

Date: **February 24, 2016 Meeting**

Members: Larry Pritchett, Bill Pearce, Tony Coyne, Brooks Winner, Nathan Davis

To: Erik Laustsen & Members of Rockland's Planning Board
Jim Chaousis, Rockland City Manager

Regarding: **Ordinance Amendment #2015-48**
Technical Support For Drafting Standards Governing Power Generation Facilities

1. Background

On January 11, 2016 the City Council approved a moratorium on site plan applications for new power generation facilities over 10 Megawatts in capacity. The ordinance amendment enacting the moratorium directed the Energy Committee to do three things:

(A) Based on the community forums held in 2015, provide the Planning Board a summary of any issues that the Energy Committee recommends be considered when developing a new ordinance. This information is contained in a report from the Energy Committee to the Planning Board dated 1/25/2016 and was subsequently presented by members of the Energy Committee to the Planning Board on 2/16/2016.

(B) Based on questions and issues identified in the Energy Committee's report to the Planning Board, provide the Board with a list of technical experts from which the Planning Board could choose to advise the Board as needed. On 2/10/2016 the Energy Committee voted to recommend six firms and organizations for the Planning Board to choose among as possible resources to utilize in the power generation ordinance development process.

(C) Provide the Planning Board with advice or assistance during the ordinance development process as may be requested by the Board's Chairman.

At the Planning Board's 2/16/2016 meeting, members of the Energy Committee presented to and discussed with the Planning Board the report and recommendations referenced in (A) and (B) above. The Planning Board then discussed how to proceed with ordinance development and made several decisions in regard to moving forward on this project including the following two.

First, the Planning Board requested through the City Manager that the City Attorney be tasked with developing the outline of a concept power generation ordinance and with providing the Planning Board with ongoing ordinance drafting support through the ordinance development process.

Second, rather than the Planning Board choosing among the firms from the list provided by the Energy Committee, Planning Board members asked the Energy Committee to select the technical resources to utilize. Board members felt that the Energy Committee's familiarity with energy and technology put the Committee in a better position to select technical resources than the Board.

2. Recommended Technical Resources

This memorandum contains the Energy Committee's recommendation on technical resources to utilize in the ordinance development process as well as a summary of the selection process. Based on the

Planning Board's 2/16/2016 request to the Energy Committee, the Committee voted at its 2/24/2016 meeting that the following two firms be utilized by the City for this project:

(A) The Energy Committee recommends the City retain Woodard & Curran, with Senior Vice President for Power Engineering Dan Kelley as the project lead. Beyond engineering experience in the fields of energy and energy efficiency, Woodard & Curran's professional expertise includes water and air permitting, environmental assessment and emissions modeling, as well site plan permitting. This range of skills should allow Woodard & Curran to promptly address a wide range of questions that might arise in the ordinance development process.

(B) The Energy Committee recommends the City retain SMRT, with Director of Mechanical Engineering Michael Chonko as the project lead. One of SMRT's specialties is onsite power generation at locations such as health care facilities and residential housing complexes. At these sites any potential impacts from power generation needs to be reduced to the greatest extent practical. The Committee concluded this experience gives SMRT valuable insight into aspects of power generation that could be problematic if appropriate standards are not in place.

To insure adequate technical resources are available for the duration of this project, the Energy Committee recommends fees (including any expenses) for each firm be set at up to not more than \$7,500 for the Planning Board phase of this project. This would mean some funds (approximately \$5,000 out of \$20,000 authorized in Order 2016-4 and any funds available from Order 2015-71) would be available for engineers to attend Council meetings and address any questions that might arise during the Council review part of this process.

3. Procurement Process

On 1/14/2016, at the Energy Committee's first meeting after Council adopted the moratorium on new site plan applications for power generation facilities, Committee members discussed how to select technical resources to support the ordinance development process. At this point the Committee had information on possible technical resources gleaned from three different processes in 2015.

(A) In the summer of 2015 members of the Energy Committee as well as City staff contacted engineering firms, college and university professors, law firms, Efficiency Maine Trust staff and environmental organizations to identify people with expertise in a variety of disciplines related energy conservation and power generation to possibly participate in the 8/19/2015 Community Forum facilitated by the Energy Committee.

(B) Members of Rockland's Energy Committee, along with representatives from other municipalities, had been participating in the solar stakeholder process facilitated by the PUC and the Public Advocate over the fall of 2015 as well as forums organized around this renewable energy focused effort.

(C) Renew Rockland had hoisted an energy focused forum on 10/29/2015. The panel discussions included experts in various fields related to power generation, renewable energy, and energy efficiency.

From the preceding events, the Energy Committee had names and areas of expertise for nine firms and organizations. In the fields of Engineering and Environmental Assessment possible firms included Woodard & Curran, Kleinschmidt Associates, TRC Solutions, Stantec and HDR. Engineering firms included both SMRT and James Tolan. Firms and organizations with expertise in municipal site law

development and environmental site law development included Jensen, Baird, Gardiner and Henry as well as the Conservation Law Foundation.

The Energy Committee concluded that this pool of firms was large enough and the areas of expertise covered was broad enough to serve as the basis for selecting a firm, or firms, to provide technical assistance in the ordinance development process. The Energy Committee compared each firm's areas of expertise and projects portfolio against the ten focus areas identified in the Energy Committee's 1/25/2016 report to the Planning Board. The Committee also explored potential conflicts of interest.

On 2/10/2016, the Energy Committee recommended six firms and organizations from which the Planning Board could choose. Based on the Planning Board's subsequent 2/16/2016 request back to the Committee, Energy Committee members conducted phone interviews with the leading candidates during which each topic in the 1/25/2016 report was reviewed and each firm's familiarity with these areas discussed.

4. Contact Information For Two Recommended Engineering Firms

Dan Kelley
Sr. Vice President & Principal
Service Line Leader - Power Engineering
Woodard & Curran
41 Hutchins Drive
Portland, ME 04102
Phone 207-558-3692 (Direct)
Cell 207-956-1131
DKelley@WoodardCurran.Com

Michael J. Chonko PE, CEM
Director of Mechanical Engineering & Principal
SMRT Architects and Engineers
144 Fore Street,
PO Box 618
Portland, Maine 04104
Phone: 877.700.7678
Cell: 207.807.4682
MChonko@SMRTInc.Com

Ordinance Amendment 2015-48

Power Generation Ordinance Development

Options For Technical Support For Planning Board

	Jensen Baird	CLF	HDR	SMRT	Woodard & Curran	Tolman USA	TRC	Kleinschmid
Water Utilization, Recycling & Disposal		Y	Y	Y	Y		Y	Y
Noise Standards	Y			Y				
Air Emissions & Emission Reductions		Y	Y		Y			
Direct Contact/ Open Cooling Towers			Y	Y	Y	Y	Y	
Traffic Impacts/ Transportation Routes	Y				Y			
Onsite Fuel/ Feedstock Storage		Y	Y		Y		Y	
Development On Zone Boundaries	Y			Y				Y
Development Abutting High Value Wetlands	Y	Y			Y			Y
Fiscal Capacity Standard For Developer		Y	Y	Y	Y	Y	Y	
Power Generation Facility Decommissioning Costs			Y		Y	Y	Y	
Site Law/ Permitting Standards	Y	Y		Y	Y			Y
Conflicts Of Interest	N	N		N	N		N	
Availability	Y	Limited				Limited		

Conservation Law Foundation & Jensen Baird have legal experience in the areas note

Other Firms Are Engineering or Engineering and Environment Assessment Firms

Jim Chaousis

From: Jim Chaousis <jchaousis@ci.rockland.me.us>
Sent: Friday, February 26, 2016 15:11
To: 'Sandy Billington'
Cc: jroot@ci.rockland.me.us; 'Carol Maines'; 'Kevin Beal'; 'Larry Pritchett'; 'Eric Laustsen '
Subject: RE: Grid Scale Power > Ordinance > Engineers > Woodard & Curran/SMRT

Sandy,

Please add this to the managers report for the City Council.

Jim C

From: Kevin Beal [<mailto:kbeal@ci.rockland.me.us>]
Sent: Friday, February 26, 2016 1:36 PM
To: 'Larry Pritchett' <larrypritchett.council@gmail.com>; 'Eric Laustsen ' <candles@danicacandles.com>
Cc: jroot@ci.rockland.me.us; 'Jim Chaousis' <jchaousis@ci.rockland.me.us>; 'Carol Maines' <cmaines@midcoast.com>
Subject: RE: Grid Scale Power > Ordinance > Engineers > Woodard & Curran/SMRT

All:

Here are the two draft ordinances, reflecting the product of the Planning Board's discussions on Tuesday. Those changes are highlighted, and the documents are labeled Version 02/23/16. They include provisions for decommissioning, in a revised Ch. 16, Sec. 16-204(12).

John has given public notice of the PB meeting to discuss the same with the engineer(s) on Tuesday, March 1 at 6:00, as discussed on Tuesday, February 23. If that date or time have changed, please advise.

Kevin

From: Larry Pritchett [<mailto:larrypritchett.council@gmail.com>]
Sent: Friday, February 26, 2016 11:54 AM
To: 'Eric Laustsen '
Cc: jroot@ci.rockland.me.us; 'Jim Chaousis'; Kevin Beal
Subject: RE: Grid Scale Power > Ordinance > Engineers > Woodard & Curran/SMRT

Hi Erik,

Woodard & Curran as well as SMRT (the firms Energy recommended the City utilize) are available on Tuesday 3/2 as well as Thursday 3/11. I'll work with JimC to have a agreement got services ready ahead of 3/2 (assuming you want to proceed as discussed). Any idea when Kevin will have the added revisions done so I can send it along to Dan and Mike?

Thanks,
Larry

From: Larry Pritchett [<mailto:larrypritchett.council@gmail.com>]

Sent: Thursday, February 25, 2016 21:54

To: Eric Laustsen

Subject: Grid Scale Power > Ordinance > Engineers > Woodard & Curran/SMRT

Hi Erik,

I have talked to both Dan Kelly and Mike Chonko on Wednesday. Dan is working on a large energy project in RI and was unsure if he would be back on Tuesday. He was going to let me know today. I left him a voice mail message this evening on his cell phone.

Larry

Jim Chaousis

From: Jim Chaousis <jchaousis@ci.rockland.me.us>
Sent: Friday, March 04, 2016 15:04
To: Louise MacLellan-Ruf; Valli Geiger; Larry Pritchett; William Clayton; Bill Jillson
Cc: 'Stuart'; kbeal@ci.rockland.me.us
Subject: OA 48-15 City Manager Extension 3-4-2016
Attachments: OA 48-15 City Manager Extension 3-4-2016.pdf

To all,

Please consider my request for an extension for the work assigned in OA #48-15. My attached memo explains my request.

Thank you.

James D Chaousis II, City Manager
City of Rockland
270 Pleasant Street
Rockland, ME 04841
Phone (207)593-0636
www.ci.rockland.me.us
jchaousis@ci.rockland.me.us

MEMORANDUM

To: Mayor Maclellan-Ruf and City Councilors
From: James D Chaousis II, City Manager
Date: March 4, 2016
Re: Ordinance Amendment #48-15 Establishing Moratorium On Site Plan Applications For New Grid-Scale Power Generation Facilities

Ordinance amendment #48-15, Establishing Moratorium On Site Plan Applications For New Grid-Scale Power Generation Facilities, called for the City Manager to bring before Council, for its consideration, a draft of a street opening ordinance that addresses the technical questions, inspection requirements, and responsibility for costs related to the installation of natural gas distribution lines and any other infrastructure changes that should be made in tandem with this work by March 4th, 2016.

It has come to my attention that the Planning Board is asking for an extension regarding their tasks assigned on the same ordinance. While I am prepared to submit a draft by the deadline imposed by OA #48-15, it would not be my best quality work. Additional priorities and workload have prevented full attention to this assignment from the City Council. If an extension is considered for the Planning Board regarding tasks assigned in this OA is granted, I would like the same consideration.

An additional few weeks will allow me to discuss the draft ordinance with the Department of Public Services Director and the Waste Water Treatment Facility Director. I think their input is critical to proposing new laws regarding street opening. I have not had sufficient time to discuss the variables regarding this draft ordinance. The infrastructure below the street is intricate and needs to be well coordinated. Additional time would be appreciated.

The street opening provisions tasked by the City Council in OA #48-15 will likely have a larger effect on the future of the city than the site plan review standards for power generation facilities. It is likely that the city would only exercise site plan review standards like these once in a generation but the road opening provisions will apply for these developments and all others. Meticulousness and contemplation could provide all the difference in this assignment.

I can meet the same extended deadline that the Planning Board is requesting. Therefore, my extension request would have minimal impact on the City Council's desire to consider these changes in a timely fashion.

I await further instruction from the City Council

JDC

Larry Pritchett

From: Larry Pritchett <larrypritchett.council@gmail.com>
Sent: Thursday, March 9, 2016 06:34
To: 'Jim Chaousis'
Subject: Energy > PB > OA48 > Tech Support > Next Steps
Attachments: 2016_02.24_Energy_Generic_Power_Generation_Ordinance_Tech_Support_Possible_Scope_DRAFT.pdf

Morning Jim,

The Planning Board accepted Energy's recommendations for technical support. I had anticipated more background/experience questions to Dan and Mike. But, Board members moved ahead with ordinance specific questions.

That might well be just as good of an approach to fully ascertain if the two firms are a solid match for the tasks. How should the City proceed on a "Scope of Services" or "Letter of Agreement" with the two firms?

Attached is a generic (i.e., not firm specific) draft. The language attempts to adhere closely to the Order, the Ordinance Amendment and the Energy Committee's recommendations.

I looked to see if the City had a "default" terms and conditions that had come across my desk. But the ones readily at hand were not on point for this (i.e., all were for designing or building something). Anyway, let me know how you would like to proceed.

Do you want to meet with Dan and Mike around a PB meeting? Arrange a conference call? Do you want Energy folk to refine the attached some more and then get over to you for review? Or??

By the way, both Dan and Mike had seen the press stories and were aware of the \$20,000 authorization. I explained to them Energy's recommendation that the Planning Board phase be limited to \$15,000 and let them know that at least a meeting with Council was a possibility (hence the need to reserve some funds).

Thanks,
Larry
594-8806



City Of Rockland

To: ???
???
???
???
???

Re: **Scope of Services**

Technical Support For Development Of Power Generation Ordinance Standards
Rockland City Council Ordinance Amendment 2015-48

Project Background

On January 11th, 2016 the Rockland City Council adopted Ordinance Amendment #2015-48. This ordinance amendment established a moratorium on new Site Plan applications for power generation facilities over 10 Megawatts in size that are being developed to sell power to the grid. Ordinance Amendment #2015-48 provides the City with a time window to develop Site Plan and Performance Standards governing power generation facilities.

This Ordinance Amendment charged the City's Planning Board, working with support from the City's Energy Committee, with reviewing the City's current standards and proposing revised standards as may be appropriate to address potential project siting and operations impacts related to power generation facilities.

Services To Be Rendered By ??????????????

This document constitutes the agreement between the City of Rockland and ???????? to provide technical support to the City, principally the Planning Board, in the ordinance develop and ordinance review process. The services to be rendered by ???????? under this agreement include:

(A) Attending Planning Board meetings and other City meetings on this project as requested; (B) Providing technical analysis to support specific standards in any proposed ordinance; (C) Providing information on the technologies utilized in power generation and any operational attributes that may warrant performance standards to ensure compatible with surrounding uses; (D) Providing examples from other municipalities and existing facilities; (E) Reviewing any draft ordinance standards developed; (F) Answering community questions at any public forums or public hearings that may be held as a part of ordinance development and ordinance review.

This scope of services may extend to screening level analysis or projections of air emissions, water utilization, feed stock transportation and input, sound levels, power production, or other similar parameters. This scope of services is not intend cover detailed modeling of parameters beyond exporting data from models already developed by ???????? unless a modification of this scope of service with specific costs provisions is agreed upon by the City and ????????

Technical Areas Include In Scope Of Services To Be Rendered By ??????????????

In 2015 three community forums on power generation were held in Rockland. Ordinance

Amendment #2015-48 directed the City's Energy Committee "to convey to the Planning Board a summary of any issues that the Committee recommends be considered by the Planning Board" as the Board reviews existing ordinance standards and considers the development of new ordinance provisions. The Energy Committee's report summarizing the identified questions and issues the Committee recommends the Planning Board consider was completed on 1/25/2016.

The Energy Committee's summary identified 10 areas on which the Committee would recommend focusing: (1) Water Utilization, Recycling and Disposal; (2) Noise Standards and Site Planned Evaluation Mechanism; (3) Local Air Emissions and Meeting Emissions Reductions Targets; (4) Standards Specific to Open Cooling Towers; (5) Traffic Impacts and Transportation Routes For Trucked Feed Stock; (6) Onsite Feedstock Storage, Fugitive Emissions and Emergency Response Plan; (7) Development of Properties on Zone Boundaries; (8) Development of Properties Abutting High Value Wetlands; (9) Fiscal Capacity Standard for Developer; And (10) Decommissioning Costs.

The Energy Committee's 1/25/2016 report to the Planning Board is included in this Scope of Services by reference and is attached. The topics just listed, and explained in more detail in the 1/25/2016 report are the areas on which **????????** may be requested by the Planning Board to provide technical data and information.

Costs Allocation For Services Rendered By **???????? And Project Phasing**

This project will involve two phases. All billing for each phase denoted below shall be actual costs (i.e., time spent on the project and any allowed expenses such as travel).

Phase 1: Ordinance Development By Planning Board

To comply with State statutes governing moratoriums and to provide adequate time for the two reading and public hearing process before City Council, any ordinance revisions proposed need to be included in Council's meeting materials packet on Friday April 1st. Thus the Planning Board ordinance development and review process must conclude no later than Tuesday March 29th. **????????** costs to the City of Rockland for this phase shall be actually costs up to \$7,500.

Phase 2: Ordinance Review By City Council And Comprehensive Planning Commission

Revisions to the City's Land Use Ordinances are a three step process. If the Council approves ordinances in First Reading the ordinance goes before the City's Comprehensive Planning Commission for review and then comes back before Council for a "Second Reading" and Public Hearing. On substantive ordinance revisions, the Council frequently holds a work session on the topic. **????????** costs to the City of Rockland for this phase shall be actually costs up to \$2,500

Project Schedule & Early Termination

The time for providing services under this agreement begins with the initial meeting with the Rockland Planning Board and ends on June 15, 2016 unless the City and **????????** agree to extend the agreement. This agreement may be ended early by a majority vote of the Planning Board in Phase 1 or a majority vote of the City Council in Phase 2 if either body concludes additional services are not needed or if **????????** fails to provide the services specified herein in a timely manner. If the agreement is ended prior to June 15 the City's sole obligation to **????????** is payment for services rendered and costs incurred up to the date the agreement is ended.

Project Lead

???????? shall be project lead from ???????? and all contacts with the City shall be through ???????. ???????? will be the representative attending meetings in Rockland unless the City and ???????? agree that another ???????? staff member is better suited to address the topics to be covered at a specific meeting.

Public Documents

All materials provided to the City by ???????? under this agreement for services shall be considered public documents which may be posted to the City's web site or shared with the public in whatever manner is determined to be appropriate by the City.

This scope of services is agreed to by:

For The City Of Rockland

James D. Chaousis
City Manager
City of Rockland Maine

For ????????

????????
????????
????????

Attachment:

January 25, 2016 Energy Committee Report To Planning Board

P vanVuuren

From: P vanVuuren [<mailto:vvassoc@midcoast.com>]

Sent: Friday, March 25, 2016 08:57

To: Nathan Davis

Cc: John Root; Larry Pritchett; Kevin Beal; Carol Maines; Deborah Sealey; Erik; Knickelbein Abbie; Warren Bodine; James Chaousis; Brooks Winner; mchonko@smrtinc.com; dkelley@woodardcurran.com

Subject: Re: Last night's meeting

Thank you John and Nate, and everyone else who helped grapple with this very challenging task. I particularly want to thank Mike, Dan and Kevin for crafting the language for this creative and thoughtful ordinance. Watching the mood last night shift from Dan being the adversary in the eyes of many, to one of appreciation for having such experience and expertise at the table told me we were on the right track. The bottom line is we all need energy sources. I was heartened to be a part of such a thoughtful process about how to realistically integrate our needs in this ever changing world, while still talking about the basics. As Dan said afterwards, I may build these things, but I am still a Mainer.

I hope Council and others who review this will see and value the creative, comprehensive and intricate (delicate balance) nature of this draft, and not only adopt it, but encourage others in the region to give it a look as well. I am also hopeful that, if adopted, it will not only address some concerns about local energy production, but of other industrial (small and large) developments as well.

Peta

From: Nathan Davis [<mailto:n.kroms.davis@gmail.com>]

Sent: Friday, March 25, 2016 08:01

To: jroot@ci.rockland.me.us

Cc: 'Larry Pritchett'; 'Kevin Beal'; Carol Maines; 'Deborah Sealey'; 'Erik'; 'Knickelbein Abbie'; 'Peta VanVuuren'; Warren Bodine; 'James Chaousis'; 'Brooks Winner'

Subject: Re: Last night's meeting

I agree: this is a solid ordinance, and I think everyone involved has done serious, excellent work. -Nate

From: John Root [<mailto:jroot@ci.rockland.me.us>]

Sent: Friday, March 25, 2016 07:31

To: 'Larry Pritchett'; 'Kevin Beal'; Carol Maines; 'Deborah Sealey'; 'Erik'; 'Knickelbein Abbie'; 'Peta VanVuuren'; Warren Bodine

Cc: 'James Chaousis'; 'Nathan Davis'; 'Brooks Winner'

Subject: Last night's meeting

To All,

I fail to see how anyone could have left the meeting last night without knowing that the combined Boards and the City Attorney had put an extraordinary amount of thought and work into the proposal for Distributed and Grid Scale Energy regulations. In fact it was mentioned by some of the most avid opponents. Watching these Boards along with the City Attorney and PEs work together to craft a set of reasonable regulations for such a complex type of development was a pleasure. Furthermore, the forum was civil, productive and provided some excellent insight and suggestions. Without a doubt, this is how the process should work. Congratulations and thank you all.

John Root

Jim Chaousis

From: Jim Chaousis [<mailto:jchaousis@ci.rockland.me.us>]
Sent: Tuesday, March 29, 2016 15:46
To: 'Larry Pritchett'
Cc: vlindsey@ci.rockland.me.us
Subject: RE: Power Generation Ordinance > Technical Support > Costs > Scope of Services > Update

Larry,

As we discussed on the phone, I need contracts or terms and conditions for the vendors that we're using. Also, some information pertaining to the procurement process for ordinance compliance.

Thanks.

Jim C

From: Jim Chaousis [<mailto:jchaousis@ci.rockland.me.us>]
Sent: Tuesday, March 29, 2016 13:10
To: 'Larry Pritchett'
Subject: RE: Power Generation Ordinance > Technical Support > Costs > Scope of Services > Update

Here

Jim C

From: Larry Pritchett [<mailto:larrypritchett.council@gmail.com>]
Sent: Monday, March 28, 2016 12:26 PM
To: 'Jim Chaousis' <jchaousis@ci.rockland.me.us>
Subject: RE: Power Generation Ordinance > Technical Support > Costs > Scope of Services > Update

Hi Jim,

Where are you on the street opening ordinance? Do you want Dan/Woodard & Curran to do a read through before it goes to Council (or between first and second reading)?

Larry

From: Larry Pritchett [<mailto:larrypritchett.council@gmail.com>]
Sent: Monday, March 28, 2016 12:24
To: 'Jim Chaousis'
Cc: vlindsey@ci.rockland.me.us
Subject: Power Generation Ordinance > Technical Support > Costs > Scope of Services > Update

Hi Jim,

I directed both Woodard & Curran as well as SMRT to cap each company's costs to the City at \$7,500 for the Planning Board part of the ordinance development process and include a second possible component of up to \$2,500 each for the Council/Comps review process if the ordinance moves forward.

The Planning Board part should mostly conclude tomorrow evening. Both firms should come it at or under the \$7,500 threshold for this phase. I will get scope of services letters (and possible initial invoices) to you this week.

Larry
594-8806



City Of Rockland

To: **Michael J. Chonko PE, CEM**
Director of Mechanical Engineering
SMRT Architects and Engineers
144 Fore Street
PO Box 618
Portland, Maine 04104

Re: **Scope of Services**
Technical Support For Development Of Power Generation Ordinance Standards
Rockland City Council Ordinance Amendment 2015-48

Project Background

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This Ordinance Amendment charged the City's Planning Board, working with support from the City's Energy Committee, with reviewing the City's current standards and proposing revised standards as may be appropriate to address potential project siting and operations impacts related to power generation facilities.

Services To Be Rendered By SMRT

This document constitutes the agreement between the City of Rockland and SMRT Architects and Engineers to provide technical support to the City, principally the Planning Board, in the ordinance develop and ordinance review process. The services to be rendered by SMRT under this agreement include:

(A) Attending Planning Board meetings and other City meetings on this project as requested; (B) Providing technical analysis to support specific standards in any proposed ordinance; (C) Providing information on the technologies utilized in power generation and any operational attributes that may warrant performance standards to ensure compatible with surrounding uses; (D) Providing examples from other municipalities and existing facilities; (E) Reviewing any draft ordinance standards developed; (F) Answering community questions at any public forums or public hearings that may be held as a part of ordinance development and ordinance review.

This scope of services may extend to screening level analysis or projections of air emissions, water utilization, feed stock transportation and input, sound levels, power production, or other similar parameters. This scope of services is not intend cover detailed modeling of parameters beyond exporting data from models already developed by SMRT unless a modification of this scope of service with specific costs provisions is agreed upon by the City and SMRT

Technical Areas Include In Scope Of Services To Be Rendered By SMRT

In 2015 three community forums on power generation were held in Rockland. Ordinance Amendment #2015-48 directed the City's Energy Committee "to convey to the Planning Board a summary of any issues that the Committee recommends be considered by the Planning Board" as the Board reviews existing ordinance standards and considers the development of new ordinance provisions. The Energy Committee's report summarizing the identified questions and issues the Committee recommends the Planning Board consider was completed on 1/25/2016.

The Energy Committee's summary identified 10 areas on which the Committee would recommend focusing: (1) Water Utilization, Recycling and Disposal; (2) Noise Standards and Site Planned Evaluation Mechanism; (3) Local Air Emissions and Meeting Emissions Reductions Targets; (4) Standards Specific to Open Cooling Towers; (5) Traffic Impacts and Transportation Routes For Trucked Feed Stock; (6) Onsite Feedstock Storage, Fugitive Emissions and Emergency Response Plan; (7) Development of Properties on Zone Boundaries; (8) Development of Properties Abutting High Value Wetlands; (9) Fiscal Capacity Standard for Developer; And (10) Decommissioning Costs.

The Energy Committee's 1/25/2016 report to the Planning Board is included in this Scope of Services by reference and is attached. The topics just listed, and explained in more detail in the 1/25/2016 report are the areas on which SMRT may be requested by the Planning Board to provide technical data and information.

Costs Allocation For Services Rendered By SMRT And Project Phasing

This project will involve two phases. All billing for each phase denoted below shall be actual costs (i.e., time spent on the project and any allowed expenses such as travel).

Phase 1: Ordinance Development By Planning Board

To comply with State statutes governing moratoriums and to provide adequate time for the two reading and public hearing process before City Council, any ordinance revisions proposed need to be included in Council's meeting materials packet on Friday April 1st. Thus the Planning Board ordinance development and review process must conclude no later than Tuesday March 29th. SMRT costs to the City of Rockland for this phase shall be actually costs up to \$7,500.

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Project Schedule & Early Termination

The time for providing services under this agreement begins with the initial meeting with the Rockland Planning Board and ends on June 15, 2016 unless the City and SMRT agree to extend the agreement. This agreement may be ended early by a majority vote of the Planning Board in Phase 1 or a majority vote of the City Council in Phase 2 if either body concludes additional services are not needed or if SMRT fails to provide the services specified herein in a timely manner. If the agreement is ended prior to June 15 the City's sole obligation to SMRT is payment for services rendered and costs incurred up to the date the agreement is ended.

Project Lead

Michael J. Chonko shall be project lead from SMRT and all contacts with the City shall be through Michael. Michael will be the representative attending meetings in Rockland unless the City and SMRT agree that another SMRT staff member is better suited to address the topics to be covered at a specific meeting.

Public Documents

All materials provided to the City by SMRT under this agreement for services shall be considered public documents which may be posted to the City's web site or shared with the public in whatever manner is determined to be appropriate by the City.

This scope of services is agreed to by:

For The City Of Rockland

James D. Chaousis
City Manager
City of Rockland Maine

For SMRT Architects and Engineers

Michael J. Chonko
Director of Mechanical Engineering
SMRT Architects and Engineers

Attachment:
January 25, 2016 Energy Committee Report To Planning Board



City Of Rockland

To: **Dan Kelley PE**

Senior Vice President Power Engineering
Woodard & Curran
41 Hutchins Drive
Portland, Maine 04102

Re: **Scope of Services**

Technical Support For Development Of Power Generation Ordinance Standards
Rockland City Council Ordinance Amendment 2015-48

Project Background

On January 11th, 2016 the Rockland City Council adopted Ordinance Amendment #2015-48. This ordinance amendment established a moratorium on new Site Plan applications for power generation facilities over 10 Megawatts in size that are being developed to sell power to the grid. Ordinance Amendment #2015-48 provides the City with a time window to develop Site Plan and Performance Standards governing power generation facilities.

This Ordinance Amendment charged the City's Planning Board, working with support from the City's Energy Committee, with reviewing the City's current standards and proposing revised standards as may be appropriate to address potential project siting and operations impacts related to power generation facilities.

Services To Be Rendered By Woodard & Curran

This document constitutes the agreement between the City of Rockland and Woodard & Curran to provide technical support to the City, principally the Planning Board, in the ordinance development and ordinance review process. The services to be rendered by Woodard & Curran under this agreement include:

(A) Attending Planning Board meetings and other City meetings on this project as requested; (B) Providing technical analysis to support specific standards in any proposed ordinance; (C) Providing information on the technologies utilized in power generation and any operational attributes that may warrant performance standards to ensure compatibility with surrounding uses; (D) Providing examples from other municipalities and existing facilities; (E) Reviewing any draft ordinance standards developed; (F) Answering community questions at any public forums or public hearings that may be held as a part of ordinance development and ordinance review.

This scope of services may extend to screening level analysis or projections of air emissions, water utilization, feed stock transportation and input, sound levels, power production, or other similar parameters. This scope of services is not intended to cover detailed modeling of parameters beyond exporting data from models already developed by Woodard & Curran unless a modification of this scope of service with specific costs provisions is agreed upon by the City and Woodard & Curran in advance.

Technical Areas Include In Scope Of Services To Be Rendered By Woodard & Curran

In 2015 three community forums on power generation were held in Rockland. Ordinance Amendment #2015-48 directed the City's Energy Committee "to convey to the Planning Board a summary of any issues that the Committee recommends be considered by the Planning Board" as the Board reviews existing ordinance standards and considers the development of new ordinance provisions. The Energy Committee's report summarizing the identified questions and issues the Committee recommends the Planning Board consider was completed on 1/25/2016.

The Energy Committee's summary identified 10 areas on which the Committee would recommend focusing: (1) Water Utilization, Recycling and Disposal; (2) Noise Standards and Site Planned Evaluation Mechanism; (3) Local Air Emissions and Meeting Emissions Reductions Targets; (4) Standards Specific to Open Cooling Towers; (5) Traffic Impacts and Transportation Routes For Trucked Feed Stock; (6) Onsite Feedstock Storage, Fugitive Emissions and Emergency Response Plan; (7) Development of Properties on Zone Boundaries; (8) Development of Properties Abutting High Value Wetlands; (9) Fiscal Capacity Standard for Developer; And (10) Decommissioning Costs.

The Energy Committee's 1/25/2016 report to the Planning Board is included in this Scope of Services by reference and is attached. The topics just listed, and explained in more detail in the 1/25/2016 report are the areas on which Woodard & Curran may be requested by the Planning Board to provide technical data and information.

Costs Allocation For Services Rendered By Woodard & Curran And Project Phasing

This project will involve two phases. All billing for each phase denoted below shall be actual costs (i.e., professional time spent on the project and any allowed expenses such as travel).

Phase 1: Ordinance Development By Planning Board

To comply with State statutes governing moratoriums and to provide adequate time for the two reading and public hearing process before City Council, any ordinance revisions proposed need to be included in Council's meeting materials packet on Friday April 1st. Thus the Planning Board ordinance development and review process must conclude no later than Tuesday March 29th. Woodard & Curran costs to the City of Rockland for this phase shall be actual costs of professional time and expenses up to \$7,500.

Phase 2: Ordinance Review By City Council And Comprehensive Planning Commission

Revisions to the City's Land Use Ordinances are a three step process. If the Council approves ordinances in First Reading the ordinance goes before the City's Comprehensive Planning Commission for review and then comes back before Council for a "Second Reading" and Public Hearing. On substantive ordinance revisions, the Council frequently holds a work session on the topic. Woodard & Curran costs to the City of Rockland for this phase shall be actual costs of professional time and expenses up to \$2,500.

Project Schedule & Early Termination

The time for providing services under this agreement begins with the initial meeting with the Rockland Planning Board and ends on June 15, 2016 unless the City and Woodard & Curran agree to extend the agreement. This agreement may be ended early by a majority vote of the Planning Board in Phase 1 or a majority vote of the City Council in Phase 2 if either body concludes additional services are not needed or if Woodard & Curran fails to provide the

services specified herein in a timely manner. If the agreement is ended prior to June 15 the City's sole obligation to Woodard & Curran is payment for services rendered and costs incurred up to the date the agreement is ended.

Project Lead

Dan Kelley, PE shall be project lead from Woodard & Curran and all contacts with the City shall be through Dan. Dan will be the representative attending meetings in Rockland unless the City and Woodard & Curran agree that another Woodard & Curran staff member is better suited to address the topics to be covered at a specific meeting.

Public Documents

All materials provided to the City by Woodard & Curran under this agreement for services shall be considered public documents which may be posted to the City's web site or shared with the public in whatever manner is determined to be appropriate by the City.

This scope of services is agreed to by:

For The City Of Rockland

James D. Chaousis
City Manager
City of Rockland Maine

For Woodard & Curran

Dan Kelley, PE
Principal
Woodard & Curran

Attachment A: January 25, 2016 Energy Committee Report To Planning Board

Larry Pritchett

From: Larry Pritchett <larrypritchett.council@gmail.com>
Sent: Wednesday, April 20, 2016 09:11
To: 'Sean Mahoney'
Cc: 'Greg Cunningham'
Subject: RE: Rockland to ask CLF to review final draft big gas energy ordinance changes by May 9th.

Hi Sean,

I am around. I have a settlement conference at the PUC in the Street Lighting docket tomorrow (Thursday) afternoon. I'll plan to call your cell when I get out of that. At the moment the first thing I have Friday is late morning.

Larry

From: Sean Mahoney [mailto:SMahoney@clf.org]
Sent: Wednesday, April 20, 2016 08:53
To: Larry Pritchett
Cc: Greg Cunningham
Subject: RE: Rockland to ask CLF to review final draft big gas energy ordinance changes by May 9th.

Larry – I'll look at this today or tomorrow and get back to you. Sorry to have been below radar lately. I'll plan to talk to you end of day tomorrow or first thing Friday, if that works for you.

Sean

For a thriving New England



From: Larry Pritchett [mailto:larrypritchett.council@gmail.com]
Sent: Friday, April 15, 2016 3:30 PM
To: Sean Mahoney
Cc: Greg Cunningham
Subject: RE: Rockland to ask CLF to review final draft big gas energy ordinance changes by May 9th.

Hi Sean,

This is a question you and I talked about several months ago and at that time you indicated that CLF might be able to provide some (limited) policy and legal assistance. As you may remember the City enacted a moratorium on new permits for Grid Scale Power Generation Facilities in January.

The City proceeded with ordinance develop using in house legal Counsel along with technical assistance from both SMRT and Woodard & Curran. Ron has been repeatedly requesting to have CLF review the ordinance. He

initially asked that CLF be used to draft the ordinance.

The City has taken no action on Ron's request. A summary of the ordinances (2016_03.31_Planning_Board_Chair_Power_Generation_Ordinance_Sum) as well as the two revised ordinances. The ordinance is intended to be a fairly comprehensive distributed generation ordinance.

I was going to email you this weekend, or call next week, to see if there was any interest or capacity at CLF to take a look at this. Take a look at the summary. It is a pretty good overview of the ordinances. At the State House on Solar at the moment.

Larry

From: Sean Mahoney [<mailto:SMahoney@clf.org>]
Sent: Friday, April 15, 2016 14:26
To: Larry Pritchett
Subject: FW: Rockland to ask CLF to review final draft big gas energy ordinance changes by May 9th.

Larry – you know anything about this?

Sean

For a thriving New England



From: Peter Shelley
Sent: Friday, April 15, 2016 1:16 PM
To: Sean Mahoney; Greg Cunningham
Subject: Fwd: Rockland to ask CLF to review final draft big gas energy ordinance changes by May 9th.

* * * * *

Ask me how to support ocean conservation!

Begin forwarded message:

From: Ron Huber <coastwatch@gmail.com>
Date: April 15, 2016 at 12:57:43 PM EDT
To: Peter Shelley <Pshelley@clf.org>, "info@clf.org" <info@clf.org>, Carol Gregory <CGregory@clf.org>
Subject: Rockland to ask CLF to review final draft big gas energy ordinance changes by May 9th.

Dear Peter et al,
I'm letting you know that the Rockland City Council has agreed at their last meeting (April 11th) to request that your organization examine the latest [draft](#)

[energy ordinance changes](#) (pdf) that could bring a gas burning power plant to Rockland. Even without a pipeline - relying instead on endless gas tanker trucks.

I'd cc Greg Cunningham but his email address escapes me.

This before the city council holds its final vote on it on May 9th.

Would you please have your appropriate staff examine the proposed changes to the existing [Chapter 19](#) and [Chapter 16](#), of city ordinance. Draft changes to the latter chapter are on the last couple pages of the pdf.

One small change in the draft made at the April 11th meeting is requiring notification of abutting municipalities via Knox County EMA when application is made to build a utility power plant within city limits. (my little contribution to the draft)

More info

Rockland City Clerk: Stuart Sylvester 594-0300 ssylvester@ci.rockland.me.us

[City Councilors link at Rockland website](#)

Best wishes,

Ron

PS Too bad about the Cashes Ledge marine national monument! As you may recall, Peter, my cronies went though that same thing back in 2000 with our Gulf of Maine International Ocean Wilderness along the Hague Line across the GOM and Georges Bank. Would've been a Marine National Monument on US side, MPA on Canadian side. So it goes.

Ron

Ron Huber

Friends of Penobscot Bay: a Waterkeeper Alliance Affiliate

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Jim Chaousis

From: Jim Chaousis <jchaousis@ci.rockland.me.us>
Sent: Thursday, April 14, 2016 13:28
To: Louise MacLellan-Ruf
Cc: William Clayton; 'Larry Pritchett'; 'Valli Geiger'; Stuart Sylvester; Kevin Beal
Subject: Special City Council Meeting- Grid Scale Power Generation Workshop

Mayor,

I would like to schedule a special meeting of the City Council on **April 25th, 2016 at 6 pm.** This would be to address the grid scale power generation ordinances in a workshop with the Energy Committee, Planning Board, and consultants. Additionally, the City Council could consider my recommended action regarding municipal solid waste and recycling. I will have a draft recommendation regarding that topic for the City Council packets Friday.

Does this sound appropriate?

James D Chaousis II, City Manager
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