



**Town of Camden
Select Board Meeting
February 4, 2020 – 6:30 PM
French Conference Room**

Select Board meetings are broadcast live on Spectrum Cable TV channel 1303
and web streamed at: www.youtube.com/TownofCamdenMaine.

Agenda

1. Public Input on non-agenda items
2. Select Board Reports
3. Approval of Board Minutes January 21, 2020
4. Consent Agenda
 - a. March 3, 2020 Presidential Primary Election – Confirmation of Registrar Hours
 - b. March 3, 2020 Presidential Primary Confirmation of Warden
 - c. Approval of victulaer license for Fresh at 1 Bay View Landing
5. Opera House Committee – Work Plan Presentation
6. Presentation and update from the Planning and Development Director regarding proposed Zoning Ordinance amendments
 - a) Site Plan Review/Administration - Amend Article XII, Section 8, Site Plan Review. **Action Required at meeting - Select Board to schedule a Public Hearing for February 18th**
 - b) Accessory Apartments - Amend Article III Definition and Article VIII Sections 2, 3 and 4. **Select Board to schedule a Public Hearing at a later meeting.**
 - c) BTR to B1 – Amend numerous articles in the Zoning Ordinance and amend the Town’s Zoning Map to eliminate the BTR zoning district and replace it with the B1. **Select Board to schedule a Public Hearing at a later meeting**
 - d) Demolition Delay - Amend Article V. Section 2. Permits Required and amend Article XIII Historic Resources Committee, Section 3, Duties **SB to schedule a Public Hearing at later date pending**
7. Update on Global Covenant of Mayors
8. Public Hearing of application of Black Sea, Inc., d/b/a Fresh Restaurant at 1 Bay View Landing for a renewal Class I Restaurant Liquor License
9. Public Hearing on application of Black Sea, Inc., d/b/a Fresh Restaurant at 1 Bay View Landing for a Special Amusement Permit.
10. Approval of Revocable License with MSAD for installation of a sewer-thermal service system which is partially located on town property at 20 Lion’s Lane.
11. Scheduling Select Board Workshop Dates:
 - a. Camden Parking Strategy
 - b. Capital Planning for 2021



**Town of Camden
Draft Minutes of the Select Board Meeting
January 21, 2020**

PRESENT: Chair Robert Falciani, Alison McKellar, Taylor Benzie, Marc Ratner, Jenna Lookner, & Town Manager Audra Caler-Bell. Also present were members of the public and press.

ABSENT: None

Call to Order

The Meeting was called to order at 6:30 pm.

1. Public Input on non-agenda items:

2. Select Board Reports: Taylor Benzie talked about the EMT course that United Training will be conducting in February; it will consist of 9 Camden firefighters, 6 Rockport firefighters, some Camden & Rockport police officers, 1 Hope firefighter, and one Town office employee. He said the State Bureau of Labor grant funded most of it. Alison McKellar said the State Historic Preservation Commission came out with their list of properties that they will be profiling during the Bicentennial of Statehood and there are 2 properties from Camden; they are the Chestnut Street historic district and the Thorndike Conway House (on the Camden/Rockport line). She also spoke about the cemetery meeting and having issues with the livestream. Marc Ratner spoke about the Energy Committee meeting and said that hopefully at the next Select Board meeting there will be a presentation by Janet McMahon from the Watershed school about the next steps for the Global Covent of Mayors. He also said that the students will be spending their whole second half of the year working on the steps for the Global Covent of Mayors. Ratner said the Opera House meeting will be livestreamed next week and they will be talking about booking and he spoke about the upcoming shows such as Comedian Juston McKinney, Rustic Overtones opening for Winterfest, and the free movie Ice Age. Ratner also said Jazz in June will be June 11th-14th. Some of the artists are The Brubeck Brothers Quartet, Frank Vignolas Hot Jazz Guitar Trio, Harry Allen Quartet, Jim McNeely trio, Noah Fishman Group, Blue Fuse and The Whitehead/Dean Group and other artists.

3. Approval of Board Minutes from January 7, 2019: Ratner wanted it to clarify that in section 8 when it says he was not in favor of charging a parking fee that it should say he was not in favor of changing and putting in a few without them being present. McKellar said Daysailors needed to be changed to Daysailers and that in the section that speaks about the polystyrene ordinance it should say the polystyrene container ordinance. ***Ratner approved the minutes from January 7th with the changes. Benzie seconded. No discussion. Motion passed 4-0-1. Lookner abstained because she was absent from that meeting.***

4. Approval of request for the annual Snowplow Parade on Friday, February 7th as part of the US Toboggan Nationals events: Erick Anderson spoke about the history of the Snowplow Parade and how he wanted it to continue. He also stated that nothing can be thrown from the vehicles. ***Ratner approved the annual Snowplow Parade to take place on Friday, February 7th as part of the US Toboggan Nationals. Lookner seconded. No discussion. Motion passed 5-0-0.***

5. Charter Commission Update: Deb Dodge and Lowrie Sargent spoke about the progress of the Charter Commission and what they are working on. They are trying to make it easier to understand, clearer and they will get rid of items that don't apply today. It is taking longer than they thought. Dodge asked for an extension for their final report. Dodge says their goal is to be ready for the November ballot. A discussion was had about different types of government. ***Benzie moved to extend the Charter Commission through the end of August 2020. Lookner seconded. No discussion. Motion passed 5-0-0.***

- 6. Approval of Extension of EMS Agreement with Northeast Mobile Health Services:** Audra Caler-Bell says there would be very little change from how the agreement is now; there would be an addendum changing how response times will be defined. The current response time is when Northeast acknowledges the call to when they arrive on scene; the new response time will be when they are toned out by Knox County Regional Communication Center to when they arrive on scene. ***Ratner motioned to approve the extension of the EMS agreement with Northeast Mobile Health Services with the one change with the acknowledgement of times. Benzie seconded. No discussion. Motion passed 5-0-0.***
- 7. Presentation from Kirsten Surbey, downtown art galleries would like to organize a Camden Art Walk on third Thursdays from May to October 2020:** Colin Page spoke about having a more organized art walk every 3rd Thursday from May-Oct. He would like to hang banners to advertise the event. Camden National Bank donated \$5,000 for advertised. It was discussed that the banners would stay up from May-Oct and come down when other events needed to hang their signs. ***Ratner motioned to authorize the banners to be put up in town for the Art Walk on 3rd Thursdays from May-October 2020. Lookner seconded. No discussion. Motion passed 5-0-0.***
- 8. Approval of Opera House fundraising effort for seat cushions for the balcony in the Opera House Auditorium:** Dave Morrison spoke about the fundraiser he wanted to do to raise money for seat cushions for the balcony in the Opera House. A discussion was had about whether or not the Opera House should do their own Facebook fundraiser or if they should team up with one of their partners that are non-profits so they would keep all the donations instead of paying Facebook. Dave Morrison said they are trying to raise \$8,500 for cushions for the balcony seats. A discussion was had about the Opera House Committee coming to the February 4th meeting to meet them. The authorization is tabled for now. Morrison will come back to the board on February 4th to give an update. Morrison also discussed what the Community Art Fund is and how the donated monies are used.
- 9. Approval of request to use Harbor Reserve Funds to replace sections of the float system at the Public Landing & Enforcement of Unencapsulated Polystyrene Ban:**
Steve Pixley is asking for money to replace some of the old wooden floats at the dinghy dock that the fishermen use. They talked about the different types of decking and costs. ***Ratner motioned to approve the decking of \$52,393 for standard decking. Benzie seconded. No discussion. Motion passed 5-0-0.***
A discussion was had about different ways they could remind people about taking out the unencapsulated polystyrene floats from the harbor such as letters and flyers. Pixley will get a list together of who needs to have it removed.
- 10. Stone Mountain Sound Proposal – AV Improvements to French Conference Room:** Audra Caler-Bell asked the Select Board what they would like to see for audio and visual for the French conference room. The streaming device is being replaced. They spoke about things that aren't working well and what is working well. A discussion was had about Stone Mountain Sound and maybe having other companies come and do presales presentations. Bruce Hilsmeier, the cameraman, would like to have two new cameras so he can get different angles. They spoke about the streaming device that is not working well and with the replacement it should take care of that problem. ***Ratner motioned up to \$5,000 for two additional cameras for the system as detailed in the Stone Mountain proposal to be taken out of Select Board Contingency fund. McKellar Seconded. No discussion. Motion passed 4-1-0. Looker voted against.***

A discussion was had about having a talk about the browntail moth on February 4th. They also spoke about following up on items that were discussed in the past. Audra Caler-Bell said that tomorrow the Island Institute will be hosting the Penbay resiliency project engineering report and giving an overview to all municipalities involved. The RFP or RFQ about the solar panels is being worked on by Rich

Roughgarden Caler-Bell stated. A discussion was had about whether or not to have a workshop about energy and solar. Caler-Bell updated everyone about the window inserts from Window Dressers starting to come into the building and is asking for volunteers.

Go to [YouTube/TownofCamdenMaine](#) to view the whole select board meeting.

ADJOURN

There being no further business before the Select Board Chair Falciani entertained a motion to adjourn. A motion was made and seconded to adjourn the meeting at 8:56 p.m. No Discussion. Motion passed 4-0-0.

Respectfully Submitted,

Kendall Espinosa
Recording Secretary

A

MEMO

Date: January 21, 2020

To: Camden Select Board
Audra Caler-Bell, Town Manager

From: Katrina Oakes, Town Clerk

Re: March 3, 2020 Presidential Primary/Referendum Elections - Registrar hours

I hereby request that you set the schedule for the Registrar's office hours as the regular business hours of the finance office for the upcoming March 3, 2020 Presidential Primary Election.

As a reminder, residents may also register to vote at the polls 8am to 8pm on Election Day.

Note: If the Select Board does not set a schedule, the Registrar must hold office hours for 2 hours between 5-9pm on at least 3 of the 5 business days before the election.

Thank you.

MEMO

To: Camden Select Board
Town Manager

From: Katrina Oakes, Town Clerk

Date: January 21, 2020

Re: **Election Warden**

Please confirm my appointment of **Peter Gross** as **Election Warden** for the Presidential Primary/Referendum Elections to be held on March 3, 2020.

Thank You.

FOR TOWN OFFICE USE

\$20 Fee Paid on: _____ New Application: _____ Renewal Application: _____ Present License Exp. Date: _____

NEW LICENSE EXPIRATION DATE AFTER SELECT BOARD APPROVAL: _____

TOWN OF CAMDEN
VICTUALER LICENSE APPLICATION FORM

Applicant's Name:
(Please list all applicants, if more than one) RADA VALKOVA

Date(s) of Birth of all applicants: MARCH 26, 1979

Business Name: BLACK SEA INC, DBA FRESH RESTAURANT

Business Location: 1 BAYVIEW LANDING

Business Mailing Address: PO BOX 1428

Email Address: info@freshcamden.com

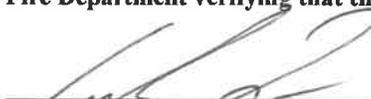
Telephone Number: 207 542 1944, 207 2367005

Describe briefly the food and drink services offered: full service casual fine dining serving locally sourced, globally inspired cuisine

- 1) On premise-meals served? Yes No Seating capacity? 90
- 2) Take-out service? Yes No Fast food? Yes No
Sit Down? Yes No
- 3) Number of parking spaces provided:
a) On-site 11 SW c) Leased off-site 15 SW
b) Owned off-site d) NA; Lawful nonconforming use 1 ✓ SW ("grandparented")
- 4) Has the number of seats in your eating establishment changed since the Town's last Victualer's License approval?
Yes No If yes, please explain: _____
- 5) Have there been any changes in the operation of your eating establishment since the Town's last Victualer's License approval? (i.e. fast food to sit down; sit down to fast food, etc) Yes No
- 6) Date of expiration of current State of Maine Human Services Eating License: _____
(Please attach a copy to this application, this certificate is issued from the State not the town)
- 7) Is your premises connected to an approved septic disposal system or the town's public sewer system?
Yes No

- 8) Has adequate provision been made for the storage and disposal of waste and garbage?
 Yes No
- 9) If food is cooked on the premises, is there an approved vent from the cooking area to the outside? Yes
 No
- 10) Have you, as applicant, been convicted of a crime in the state of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application? Yes No
- 11) Is there any formal charging instrument now pending against you in the state of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the applicant with the use of a dangerous weapon or of an offense involving use of a firearm against another person? Yes No
- 12) Have you, as applicant, been adjudicated to be an incapacitated person pursuant to state law or, if such adjudication has occurred, that designation has been removed by order under Title 18-A, M.R.S.A., Section 5-307(b)? Yes No
- 13) Have you, as applicant, been dishonorably discharged from the military forces within the past five (5) years?
 Yes No
- 14) Are you an illegal alien? Yes No
- 15) Have you had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of this application? Yes No
- 16) Have you been adjudicated as having committed a juvenile offense pursuant to the laws of the state of Maine or any jurisdiction within five (5) years of the date of application? Yes No

The applicant shall contact the Camden Fire Department (236-7950) to schedule a Life Safety Code inspection as referenced in the Camden Fire Prevention and Protection Ordinance. This application will not be accepted until signed off by the Camden Fire Department verifying that this facility complies with the Camden Fire Prevention and Protection Ordinance.



 Signature of Camden Fire Department Inspector

1-6-2020

 Date



 Signature of Applicant

1-6-2020

 Date

Please return the completed application to the Town Manager's Office on or before: _____ along with the appropriate license application fee (fee scheduled explained at the top of Page 1.

(Questions #9 - #15 pertain to Victualer Ordinance requirements. A copy of the full text of the Ordinance is available at the Town Clerk's Office.)

Approved by the Camden Select Board on _____, 201_____.

FOR CODE ENFORCEMENT & FIRE DEPARTMENT USE ONLY

- 1) Zone B-TH 2) Tax Map 120 Lot 299 3) Lot Size .66 A
- 2) Planning Board or Zoning Board approved restrictions or conditions: _____
- 4) Fire Chief's Annual Inspection (new and renewal applications) _____
Date of Fire Chief's Inspection: _____
- 5) Code Officer's Annual Inspection (new and renewal applications) [Signature] _____
Code Officer's inspection of establishment (new applications) _____
Date of Code Officer's Inspection (if applicable): 1-29-2020

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 2250

EATING PLACE TIER 3 70 Seats (in) 30 Seats (out)

FRESH RESTAURANT
20 BAY VIEW LANDING
CAMDEN ME 04843-2248

EXPIRES: 02/28/2020

FEE: \$230.00



Jeanne M. Lambrea

Commissioner

ATTN RADA VALKOVA
BLACK SEA INC
FRESH RESTAURANT
PO BOX 1428
CAMDEN ME 04843

NON-TRANSFERABLE

▽ DETACH HERE ▽

Employers must establish a written smoking policy that prohibits smoking in any business facility, including in vehicles used for work, and in outdoor areas where employees perform services under the control of the employer. Smoking in workplaces shall only be permitted outdoors. Employers shall only permit employer and employees to smoke outside within a Designated Smoking Area that is at least 20 feet away from the business facility and designed in a way to prevent smoke from escaping back into a workplace, public place or other areas where smoking is prohibited.

Eating Establishments shall prohibit smoking in outdoor eating areas and all enclosed areas of public places. Smoking includes the use of electronic smoking devices, whether or not they contain nicotine.

Tobacco Retailers are required to card all persons 30 years of age or younger by photographic identification that contains the persons date of birth. Tobacco products may not be sold to any person under 21 years of age unless the person obtained 18 years of age on or before July 1, 2018. Tobacco products include, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus, electronic smoking devices, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.

For free guidance regarding Maine's retail tobacco and workplace smoking laws, please contact the Maine CDC Tobacco and Substance Use Prevention and Control program at tsup.dhhs@maine.gov or call 207-287-4627.

Camden Opera House Quick-fact Sheet 2020

Staffing:

COH Manager, 40-50 hours per week, works most shows

Technical Director: 40 hours p/w, works all shows

Box Office & Promotions Mgr.: 25 hours p/w, works most shows

Custodial 20 hours p/w (shared with Town Office)

We schedule House Managers, technicians and volunteers as needed

COH Office Hours: M-F 8 am - 4 pm



Rental vs. OH Productions

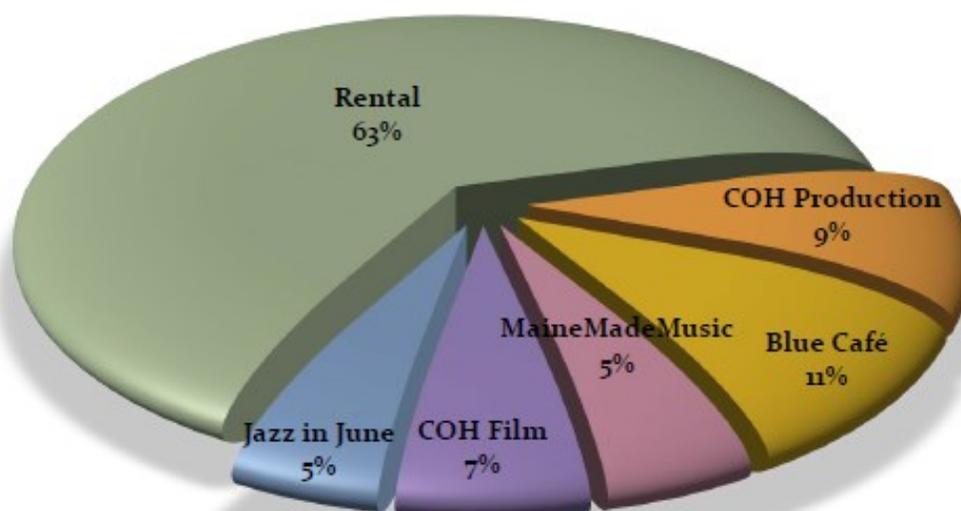
Our goal is to bring the very best of Arts & entertainment to Camden and the Midcoast, and end up 'in the black'.

For a *Rental Event* a renter pays a set fee based on their status (Commercial, Non-profit, Camden Non-profit, local school), and provides the programming - the COH provides the venue, staffing, and some support. For a one-night event we provide a tech staff, a House Manager, a box office staff, ticketing, and promotion. We offer a film package (additional \$200), and a concert package (additional \$400). Rental events can be simple, or complex and time-consuming. There is no financial risk for the COH with a rental event

For *Opera House productions*, we act as promoter. This involves seeking out acts, contacting management and negotiating a price, setting ticket prices, staffing, possible tech rentals, promotion, lodging and hospitality, sometimes weather insurance, and a lot more bookkeeping and finance. OH productions require a lot more time and energy, but can yield more income. Each COH Production has it's own 'account', separate from the budget. COH Productions are much more time-consuming than Rentals.

More and more we are doing a *Door Split*, where ticket revenues are split between the COH and the performer. This removes financial risk.

Rental vs. COH 2019-20



Camden Opera House Quick-fact Sheet 2020 P2

Rental Rates: 4-hour block using the Auditorium

Commercial - \$1,300 vs. 25% total receipts

Non-Profit - \$1,100 vs. 20% total receipts

Camden Non-profit- - \$975 vs. 20% total receipts

School - \$400

Includes: 3 hours load-in/rehearse, 4 hours show, House Manager, tech, Box office, sound & lights, heat/AC/water/custodial

Film Package = \$200 Concert Package = \$400 Extras rehearsal = \$125 Extra staff = \$26 p/h

Typical COH Production Expenses:

Artist fee, opening act, sound rentals, back-line (instrument) rentals, piano tuning, lodging, hospitality (green room and dinner), poster and ad design, print ads, radio ads, social media boosts/ads, weather insurance, event staffing, staff time.

Show Examples:

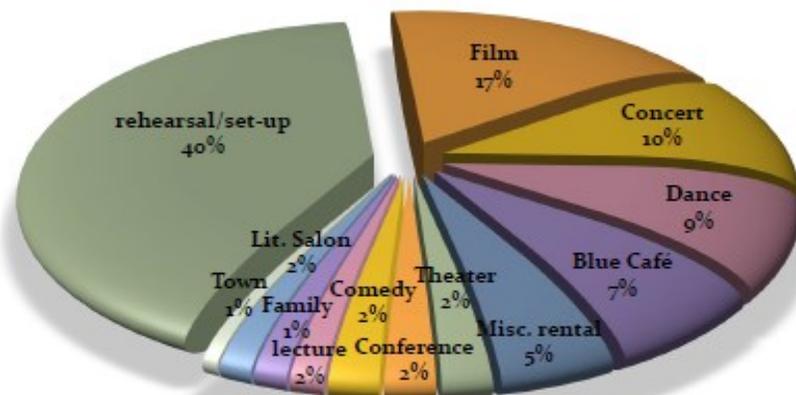
Roger McGuinn 8/31/19: Total Revenue - \$14,492.00 Total Expenses - \$8,786.92 Net = \$5,705.08

One Night In Memphis 9/20/19: Total Revenue - \$11,737.00 Total Expenses - \$12,007.00 Net = -\$270.00

Lunasa Irish Christmas Total Revenue - \$12,816.00 Total Expenses - \$8,174.00 Net = \$4,642.00

Type of Event	Days
rehearsal/set-up	55
Film	23
Concert	14
Dance	12
Blue Café	10
Misc. rental	7
Theater	3
Conference	3
Comedy	3
lecture	2
Lit. Salon	2
Family	2
Town	1
TOTAL =	137

Programming and Use July 2019 - June 2020



Choosing a Production Event:

- What will this event bring to Camden/the Midcoast?
- What are all costs/expenses?
- What is a ticket price that is enough to maximize income, but low enough to be enticing?
- What other events are happening in the area in the same time frame, what is the potential audience?
- How many tickets do we need to sell to break even? How many will we realistically sell?

Camden Opera House Quick-fact Sheet 2020 P3

Numbers:

COH annual budget FY 20 = \$293,900.00

Rental income July - December 2019 (6 months) = \$15,324.00

COH Production Income July - December 2019 (6 months) = \$13,642.78

Conference Discounts given 2018 - 19 = \$10,931.00

Thoughts About the Role of the Camden Opera House:

(The following are excerpts from the Camden Opera House Financial Sustainability Analysis written by David Denton in 2013.)

Camden's status as one of New England's preeminent vacation destinations and quality of life for its' residents is partly due to its vibrant downtown community, of which the Camden Opera House is an integral part. The services performed by the Opera House are essential to the town's continued success as a year-round seaside resort.

Performing arts events produce measurable social benefits. In a study published by the National Endowment for the Arts (2009), research indicates that individuals who attend live arts performances are "far more likely than non-attendees to vote, volunteer, or take part in community events" (p.1). In addition, these "relatively high rates of volunteerism continue to prevail, even after adjusting for the effects of education, gender, age, parental status, and other demographic factors" (p.2). In short, people who attend performing arts events are more likely to support their communities through various altruistic endeavors. *For a small community like Camden, this tendency can have has tremendous social impact.*

Adding events to the yearly calendar at the Opera House is not a feasible solution to solving budget short-comings.

Financial sustainability does not necessarily entail profitability. *In fact, profitable performing arts theaters are virtually nonexistent in the United States.* A financially sustainable theater will always rely, in some part, on contributed income.

A 2014 study by the Rand Corporation cited cost as a primary barrier to arts participation, alongside the perceived elitist status of many arts institutions. To that end, one of the goals of many arts organizations nationwide is to remove that barrier for most people.

"I think that nearly every arts organization in Maine in general is very keenly aware of the need to make things affordable for as many people as possible," said Julie Richard, executive director of the Maine Arts Commission. *"Being able to make sure there are free or inexpensive offerings, alongside those full-price tickets, is something I think most people in the arts care very deeply about."*

By Emily Burnham, BDN Staff • January 30, 2020

The COH is in a good position, as a town-owned, part-rental, part-producing venue. We have a smaller staff than venues our size, but we have found a way to operate efficiently. Our programming is diverse, and inclusive and accessible.

(DM)

MEMO

To: Camden Select board
Audra Caler- Bell, Town Manager
From: Jeremy P. Martin, Planning and Development Director
Date: January 30, 2020
Re: Zoning Ordinance Amendments

Summary of Proposed Zoning Ordinance Amendments

1) Site Plan Review/Administration - Amend Article XII, Section 8, Site Plan Review.

Clarify, expand upon, and define what constitutes a variety of modifications to an approved site and to require ongoing compliance with latest dated approved site plans approvals. Planning Board Public Hearing took place on January 9th. Approved unanimously by the Planning Board with recommendation that the Select Board hold a hearing and move to voters in June. The Select Board will be asked to schedule the second Public Hearing.

2) Accessory Apartment - Amend Article III Definition and Article VIII Sections 2, 3 and 4.

To provide property owners with options regarding the long-term rental of an Accessory Apartment; and, to add Accessory Apartments as a permitted use in the Rural Residential 1(RU-1), Rural Residential 2 (RU-2) and Coastal Residential (C-R) Districts. The Planning Board Public Hearing is scheduled for February 6th. There is unanimous support for these amendments from the Planning Board.

3) BTR to B1 – Amend numerous articles in the Zoning Ordinance and amend the Town’s Zoning Map to eliminate the BTR zoning district and replace it with the B1.

To simply the Town’s Zoning Ordinance, which would also allow increased residential density in the areas currently zoned BTR and would facilitate the town’s purchase of the parking lots associated with Knox Mill. The uses allowed in the BTR are nearly identical to those allowed in the B1, and the lot development standards are identical except for minimum lot size per dwelling unit. The Planning Board Public Hearing is scheduled for February 6th. There is unanimous support for these amendments from the Planning Board.

4) Demolition Review – Amend Article V. Section 2. Permits Required and amend Article XIII Historic Resources Committee, Section 3, Duties.

Still being finalized and discussed. These amendments would require a delay period of up to 120 days for those properties that are proposed to be demolished if they lie within a National Historic District (Chestnut Street, Great Fire, and High Street Historic District) or are national landmark properties. If demolition is the end result, properties that are significant or are contributing to the historic district, an historic recordation will be required, in order to document the historical significance of said structure to the Town of Camden. These amendments have been developed with the assistance and support from the Town’s Historic Resources Committee. There is general support from the Planning Board. A Public Hearing has not yet been scheduled.

Proposed Zoning Amendments – SITE PLAN ADMINISTRATION

Existing Language

Section 8 Site Plan Review

(a) The Code Enforcement Officer may approve and allow minor field adjustments to an approved Site Plan if the Code Enforcement Officer is satisfied that such changes have no adverse effect upon approval criteria or conditions of approval.

(b) Upon request of an applicant, the Planning Board may allow amendments to an approved Site Plan without requiring a new Site Plan Application if the Board is satisfied by majority vote that such amendment has only minor or no new effect upon approval criteria or conditions of approval. If the Planning Board is satisfied by the above criteria that the matter may be heard as an amendment, the Planning Board may allow an amendment if it is satisfied the amendment meets the site plan approval criteria.

(c) Notice of the consideration of a request for an amendment to a Site Plan by the Planning Board shall be accomplished by posting the agenda and publication at least seven (7) days prior to the Planning Board meeting

Proposed Language

Section 8 Site Plan Compliance, Adjustments, Amendments and Revisions to Approved Site Plans

(a) All projects that receive Site Plan approval under Article XII Section 1. and those that receive approvals under Article XII, Section 8. (b-d) (below) must be constructed and shall be maintained in accordance with the latest dated, approved plans and supporting documentation and approved submittal materials.

(b) Minor Field Adjustments.

The Code Enforcement Officer may approve and allow minor field adjustments to an approved Site Plan if the Code Enforcement Officer is satisfied that such changes have no adverse effect upon approval criteria or conditions of approval.

(c) Minor Revisions.

Minor revisions to approved site development plans may be permitted by the Code Enforcement Officer subject to the following conditions:

1.) Three (3) copies of the proposed revised plan and supporting documentation along with an electronic copy showing the revision(s) must be submitted to the Code Enforcement Officer with applicable fees, as determined by the Select Board

- 2.) The Code Enforcement Officer and the Planning and Development Director after consultation with the Director of Public Works and the Fire Chief shall agree that the proposed change is a minor revision and that the proposed change does not violate provisions of the Zoning Ordinance or materially change a plan approved by the Planning Board.
- 3.) If any of the persons listed in Subsection 2 above requests it, the proposed plan revision will be placed on the agenda of the next Planning Board meeting for the Board's review.
- 4.) Minor revisions to approved site plans may be approved by the Code Enforcement Officer, provided that such minor revision will not materially alter the layout or scale of the development nor its impact on its surroundings, nor will it specifically:
 - (i.) Expand the size of a project by increasing the gross floor area of a primary use structure or by adding a primary use structure or an accessory use structure containing more than 200 square feet of gross floor area to the site.
 - (ii.) Violate the provisions of any Town ordinance.
 - (iii.) Delete any required landscaping or screening elements.
 - (iv.) Change the number of vehicular access points to the public street system or significantly alter the location of such access drives.
 - (v.) Significantly alter on-site vehicular circulation.

(d) Site Plan Amendments.

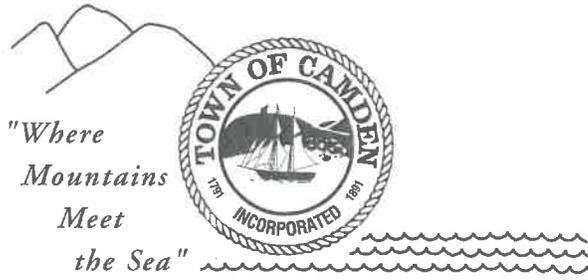
For proposals that are not Minor Field Adjustments or Minor Revisions, and which do not trigger Site Plan Review detailed in Article XII, the Planning Board may allow amendments to an approved Site Plan without requiring a new Site Plan Application if the Board is satisfied by majority vote that such amendment has only a minor or no new effect upon approval criteria or conditions of approval.

- 1.) For the purposes of this section an amendment to an approved Site Plan is one that is not a minor field adjustment as allowed in subsection (b.) above, or a minor revision as detailed in subsection (c.) (1-4.) above, and one that does not require Site Plan Review under in Article XII Section 1. (1) through (9.)
- 2.) For amendments to an approved Site Plan, the applicant must submit six (6) copies of the proposed plan and supporting documentation along with an electronic copy showing the proposed changes. The applicant shall also submit applicable fees as may be determined by the Select Board.

- (d) Notice of the consideration of a request for an amendment to a Site Plan by the Planning Board shall be accomplished by posting the agenda and publication at least seven (7) days prior to the Planning Board meeting.

Office of:

Town Manager
Tax Assessor
Tax Collector
Town Clerk
Treasurer
Code Officer
Finance Director
Harbor Clerk
Planning Office



Town Office

P.O. Box 1207
29 Elm Street
Camden, Maine 04843
Phone (207)236-3353
Fax (207)236-7956
www.camdenmaine.gov

January 8, 2020

To: Chief Randy Gagne
Camden Police Department

From: Janice L. Esancy
Town Manager's Assistant

The following establishment: Fresh at 1 Bay View Landing for a renewal liquor license. There will be a public hearing regarding this license at an upcoming Select Board Meeting.

Have there been any incidents reported to the Camden Police Department since February 2019 regarding this establishment? _____
Yes No. If yes, please explain. _____

Please return this form to the Town Manager's Office. Thank you.

Chief Randy Gagne
Chief Randy Gagne
Camden Police Department

01/08/20
Date



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Black Sea Inc.	Business Name (D/B/A): Fresh Restaurant
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 1 Bayview Landing Camden ME 04843
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: P.O. Box 1428 Camden ME 04843
Mailing address, if different from DBA address:	Email Address: info@freshcamden.com
Telephone # Fax #:	Business Telephone # Fax #: (207) 236-7005
Federal Tax Identification Number: 46-4698029	Maine Seller Certificate # or Sales Tax #: 1167052
Federal Basic Permit Number:	Website address: www.freshcamden.com

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: 3-11-20

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: 438,249.54 Beer, Wine or Spirits: 140,930.10 Guest Rooms: _____

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV) Class A Restaurant/Lounge (Class XI) Class A Lounge (Class X)
- Hotel (Class I, II, III, IV) Hotel – Food Optional (Class I-A) Bed & Breakfast (Class V)
- Golf Course with auxiliary and mobile cart options (Class I, II, III, IV) Tavern (Class IV)
- Qualified Caterer Self-Sponsored Events (Qualified Caterers Only)

Other: _____

Refer to Section V for the License Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

5. Business records are located at the following address:

17 Walnut Street Rockland ME 04841

6. Is licensee/applicant(s) a business entity like a corporation or limited liability company?
 Yes No If **Yes**, complete Section VII at the end of this application

7. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

8. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Rada Valkova	3/26/1979	Varna, Bulgaria

Residence address on all the above for previous 5 years

Name	Rada Valkova	Address:	Rockland ME
Name	Rada Valkova	Address:	CAMDEN ME
Name	Rada Valkova	Address:	OWLS HEAD ME
Name		Address:	

9. Is the licensee/applicant(s) citizens of the United States? Yes No

10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

11. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Stuart and Mary Ann Smith 1 Bayview Landing Camden ME 04843

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Church

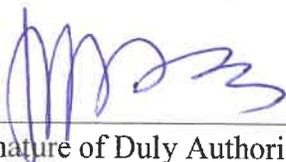
Distance: 500ft

Section II: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: January 6, 2020



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

RADA VALKOVA

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

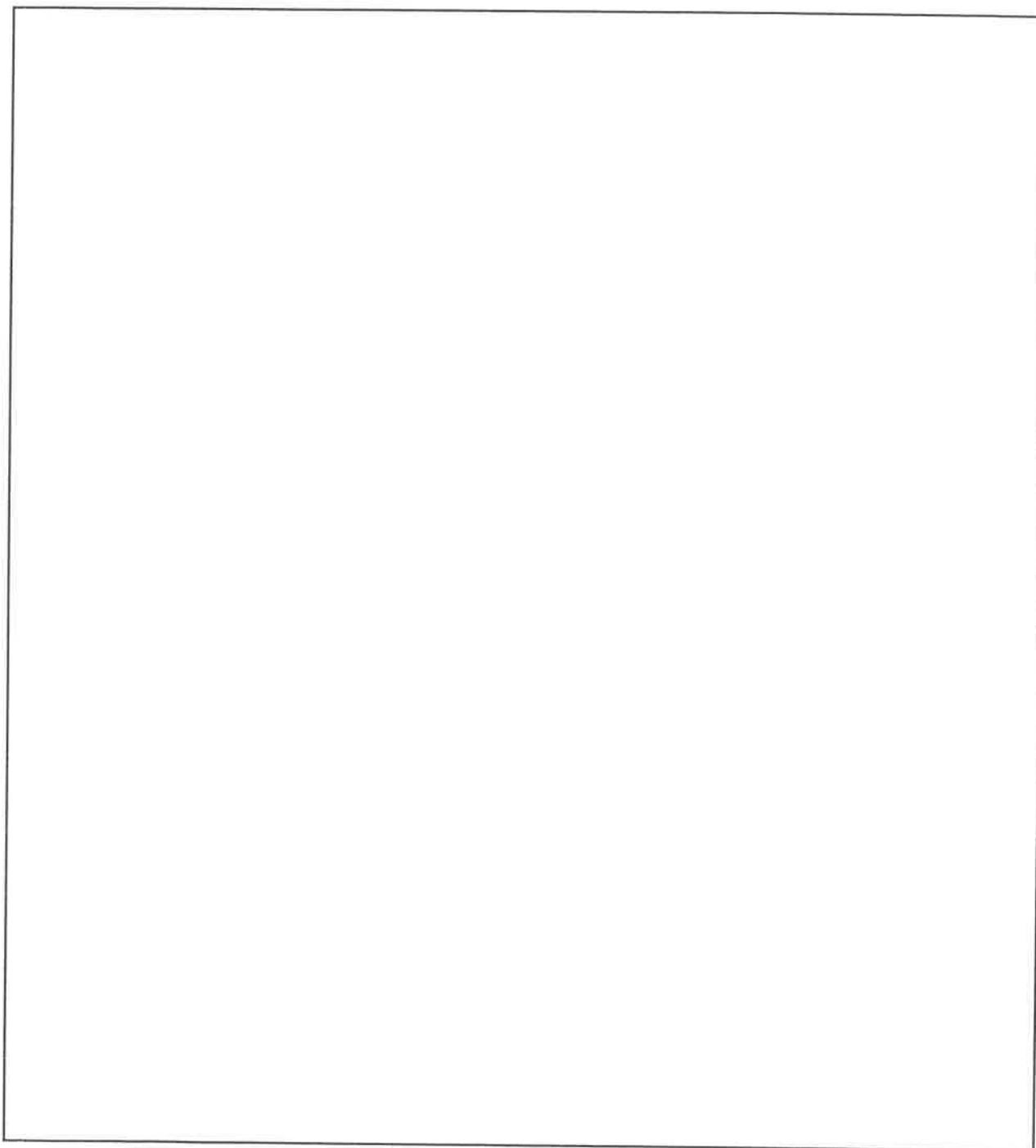
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

A large, empty rectangular box with a thin black border, intended for the applicant to draw and label their premises floor plan. The box occupies the lower two-thirds of the page.

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Black Sea Inc

2. Doing Business As, if any: Fresh Restaurant

3. Date of filing with Secretary of State: _____ State in which you are formed: Maine

4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Rada Valkova	15 Everett Avenue DWLS Head, ME 04854	3/26/79	President	100%

(Ownership in non-publicly traded companies must add up to 100%.)

REVOCABLE LICENSE

THIS LICENSE made this 22nd day of January, 2020, by and between the Town of Camden, with principal municipal offices at 29 Elm Street Camden, Knox County, Maine 04843 (hereinafter the “Town”), and Maine School Administrative District No. 28, a school administrative unit, hereinafter called the "MSAD 28.", with a mailing address of 7 Lions Lane, Camden, Maine 04843(hereinafter referred as the “MSAD 28”).

WHEREAS, MSAD 28 is planning to construct and install a sewer-thermal service system to be partially located on a portion of the Town of Camden Wastewater Treatment Plant property, property located at and near 20 Lions Lane in Camden, County of Knox, as more particularly described in and described in a deed from Knox Woolen Company to the Town dated June 13, 1969 and recorded in the Knox County Registry of Deeds, Book 491, Page 439 to benefit the MSAD 28 middle school property at and near 7 Lion’s Lane, Camden;

WHEREAS, the sewer-thermal service system includes piping and electric service to the Storage Manhole and installation of a pump and controller on the Storage Manhole, as shown on the approved plans titled “CAMDEN-ROCKPORT MIDDLE SCHOOL, 34 KNOWLTON STREET, CAMDEN MAINE”, dated May 20, 2019 as prepared by Oak Point Associates for the MSAD 28.

WHEREAS, the MSAD 28 has requested permission from the Town to establish a sewer-thermal service system crossing under and to a certain wastewater discharge basin

on the premises of the Camden Wastewater Treatment Plant located at 20 Lions Lane, Camden, Maine;

WHEREAS, the Town is willing to grant the license requested by the MSAD 28 as a Revocable License subject to the terms and conditions set forth herein; *NOW THEREFORE*, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The Town grants a revocable license to MSAD 28 over its Wastewater Treatment Plant property located at and near Lions Lane in Camden, County of Knox, as more particularly described in and described in a deed from Knox Woolen Company to the Town dated June 13, 1969 and recorded in the Knox County Registry of Deeds, Book 491, Page 439 to benefit the MSAD 28 middle school property at and near 7 Lions Lane, Camden to construct, install, maintain, repair, and replace a sewer-thermal service system in the location and as depicted on said Oak Point plans attached hereto in Exhibit A; provided however, such construction, installation, maintenance, repair and replacement shall at all times be subject to reasonable oversight and modification as deemed required by the Camden Wastewater Superintendent, or his designee, in his sole discretion, to the extent necessary to protect and preserve the Wastewater Treatment Plant infrastructure and operations; provided, however, at no time shall the operation of the sewer-thermal service system unreasonably interfere with the operations of the Wastewater Treatment Plant operations. In such an event, MSAD 28 shall be provided a written notice to cure within 7

days, unless an emergency exists, at which time the parties will act immediately and cooperatively to resolve the emergency based on best practices for Wastewater Treatment Plant operations.

2. The sewer-thermal service system installed on the Town's property, including piping, electric service, pump and controller, shall remain the property of MSAD 28.

3. All materials supplied and work performed by MSAD 28 or its Contractor in the construction and installation of the sewer-thermal service system shall be done in a good and workmanlike manner, and shall be subject to the inspection by the Wastewater Treatment Plant Superintendent, his retained experts or designee. MSAD 28 or its contractor shall correct any defective materials and any installation/construction not performed in a good and workmanlike manner.

4. MSAD 28 shall submit its written maintenance policies and procedures which are to be used for the inspection, repair, and maintenance of said facilities in accordance with the manufacturers' operations and maintenance manual(s) for the TOWN's for review and approval prior to initial operation of the constructed facilities, and thereafter shall submit any modifications or amendments as made from time to time. The TOWN shall not unreasonably delay or withhold its approval, which shall be in writing.

5. MSAD 28 shall give the TOWN a minimum of five (5) business days' notice of scheduled or nonscheduled maintenance of the sewer-thermal service system except emergency repairs, for which MSAD 28 shall immediately contact the TOWN as soon as

practicable via phone and email to the Town Manager and Wastewater Superintendent immediately prior to, or as necessary, concurrently with such emergency repairs; provided however, at no time shall such repairs unreasonably interfere with the Wastewater treatment plant operations are being done. Regular maintenance, inspection, and updating by the MSAD 28 shall not be conducted without prior notification to the TOWN.

6. MSAD 28 shall promptly make relocations and adjustments, as may be necessary to accommodate wastewater treatment plant construction, reconstruction, repair, or maintenance. Such relocations or adjustments shall be at the sole expense of MSAD 28. The Town shall provide to MSAD 28 a minimum of a 60 day written notice in advance of any relocation or removal, unless and to the extent an emergency exists as determined by the Wastewater Superintendent, in which case the Town will give as notice as practicable.

7. MSAD 28 shall, at the request of the TOWN and at the expense of the MSAD 28, provide protection to the sewer-thermal service system deemed necessary by the TOWN or by MSAD 28 in accordance with industry standards in the event the TOWN performs any work on the Wastewater Treatment Plant facilities and property, including but not limited to inspection, maintenance, cleaning, snow removal, construction, reconstruction, rehabilitation, and repair.

8. Any damage to the Wastewater Treatment Plant facilities and property contained therein which is caused by, results from, or arises out of the use, construction, installation, maintenance or repair of the sewer-thermal system, or presence of the sewer-thermal

facilities, shall be repaired by the TOWN. MSAD 28 shall fully compensate the TOWN for all costs associated with the repair of any such damage within 30 days of a written demand for payment.

9. Any damage to the sewer-thermal service system contained therein which is caused by, results from, negligent actions by the TOWN or its employees shall be repaired by MSAD, at the cost of the Town to be reimbursed to MSAD 28 within 30 days of written notice.

10. This Agreement may be amended only by an instrument in writing signed by the parties hereto.

11. MSAD 28 shall not assign or otherwise transfer any interest in this Agreement without the prior written consent of the TOWN.

12. The License set forth herein is a revocable license, as provided herein. The Town may elect, by and through its Select Board, in the event of any material breach, or repeated minor breaches, to terminate this license notice of six (6) months advance written notice to MSAD 28. Such notice shall be deemed to have been given upon mailing of such written notice at a U.S. Post Office. A U.S. Postal Certificate of mailing shall be deemed to be conclusive evidence that notice was mailed on the date set forth in that certificate. For purposes of such mailing, until further notice from the MSAD 28, the mailing address of the MSAD 28 shall be as follows:

Office of the Superintendent
7 Lions Lane
Camden, ME 04843

MSAD 28 may give notice of a change in address of its Superintendent Office for purposes of this License by publishing its new address on its public website, at which time notice to MSAD 28 shall be sufficient if given to that address in the manner provided herein.

The Town hereby covenants that it shall not revoke this License without an uncured default; provided however, said License may, in the Town's discretion, be revoked upon one or more of the following occurrences:

- a. The Town moves the Wastewater Treatment Plant to different site;
- b. The Town otherwise changes the use of the facility or permanently ceases to operate the facility, whether due to damage or destruction or otherwise;
- c. The Town adopts a technology not currently utilized by the Town such that the hot effluent is no longer available for the MSAD 28 sewer-thermal service system;
- d. MSAD 28 has sold or transferred the school building on the premises served by this License.

MSAD 28 shall cooperate in good faith with any such revocation and remove promptly at its own expense its sewer-thermal service system from the TOWN's Wastewater Treatment Plant property.

13. The MSAD 28 agrees that the License granted herein shall be used solely for the purposes of constructing, installing, maintaining and repairing said sewer-thermal service system. The License granted herein shall not be used for any other purpose.

14. The MSAD 28, their agents, invitees, contractors and officials shall use the licensed area at their own risk, and the Town shall have no liability whatsoever for any injury to anyone using the licensed area on behalf of the MSAD 28. The MSAD 28 further agrees to indemnify and hold the Town harmless from and against any uninsured liability, loss, cost, damage or expense, including reasonable attorney's fees, incurred by the Town, arising out of the use of the license hereunder by the MSAD 28 or any person claiming by, through or under the MSAD 28, or arising out of the failure of the MSAD 28 to perform or abide by any of the terms or conditions of this agreement, or arising out of any negligent acts by the MSAD 28. This indemnification provision shall not be relied upon by any third party, and MSAD 28 hereby reserves and shall retain all immunities provided by Maine law, including but not limited to the Maine Tort Claims Act, relating to any and all third-party claims.

15. The MSAD 28 shall maintain, and pay the cost of maintaining, for the duration of the license granted herein including any hold-over period, general liability insurance with coverage of not less than Four Hundred Thousand Dollars (\$400,000) for each incident, which said insurance policy shall name the Town as an additional insured and shall provide that such insurance policy shall not be canceled or amended without at least thirty (30) days prior written notice to the Town. The Town shall have the right to cure any such failure to pay and MSAD 28 shall reimburse the Town for such failure to pay within 30 days of written notice.

16. Under no circumstances shall any use of the licensed area unreasonably interfere in any way with the use or operations of the Wastewater Treatment Plant.

17. The MSAD 28 specifically acknowledges that the License granted herein is a revocable license that can be terminated or revoked by the Town upon the required notice to the MSAD 28; and the MSAD 28 further acknowledges that this License does not constitute a lease or easement and does not create any right, title or interest in any real estate or any other right, title or interest in the area subject to this License. Until the License is revoked by the Town as set forth herein, this License shall benefit MSAD 28, and there shall be no assignment hereof by either party; provided, however, this License may be assigned by MSAD 28, upon written notice to the Town, to another public school entity, so long as the property currently served by the sewer-thermal service system remains a public school entity.

18. The MSAD 28 specifically agrees that this document shall not be recorded in the Knox County Registry of Deeds and, upon any such recording of this document, the license granted herein shall be immediately null and void.

19. This written license agreement constitutes the entire agreement between the parties, and this agreement shall not be amended or modified except by a written document signed by both parties.

20. Any Dispute regarding the terms and conditions herein shall be subject to good faith negotiations by the parties, followed by a mandatory mediation facilitated by a third party,

as chosen by the parties. The Waldo County Superior court shall be the venue, and Maine law shall apply.

21. This is an integrated agreement and there are no other promises, agreements for inducements other than those expressly set forth herein. This License has been approved for execution by the Select Board of the Town of Camden and the School Board of MSAD 28.

IN WITNESS WHEREOF, the parties hereto have affixed their signature the date first above written.

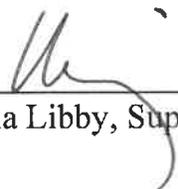
Town of Camden

Witness

By: _____
Audra Caler-Bell, Town Manager

MSAD 28:


Witness

By: 
Maria Libby, Superintendent