Order 2020-74 Authorizing a Utility Easement at 5 Bradley Drive
 - IX. ORDERS OF THE DAY (SECOND AND FINAL READING)**
Order 2020-76 Authorizing Reallocation of Proceeds of the City's 2015 General Obligation Bond for Cumberland Mills Signalization Project to Fund Other Capital Projects
Order 2020-77 Authorizing Memorandum of Understanding Regarding Mechanic Street Parking Lot
 - X. NEW BUSINESS**
Resolves (One Reading Required)
Resolve 2020-22 Petitioning Probate Court for Joseph Walker Will Trustee Appointment

Orders (Two Readings Required)
Order 2020-85 Authorizing Westbrook Environmental Improvement Corporation (WEIC) Expenditure for Due Diligence Services at Mechanic Street Parking Lot
Order 2020-86 Authorizing Community Policing Sub-Station Rent Payments
Order 2020-87 Authorizing Saco/Eisenhower Street Intersection MPI Agreement
Order 2020-88 Authorizing Eisenhower/Spring Street MDOT BPI Intersection Project Construction/Perpetual Easement Compensation
Order 2020-89 Authorizing Second & Final Payment for Simulcast Transmitter/Receiver Site & Amending Annual Vendor List
Order 2020-90 Authorizing a Utility Easement at 5 Bradley Drive (5 Bradley Drive Westbrook, LLC)
 - XI. PUBLIC COMMENT**

XII. REFERRALS

XIII. COMMITTEE REPORTS

Committee of the Whole

Hours for Construction & Noise Ordinance

Residential Landlord Registration

City Council Rules & Procedures

Facilities & Streets Committee

Austin Street Extension

Reducing Speed Limit on Lincoln Street

Sidewalks & Traffic at Haskell Street

Condition of Westbrook Middle School Baseball Field

Traffic Issues on Forest Street

Finance

Creating a Fire Truck Fund

Public Safety Committee

Police Department Policies & Procedures

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

CALL FOR A SPECIAL CITY COUNCIL MEETING

TO: City Council
FROM: Michael T. Foley, Mayor
DATE: July 23, 2020

There will be a Special Meeting of the Westbrook City Council on **Monday July 27, 2020 at 6:00pm** at the Westbrook Performing Arts Center (471 Stroudwater Street), to conduct the business on the enclosed agenda.

Respectfully,

Michael T. Foley
Mayor

Duly Authorized Official's Return

This is to certify that on July 23, 2020 I posted notice of the above call for a Special Meeting of the City Council on the City of Westbrook's website, and that I sent a copy of the same to the City Councilors/Municipal Officers.

Angela Holmes
City Clerk



MAYOR'S OFFICE



Mayor Michael T. Foley

2 York Street

Westbrook, Maine 04092

Phone: 207-591-8110

Fax: 877-688-9553

To: Honorable City Council
From: Jerre R. Bryant, City Administrator
Date: July 22, 2020
Subject: Position Paper for City Council Meeting of July 27, 2020

UNFINISHED BUSINESS

2020-74 This grants a utility easement to Central Maine Power Co. along the edge of City owned property adjacent to 5 Bradley Drive. The purpose of this utility easement is to accommodate an increase in the power supply to this property in order to meet the needs of Abbott Laboratories, who are in the process of renovating the former Olympia Sports administrative offices, warehouse and distribution center into a medical technology production facility. **The location and beneficiary of this easement has been very confusing. The initial portion of this electrical feed from the public way will be owned and operated by CMP. The second portion of the feed will be owned and operated by Abbott Laboratories, a tenant at 5 Bradley Drive. Therefore, first section of the utility easement will be to CMP while in the second section of the utility easement will be in the name of the property owner, 5 Bradley Drive Westbrook LLC. This conveyance of an easement should be amended as reflected in the attached proposed amendment that was drafted by the City Solicitor.** This item was given first reading on June 15, 2020 based on a sketch plan developed by the Administration. A motion should be made to amend the order and reference the enclosed easement document and revised sketch plan. This granting of a utility easement at 5 Bradley Drive is supported by the Administration, was given first reading on June 15, 2020 and, pending approval of the proposed amendment, in order for final City Council action. (There is a second item on this agenda for first reading, Order # 2020-90, granting a separate utility easement to 5 Bradley Drive Westbrook LLC)

ORDERS OF THE DAY

2020-76 This authorizes the reallocation of \$325,000 in bond funds previously issued to cover a portion of the local share of cost for the proposed Signalization Project for the Cumberland Mills circle. This MDOT project was to be funded with 75% Federal Highway Funds and 25% local funds. Bids for this project came in significantly over budget and would have increased the city's share of funding for this project from \$325,000 to \$1,180,220. That project has been postponed pending modifications to its design and scope and re-bidding at a future date. Since tax exempt bonds must be expended with four (4) year of issuance, and to reduce the need to bond other planned capital projects,

the administration has recommended that these bond funds be reallocated to fund the local share of the previously approved (and completed or currently under construction) infrastructure projects: Cumberland Street Paving & Sidewalk Reconstruction \$292,008 and the Saco Street Retaining Wall \$37,623. As part of the recently approved FY 2020-21 Municipal Budget, all planned borrowing for capital projects was eliminated. The reallocation of this previously bonded amount funds these previously approved projects and postpones other capital infrastructure and equipment investments, as outlined in the enclosed spread sheet. This order reallocating \$325,000 in bond funds and authorizing corresponding capital expenditures was prepared by legal counsel, is supported by the Administration, was given first reading on July 6, 2020 and is in order for final City Council action.

2020-77 This is a Memorandum of Understanding between the City and TDB, LLC which enables the parties to proceed with the development of plans for a 430-space public parking garage, 70,000 square foot hydroponic greenhouse and 50 residential rental units on a portion of the city-owned Mechanic Street Parking Lot. This is a great re-use of an existing surface parking lot in the middle of the downtown that provides for significant private commercial development and job creation, expansion of free public parking availability to support growth and development of other businesses and property development and a continuation of expanding the residential presence in the downtown area. The TIF funds would pay for the parking garage and the ground lease would pay for cost of managing/maintaining the garage. Parking in the garage would be free to the public and would increase the current surface lot capacity of 143 to a garage capacity of 430, at no cost or obligation to the taxpayers. If you deduct the shared residential and employee parking needs of the proposed commercial and residential facilities, the net increase in available parking spaces is 237. There are multiple 'off-ramps' to this agreement for both parties. What the MOU provides is a structure from which to work and a good faith commitment to thoroughly conduct due diligence on the concepts it identifies so the parties can make sound decisions on proceeding to implementation. It also assures the developer that, if we proceed with this project concept, we do it with them. This presents a great opportunity for downtown Westbrook and creates needed parking capacity to truly grow the city center. This MOU has been reviewed by legal counsel, is strongly supported by the Administration, was given first reading on July 6, 2020 and is in order for final City Council action.

NEW BUSINESS

One-Reading Resolves

2020-22 This Resolve authorizes the Administration to petition the Cumberland County Probate Court to appoint Andrea Mancuso to serve as the third Trustee of Walker Memorial Library, as provided under the terms of the 1894 Will of Joseph Walker. Mr. Walker's Will provided \$40,000 to, among other things, acquire land and construct a public library in Westbrook for use by its inhabitants, with \$10,000 of that bequest to be

invested with the interest earnings (no principle) to be used to purchase books and other literary additions to the library. The land that was purchased for the library is currently a portion of the Walker Memorial Library property and the structure that was constructed with a portion of the bequest is the historic portion of the current Walker Memorial Library building. The Will provides for up to three (3) Trustees. There have only been two Trustees for a number of years and the Administration is recommending the third Trustee position be filled. The Will requires that Trustees be residents of Cumberland County but not of Westbrook. One of the current Trustees is a Westbrook resident and the other resides in South Portland. Andrea Mancuso is a Westbrook resident, is a practicing attorney and a former member of the Library Board of Regents. Authorizing a petition to the Probate Court for the appointment of Andrea Mancuso is recommended by the Administration and is in order for final City Council action.

Two-Reading Orders

- 2020-85 This authorizes the expenditure of WEIC funds, not to exceed \$57,200, to perform due diligence and project management, and further authorizes S.W. Cole Engineering and Owen Haskell, Inc. to provide survey, environmental site assessment and geotechnical/geophysical investigation to determine the suitability of the Mechanic Street Parking Lot property for development. This work is the responsibility of the City under the Memorandum of Understanding (MOU) with the developer of the proposed Vertical Harvest, residential and parking construction on this site. Funding was approved unanimously by the WEIC Board of Directors in recognition of the economic potential this project presents for downtown Westbrook. This authorization is supported by the Administration and is in order for first reading.
- 2020-86 This authorizes payment of rent for FY 2020-21 for the Westbrook Police Department's Community Policing Sub-Station located at 192 Brown Street, at a total cost of \$18,000 (\$1,500 per month), to be funded utilizing the Eleanor Saunders Bequest to the Westbrook Police Department, which has been utilized to fund this rental expense in prior years. This authorization is supported by the Administration and is in order for first reading.

NOTE: The next two agenda items both relate to MDOT grant funded projects with significant financial participation from private businesses. For over a dozen years, the City has been working with MDOT to obtain approvals and funding to address the Eisenhower Drive/Spring Street intersection and, more recently, to address the Eisenhower Drive/Saco Street intersection. The congestion and safety issues at these two busy, undersized intersections have been a serious and growing concern. With strong support from MDOT we have finally obtained approval, completed design and obtained state funding through the MPI and BPI programs. We have also obtained funding support from both Idexx Laboratories and, most recently, Abbott Laboratories, for both of these projects. The remaining local share for these projects is available through the Idexx TIF and an Eisenhower Drive account funded with development fees generated from growth in the Five Star Industrial Park. The combined cost total of

these two major intersection projects exceeds \$2,400,000 with no funding reliance on the local property tax. The next two items involve both the MPI and BPI funded projects.

- 2020-87 This authorizes the enclosed Municipal Partnership Agreement between the /Maine Department of Transportation (MDOT) and the City of Westbrook, and further authorizes an allocation of \$350,000 utilizing available funds in the Eisenhower Drive Improvement account as part of the local share for this project. The full agreement and an explanatory memo from Director of Planning & Code Enforcement Jennie Franceschi is enclosed. This project provides for full signalization of the Eisenhower Drive/Saco Street intersection and includes the addition and extension of turning lanes on both Eisenhower Drive and Saco Street. Both Idexx and Abbott Laboratories are financially participating in the cost of this project. Authorization of this agreement and funding allocation are supported by the Administration and are in order for first reading.
- 2020-88 This authorizes payment in the amount of \$5,400 for both permanent grading and drainage easements and a temporary construction easement from Lighthouse Christian Church, 636 Spring Street to accommodate the reconstruction of the Eisenhower Drive/Spring Street intersection and the creation/extension of turning lanes along Spring Street. The compensation amount of \$5,400 for the easements is acceptable to the Church and complies with MDOT standards. Payment authorization for these easements is supported by the Administration and is in order for first reading.
- 2020-89 This authorizes payment in the amount of \$14,940.32 to Radio Communications Management, Inc. of Portland for the cost of a simulcast transmitter/receiver at the Public Safety Building. This project was authorized by the City Council in April, with 50% of the cost funded with the remaining balance available in the Digital Radio System Conversion Project account and the remaining balance to be funded in the FY2020-21 budget and payable in July. All terms were approved in the city council order adopted on May 4th with the exception of the actual payment authorization, because those funds had not yet been appropriated. This order further adds this vendor to the annual vendor list for the IT - hardware account. This authorization is supported by the Administration and is in order for first reading.
- 2020-90 This authorizes the granting of a utility easement to 5 Bradley Drive Westbrook LLC along the edge of City owned property adjacent to 5 Bradley Drive. The purpose of this utility easement is to accommodate an increase in the power supply to this property in order to meet the needs of Abbott Laboratories, who are in the process of renovating the former Olympia Sports administrative offices, warehouse and distribution center into a medical technology production facility. The City is working closely with Abbott and CMP on the growth of this exciting business that is expanding into Westbrook. **What was originally requested as a single utility easement to Central Maine Power Company is actually two easements, one to CMP (which appeared earlier on this agenda) and a second to the owner of 5 Bradley Drive.** The split reflects the point at

which ownership of the electrical line changes ownership from the utility to the business owner. This easement has been approved by legal counsel, is supported by the Administration and is in order for first reading.



WESTBROOK CITY COUNCIL
FINANCE COMMITTEE MEETING MINUTES
MONDAY JULY 6, 2020
WESTBROOK PERFORMING ARTS CENTER



CALL TO ORDER

Meeting called to order at 6:00pm by Finance Committee Chair Victor Chau.

City Councilors Present: Claude Rwaganje (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: Michael Shaughnessy (At-Large)

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Melanie Fernald (Assistant Clerk); Stephen Fields (Assistant City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Dena Lebeda (Tax Collector)

PROPERTY TAX POLICIES – OVERVIEW

Committee Chair Chau gave the floor to Mayor Foley, who introduced two proposed property tax policies. Mayor Foley noted that one policy addresses how to handle municipal liens going forward, and the other establishes an interest amnesty period to resolve some of the outstanding balances.

Committee Chair Chau indicated that each policy would be considered separately during the Committee meeting.

TAX ACQUIRED PROPERTY POLICY

Mayor Foley gave the floor to Mr. Bryant, who noted that the City does not currently have a set policy or procedure concerning tax liens. While the City has a sound tax collection history, it has never addressed tax liens. Mr. Bryant noted that Council has recently seen that there are some cases of significant accumulation of tax debt for property owners in Westbrook. Mr. Bryant provided an overview of the proposed Tax Acquired Property Policy. Committee Chair Chau gave the floor to Ms. Knight, who clarified that the lien process is a State-mandated process. This policy addresses how the City handles the disposition of the property afterwards.

Committee Chair Chau opened the floor for comments on the Tax Acquired Property Policy. The following individuals spoke: Vice President Turcotte, Councilor Morse, Mayor Foley, Ms. Burns, Councilor Rwaganje, Councilor Storey, Committee Chair Chau, Mr. Bryant

Motion to amend the proposed Tax Acquired Property Policy in part to state, “Any net surplus proceeds of the sale will be designated to the Capital Reserve Fund or distributed as the City Council sees fit.”

Moved by Councilor Morse, seconded by Councilor Storey.

Committee Chair Chau opened the floor for comments on the motion. The following individuals spoke: Ms. Burns, Mr. Bryant, Councilor Morse

On the recommendation of Ms. Burns and Mr. Bryant, Councilors Morse and Storey agreed to amend the motion to limit the amendment to Tax-Acquired Single-Family Residential Property and to rely upon the City Solicitor to draft the specific language for the amendment.

Committee Chair Chau opened the floor for additional comments on the motion to amend the Tax Acquired Property Policy. The following individuals spoke: President Rairdon, Ms. Holmes

Amendment approved. Motion carried by a show of hands. (Vote 5-1-1)

Ayes: Morse, Rairdon, Turcotte, Storey, Rwaganje

Nays: Chau

Absent: Shaughnessy

Committee Chair Chau returned to receiving comments on the Tax Acquired Property Policy, now as amended. The following individuals spoke: Committee Chair Chau, Knight, Bryant, Rwaganje

All present agreed to a friendly amendment to the Tax Acquired Property Policy in part to state as follows: "A Committee will be established to review all tax-acquired property annually no sooner than 60 days after automatic foreclosure and to make a recommendation to the City Council."

Motion to refer the Tax Acquired Property Policy to Council for consideration, as amended.

Moved by President Rairdon, seconded by Vice President Turcotte.

Motion carried by a show of hands. None opposed.

ONE-TIME INTEREST AMNESTY OFFER

Committee Chair Chau gave the floor to Mr. Bryant again, who provided an overview of the proposed One-Time Interest Amnesty Offer. This offer would provide a 90-day period during which the interest on past due real estate taxes would be forgiven.

Committee Chair Chau opened the floor for comments on the One-Time Interest Amnesty Offer. The following individuals spoke: President Rairdon, Councilor Storey, Councilor Morse, Mr. Bryant, Mayor Foley, Ms. Knight, Councilor Rwaganje, Vice President Turcotte, Committee Chair Chau

Mayor Foley noted that the effective date of the policy would be dependent upon the date the policy is adopted by City Council, and if referred to City Council, the amended date would be included in the proposal.

Motion to refer the One-Time Interest Amnesty Offer to Council for consideration.

Moved by President Rairdon, seconded by Vice President Turcotte.

Committee Chair Chau opened the floor for comments on the motion. No one spoke.

Motion carried. (Vote 4-2-1)

Ayes: Morse, Rairdon, Turcotte, Rwaganje

Nays: Chau, Storey

Absent: Shaughnessy

ADJOURNMENT

Motion to adjourn at 7:03pm.

Moved by Councilor Rwaganje, seconded by Vice President Turcotte.

Motion carried by a show of hands. None opposed.



**WESTBROOK CITY COUNCIL
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY JULY 6, 2020
WESTBROOK PERFORMING ARTS CENTER**



CALL TO ORDER

Meeting called to order at 7:00pm by City Council President Gary Rairdon.

City Councilors Present: Claude Rwaganje (At-Large); David C. Morse (Ward 1); Victor Chau (Ward 2); Anna A. Turcotte (Ward 3, Vice President); Gary Rairdon (Ward 4, President); Elliot Storey (Ward 5)

City Councilors Absent: Michael Shaughnessy (At-Large)

Other City Officials Present: Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Melanie Fernald (Assistant Clerk); Stephen Fields (Assistant City Administrator/Director of Human Resources); Michael T. Foley (Mayor); Jennie Franceschi (Director of Planning & Code Enforcement); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Dena Lebeda (Tax Collector); Greg Post (Director of Community Services); Janine Roberts (Police Chief); Daniel Stevenson (Director of Economic Development); Andrew Turcotte (Fire Chief)

PLEDGE OF ALLEGIANCE

President Rairdon led all present in the Pledge of Allegiance.

MINUTES

President Rairdon stated that unless any objections are received, the minutes from the following meetings would stand as presented: the Regular & Special City Council meetings held on May 4, 2020; the Facilities & Streets Committee meeting held on May 11, 2020; the Special City Council meeting and the Finance Committee meeting held on May 18, 2020; the Finance Committee meeting held on May 21, 2020; the Finance Committee meeting held on May 26, 2020; the Regular City Council meeting held on June 1, 2020; the Special City Council meeting held on June 15, 2020; and the Council workshop held on June 22, 2020. No objections were received; minutes stand as presented.

MAYOR'S MESSAGE

Mayor Foley read his message into the record. The full text of the Mayor's Message is attached to these minutes.

The Spirit of America Award was presented to Firefighter Gerry Pineau, and the Trauma Intervention Program's Heroes with Heart Award was presented to Police Officer Tim Morrell and Firefighter Gerry Pineau.

STUDENT REPRESENTATIVE UPDATE

No Student Representatives were present.

PUBLIC COMMENT

President Rairdon opened the floor for the first public comment portion of the evening's meeting. The following individuals spoke: Phil Spiller, Jr. (Discover Downtown Westbrook)

ORDERS OF THE DAY (SECOND AND FINAL READING)

Included below are the City Council Orders which require second and final reading.

1. **Order 2020-71. Authorizing Contractual Agreement with the Town of Scarborough for Shared Services of Animal Control Officer.**

Order 2020-72. Authorizing Contracts for Reconstruction of Cornelia Warren Four Season Rink.

Order 2020-73. Approving the FY 2020-2021 General Fund, Recreation Fund & Parking Garage Fund Annual Vendor Lists.

Motion to approve second and final reading of Order 2020-71 through 73.

Moved by Councilor Chau, seconded by Councilor Storey.

President Rairdon asked if any Councilor wished to consider any item separately. No one spoke.

President Rairdon opened the floor for comments on the motion to approve second and final reading.

No one spoke.

Motion carried. Orders 2020-71 through 73 adopted. (Vote 6-0-1)

Ayes: Rwaganje, Morse, Chau, Turcotte, Rairdon, Storey

Nays: None

Absent: Shaughnessy

2. **Order 2020-74. Authorizing a Utility Easement at 5 Bradley Drive.**

President Rairdon noted that he received a recommendation from the City Administration to table this item until the following Council meeting, as Central Maine Power is still working on the details of this request.

Motion to table Order 2020-74 until the next Council meeting.

Moved by Councilor Chau, seconded by Vice President Turcotte.

Motion carried by a show of hands. None opposed.

NEW BUSINESS

Included below are the Council actions on New Business, which includes business licenses requiring City Council approval, City Council Resolves and Orders receiving first and final reading, City Council Orders receiving the first of two required readings, and all items to be considered in Executive Session.

1. **Resolve 2020-21. Appointing Ward Clerks for the July 14, 2020 Election.**

Motion to approve first and final reading of Resolve 2020-21.

Moved by Vice President Turcotte, seconded by Councilor Chau.

President Rairdon opened the floor for comments on the motion. The following individuals spoke:

Councilor Chau, Ms. Holmes

Motion carried. Resolve 2020-21 adopted. (Vote 6-0-1)

Ayes: Rwaganje, Morse, Chau, Turcotte, Rairdon, Storey

Nays: None

Absent: Shaughnessy

2. **Order 2020-75. Authorizing Street Closure on Vivian Street.**

Motion to approve first and final reading of Order 2020-75.

Moved by Councilor Morse, seconded by Councilor Chau.

President Rairdon opened the floor for comments on the motion. Mayor Foley disclosed that the owner of the property is a personal friend, and though he has no financial interest in this item he wished to disclose this matter for the public record. The following individuals commented on the motion:

Councilor Chau, President Rairdon, Mr. Bryant

Motion carried. Order 2020-75 adopted. (Vote 6-0-1)

Ayes: Rwaganje, Morse, Chau, Turcotte, Rairdon, Storey

Nays: None

Absent: Shaughnessy

3. Order 2020-76. Authorizing Reallocation of Proceeds of the City's 2015 General Obligation Bond for Cumberland Mills Signalization Project to Fund Other Capital Projects.

Motion to approve the first of two readings for Order 2020-76.

Moved by Councilor Morse, seconded by Vice President Turcotte.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Mr. Bryant

Motion carried by a show of hands. None opposed.

4. Order 2020-77. Authorizing Memorandum of Understanding Regarding Mechanic Street Parking Lot.

Motion to approve the first of two readings for Order 2020-77.

Moved by Vice President Turcotte, seconded by Councilor Rwaganje.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Mayor Foley, Mr. Bryant, Mr. Stevenson, Greg Day (Lead Developer)

Motion carried by a show of hands. None opposed.

5. Order 2020-78. Amending Land Use Ordinance Regarding Sign Regulations.

Motion to approve the first of two readings for Order 2020-78.

Moved by Vice President Turcotte, seconded by Councilor Morse.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Mayor Foley, Ms. Franceschi, Councilor Chau, Councilor Storey.

Motion carried by a show of hands. (Vote 5-1-1)

Ayes: Rwaganje, Morse, Chau, Turcotte, Rairdon

Nays: Storey

Absent: Shaughnessy

6. Order 2020-79. Authorizing Expenditure for Agenda Management System.

Motion to approve the first of two readings for Order 2020-79.

Moved by Councilor Morse, seconded by Vice President Turcotte.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Mr. Bryant, Ms. Holmes, Mayor Foley, Councilor Chau

Motion carried by a show of hands. None opposed.

7. Order 2020-80. Authorizing Amendment and Additional Expenditure for Engineering Services for Downtown Lighting.

Motion to approve the first of two readings for Order 2020-80.

Moved by Councilor Rwaganje, seconded by Councilor Morse.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Councilor Chau

Motion carried by a show of hands. None opposed.

8. Order 2020-81. Authorizing Expenditure for Police Department Training & Duty Ammunition.

Motion to approve the first of two readings for Order 2020-81.

Moved by Councilor Rwaganje, seconded by Councilor Storey.

President Rairdon opened the floor for comments on the motion. No one spoke.

Motion carried by a show of hands. None opposed.

9. **Order 2020-82. Approving Emergency Expenditure for Police Department Protective Gear.**

Motion to approve the first of two readings for Order 2020-82.

Moved by Vice President Turcotte, seconded by Councilor Storey.

President Rairdon opened the floor for comments on the motion. No one spoke.

Motion carried by a show of hands. None opposed.

10. **Order 2020-83. Authorizing Award of Bid for Police Department Patrol Room Renovations.**

Motion to approve the first of two readings for Order 2020-83.

Moved by Councilor Morse, seconded by Councilor Storey.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Vice President Turcotte, Chief Roberts

Motion carried by a show of hands. None opposed.

11. **Order 2020-84. Authorizing Reimbursement for Police Officer Training Costs.**

Motion to approve the first of two readings for Order 2020-84.

Moved by Vice President Turcotte, seconded by Councilor Chau.

President Rairdon opened the floor for comments on the motion. No one spoke.

Motion carried by a show of hands. None opposed.

PUBLIC COMMENT

President Rairdon opened the floor for the second and final public comment portion of the evening's meeting. The following individuals spoke: Mayor Foley

REFERRALS

There were no referrals.

COMMITTEE REPORTS

There were no reports from City Council committees.

ADJOURNMENT

Motion to adjourn at 8:39pm.

Moved by Councilor Morse, seconded by Councilor Chau.

Motion carried by a show of hands. None opposed.



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: June 15, 2020

Order: 2020-74

APPROVING A UTILITY EASEMENT AT 5 BRADLEY DRIVE

That the Westbrook City Council hereby authorizes the extension of an existing utility easement adjacent to 5 Bradley Drive to Central Maine Power Co., or the current easement holder, as generally depicted on the attached parcel map, for the purpose of providing increased power service to this location, with a full Utility Easement Agreement to be provided prior to second reading.

First Reading: June 15, 2020

Second and Final Reading: July 27, 2020

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: June 15, 2020

Order: 2020-74

APPROVING A UTILITY EASEMENT AT 5 BRADLEY DRIVE (CENTRAL MAINE POWER CO.)

That the Westbrook City Council hereby authorizes the grant of a utility easement adjacent to 5 Bradley Drive to Central Maine Power Co. for the purpose of providing increased power service to this location, with said easement as reflected in the attached easement deed.

First Reading: June 15, 2020

Second and Final Reading: July 27, 2020

Attest:

City Clerk

Mayor

Easement

City of Westbrook, a Maine Municipality with a mailing address of 2 York Street, Westbrook, ME, 04092 (Grantor(s)), for consideration given, grants to CENTRAL MAINE POWER COMPANY, a Maine Corporation with an office at 83 Edison Drive, Augusta, Maine 04336, and no telephone company, and their respective successors and assigns (collectively Grantees), with warranty covenants, the right and easement to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of poles, wires and cables, anchors, guywires or pushbraces, together with all necessary fixtures and appurtenances over, across and under a portion of the surface of the land of the Grantor(s) in the City/Town of Westbrook, Cumberland County, Maine. The said equipment and facilities are attached to a line commencing at Pole/Pad 2 (43.661325°, -70.367408°), Bradley Drive, Westbrook and extending to include Pole(s)/Pad(s) 2.01(43.660978°, -70.366681°), 2.02 (43.660675°,-70.366261°), and 2.03 (43.660644°, -70.366197°), Bradley Drive, Westbrook. This easement affects land conveyed to the Grantor(s) in a deed from Greater Portland Building Fund, dated September 23, 1987, and recorded in the Cumberland County Registry of Deeds in Book 7984 Page 344. This easement is an easement in gross and is not for the sole purpose of serving the Grantor(s) or Grantor's land. The rights granted herein include the right and easement, at any time or times, to cut and remove all trees and to clear and keep clear said easement area of all trees, timber, and bushes growing on said easement area by such means as the Grantee may select. CMP shall also have the right to remove all woody vegetation located on land of Grantor capable of growing into or falling into the minimum conductor safety zone around its transmission conductors. CMP intends this easement to allow for the removal of danger trees or hazard trees as defined herein that are within the right-of-way or outside of the right-of-way. For the purposes of this easement, the following definitions apply: A "danger tree" is defined as a tree that if it failed could contact the conductors. A "hazard tree" means any tree that is structurally unsound that could strike a conductor upon failure; examples include dead trees, unsightly trees after pruning, unhealthy trees, trees with weakened crotches, trees leaning over or towards the wires, or species known to have a high failure rate; and the right to restrict the construction of buildings or other structures within the Easement Premises or within fifteen (15) feet of the Easement Premises, except for any drainage structures that may be required to facilitate the existing use of the area by the Grantor for drainage purposes, which drainage structures shall be located and installed in a mutually agreeable location and shall not adversely affect Grantee's other rights set forth in this Agreement.

WITNESS the hand(s) and seal(s) of Grantor(s) duly authorized representatives on _____, _____.
Signed, Sealed and Delivered in the presence of:

City of Westbrook

Michael Foley, Mayor

State Of

County Of

The above-named _____, personally appeared before me this _____ day of _____, _____ and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Westbrook.

Notary Public/Attorney
Printed Name:
My Commission Expires:



CMP EASEMENT

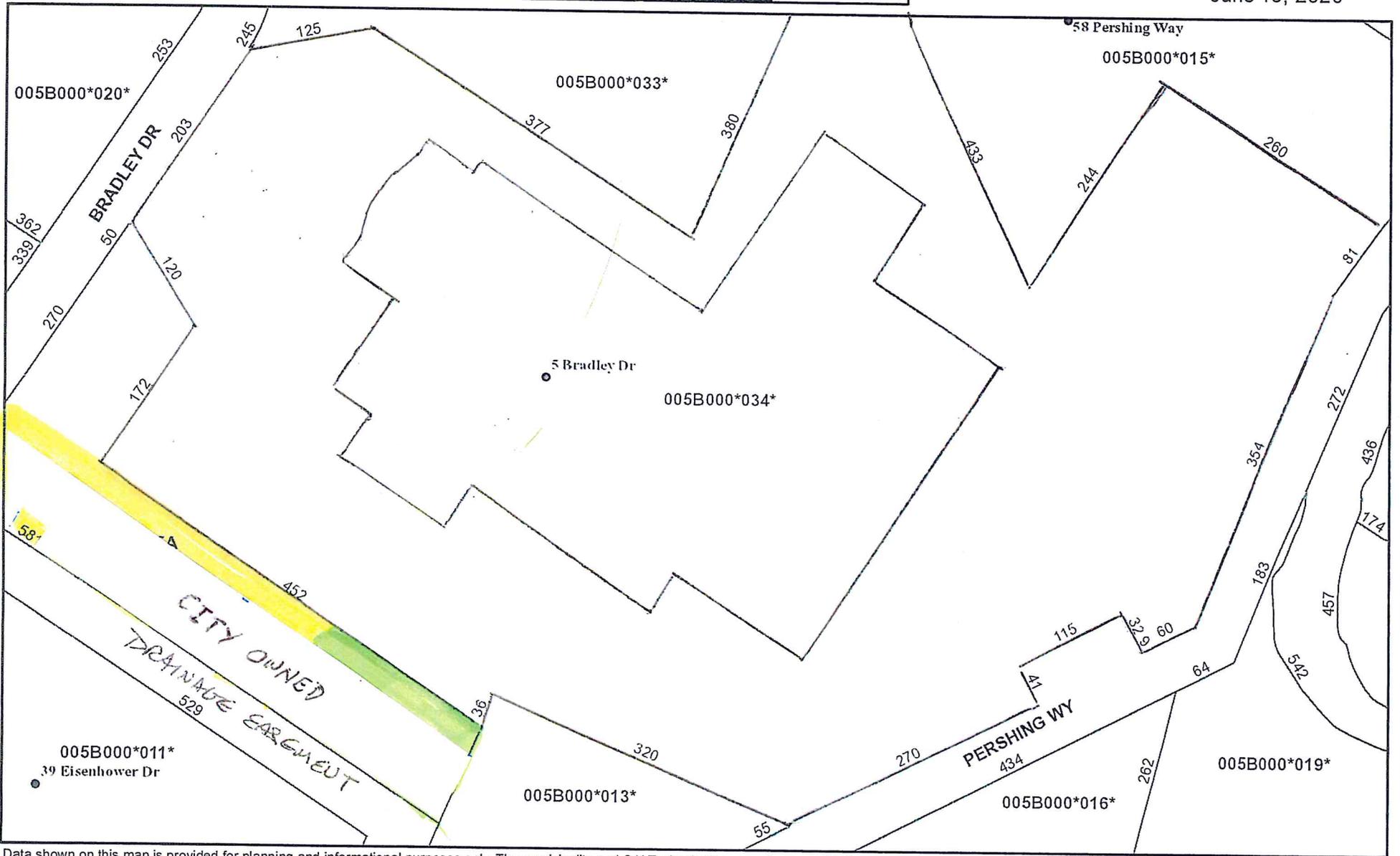
5 BRADLEY DRIVE
WESTBROOK EASEMENT

Westbrook, ME

1 inch = 136 Feet



June 15, 2020





CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-76

AUTHORIZING REALLOCATION OF PROCEEDS OF THE CITY'S 2015 GENERAL OBLIGATION BOND FOR CUMBERLAND MILLS SIGNALIZATION PROJECT TO FUND OTHER CAPITAL PROJECTS AND AUTHORIZES EXPENDITURES

That the Westbrook City Council hereby authorizes the reallocation of \$325,000 of proceeds of the general obligation bond issued by the City on December 1, 2015 pursuant to Section 18 of the City Council Order 2015-120 adopted October 19, 2015, to fund the following list of capital projects:

Cumberland Street Resurfacing	\$244,008
Cumberland Street Sidewalk	\$ 48,000
Saco Street Retaining Wall	\$ 37,623
FY 19/20 Capital Paving Funds	<u>(\$ 4,631)</u>
Net Need for Reallocated Funds	\$325,000

and further authorizes the expenditure of unspent bond proceeds of the same issue in the amounts of \$48,000 for the Cumberland Street Sidewalk, \$500,000 for the Cumberland/Bridge Street Intersection and an additional \$3,726 for the Saco Street Retaining Wall.

First Reading: July 6, 2020

Second and Final Reading: July 27, 2020

Attest:

City Clerk

Mayor

	Total	Other Funding	City Funded	
Project Requesting Funding:				
Cumberland Street Paving	976,030	732,022	244,008	YES
Cumberland Street Sidewalk	48,000	-	48,000	YES
* Cumberland/Bridge Intersection	500,000	500,000	-	YES
Saco Street Retaining Wall	75,246	37,623	37,623	YES
Sub Total	1,599,276	1,269,645	329,631	*****

Other CIP Project Status:

** Cumberland Mills Signalization	2,110,000	1,707,500	402,500	NO
Cumberland Mills Paving	655,850	225,000	430,850	NO
Bridge Street Paving	289,000	216,750	72,250	NO
Catch Basin Cleaner	147,000	-	147,000	NO
Brown St Culvert	140,000	-	140,000	NO
Bucket Truck	142,000	-	142,000	NO
*** Street Sweeper	205,000	-	184,443	YES

* This project is funded as part of the Rock Row BPI Agreement with the City and MDOT, with no local funding required

** Cumberland Mills Signalization bid came in at \$2,887,720 which would increase the local of this project by an additional \$777,720

*** This Purchase has already been approved and funded (Order # 2020-062) as part of the buyour of the Lease/Purchase Agreements and other authorized Capital purchases.

**** Funding for Recommended \$329,631: Reallocate \$325,000 (Project # 04407) previously bonded for Cumberland Mills Signalization Project, and the difference of \$4,631 will come from the Capital Paving (Project # B1901).



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 6, 2020

Order: 2020-77

AUTHORIZING MEMORANDUM OF UNDERSTANDING REGARDING MECHANIC STREET PARKING LOT

That the Westbrook City Council hereby authorizes the Mayor, or his designee, to enter into a Memorandum of Understanding with TDB, LLC for a lease of the Mechanic Street Parking lot and the ownership of a parking structure as outlined in the attached exhibit.

First Reading: July 6, 2020

Second and Final Reading: July 27, 2020

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Memorandum of Understanding - Vertical Harvest Project

REQUESTED BY: Daniel Stevenson

DATE: 06/24/2020

SUMMARY:

I am excited to introduce a proposed new development in the heart of Westbrook's downtown. The proposed \$60 million investment, located on the city-owned Mechanic Street lot, would be a public/private partnership between the City of Westbrook and the developer, TDB LLC. The proposed project has three major components: (1) construction of a 4 story, 70,000 square foot state of the art hydroponic greenhouse, operated by Vertical Harvest, that will have the capacity to grow and sell 1 million pounds of fresh produce annually to our local community, businesses, schools and organizations (2) approximately 50 middle-market apartments and (3) approximately 430 space parking garage. The proposal includes the developer investing approximately \$40 million combined in the taxable greenhouse and apartments, while the City will invest approximately \$15 million in the parking garage, paid for with TIF revenue generated from the development. Under the proposal, the City would own the parking garage and the developer would be responsible for its operations and maintenance costs. The project is considered one structure and due to the complexity and master plan approach to the development of the site, a single team of consultants are proposed to be engaged to execute the design an engineering work including S.W. Cole. This will reduce cost redundancies and create a streamlined approach to the project. We request the Council authorize the MOU that states roles and responsibilities of the developer and City as part of the partnership. At a subsequent Council meeting, staff will bring forward a final cost proposal from S.W. Cole for consideration and vote for the City's due diligence costs associated with project. Note:Vertical Harvest will displace imported food, increase food security and quality for our community, purchase \$1million annually in supplies from local companies and spearhead economic activity with up to 60 new jobs. One-half of the new jobs will be targeted for adults with disabilities at competitive wages.

BUDGET LINES AFFECTED (IF APPLICABLE):

DOWNTOWN WESTBROOK MIXED-USE DEVELOPMENT MEMORANDUM OF UNDERSTANDING (“MOU”)

PARTIES: City of Westbrook, ME (“City”)
TDB LLC (“TDB”)

PURPOSE: Development of the Mechanic Street Parking Lot owned by the City (“Property”) with the following improvements referred to as the “Development Plan”:

- Approximate 70,000 sq.ft. Hydroponic Greenhouse farming facility (“Greenhouse”)
- Approximate 430 space structured parking facility with ground floor retail and community space (“Parking Structure”)
- Approximate 50 Rental Residential Apartment Units (“Apartments”)

See attached Conceptual Renderings

LEGAL STRUCTURE:

1. The City shall enter into a ground lease (see terms below) with TDB for the following:
 - Land Area and Common Area required for the Greenhouse
 - Land Area/Air Rights and Common Area required for the Apartments.
2. The City shall own the Parking Structure.
3. The City shall enter into a Development Agreement with TDB to manage the design, engineering and the construction of the Parking Garage, pursuant to which the City shall retain approval rights and participate, at its discretion, in all design and construction management meetings.
4. The City shall enter into a Management Agreement with TDB for operating management of the Parking Garage pursuant to which the City shall retain approval rights and participate, at its discretion, in all management meetings

SCHEDULE:

Finalize MOU Documentation:	6/30/2020
City Council Vote:	7/6/2020 & 8/3/2020
Targeted Commencement of Construction:	4 rd Quarter 2020.

DOWNTOWN WESTBROOK MIXED-USE DEVELOPMENT MEMORANDUM OF UNDERSTANDING (“MOU”)

Inc., dated June __, 2020, attached to this MOU as Exhibit 1. This Exhibit is only an estimate, with final costs to be approved by the City Council prior to undertaking any work.

In order to allow for a coordinated approach to the development, the City shall use S.W. Cole Engineering, Inc. and the design team utilized by TDB, LLC. This will reduce cost redundancies and will provide for a streamlined design approach and process for the project.

**DEVELOPMENT
AGREEMENT:**

TDB shall enter into a Development Agreement with the City for managing and overseeing the architectural design, engineering and construction of the Parking Structure. The terms of the Development Agreement shall be based on commercially reasonable market based terms to be mutually agreed upon by both Parties.

The City shall be responsible for paying the design, engineering and pre-construction costs directly associated with the Parking Structure in accordance with a budget to be approved by the City. All of the pre-development costs shall be reimbursed by the TIF described above in the Plan of Finance section of this MOU.

TDB shall be responsible for paying the design, engineering and pre-construction costs directly associated with the Greenhouse and Apartments.

**MANAGEMENT
AGREEMENT:**

TDB shall enter into a Management Agreement with the City for managing the daily operations and routine maintenance of the Parking Structure and all common areas related to the Apartments and Greenhouse. The terms of the Management Agreement shall be based on commercially reasonable market based terms to be mutually agreed upon by both Parties. TDB shall be responsible for routine maintenance of Parking Structure and shall be responsible for all capital costs related to the Parking Structure. Both routine maintenance and capital costs items shall be included in annual budgets to be reviewed by the City and approved annually by TDB.

EXCLUSIVITY:

The City and TDB mutually agree that this is an exclusive relationship to execute the Development Plan at the Property. Neither Party shall entertain, advertise, negotiate or enter into any agreement with a third

**DOWNTOWN WESTBROOK MIXED-USE DEVELOPMENT
MEMORANDUM OF UNDERSTANDING (“MOU”)**

party that would compete with or be in lieu of the Development Plan at the Property.

(Note: the City can’t enter into confidential agreements under the FOAA.)

MISCELLANEOUS

This agreement is binding upon the Parties and shall be replaced by a ground lease, a Development Agreement and Management Agreement based on the terms herein. Each of the parties shall pay its own legal fees and other costs in connection with this transaction.

TERMINATION

This agreement shall terminate on December 31, 2021 if construction has not commenced on the project. The Parties may terminate the Agreement sooner than that date by mutual agreement if they fail to reach final agreement on the ground lease, Development Agreement or Management Agreement, or if the City fails to approve the TIF required for financing of the garage structure.

Agreed to and Accepted by:

City of Westbrook

By: _____
 Michael Foley
 Its Mayor

Date: _____

TDB LLC

By: _____

Date: _____

20-0413
June 23, 2020
Rev 1 June 24, 2020

City of Westbrook
Attention: Daniel B. Stevenson – Economic Development Director
C/O Harriman
Attention: Mark Burnes, AIA - Principal
80 Exchange Street, Suite 300
Portland, Maine 04101

Subject: Budget Estimates for Professional Services
Preliminary Geotechnical Engineering Investigation and Phase I ESA
Proposed Parking Garage, Housing and Greenhouse Structure
William S. Clarke Drive and Mechanic Street
Westbrook, Maine

Dear Mark and Dan,

As requested, we have prepared the following budget estimates for a preliminary geotechnical investigation (possibly including geophysical services) and a Phase I Environmental Site Assessment (ESA) based on the project information provided to date:

1) Preliminary Geotechnical Investigation – Estimate \$14,000 to \$16,000

As discussed, we anticipate 4 test borings across the site to refusal surfaces (up to 1 day of drilling). S.W.COLE would pre-mark the borings, notify Dig Safe and arrange a private utility locating firm prior to drilling and subcontract the drilling contractor. We recommend 2 groundwater level monitoring wells be installed. We plan to screen the soil samples with a PID for volatile organics during drilling to assist in the environmental assessment. We will provide limited geotechnical laboratory lab testing, make an evaluation of potential foundation types and prepare a preliminary geotechnical report including recommendations for additional services.

As discussed recently with Harriman, if the preliminary investigation includes 2

additional test borings (up to 6 total test borings), we recommend an additional \$4,000 to \$5,000 be added to the estimate above for up to 1 additional day of drilling and associated field coverage, lab testing, logs and reporting.

2) Geophysical Investigation – Estimate \$5,500 to \$6,500

As discussed, as part of the preliminary geotechnical investigation we would subcontract and coordinate 1 day of on-site geophysical shear wave velocity testing in order to obtain seismic soil site class and to perform on-site seismic refraction testing to obtain a linear bedrock surface profile along 2 to 3 test lines the length of the site. The test boring information will be used as data points in the bedrock profiles.

3) Phase I ESA – Estimate \$2,900 to \$3,900

S.W.COLE will conduct a Phase I ESA scope of services using ASTM E 1527-13 Standard Practice for Environmental Site Assessments: *Phase I Environmental Site Assessment Process* as guidance. The Phase I ESA will include four components: records review, a reconnaissance of the Site, interviews with persons familiar with the Site, and preparation of a written report, including recommendations for additional services. This estimate does not include laboratory environmental soil and/or water testing. Depending upon conditions encountered, we may recommend laboratory testing. We would provide an estimate for the lab testing, as needed. As the project progresses, we have the capability of providing additional environmental services including soil and groundwater environmental sampling, subcontracted laboratory testing, site soil and groundwater management plans during construction, and preparation of VRAP plans.

At this time, the drilling firm indicated they can begin explorations within about 2 weeks provided all subsurface utilities are marked at the site which we understand will be provided by others. We can begin the Phase I ESA upon notice to proceed. The Preliminary Geotechnical and Phase I ESA reports can be provided within about 3 weeks after field work.



20-0413
June 23, 2020

We appreciate the opportunity to be part of the project team and can provide references and a list of similar projects upon request. We will prepare formal Agreement(s) for requested services. I look forward to hearing from you. Call my cell (207-615-2760) or email (pkohler@swcole.com) if you need any additional information or have any questions.

Best Regards

A handwritten signature in cursive script, appearing to read 'Paul F. Kohler'.

Paul F. Kohler, P.E. – Sr. Vice President
S. W. Cole Engineering, Inc.
286 Portland Road
Gray, Maine 04039



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 27, 2020

Resolve: 2020-22

PETITIONING PROBATE COURT FOR JOSEPH WALKER WILL TRUSTEE APPOINTMENT

That the Westbrook City Council hereby authorizes the City Solicitor and the Administration to petition the Cumberland County Probate Court on behalf of the City Council to appoint a third Trustee under the terms of Article Twenty-Eight of the Will of Joseph Walker, and to take all necessary actions to seek the appointment of Andrea Mancuso as the third Trustee under the provisions of the Will.

First and Final Reading: July 27, 2020

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Petitioning Probate Court for Joseph Walker Will Trustee Appointment

REQUESTED BY: Administration

DATE: 07/20/2020

SUMMARY:

The 28th article of the will of Joseph Walker calls for the appointment of three Trustees of said will by the Cumberland County Probate Court. At present, there are only two Trustees serving.

City Council recently approved the repeal and replacement of the Westbrook Code of Ordinances, Chapter 19, *Walker Memorial Library*, and with this recent restructuring the City finds it appropriate to petition the Court to fill the vacant Trustee position. The City recommends the appointment of Andrea Mancuso as the third Trustee. This legislation authorizes the City Solicitor and Administration to submit such petition to Cumberland County Court.

As a life-long Westbrook resident, Ms. Mancuso recently served on the former Walker Memorial Library Board of Regents. She is a practicing attorney recognized by the Maine Bar Association, and her presence would serve to expand the diversity of perspectives brought forward by the Joseph Walker Trustees. Her appointment would also allow for succession planning within the group of Trustees, an important element for future leadership.

BUDGET LINES AFFECTED (IF APPLICABLE):

N/A



MAYOR'S OFFICE



Mayor Michael T. Foley

2 York Street

Westbrook, Maine 04092

Phone: 207-591-8110

Fax: 877-688-9553

TO: Franziska Fritzsche-Jensen & Marian Peterson, Joseph Walker Will Trustees
FROM: Mayor Michael T. Foley
DATE: July 22, 2020
RE: Petitioning Probate Court for Appointment of New Trustee

Dear Joseph Walker Will Trustees Fritzsche-Jensen and Peterson,

Please be informed that the City Administration is submitting a request to Westbrook City Council for permission to petition the Cumberland County Probate Court for the appointment of Andrea Mancuso as the third and final Trustee of the Joseph Walker will.

The City is committed to strengthening the operations and services provided through the Walker Memorial Library, as demonstrated through the recent repeal and replacement of Chapter 19 of the Westbrook Code of Ordinances, entitled *Walker Memorial Library*. By providing clarity in the administrative and operational structure of this municipal department, we have taken steps to ensure the longevity of this community asset and have better poised the Library to respond to the needs of its patrons.

To further provide for a stable and healthy municipal Library, the City finds it appropriate to petition the Court to fill the third Trustee position, which has been vacant for some time, and further recommends the appointment of Andrea Mancuso to this position. Mrs. Mancuso most recently served on the former Board of Regents and has a working knowledge of the Walker Memorial Library's challenges and opportunities. As a practicing attorney, she has an excellent perspective on the responsibilities of the Trustees as they work to safeguard the will of Joseph Walker. Her presence will increase the diversity of perspectives amongst the Trustees, which we hope will reflect the diversity of our community and its needs. Lastly, we would hope that through her appointment the Trustees would find an opportunity for succession planning to ensure continuity in leadership.

This matter is slated to appear on the July 27, 2020 City Council agenda. We invite you to share your comments and thoughts.

Thank you for your continued service to the Walker Memorial Library through your role as Trustees and to our community.

Sincerely,

Mayor Michael T. Foley

ANDREA E. MANCUSO
38 Osaka Street, Westbrook, ME 04092
(207) 650-4356
andrea.e.mancuso@gmail.com

EDUCATION:

Georgetown University Law Center, Washington, D.C.
Juris Doctor, May 2008
Honors: *American Criminal Law Review*, Notes Development Editor
Activities: *Women's Legal Alliance*, *Executive Board Member*; *Peer Mentor*

University of Southern Maine, Portland, ME
Bachelor of Arts, *Summa Cum Laude*, December 2004
Majored in Political Science; Minored in Business Administration
Honors: *Dean's List*; *Phi Kappa Phi*; *Pi Sigma Alpha*, National Political Science Honor Society

WORK EXPERIENCE:

Maine Coalition to End Domestic Violence, Augusta, ME January 2019 – Present
Director of Public Policy

Develop and implement MCEDV's statewide systems advocacy and legislative initiatives, including an annual policy agenda, drafting and amending legislation, and increasing and developing and maintaining access to key community stakeholders. Identify gaps in law, policy and/or practice that adversely impact domestic abuse and violence prevention and intervention efforts, including monitoring and reviewing proposed legislation for its potential impact. Develop and implement strategies to close gaps and improve overall policy and systems responses, with a focus on community partner engagement and collaboration. Building local and regional program capacity in policy and systems advocacy through training, information sharing and support. Represent the statewide coalition on various study groups, committees and similar organized policy development and implementation groups.

Pine Tree Legal Assistance, Portland, ME October 2014 – December 2018
Staff Attorney

Provide direct, holistic legal services to survivors of domestic violence and sexual assault, with particular focus on protection from abuse cases and family matters. Work closely with community providers to provide trauma informed services, including participation in working groups focused on improving systems that address issues relevant to domestic violence and sexual assault survivors. Mentor and train junior attorneys around providing trauma informed legal services and collaborating with community partners.

Domestic Violence Crisis Center, Stamford, CT August 2009 – June 2014
Director of Legal Services & Public Policy

Provided assistance and representation to individual victims of domestic violence as they navigated the criminal and civil courts, including in court criminal advocacy, pre-trial negotiations, representation in civil restraining order proceedings and the creation of a free legal clinic. Supervised staff of attorneys and advocates. Conducted legislative and policy research and advocacy with respect to implementation of best practice responses, particularly in areas surrounding civil and criminal court response, housing, and child protection. Built and maintained cooperative partnerships with community stakeholders to advance client and agency interests. Created and implemented training modules around criminal and civil justice systems' response to domestic violence. Served on Statewide Law Enforcement Response to Family Violence Governing Council. Conceptualize and executed DVCC's public policy platform, including the creation of and distribution of a monthly public policy newsletter. Completed 40 hour certified domestic violence advocate training.

BAR ADMISSIONS:

Connecticut, Maine, New York



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 27, 2020

Order: 2020-85

**AUTHORIZING WESTBROOK ENVIRONMENTAL IMPROVEMENT CORPORATION (WEIC) EXPENDITURE
FOR DUE DILIGENCE SERVICES AT MECHANIC STREET PARKING LOT**

That the Westbrook City Council hereby authorizes a Westbrook Environmental Improvement Corporation (WEIC) expenditure in an amount not to exceed \$57,200 for due diligence services related to the Mechanic Street Parking Lot as outlined in the attached exhibit; and further authorizes the Mayor or his designee to enter into agreements with S.W. Cole, Inc. of Gray, Maine, and Owen Haskell, Inc. of Falmouth, Maine to perform survey, environmental site assessments and geotechnical/geophysical investigations.

Funds available in budget line 22001390-59400-02299.

First Reading: July 27, 2020

Second and Final Reading:

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Authorizing Westbrook Environmental Corporation Expenditure for due diligence funding for the Mechanic Street Parking Lot/ Vertical Harvest

REQUESTED BY: Daniel Stevenson

DATE: 07/16/2020

SUMMARY:

This is a request to authorize WEIC funding to begin due diligence work on a City-owned parcel, as outlined in the attached meeting minutes.

This was approved by WEIC on July 15, 2020.

BUDGET LINES AFFECTED (IF APPLICABLE):

22001390-59400-02299



Daniel Stevenson
Economic Development Director
 2 York Street
 Westbrook, Maine 04092
 Phone: 207-591-8101

ECONOMIC DEVELOPMENT

TO: Westbrook Environmental Improvement Corporation
FROM: Daniel Stevenson, Director of Economic Development
 Robyn Saunders, Project Manager
CC: Greg Day, TDB | Vertical Harvest
DATE: July 8, 2020
RE: Mechanic Street Parking Lot
 Vertical Harvest Project

PROJECT OVERVIEW

The Mechanic Street parcel (Map 032, Lot 007) includes a paved parking lot (approximately 130' x 440' or 57,400 sq. feet) with 150+ parking spaces surrounded by landscaped islands/areas. TDB LLC's Vertical Harvest Project is proposing, jointly with the City, two connected, multi-level structures:

- a 4-story parking garage (City-owned, privately-operated with 437 parking spaces); and
- a 4-story vertical grow business with 2-story residential housing atop the parking garage.

REQUEST FOR DUE DILIGENCE FUNDING

To begin due diligence on this City-owned parcel, we are requesting from WEIC a total of \$57,200, which includes the following costs per task. Additional detail on each Due Diligence Task is provided in the respective Sections listed below.

Section	Due Diligence Task	Rationale	Cost
A	Survey in accordance with ALTA/NSPS standards	Due to complexity of site (history of improvements, mitigate risks, etc.)	\$6,500
B	Phase I Environmental Site Assessment (ASTM standards)	To document the current + historical uses, and assess potential for contamination	\$4,000
C	Geotechnical + Geophysical Investigation	Due to subsurface uncertainties (presence of clay, bedrock, fill), and assess properties for foundation design/engineering	\$21,000
D	Utility Locator Company	To provide DigSafe clearance, and additional clarity of underground utilities	\$700
E	Project Management	To provide 200 hours to coordinate contractors, oversee due diligence work, participate in discussions with Developer's Team, support Director of Economic Dev't.	\$15,000
F	Contingency	Due to current uncertainty at the site	\$10,000
(NOT TO EXCEED) GRAND TOTAL			\$57,200

A. ABOUT ALTA SURVEY

Typical surveys provide clarity on boundaries and easements. An American Land Title Association (ALTA) survey is conducted in accordance with very specific requirements set forth by both ALTA and the National Society of Professional Surveyors (NSPS). In addition to boundaries and easements, an ALTA survey is intended to mitigate risk associated with complex real estate transactions by including:

- Easements, ROWs, and other encumbrances
- Encroachments or improvements on other properties (e.g., intrusions on parcel of interest, etc.)
- Evidence of cemeteries
- Flood zones and water boundaries
- Legal routes to access the property
- Zoning setbacks

B. ABOUT PHASE I ESA

Environmental Site Assessments allow sufficient information to be gathered to assess potential contamination liabilities using established ASTM standards by an independent professional. Usually required by the lender or financier for a project, this will be a desktop survey with a written report prepared for the City by S.W. Cole Engineering, Inc. Both this report and the geotechnical reports described below will be critical tools to design an effective parking garage and/or attract development to this important area, regardless of the final developer or additional uses at the site.

C. ABOUT GEOTECHNICAL + GEOPHYSICAL INVESTIGATION

Supervised by S.W. Cole's geotechnical engineer(s), the preliminary geotechnical investigation will include:

- 2 days of drilling to install 4 test borings on City-owned property to evaluate foundation types suitable for the property.
- 2 of the borings will be converted to monitoring wells to assess groundwater levels and assist in the environmental assessment.
- Geotechnical laboratory testing will be completed on soil samples to assess the engineering properties of subsurface materials at the site.
- Screening of soil samples and spoils from the drilling to detect presence of contamination.

As part of the geophysical analysis at the site, S.W. Cole will use a specialty subcontractor to profile the bedrock at the site using geophysical shear wave velocity testing. This type of analysis is critical for any proposed large-scale development at the site, considering the uncontrolled fill, glacio-marine deposits and sand layers overlying bedrock in this area.

D. ABOUT UTILITY LOCATOR

Like the specialty geophysical contractor, S.W. Cole will subcontract this work. They will arrange to have a private utility locator company satisfy DigSafe requirements and ensure that all utilities (public + private) are located before any ground disturbing activity is conducted (e.g., test borings). This information can be cross-checked with the ALTA survey to ensure that an accurate inventory of utilities is prepared for the site.

E. ABOUT PROJECT MANAGEMENT

The City recently hired Robyn Saunders, a contracted employee, to provide project management on a number of City-owned projects that are being constructed in the coming 12-24 months. She is a graduate of the University of Maine's Department of Civil + Environmental Engineering and comes to the City with 20+ years of engineering experience ranging from due diligence (Phase I and II ESAs, geotechnical investigations, transaction screenings, etc.), permitting and remediation (VRAP, Brownfield redevelopment, active and passive contamination processes, etc.) to regulatory compliance and construction oversight.

F. CONTINGENCY

A \$10,000 contingency is recommended at this time to account for the current level of uncertainty at the site, relative to:

- **Engineering properties of the soil and bedrock at the site.** Additional test borings, geoprobes, or geotechnical laboratory testing may be needed to sufficiently characterize the subsurface environment.
- **Environmental condition of the site.** Additional test borings, monitoring wells, test pits, laboratory testing or field screening measures may be needed to characterize or delineate any potential contamination.
- **Phase II ESA.** Additional desktop analysis, interviews, soil and water sampling/laboratory testing may be needed to properly investigate any potential Recognized Environmental Conditions (RECs) identified as part of the Phase I ESA.



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 27, 2020

Order: 2020-86

AUTHORIZING COMMUNITY POLICING SUB-STATION RENT PAYMENTS

That the Westbrook City Council hereby authorizes an expenditure in the total amount of \$18,000 to HRM Properties, LLC for rent payments for the Community Policing Sub-Station located at 192 Brown Street, Apartment 1, for the months of July 2020 – June 2021.

Funds available in budget line 22002110-58900-02213.

First Reading: July 27, 2020

Second and Final Reading:

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Community Policing rent expense -192 Brown St. Apt. 1 FY21

REQUESTED BY: Chief Roberts

DATE: 07/08/2020

SUMMARY:

Requesting approval for Community Policing rent payments to HRM properties for FY 21.

The monthly rent of \$1500.00 to be paid from from the Cruiser fee misc expense account for twelve months totaling \$18000.00.

BUDGET LINES AFFECTED (IF APPLICABLE):

Expense 22002110-58900-02213



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 27, 2020

Order: 2020-87

AUTHORIZING SACO/EISENHOWER STREET INTERSECTION MPI AGREEMENT

That the Westbrook City Council hereby authorizes the Mayor or his designee to enter into a Municipal Partnership Initiative Program Agreement with the Maine Department of Transportation for the Saco/Eisenhower Intersection Project and further authorizes an expenditure of up to \$350,000 for the municipal share of said project as outlined in the attached exhibit.

Funds available in budget line 44001000-58900-04408

First Reading: July 27, 2020

Second and Final Reading:

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Authorization for MDOT MPI agreement for the intersection improvements at Eisenhower/Saco Street & Funding appropriation

REQUESTED BY: Jennie Franceschi

DATE: 07/11/2020

SUMMARY:

See attached Memo

Authorization for MDOT MPI Funding Agreement, and construction funding appropriations in the amount of \$350,000.

BUDGET LINES AFFECTED (IF APPLICABLE):

Eisenhower Dr. 44001000-58900-04408



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

PLANNING & CODE ENFORCEMENT

PLANNING STAFF MEMO

DATE: July 11, 2020

TO: City Administrator, City Clerk
FROM: Jennie Franceschi, City Planner & Rebecca Spitella, Asst. Planner
Cc: Mayor, City Council

RE: Maine Department of Transportation - Municipal Partnership Initiative Program
Saco/Eisenhower Intersection Project - WIN 024317.15
Request for City Council authorization of MPI agreement & funding appropriation

The City, IDEXX and Abbott Laboratories are partnering with MDOT on an application request for funding of transportation improvements for the area in the vicinity of Eisenhower Drive associated with both the IDEXX and the Abbott Laboratories expansion projects. The funding mechanism is called the Municipal Partnership Initiative Program which the City has utilized for many transportation improvements.

As the program is a State/Municipal program, MDOT has awarded the funding to the City of Westbrook, with the remaining funds of the local match coming from the business partners, IDEXX & Abbott Laboratories. The improvements have a total estimated project budget of \$1.269 Million Dollars. MDOT is participating in this project cost up to \$500,000. The Business Partners/Municipal share is approximately \$769,000.

Of the Business Partner/Municipal Share, the City of Westbrook is only participating in the signalization project of Eisenhower Drive at Saco Street up to a maximum match of \$333,333 plus easement acquisition costs. The remaining local match funds will be the responsibility of the private businesses. Improvements at the intersection of Eisenhower Dr. at Saco St has been a long overdue project for the City. In partnership with IDEXX, Abbott Laboratories and MDOT, the City was afforded this great opportunity to tap into this funding mechanism to finally address an intersection that now meets the threshold for a traffic signal.

Abbott Laboratories will be responsible for all procurement, design, and construction implementation efforts. Therefore, once a sufficient amount of work is completed, the City can request reimbursement from MDOT to provide to Abbott Laboratories towards expended project costs. Work on this project can start no earlier than 2021.

In closing, Staff is requesting from the City Council the following:

- 1) Authorization of the administration to enter into agreement with MDOT for the attached Municipal Partnership Initiative Program for MDOT WIN 24317.15.
- 2) Appropriation of specified funds for the construction efforts at the Saco/Eisenhower Intersection in the amount of \$350,000 to afford:
 - a. \$333,333 for reimbursement to the design/construction efforts and
 - b. \$16,667 for potential construction easements to be determined in the design efforts.

<i>Internal Use Only</i>
TEDOCS #: _____
CTM#: _____
CSN#: _____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL PARTNERSHIP AGREEMENT**

WIN 24317.15

REGARDING

SACO STREET AND EISENHOWER DRIVE

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION (“MaineDOT”), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **CITY OF WESTBROOK** (“MUNICIPALITY”), a municipality in the State of Maine with offices located at **200 Main Street, Westbrook , ME.**

WHEREAS,

The City of Westbrook shall perform **Intersection improvements with signal** (the “Project”). **The City of Westbrook** estimates this project at **\$1,269,000.00.**

The City of Westbrook SHALL:

- A. Procure all contracts for and oversee the Project on **Eisenhower Drive** for the Work outlined above.
- B. Cause such Work to be performed in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
- C. Agree to secure all necessary Federal, State and Local permits necessary to complete the work. **The City of Westbrook** also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.
- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:

- a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
 - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce safety hazards;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor, unless approved traffic calming measures are proposed;
 - e. Ensuring that the Project does not decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring that the Project meets the current standards of Americans with Disabilities Act of 1990 (ADA) design requirements.
- F. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
- G. Ensure that construction shall commence within EIGHTEEN (18) months and shall be certified complete within THIRTY-SIX (36) months of execution of this agreement. **The City of Westbrook** may forfeit the unpaid balance of this grant if these deadlines are not met or they can not demonstrate earnest and good faith efforts to meet them.
- H. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of **The City of Westbrook** or its contractors, including damage to vehicles passing through the Project limits.
- I. Bear all risk of loss relating to the Project and the Work regardless of cause.

MAINEDOT SHALL:

- A. **Provide a maximum \$500,000.00 in State funds supporting the Work stated above.** Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds will provide up to 50% of the actual costs incurred and paid by the Municipality up to a maximum not to exceed amount of **\$500,000.00**.
- B. **This project has been approved for Calendar Year 2021.** If the **Municipality** commences construction of the project as outlined above prior to January 1, **2021**, the Municipality assumes the risk and responsibility for costs incurred, in the event that funding levels fall below MaineDOT projections. If this occurs, the Municipality will not receive reimbursement from MaineDOT.

The **City of Westbrook** and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

IN WITNESS, WHEREOF, the parties hereto have executed this AGREEMENT effective on the day and date last signed.

CITY OF WESTBROOK

Dated: _____

By: _____

Jerre Bryant
City Manager

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

Dated: _____

By: _____

Bruce A. Van Note
Commissioner

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION

Municipal Partnership Initiative Project

MUNICIPALITY OF WESTBROOK

PROPOSED IMPROVEMENTS TO: Saco Street and Eisenhower Drive

STATE PROJECT IDENTIFICATION NUMBER (WIN) 024317.15

FUNDED CONSTRUCTION YEAR **2021**

Project Scope: Intersection improvements with signal

Funding Outline: The Total Project Estimated Cost is **\$1,269,000.00** and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	Remaining	\$769,000.00	up to 72'	\$500,000.00	\$1,269,000.00
PROJECT SHARES		\$769,000.00	0 cz	\$500,000.00	\$1,269,000.00
Total Cost of Additional Work above agreement estimate	100%				
TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT		\$500,000.00			

REIMBURSEMENT SCHEDULE:

Upon 1/3 project completion the municipality may begin invoicing the Department. Preferred invoicing interval is 1/3, 2/3, final, the Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices.

DESIGN EXCEPTIONS REQUIRED: YES NO

Design exceptions where required for this project. Please see attached approval from MaineDOT Chief Engineer outlining design exceptions.



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 27, 2020

Order: 2020-88

AUTHORIZING EISENHOWER/SPRING STREET MDOT BPI INTERSECTION PROJECT
CONSTRUCTION/PERPETUAL EASEMENT COMPENSATION

That the Westbrook City Council hereby authorizes an expenditure in the amount of \$5,400 to Lighthouse Christian Church for compensation of the easements required by the Eisenhower/Spring Street MDOT BPI Intersection Project, as outlined in the attached exhibit.

Funds available in budget line 44001000-58900-04408

First Reading: July 27, 2020

Second and Final Reading:

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Eisenhower/Spring Street MDOT BPI Intersection Project - Construction/Perpetual Easement Compensation

REQUESTED BY: Jennie Franceschi

DATE: 07/11/2020

SUMMARY:

As part of the Eisenhower/Spring Street MDOT BPI Intersection Project, the City was charged with acquisition of any easements necessary to conduct the improvements. The Lighthouse Christian Church is within the project limits and the project design requires permanent grading easement, drainage easements and temporary construction easements to facilitate the intersection project all along its property on Spring St.

The compensation for the easements was determined to be \$5,400 and was accepted by the Church to provide the necessary easements associated with the project.

The easement package for all necessary MDOT projects will be brought forward at the August 3, 2020 meeting for the Council to authorize acceptance of those easements.

Therefore, staff is requesting City Council authorize the disbursement of funds in the amount of \$5,400 to the Lighthouse Christian Church for compensation of the easements required by the Eisenhower/Spring Street MDOT BPI Intersection Project.

BUDGET LINES AFFECTED (IF APPLICABLE):

Eisenhower Dr. IDEXX 44001000-58900-04408



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: July 27, 2020

Order: 2020-89

AUTHORIZING SECOND & FINAL PAYMENT FOR SIMULCAST TRANSMITTER/RECEIVER SITE & AMENDING ANNUAL VENDOR LIST

That the Westbrook City Council hereby authorizes an expenditure in the amount of \$14,940.32 to Radio Communications Mgmt, Inc. of Portland, ME for the second and final payment for a simulcast transmitter/receiver site, as outlined in the attached exhibit; and further authorizes an amendment to Order 2020-73 adopted on July 6, 2020, entitled *Approving the FY 2020-2021 General Fund, Recreation Fund & Parking Garage Fund Annual Vendor Lists* to include the following item:

General Fund Vendor List

Account Number	Account Name	Vendor
57340	Hardware – New	Radio Communications Mgmt, Inc.

Funds available in budget line 10001530-57340.

First Reading: July 27, 2020

Second and Final Reading:

Attest:

City Clerk

Mayor



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

*Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required **prior** to submission.*

PROPOSED TITLE: Authorizing Second & Final Payment for Radio Equipment

REQUESTED BY: City Administration

DATE: 07/22/2020

SUMMARY:

City Council adopted Order 2020-41 on May 4, 2020, entitled *Authorizing Purchase of Radio Equipment* (attached for reference). This order authorized the purchase of a base radio, a portable radio and eight encryption keys, and authorized the purchase and payment of one-half of the total cost of an additional simulcast transmitter/receiver site, with the note that the second half of the payment (a remainder of \$14,940.32) would be billed as of July 1, 2020, the start of FY 2021.

This is a request to authorize the second and final payment for the simulcast transmitter/receiver site at a cost of \$14,940.32.

BUDGET LINES AFFECTED (IF APPLICABLE):

10001530 57340



CITY OF WESTBROOK, MAINE

2 York Street, Westbrook, ME 04092

REQUEST FOR COUNCIL ACTION

Requests are due to the City Clerk two Fridays prior to a Council meeting. If expenditure/acceptance of funds is involved, Finance Department approval is required prior to submission.

PROPOSED TITLE: Request for purchase of radio equipment

REQUESTED BY: Gregory Hamilton

DATE: 03/06/2020

SUMMARY:

The attached invoices represent purchases needed to enhance and improve the capabilities of the City's digital radio system. Specifically, one half the cost of an added simulcast transmitter/receiver site for the Public Safety Building (\$14,940.32), one base radio (\$1,626.95), one portable radio and 8 encryption keys (\$1,222.80) The total expenditure request is \$17,790.07.

An in building portable radio coverage deficiency was identified in the area specifically around the Public Safety Building and surrounding locations. The addition of this site has mitigated that problem. The total cost of the simulcast site is \$29,880.64. One half the cost of the additional site as well as the other purchases listed here will come from the current year's radio antenna account. The second half of the additional site (\$14,940.32) will be billed July 1 and has been budgeted for in the IT budget new hardware line.

BUDGET LINES AFFECTED (IF APPLICABLE):

21002150 59000 02124



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: April 6, 2020

Order: 2020-41

AUTHORIZING PURCHASE OF RADIO EQUIPMENT

That the Westbrook City Council hereby authorizes an expenditure in the total amount of \$17,790.07 to Radio Communications Mgmt, Inc. of Portland, ME for 50% of the cost of a simulcast transmitter/receiver site for the Public Safety Building, one base radio, one portable radio and an encryption key to enhance the City of Westbrook's digital radio system, as outlined in the attached exhibit.

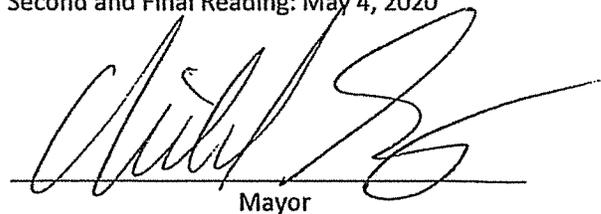
Funds available in budget line 21002150-59000-02124.

First Reading: April 6, 2020

Second and Final Reading: May 4, 2020

Attest:



City Clerk

Mayor

RADIO COMMUNICATIONS MGMT, INC
 158 RAND ROAD
 PORTLAND, ME 04102

Invoice
 Invoice Number
 85518

Voice: 207-797-7503
 Fax: 207-878-3521

Invoice Date
 Jul 1, 2020
 Page
 1

Sold To:

WESTBROOK POLICE DEPT
 570 MAIN STREET
 WESTBROOK, ME 04092

Ship to

WESTBROOK POLICE DEPARTMENT
 570 MAIN STREET
 WESTBROOK, ME 04092

Customer ID		Customer PO		Payment Terms	
WESTBROOK POLICE DEP		Add PSB Site		Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
SCOTT		BEST			7/31/20
Quantity	Item	Description	Unit Price	Extension	
1.00	TITLE	Add simulcast transmitter and voter receiver site at Public Safety Building for Police and Fire Primary channels. Invoice 50% in January 2020 Invoice remaining 50% July 1, 2020 SER# 00306591 - Fire SER# 00307748 - Police 50% payment July 1, 2020 DATE: 7-7-2020 ACCOUNT: 51 1000 15 30 - 57 340 AUTH. BY: [Signature] AMOUNT: 14,940.31	14,940.31	14,940.31	

*Split between FY20 + FY21
 Greg Hamilton
 C/O 2020.41*

FY21

IT New Hardware

Subtotal 14,940.31
 Service Provider / Sales T
 Total Invoice Amou 14,940.31
TOTAL 14,940.31

Check No

2020-41

This authorizes purchase of radio equipment from Radio communications, Inc. of Portland to add a simulcast/receiver site at the Public Safety Building, 570 Main Street, at a total cost of \$29,880.64. This will eliminate a 'dead spot' in the new digital emergency communications system, which is necessary for all public safety responders to have full emergency communications capabilities. This installation is being performed by the same vendor that installed the full system for the city. Funding for this purchase is split 50/50 between the current FY20 and next year's FY21 budgets. This purchase is supported by the administration and is in order for first reading.



CITY OF WESTBROOK, MAINE
IN CITY COUNCIL

Date: June 27, 2020

Order: 2020-90

APPROVING A UTILITY EASEMENT AT 5 BRADLEY DRIVE (5 BRADLEY DRIVE WESTBROOK, LLC)

That the Westbrook City Council hereby authorizes the grant of a utility easement to 5 Bradley Drive Westbrook, LLC in the form attached to this Order.

First Reading: July 27, 2020

Second and Final Reading:

Attest:

City Clerk

Mayor

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (“**Agreement**”) is made as of the ____ day of _____, 2020, from the CITY OF WESTBROOK, a Maine municipal corporation, with a mailing address of 2 York Street, Westbrook, ME 04092 (“**Grantor**”) to 5 BRADLEY DRIVE WESTBROOK, LLC, a Maine limited liability company, with a mailing address of 30 Speen Street, Framingham, MA 01701 (“**Grantee**”).

RECITALS:

- A) Grantor is the owner of a certain parcel of land in the City of Westbrook, Cumberland County, Maine, as described in a deed to Grantor from Greater Portland Building Fund, dated September 23, 1987, and recorded in the Cumberland County Registry of Deeds in Book 7984, Page 344 (the “**Premises**”).
- B) Grantee is the owner of a certain parcel of land in the City of Westbrook, Cumberland County, Maine, as described in a deed to Grantee from Maine Olympia Properties, LLC, dated May 7, 2020, and recorded in the Cumberland County Registry of Deeds in Book 36674, Page 250 (the “**Grantee Property**”).
- C) Grantor wishes to grant, and Grantee wishes to receive, an easement affecting a portion of the Premises, which portion is more particularly shown as “AREA OF EASEMENT” in the sketch plan attached hereto as Exhibit A (the “**Easement Premises**”).

NOW, THEREFORE, for and in consideration of the easements and covenants contained herein, the sufficiency of which are hereby acknowledged, the following grant is made subject to the terms hereof:

1. Grant of Easement. Grantor hereby grants to Grantee, its successors, assigns, tenants, contractors, employees and/or agents (the “**Grantee Parties**”), with warranty covenants, a perpetual, non-exclusive right and easement (the “**Easement**”) (i) to lay, construct, reconstruct, operate, maintain, replace, relocate and remove an underground fiber optic transmission system (the “**System**”) within the Easement Premises consisting of underground cables, pipes, conduits, manholes, handholes and such surface testing terminals, pedestals, repeaters, markers and other appurtenances as may be reasonably necessary to activate and operate the System, (ii) to install and relocate a pole and guy wire, shown as “UP #2.04 W/ GUY” on Exhibit A (the “**New Pole**”), within the Easement Premises and run the necessary cable and wires (the “**Transmission System**”) from an existing meter on an existing pole, shown as “UP #2.03” on Exhibit A (the “**Existing Pole**”), to the Grantee Property for the transmission of electricity over and across such Easement Premises, (iii) to cut and remove all trees and to clear and keep clear said Easement Premises of all trees, timber, and bushes growing on said Easement Premises by such means as the Grantee Parties may deem necessary, and the right to restrict the construction of buildings or other structures within the Easement Premises or within fifteen (15) feet of the Easement Premises, except for any drainage structures that may be required to facilitate the existing use of the area by the Grantor for drainage purposes, which drainage structures shall be located and installed in a mutually agreeable location and shall not adversely affect Grantee’s other rights set

forth in this Agreement, and (iv) to enter upon the Premises for any reason incident to this Agreement.

2. Grantee's Obligations. Grantee shall, or shall cause the Grantee Parties to, at all times keep and maintain the System, the Transmission System, the Pole, the existing meter, and the Existing Pole in good repair and in a thoroughly safe and sound condition. Whenever the Grantee Parties shall enter the Premises to perform any construction, repair, replacement or maintenance work within the Easement Premises, the Grantee shall, or shall cause the Grantee Parties to, perform and complete such work diligently and as expeditiously as possible so as to minimize interference with Grantor's use of the surface of the Easement Premises. In particular, Grantee shall, or shall cause the Grantee Parties to, maintain any manholes and manhole covers, in a safe condition, landscaping around and over such areas where necessary to maintain the area in a manner consistent with the maintenance by Grantor of the area surrounding such manholes and covers. Grantee shall, or shall cause the Grantee Parties to, comply with and conform to all applicable laws relating to the construction, repair, replacement, maintenance and operation of the System, the Transmission System, the Pole, the existing meter, and the Existing Pole.

3. Grantor's Use of Easement Premises. Grantor reserves the right to use the Easement Premises for all other purposes which do not interfere with the Easement herein granted.

4. Successors and Assigns. All provisions of this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the heirs, assigns, successors, tenants and personal representatives of Grantor and Grantee respectively.

[Signature Pages Follow]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement as of the day and year first above written.

Grantor:

CITY OF WESTBROOK

By: _____
Michael Foley, Mayor

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 2020

Personally appeared before me Michael Foley, in his capacity as Mayor of the City of Westbrook, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said City of Westbrook.

Notary Public/Attorney at Law

My commission expires:

Grantee:

5 BRADLEY DRIVE WESTBROOK, LLC

By: _____

Name: _____

Title: _____

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____, ss

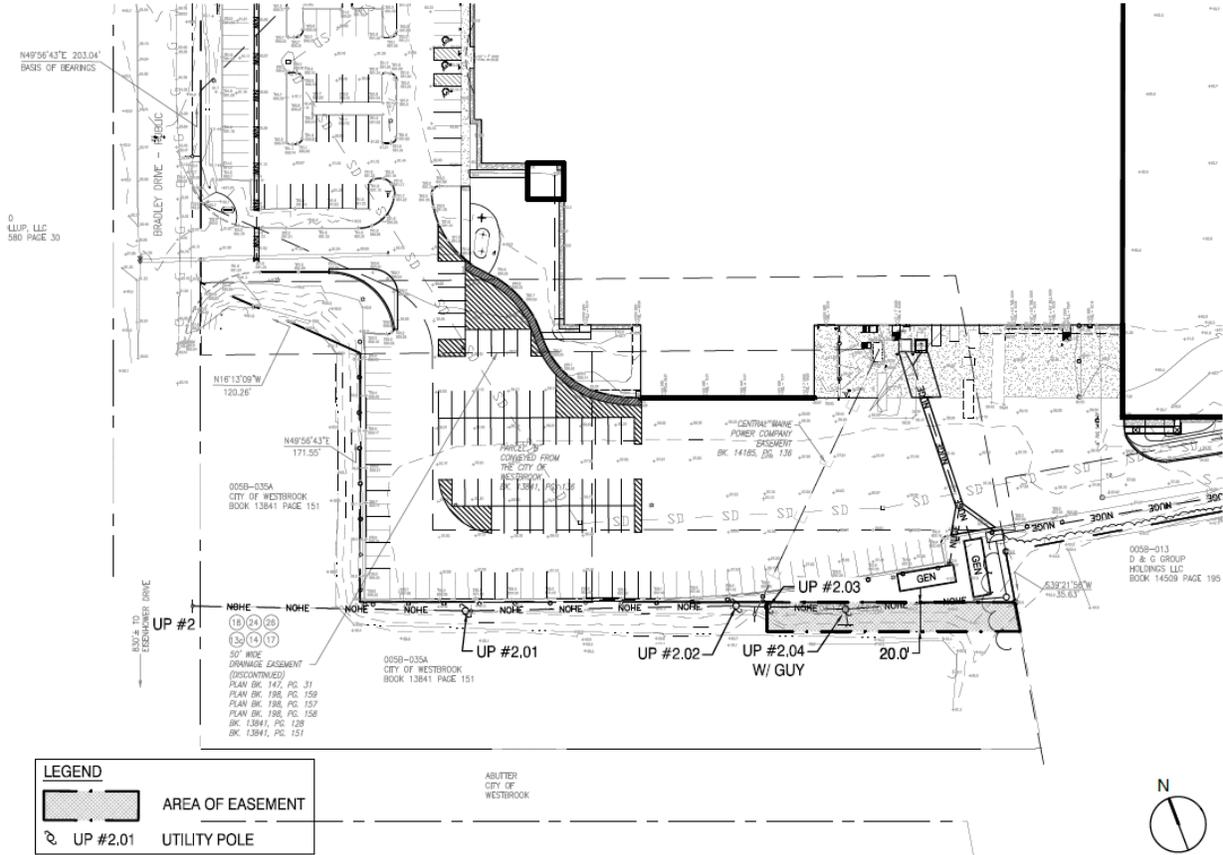
On this _____ day of _____, 2020, before me, the undersigned Notary Public, personally appeared _____, _____ of 5 Bradley Drive Westbrook, LLC, proved to me by satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as _____, _____ of 5 Bradley Drive Westbrook, LLC.

Notary Public

My commission expires:

EXHIBIT A

Easement Premises





CMP EASEMENT

5 BRADLEY DRIVE
WESTBROOK EASEMENT

Westbrook, ME

1 inch = 136 Feet



June 15, 2020

