

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, JULY 13, 2009  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair, Robert Duke, Vice-Chair, William (Bill) Chapman, Alexandra (Sani) Fogel, and Thomas Farley. Absent: Dale Landrith, Jr. Also present: Robert Peabody, Jr., Town Manager, Department Heads (Virginia Lindsey, Finance Director, Stephen Beveridge, Public Works Director and Mark Kelley, Chief of Police), press and members of the public

I. CALL MEETING TO ORDER – Robert Duke, Chair called the meeting to order at 7: 01 P.M.

a. Approval of the minutes of the Monday, June 22, 2009 meeting of the Select Board

**Bill Chapman moved to accept the minutes of the June 22, 2009 meeting as read. Sani Fogel seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

II. TOWN MANAGER’S REPORT

III. LIAISONS’ REPORTS

IV. WASTEWATER COMMISSIONERS

**Bill Chapman moved to exit as Select Board and enter as Wastewater Commissioners. Sani Fogel seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

a. Commitment of Commercial Sewer User Rates for the period of May 2009

**Sani Fogel moved to commit the May 2009 Sewer User Rates, totaling \$26,777.53 to the Treasurer for collection. Thomas Farley seconded the motion. VOTE: 4 FOR –0 OPPOSED**

**Bill Chapman moved to exit as Wastewater Commissioners and reenter as the Select Board. Sani Fogel seconded the motion. VOTE: 4 FOR –0 OPPOSED**

V. UNFINISHED BUSINESS

a. No Unfinished Business

VI. NEW BUSINESS

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a. Tax Anticipation Bid Award - Ginny

**Sani Fogel moved that the Select Board of the Town of Rockport hereby authorizes a borrowing in anticipation of tax receipts for the 2009-2010 fiscal year in the original principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) from Bar Harbor Bank & Trust on behalf of the Town with interest thereon at 1.29% per annum. Bill Chapman seconded the motion. VOTE: 4 FOR -0 OPPOSED**

**Bill Chapman moved that under and pursuant to the provisions of Title 30-A M.R.S.A. Section 5771, the Chair of the Select Board and the Treasurer of the Town be and they are hereby authorized to borrow in anticipation of tax receipts from Bar Harbor Bank & Trust in the name of the Town of Rockport the sum of up to Two Million Nine Hundred Thousand Dollars (\$2,900,000) at the interest rate of 1.29%; and that the Chair of the Select Board and the Treasurer be and they are hereby authorized to issue general obligation securities of the Town of Rockport in an aggregate principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) and to execute and deliver a note or notes under the seal of the Town attested by the Town Clerk, dated on or about August 1, 2009 in such form as the Chair of the Select Board and Treasurer may approve; and that the appropriate officials of the Town be and hereby are authorized to execute and deliver on behalf of the Town such documents and certificates as may be required in connection with such borrowing; and that no part of the proceeds of said borrowing shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the notes to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the notes be designated as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of said Code; and that the Chair of the Select Board and the Treasurer be and they are hereby authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the notes, to take all other lawful actions necessary to ensure the interest on the notes will be excluded from gross income of the owners thereof for purposes of federal income**

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taxation and to refrain from taking any action which would cause interest on the notes to become includable in the gross income of the owners thereof. Thomas Farley seconded the motion. VOTE: 4 - FOR – 0 OPPOSED

b. Approval of the Funds to Encumber - Ginny

Bill Chapman moved to lapse the Legal Fees (account 1004-3040) for \$7,727.67. Thomas Farley seconded the motion. VOTE: 2 FOR – 2 OPPOSED (Fogel & Duke) MOTION FAILED

Thomas Farley moved to lapse the EPA Permit Fees (account 1008-4460) for \$2,747.65. Bill Chapman seconded the motion. VOTE: 3 FOR – 1 OPPOSED (Fogel)

Sani Fogel moved to encumber the Funds for Endowment Coordinator (account 0201-3060) for \$22,298.41. Bill Chapman seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Sani Fogel moved to encumber the Funds for Equipment Repairs & Maintenance, Miscellaneous Repairs & Maintenance, and Electricity (accounts 0215-3620, 3628, & 3305) for \$3,414.55. Bill Chapman seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Bill Chapman moved to encumber the Funds for Miscellaneous Repairs & Maint. for Masonry Repair (Account 0215-3628) for \$545.00. Sani Fogel seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Sani Fogel moved to encumber the Funds for Training & Education and Misc. Professional Services to be used to purchase a laptop for Assessing (accounts 0213-3920 & 3060) for \$1,650.00 with the balance lapsing to the UFB. Bill Chapman seconded the motion. VOTE: 4 FOR – 0 OPPOSED

c. Discussion of a possible “carry in – carry out” of dog waste on Town owned properties – Steve Beveridge

d. Request by Maxton to place a cellular tower on property owned by the Town of Rockport behind the Public Works Building

**The Board directed the Town Manager to explore the proposal.**

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e. Budget Committee Appointment.

**Bill Chapman moved to appoint Walter Greenlaw to the Budget Committee for a one year term ending in June of 2010. Thomas Farley seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

f. Approval of the revised Board of Assessment Review Bylaws

**Sani Fogel moved to approve the revised Board of Assessment Review By-Laws and to update the Rockport Codes accordingly. Thomas Farley seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

g. Board of Assessment Review resignation – Susan Wilson

**Sani Fogel moved to accept with regret the resignation of Susan Wilson from the Board of Assessment Review. Thomas Farley seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

h. Zoning Board of Appeals resignation – Kerry Leichtman

**Thomas Farley moved to accept with regret the resignation of Kerry Leichtman from the Zoning Board of Appeals. Sani Fogel seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

i. MMA Annual Election – Vice President and Executive Committee Members

**Thomas Farley moved to vote for Stephan Bunker for MMA Vice-President and to vote for the candidate slate proposed by the MMA Nominating Committee for the Executive Committee. Bill Chapman seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

j. Approval of the 2009-2012 Nigel Bower and Bonnie Schmidt Lease

**Thomas Farley moved to approve a three year lease between Nigel Bower and Bonnie Schmidt and the Town of Rockport and to authorize the Town Manager to sign the agreement (lease). Sani Fogel seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

k. Other New Business - None

VII ADJOURNMENT

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**Sani Fogel moved to adjourn the meeting at 9:41 p.m. Bill Chapman  
seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY