

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

Present: Chair, Robert Duke, Vice-Chair Thomas Murphy, Alexandra (Sani) Fogel, William (Bill) Chapman and Thomas Farley. Also present: Robert Peabody, Jr., Town Manager, Departments Heads (Virginia Lindsey, Finance Director and Mark G. Kelley, Chief of Police), and members of the public

I. CALL MEETING TO ORDER – Robert Duke, Chair called the meeting to order at 7: 04 P.M.

a. Approval of the minutes of the Monday, March 9, 2009 meeting of the Select Board

**Thomas Murphy moved to accept the minutes of the March 9th, 2009 meeting as presented. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

II. TOWN MANAGER’S REPORT

III. LIAISONS’ REPORTS

IV. WASTEWATER COMMISSIONERS

**Thomas Murphy moved to exit as Select Board and enter as Wastewater Commissioners. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

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

**Thomas Murphy moved to commit the February 2009 Sewer User Rates totaling \$23,147.98 to the Treasurer for collection. Thomas Farley seconded the motion. VOTE: 5 FOR –0 OPPOSED**

b. Approve a Resolution adopting a Red Flag Policy

**William Chapman moved to approve a resolution adopting a Red Flag Policy and establishing an identify prevention program for the Town of Rockport Wastewater Department. Sani Fogel seconded the motion. VOTE: 5 FOR –0 OPPOSED**

MINUTES APRIL 13, 2009

**Thomas Murphy moved to exit as Wastewater Commissioners and reenter as the Select Board. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

V. UNFINISHED BUSINESS

- a. Town Manager's Employment Agreement

**Sani Fogel moved to approve the Town Manager's contract with a two percent increase. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- b. Update on Fund Endowment Program – Sani Fogel/Chris Shrum

It will be a contract position, fifteen hours a week.

VI. PUBLIC HEARING

- a. General Assistance Ordinance Appendixes B (April 1 – September 1, 2009)
- b. A New Malt & Vinous Liquor License for Famers Fare (Therese Thompson & Peter Christie), Sarah Greer, Manager, located at 3 Cross Street, Rockport
- c. Application to the State of Maine CDBG program for a Community Planning Grant. The purpose of the grant application is to define the Legacy Rockport Program.

VII. NEW BUSINESS

- a. Vote on public hearing items

- a. General Assistance Appendixes B (April 1-September 1, 2009)

**Thomas Murphy moved to approve Appendix B to the General Assistance Ordinance effective April 1, 2009 to September 30, 2009. Thomas Farley seconded the motion. VOTE: 5 - FOR – 0 OPPOSED**

- b. New Malt & Vinous Liquor License for Famers Fare (Therese Thompson & Peter Christie), Sarah Greer, Manager, located at 3 Cross Street, Rockport

**Thomas Murphy moved to approve a Malt and Vinous Liquor License for Therese Thompson and Peter Christie doing business as Farmers**

MINUTES APRIL 13, 2009

**Fare Inc. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

c. Application to the State of Maine CDBG program for a Community Planning Grant. The purpose of the grant application is to define the Legacy Rockport program.

**Sani Fogel moved to approve an application to the State of Maine CDBG Program for a Community Planning Grant. Thomas Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

b. Applicants for one opening on the Harbor Committee  
Mario Turi  
William Morong

**William Chapman moved to approve Mario Turi as a member of the Harbor Committee to a term ending June 30, 2010. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

c. Request of the Cemetery Committee (4-3) for an exception to the Cemetery Rules and Regulations to allow Rupert Getzen to place a natural indigenous boulder at Sea View Cemetery

**William Chapman moved to approve an exception to Section 17 (C) of the Rockport Cemetery Rules and Regulations allowing Rupert Getzen to forego installing a foundation on Lots 31 & 32 of the Cremation Section of Sea View Cemetery due to unnecessary hardship pursuant to Section 15 (A). Thomas Murphy seconded the motion. VOTE: 1 FOR – 4 OPPOSED (Fogel, Duke, Murphy and Farley)**

d. Tax Club Program

**Thomas Murphy moved to include the warrant article found in the Finance Director's memo establishing a Tax Club Program for the upcoming Town Meeting. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

e. Final Vote of FY 09/10 Budget

**Thomas Murphy moved to approve the Fiscal Year 2009-2010 Select Board's budget. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

f. Tax Due Date Discussion

**MINUTES APRIL 13, 2009**

**Sani Fogel moved to establish October 15, 2009 and April 15, 2010 as the due dates subject to a Town Meeting Warrant Article approval. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

g. Vote by the Board on Articles Ten through Twenty-Nine of the June 2009 Annual Town Meeting Warrant

**Article 10.** To see if the Town will vote to raise and appropriate the following as Revenue from the following sources to be used in reducing the property tax assessment for the 2009/2010 fiscal year:

A.	General Government .....	\$1,092,514
B.	Public Assistance.....	\$6,550
C.	Public Safety.....	\$106,328
D.	Public Works.....	\$78,099
E.	From Undesignated Fund Balance to help offset Public Works Capital Expenses.....	\$70,000
F.	TIF Retained Earnings for Commercial Street.....	\$10,500
G.	Culture and Recreation.....	\$157,206
H.	All Other - Cemeteries .....	\$20,800
	Total.....	\$1,541,997

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 11.** To see if the Town will vote to raise and appropriate the following for General Government for the 2009/2010 fiscal year:

A.	Administration .....	\$42,681
B.	Town Manager .....	\$229,547
C.	Town Clerk .....	\$162,766
D.	Planning & Community Development .....	\$205,968
E.	Finance.....	\$84,625
F.	Assessing .....	\$111,001
G.	Town Office Building.....	\$68,446
H.	Insurance.....	\$43,197
	Total.....	\$948,231

**Select Board Votes: 4 For, 1 (Farley) Against, 0 Abstain**

MINUTES APRIL 13, 2009

**Article 12.** To see if the Town will vote to raise and appropriate the following for Public Assistance for the 2009/2010 fiscal year:

A. General Assistance .....	\$20,625
Total.....	\$20,625

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 13.** To see if the Town will vote to raise and appropriate the following for Public Safety for the 2009/2010 fiscal year:

A. Police Department .....	\$434,660
B. Fire Department.....	\$314,185
C. Streetlights .....	\$59,975
D. Animal Control.....	\$8,823
E. Harbor Master.....	\$101,917
F. Public Safety Building .....	\$18,049
G. Emergency Management Agency.....	\$1,951
Total.....	\$939,560

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 14.** To see if the Town will vote to raise and appropriate the following for Public Works for the 2009/2010 fiscal year:

A. Public Works.....	\$1,122,151
B. Sanitation.....	\$182,051
Total.....	\$1,304,202

**Select Board Votes: 4 For, 1 (Farley) Against, 0 Abstain**

**Article 15.** To see if the Town will vote to raise and appropriate the following Culture and Recreation for the 2009/2010 fiscal year:

A. Library .....	\$312,806
B. Parks and Recreation .....	\$67,146
C. Opera House .....	\$94,535
Total.....	\$474,487

**Select Board Votes: 4 For, 0 Against, 1 (Farley) Abstain**

MINUTES APRIL 13, 2009

**Article 16.** To see if the Town will vote to raise and appropriate the following for Long Term Debt (Debt Payments) for the 2009/2010 fiscal year:

A. Cemetery .....	\$31,269
B. Harbor Building.....	\$40,418
C. Sand & Salt Shed.....	\$49,698
Total.....	\$121,385

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 17.** To see if the Town will vote to raise and appropriate the following for County Fees for the 2009/2010 fiscal year:

A. County Service E-911 .....	\$42,489
B. County Service Dispatch .....	\$20,934
Total.....	\$63,423

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 18.** To see if the Town will vote to raise and appropriate the following for Cemeteries for the 2009/2010 fiscal year:

A. Cemeteries.....	\$62,156
Total.....	\$62,156

**Select Board Votes: 4 For, 0 Against, 1 (Farley) Abstain**

**Article 19.** To see if the Town will vote to authorize the transfer of all unexpended balances to fund balance and to authorize the overdrafts that may occur in the Town operations in the 2009/2010 budget to be taken from fund balance?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 20.** To see if the Town will vote to authorize the Select Board to make payments from the property tax overlay account of abatements and applicable interest?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 21.** To see if the Town will vote to authorize the Select Board, on behalf of the

MINUTES APRIL 13, 2009

Town to sell and dispose of any real estate acquired by the Town for non-payment of taxes thereon, on such terms as they deem advisable, and to execute quit claim deeds for the property. The sale or disposal shall be made only after consultation with the Planning Board and the Conservation Commission, except for the purpose of clearing title or of reconveyance of real estate to the original owner or in the case of time-share units, reconveyance back to the original owner or the time-share estates association of unit owners; property to be disposed of by written policy and on terms the Select Board deem advisable.

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

- Article 22.** To see if the Town will vote to authorize the Select Board, on behalf of the Town to sell and dispose of any real estate acquired by the Town for non-payment of wastewater thereon, on such terms as they deem advisable, and to execute quit claim deeds for the property. The sale or disposal shall be made only after consultation with the Planning Board and the Conservation Commission, except for the purpose of clearing title or of reconveyance of real estate to the original owner. Property to be disposed of by written policy and on terms the Select Board deem advisable.

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

- Article 23.** To see if the Town will vote to set October 15, 2009 and April 15, 2010 as the tax installment due dates?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

- Article 24.** To see if the Town will vote to set October 16, 2009 and April 16, 2010 as the tax delinquency dates and to fix the rate of interest on delinquent taxes at 9.00% interest per year?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

- Article 25.** To see if the Town will vote to fix the rate of interest on delinquent wastewater charges at 9.00% interest per year?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

- Article 26.** To see if the Town will authorize the Select Board and Treasurer, on

MINUTES APRIL 13, 2009

behalf of the Town, to accept gifts, real estate, and certain funds, including trust funds, that may be given or left to the Town?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 27.** To see if the Town will vote to authorize the Select Board to accept those conservation easements which the Select Board deem appropriate in the name of the Town of Rockport, provided however, said conservation easements are first considered by the Rockport Conservation Commission and Planning Board?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 28.** To see if the Town will authorize the Treasurer to waive the foreclosure of tax lien mortgages pursuant to 36 M.R.S.A. sec. 944 upon a finding by the Select Board that ownership of the property subject to the lien would be contrary to the Town's best interest?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 29.** To see if the Town will authorize the Select Board to enter into boundary line agreements with abutting property owners to establish the boundary line of any property of the Town, including the boundary lines of the rights-of-way of roads?

**Select Board Votes: 5 For, 0 Against, 0 Abstain**

**Article 30.** "To see if the town will vote to authorize the tax collector to enter into a standard agreement with taxpayers establishing a "tax club" payment plan for commercial and/or residential real estate property taxes, whereby:

- (1) The taxpayer agrees to pay specified monthly payments to the town based on his/her estimated and actual tax obligation for current year real estate property taxes;
- (2) The town agrees not to charge interest on timely payments made pursuant to the tax club agreement;
- (3) The town authorizes the collector to accept tax club payments for current year taxes which may be due prior to the commitment of those taxes;

MINUTES APRIL 13, 2009

- (4) The agreement is automatically terminated if a scheduled payment is late, and the taxpayer then becomes subject to the same due date(s) and interest date(s) and rate as other taxpayers who are not participating in a tax club;
- (5) Only taxpayers who do not have outstanding tax obligations for prior tax years are eligible to participate in the tax club program; and
- 6) Taxpayers wishing to participate in a tax club for a particular property tax year shall enter an agreement with the town by a publicly-advertised deadline determined by the tax collector.”

Select Board Votes: 5 For, 0 Against, 0 Abstain

h. Designation of Town Parks as “Drug –Free Safe Zones”

**William Chapman moved to designate as Drug-Free Safe Zones, Cramer Park, Glen Cove Rest Area Park, Goodridge Park, Marine Park, Mary Lea Park, Village Green Park, Walker Park and Rockport Recreation Park pursuant to 17-A MRSA § 1101 (23) and 30-A MRSA § 3253. Sani Fogel seconded the motion. William Chapman moved to amend the motion to add the Kononen Park. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED (AMENDMENT) VOTE: 4 FOR – 1 (Thomas Murphy) OPPOSED**

i. Quitclaim Deeds for signature – Steven L. Dunn  
Larry Wotton, Jr.

**Thomas Murphy moved to convey by Municipal Quitclaim Deed Map 14 Lot 27 of the Tax Maps of the Town of Rockport to Steven L. Dunn. Sani Fogel seconded the motion. VOTE: 5 FOR –0 OPPOSED**

**Thomas Murphy moved to convey by Municipal Quitclaim Deed Map 1 Lot 30-916 of the Tax Maps of the Town of Rockport to Larry Wotton, Jr. Sani Fogel seconded the motion. VOTE: 5 FOR –0 OPPOSED**

j. Other New Business

VIII ADJOURNMENT

**Thomas Murphy moved to adjourn the meeting at 9:04 p.m. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY