



**CASCO BAY ARENA, INC.  
P.O. Box 4600  
PORTLAND, ME 04112-4600**

October 22, 2014

*Via Email*

*Town of Falmouth Town Council  
c/o Nathan Poore, Town Manager  
Town of Falmouth  
271 Falmouth Road  
Falmouth, ME 04105*

RE: **Casco Bay Arena Permitting Fee**

Dear Nathan:

Please accept this letter as Casco Bay Arena, Inc.'s proposed letter agreement addendum to the Temporary Construction Agreement related to our Casco Bay Arena project. As you know, construction efforts are well under way and we will begin raising structural steel for the building soon.

A building permit for the arena is ready to be issued, but the permit fee was calculated at approximately \$10,000 using standard commercial rates based on construction costs. Needless to say, that fee was unexpected given that our project is a non-profit collaboration between the Town of Falmouth and Casco Bay Hockey.

When we discussed and negotiated our agreements with the Town, most of the terms which were later memorialized in the Ground Lease, authorized by the Town Council on May 28, 2014 and executed on August 11, 2014, and a subsequent Temporary Construction Agreement, we understood that we would need to obtain a foundation and building permit from the Town. The concept of anything other than a modest building permit fee was not discussed or even considered among any of us. It was an issue that, with the benefit of hindsight, would have and should have been negotiated within the previous agreements.

In light of the above, I respectfully request that the Town work with us to significantly reduce this permit fee. In the normal course of negotiations, I would have asked for a full waiver of the fee in light of the fact that this project is a partnership with the Town, is being constructed on Town land, and will benefit the Town directly by way of free ice time, free off-season time at the arena, and preferred ice times with reduced rates for Falmouth hockey teams. To the extent the Town is not willing to waive the permit fee in its entirety, I would propose that it would be most reasonable to have us pay a reduced amount tied to the actual direct cost to the Town expended to evaluate the application, perform inspections, etc.

This approach would also take into account that the Arena is a non-profit facility (truly non-profit in that all officers and directors are volunteers) servicing non-profit youth and school-based hockey programs. This proposed approach would fairly get the Town paid for time and costs incurred, while at the same time acknowledging that this Arena project is a non-profit collaboration with the Town with quantifiable direct and indirect Town benefits. Once the fee issue is agreed-upon, I would finally propose that the Town Council authorize you to sign this letter of understanding between the Arena and the Town as an addendum to the Temporary Construction Agreement.

I look forward to hearing back from you. Thanks for considering this request.

Very truly yours,

Thomas S. Marjerison  
President, Casco Arena, Inc.

Agreed on this \_\_\_\_\_ day of October, 2014 that the building permit fee for the Casco Bay Arena project is:     \$\_\_\_\_\_

Nathan Poore: \_\_\_\_\_

Thomas Marjerison: \_\_\_\_\_