

CHRISTOPHER C. DINAN
MICHAEL H. HILL
JOHN J. WALL, III
KENNETH D. PIERCE
CORNELIA S. FUCHS
MATTHEW K. LIBBY
LAURA A. MAHER
S. MICHAEL ADAMS, II

MONAGHAN LEAHY, LLP

95 EXCHANGE STREET
P.O. BOX 7046
PORTLAND, MAINE
04112-7046

TEL 207-774-3906
FAX 207-774-3833
kpierce@mleahy.com

OF COUNSEL:
THOMAS G. LEAHY

THOMAS F. MONAGHAN
(1931-2017)

January 21, 2021

VIA EMAIL ONLY

Audra Caler
Town Manager
Town of Camden Maine
29 Elm Street
Camden, Maine 04843

RE: Proposed Town Meeting on January 25 \$2.3 Million Energy Performance Contract

Dear Ms. Caler,

This firm has been retained by an interested party pertaining to the proposed Special Town Meeting Vote on Monday January 25th at 6 p.m. at the Camden Snow Bowl to approve the so-called Energy Performance Contract.

The purpose of this letter is to request that you and the Town Council reconsider the proposed "Special" Town Meeting. We are hopeful that after reviewing the points set forth below, the Town of Camden will reconsider the timing, methodology and economics of the vote, but should the Town proceed my client will take whatever steps necessary to protest the validity of the outcome of the vote.

By replacing what we believe is a flawed process, with a fair, balanced and more transparent process, will greatly enhance the likelihood of the project's completion. Climate action is an honorable initiative that Camden is undertaking, we simply request that the initiative be supported *fairly* by all Town of Camden Voters.

Here are the reasons why we believe this vote should not go forward:

Voter Suppression

We believe that the proposed process eliminates a fair opportunity for every registered Camden voter to weigh in on the proposed \$2.3 million contract. In the era of COVID-19, those at greatest risk do not want to venture from their homes especially with elevated exposure levels of COVID-19 increasing daily, as is being reported by the Maine CDC. Unlike a normal voting process where the Town of Camden voting polls are open for an extended time throughout the

day and evening, limiting the voting process to after 6 p.m. eliminates the votes of those who cannot drive during the evening hours and who also do not have transportation readily available. This would exclude numerous registered voters of all ages because of scheduling conflicts, weather issues, health concerns, transportation issues or other mitigating factors.

Transparent Process

Unlike the recently completed Camden Rockport Middle School, in which RFP's were generated for the selection of the architect, general contractor and downstream subcontractors, no such RFP was advertised for the current project, and is inconsistent with accepted State of Maine Municipal Standards. My client takes issue with the procurement process and will seek remedy through the courts if this time-tested process is not honored.

Local Impact

Surely, you are well aware of the economic downturn caused by COVID-19 to our local and state economies. It is confusing why the Town of Camden would contract with a Munich, Germany, based company for the proposed work when there are numerous local, regional, Maine and New England based companies that can complete the same scope-of-work. Some of those companies have been hardest hit during the COVID-19 pandemic and would be eager to serve the Town and by doing so, help keep dollars in Maine.

Legal Issues with Proposed Contractor

Besides the negative economic impact described above, the proposed contractor has fallen far short of expectations in similar municipal contracts in the Northeast and across the country. These legal issues are all in the purview of the public and can be found here:

<https://www.news-press.com/story/news/2017/06/27/company-13-7-m-deal-fort-myers-has-history-fines-legal-problems/428741001/>

<https://www.jacksonfreepress.com/news/2019/jun/11/jackson-sues-siemens-local-businessmen-bait-and-sw/>

<https://searktoday.com/city-of-monticello-siemens-settle-lawsuit-over-water-project/>

<https://casetext.com/case/city-of-cleveland-v-siemens-indus>

<https://www.timesunion.com/local/article/Bribery-claims-dog-company-6663996.php>

<https://www.nytimes.com/2008/12/16/business/worldbusiness/16siemens.html>

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In closing, we hope that the Town Council will recognize the flawed nature of this process and reverse course by creating a revised, fair, open, and transparent bidding process that assists with climate reduction goals of the Town of Camden.

Sincerely,

Kenneth D. Pierce

Kenneth D. Pierce

CC: Bob Falciani Chair, Board of Selectman