

Mayor

MacLellan-Ruf

Response

From: Kevin Beal <kbeal@ci.rockland.me.us>
Sent: Thursday, April 28, 2016 7:53 AM
To: Kevin Beal
Subject: FW: OA #10 and #11- Power Generation Facility Regulations- Special City Council Meeting

----- Forwarded message -----

From: <candles@danicacandles.com>
Date: Wednesday, April 20, 2016
Subject: OA #10 and #11- Power Generation Facility Regulations- Special City Council Meeting
To: Louise MacLellan-Ruf <louisemaclellanruf@gmail.com>, Larry Pritchett <larrypritchett.council@gmail.com>
Cc: Jim Chaousis <jchaousis@ci.rockland.me.us>, P vanVuuren <vvassoc@midcoast.com>, Nathan Davis <n.kroms.davis@gmail.com>, John Root <jroot@ci.rockland.me.us>, Kevin Beal <kbeal@ci.rockland.me.us>, Carol Maines <cmaines@midcoast.com>, Deborah Sealey <sealey@zwi.net>, Erik <candles@danicacandles.com>, Knickelbein Abbie <abbiejn@gmail.com>, Warren Bodine <brden@roadrunner.com>, Brooks Winner <bwinner@islandinstitute.org>, mchonko@smrtinc.com, dkelley@woodardcurran.com, William Clayton <williamclayton79@gmail.com>, Valli Geiger <Valli@midcoast.com>, Audra Bell <abell@ci.rockland.me.us>, Stuart Sylvester <ssylvester@ci.rockland.me.us>

Please update the email for Erik Lausten to "erik@danicacandles.com"

-----Original Message-----

From: Louise MacLellan-Ruf [mailto:louisemaclellanruf@gmail.com]
Sent: Wednesday, April 20, 2016 11:01 AM
To: 'Larry Pritchett'
Cc: 'Jim Chaousis', 'P vanVuuren', 'Nathan Davis', 'John Root', 'Kevin Beal', 'Carol Maines', 'Deborah Sealey', 'Erik', 'Knickelbein Abbie', 'Warren Bodine', 'Brooks Winner', mchonko@smrtinc.com, dkelley@woodardcurran.com, 'William Clayton', 'Valli Geiger', 'Audra Bell', 'Stuart Sylvester'
Subject: OA #10 and #11- Power Generation Facility Regulations- Special City Council Meeting

Hi Larry,

To be clear no one has questioned the talents, experience or knowledge of the consultants.

I am fielding questions as to the process of selection and specifics about their contracts. This appears to be a straightforward procedural question about roles and responsibilities.

Thank you.

Paix,
Louise

On Tuesday, April 19, 2016, Larry Pritchett <larrypritchett.council@gmail.com> wrote:

Hi Louise (all),

Just to follow up on this, attached is a memorandum from back on February 24th that summarizes the process by which the technical resources to support development of the power generation ordinance were selected. Please pass this along to anyone who may have questions.

To the best of my knowledge Planning Board members were very satisfied with the technical support provided by Mike Chonko and Dan Kelley. I may have forgotten something, but to the best of my memory neither the Energy Committee nor the Planning Board has received questions about the work performed by Dan or Mike.

The only questions I can recall the Energy Committee hearing were related to the decision by the Planning Board to utilize the City Attorney for this project and not supplement his work with outside legal/policy support. This question was articulated by Ron Huber at the last Council meeting and at a Planning Board meeting.

Best,
Larry
594-8806

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

Sent: Thursday, April 14, 2016 16:05

To: 'Louise MacLellan-Ruf'; 'Jim Chaousis'

Cc: 'P vanVuuren'; 'Nathan Davis'; 'John Root'; 'Kevin Beal'; 'Carol Maines'; 'Deborah Sealey'; 'Erik'; 'Knickelbein Abbie'; 'Warren Bodine'; 'Brooks Winner'; mchonko@smrtinc.com; dkelley@woodardcurran.com; 'William Clayton'; 'Valli Geiger'; 'Audra Bell'; 'Stuart Sylvester'

Subject: RE: OA #10 and #11- Power Generation Facility Regulations- Special City Council Meeting

Hi Louise,

The Moratorium directed the Energy Committee to provide a list of firms to the Planning Board that could provide technical support as requested by the Planning Board. As drafted the Planning Board could choose among those firms based upon the types of outside support the Board felt it needed to accomplish the task.

The Energy Committee initially recommended six firms and organizations with different combinations of expertise related to the questions raised by power generation facilities (technical, legal, environmental/energy policy, site plan review, etc.) to the Planning Board.

The Planning Board chose to request through the Manager that the City Attorney be used for ordinance drafting and legal work. The Planning Board at the same time requested that the Energy Committee select the engineering firm(s) to utilize.

The Energy Committee did not feel that any one firm had the range of skills to fully address the variety of questions raised. The Committee chose SMRT (who had participated in the forum last summer) as well as Woodard and Curran (which has a broad range of environmental, engineering and energy experience).

To the best of my knowledge, no funds have been paid to either firm. The amount authorized for each was capped at \$7,500 to insure that expenditures stayed well within the amount authorized by Council. I can provide folk with more documentation (meeting agendas and minutes, formal recommendation memos, etc.) if desired.

Larry

From: Louise MacLellan-Ruf [<mailto:louisemaclellanruf@gmail.com>]

Sent: Thursday, April 14, 2016 15:26

To: Jim Chaousis

Cc: P vanVuuren; Nathan Davis; John Root; Kevin Beal; Carol Maines; Deborah Sealey; Erik; Knickelbein Abbie; Warren Bodine; Brooks Winner; mchonko@smrtinc.com; dkelley@woodardcurran.com; Larry Pritchett; William Clayton; Valli Geiger; Audra Bell; Stuart Sylvester

Subject: Re: OA #10 and #11- Power Generation Facility Regulations- Special City Council Meeting

Hi Jim and Audra,

I have fielded a few questions about the consultant that was hired.

People are interested in what the process was for hiring/choosing the consultant.

Also, to date, what has been paid out to said firm.

It would be helpful to have these answers for the public as this has been a sensitive issue for our community.

Thank you.

Paix,

Louise

On Thursday, April 14, 2016, Jim Chaousis <jchaousis@ci.rockland.me.us> wrote:

To all,

On Monday, the Rockland City Council passed Ordinance Amendments #10 and #11 in first reading. They expressed gratitude to the efforts of the Energy Committee and Planning Board in assembling these proposed regulations. They also expressed concern that they are only vaguely informed of the variables

in proposing regulations on power generation facilities. They asked me to assemble a special meeting of the City Council in order to workshop these concepts, ask questions, and prepare the City Council for possible final acceptance on May 9th.

The City Council has a lot of work scheduled for April and May, so finding an ideal date may be difficult. I would like to propose that we set a workshop on April 25th, 2016 at 6 pm at City Hall. I would like to hear comments and concerns on availability. We need to consider posting and notice when constructing the meeting. Your immediate attention is appreciated.

Thank you for all your work to this point.

Jim C

James D Chaousis II, City Manager
City of Rockland
270 Pleasant Street
Rockland, Maine 04841
www.ci.rockland.me.us

-----Original Message-----

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

Sent: Friday, March 25, 2016 8:57 AM

To: Nathan Davis <n.kroms.davis@gmail.com>

Cc: John Root <jroot@ci.rockland.me.us>; Larry Pritchett <larrypritchett.council@gmail.com>; Kevin Beal <kbeal@ci.rockland.me.us>; Carol Maines <cmaines@midcoast.com>; Deborah Sealey <sealey@zwi.net>; Erik <candles@danicacandles.com>; Knickelbein Abbie <abbiejn@gmail.com>; Warren Bodine <brden@roadrunner.com>; James Chaousis <jchaousis@ci.rockland.me.us>; Brooks Winner <bwinner@islandinstitute.org>; 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

> On Mar 25, 2016, at 8:01 AM, Nathan Davis <n.kroms.davis@gmail.com> wrote:

>

> I agree: this is a solid ordinance, and I think everyone involved has

> done serious, excellent work. -Nate

>

> John Root wrote:

>>

>> 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

From: Kevin Beal <kbeal@ci.rockland.me.us>
Sent: Thursday, April 28, 2016 7:53 AM
To: 'Kevin Beal'
Subject: FW: Power Generation Ordinance > Technical Support > Documents > SMRT

----- Forwarded message -----

From: Louise MacLellan-Ruf <louisemaclellanruf@gmail.com>
Date: Saturday, April 23, 2016
Subject: Fwd: Power Generation Ordinance > Technical Support > Documents > SMRT
To: James D Chaousis II <jchaousis@ci.rockland.me.us>

So he hired or procured consultants prior to getting any contracts to you. That's the bottom line. It doesn't get plainer than this.

This is a head scratcher. It is unfortunate because it is clear the consultants are appropriate for this OA. The process was incorrect.

It is even more concerning as this is a senior Council member who should know better.

On Saturday, April 23, 2016, James D Chaousis II <jchaousis@ci.rockland.me.us> wrote:
Louise,

This is the first time I have seen the contract. I did not give any board or commission authority to enter into any service agreements. I still have not received a bill for these services. The conversation that Larry refers to that is open ended, we finished on the phone. He stated that he WOULD get me the procurement documents that I needed.

Jim C

Sent from my iPhone

On Apr 23, 2016, at 12:44 PM, Louise MacLellan-Ruf <louisemaclellanruf@gmail.com> wrote:

Hi Jim,

I reviewed all three documents. When did you see the Chanko contract for the first time? Today? Other than that the rest looks like subterfuge. It continues to appear Councilor Pritchett stepped outside of the bounds of his position. (Charter, Chapter 2:2.) of course I could be missing something here? Were there conversation between you and Larry where you allowed him to hire consultants?

I have seen the list of recommendations from the PB and the EC. That happens all the time. Agreeing on a consultant also happens all the time with committees and commissions. Yes, Council did approve monies for consultants. All of this is correct. The hiring contract is where

the snag lies. The hiring contract is a straight forward administrative responsibility. This role does not lie with committees, commissions, Chairs or individual Councillors.

As you know, one of my goals for this year is for, administration, committees, commissions, Chairs and Council to be very clear what their roles and responsibilities are. This is just another example of a major misunderstanding of procedure. This also has the possibility of opening the city to some liability.

Am I correct in assuming that you have not signed a contract with Chanko? If this is accurate, I recommend no payment until a contract is signed. I further recommend that this contract needs to come before Council. The overreaching by Councilor Pritchett is a concern as it is procedurally clear that these contracts are the City Manager's responsibility. Unless you see "keeping the manager at arm's length" as you giving Councilor Pritchett the go ahead to do your job? It is a bit alarming that any work was performed prior to a written agreement/contract with the City. In real life if someone submitted a bill to me without a contract I would not pay it.

A headache the city did not need.

Thank you.
Paix,
Louise

On Saturday, April 23, 2016, James D Chaousis II <jchaousis@ci.rockland.me.us> wrote:
I defer to the Council.

Jim C

Sent from my iPhone

Begin forwarded message:

From: "Larry Pritchett" <larrypritchett.council@gmail.com>
Date: April 23, 2016 at 11:05:52 AM EDT
To: "Jim Chaousis" <jchaousis@ci.rockland.me.us>
Subject: Power Generation Ordinance > Technical Support > Documents > SMRT

Hi Jim,

Attached are two documents. You had asked in an email a while back for documentation on the selection/procurement process. As you noted in that earlier email, the Ordinance Amendment "kept the Manager at arm's length" in terms of that process.

I sent the 2/24 Energy memo earlier and noted that "all the Energy Committee did was take the 10 issue/question areas identified from the Public Forums in the 1/25/2016 report to the Planning Board and then add possible COI and availability. That was the criteria used."

I noted in that email that "if you want that info in a grid/matrix, Energy can provide that." But the narrative in the 2/24 memo is arguable adequate. I did not

see a response to that question. So I am resending the 2/24 memo just to be sure that part is adequately wrapped up.

Also, attached is a draft "Scope of Services" for SMRT. Energy and SMRT both think the language is fine. Let me know if you think any changes are needed. An identical document (with the names changed) is under review at Woodard & Curran.

Best,
Larry
594-8806

From: Kevin Beal <kbeal@ci.rockland.me.us>
Sent: Thursday, May 12, 2016 12:39 PM
To: Kevin Beal
Subject: FW: Ethics Review

----- Forwarded message -----

From: <tmolloy@roadrunner.com>
Date: Wednesday, May 4, 2016
Subject: Ethics Review
To: Louise MacLellan-Ruf <louisemaclellanruf@gmail.com>

Hello Mayor,

If in fact any city councilor authorized an \$11,000 expenditure or any contracts, he violated Article Two, Section 2-204 Execution of Legal Documents.

The section reads" All legal documents requiring the assent of the city shall be (1) approved by the city council (2)signed by the Mayor on behalf of the council (3) attested thereon by the City Clerk, (4) approved thereon as to substance by the City Manager, and (5) approved thereon as to form by the City Attorney, unless otherwise provided by State law, the City Charter or a City ordinance." Any contract is a legal document. No councilor can obligate the city in any transaction outside the authority of the city council. I hope this helps.

Have a great day,

Tom Molloy

---- Louise MacLellan-Ruf <louisemaclellanruf@gmail.com> wrote:

> ----- Forwarded message -----
> From: *Larry Pritchett* <larrypritchett.council@gmail.com>
> Date: Wednesday, May 4, 2016
> Subject: Ethics Review
> To: Kevin Beal <kbeal@ci.rockland.me.us>, Louise MacLellan-Ruf <louisemaclellanruf@gmail.com>, Valli Geiger - City Council <Valli.citycouncil@gmail.com>, Will Clayton <williamclayton79@gmail.com>
> Cc: Stuart Sylvester <ssylvester@ci.rockland.me.us>, Audra Bell <abell@ci.rockland.me.us>
>
>
> Dear All,
>
> I am writing simply to note my perspective on the memo drafted by the City Attorney as it relates to the letter submitted by the Mayor. I would call
> all of our attention to the seven areas of conduct covered by the "Code of Ethics" and the Ethics Board.
>
> Six of the seven are clearly not related in any way to the question posed

> by the Mayor (i.e., disclosing confidential information, using city
> property for personal purposes, and so forth.). And the seventh, the one
> related to procurement and contracts, is about financial conflicts of
> interest.
>
> The Mayor's letter makes no claim that I (or anyone else on the Energy
> Committee or Planning Board) in any way had a financial connection or
> special connection (i.e., family member employed by a firm, etc.) to any of
> the firms or organizations discussed.
>
> I cannot think of any connection on my part, no matter how distant, to any
> of the companies or organizations that could be considered a personal
> financial interest, or special interest, as defined in Chapter 2 of the
> City's Ordinances.
>
> Thus, since the Mayor makes no claim of a conflict of interest as described
> (and none exists), I respectfully submit that no question governed by the
> code of ethics or that would be subject to review by an "Ethics Board"
> exists here.
>
> Larry
> 594-8806
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>
> *From:* Kevin Beal [mailto:kbeal@ci.rockland.me.us
> <javascript:_e(%7B%7D,'cvml','kbeal@ci.rockland.me.us');>]
> *Sent:* Tuesday, May 03, 2016 15:56
> *To:* 'Larry Pritchett - City Business'; 'Louise MacLellan-Ruf'; Valli
> Geiger - City Council; Will Clayton
> *Cc:* 'Stuart Sylvester'; Audra Bell
> *Subject:* Ethics Review
>
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>
> Councilors:
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>
> Please see attached memo summarizing the ethics review process.
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>
>
> Kevin