

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, APRIL 11, 2011
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-Chair Tracy Murphy, Alexandra (Sani) Fogel, Thomas Farley, and Dale Landrith, Jr. Also present: Robert Peabody, Jr., Town Manager, Departments Heads Virginia Lindsey, Finance Director; Mark G. Kelley, Chief of Police; and Steve Beveridge, Public Works Director; Budget Committee Chair Alex Arau, the press and members of the public.

I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7: 03 P.M.

a. Approval of the minutes of the Monday, March 21, 2011 meeting of the Select Board

Sani Fogel moved to accept the minutes of the March 21st, 2011 meeting as read. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Correction to the approved minutes of the Monday, February 14, 2011 meeting of the Select Board

Sani Fogel moved to reapprove the minutes of February 14, 2011 with a correction to page 3, item d, the motion which should be Thomas Farley and not Thomas Murphy. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

II. AGENDA CHANGES - NONE

III. TOWN MANAGER'S REPORT

IV. LIAISONS' REPORTS –

V. UNFINISHED BUSINESS - NONE

Vi. WASTEWATER COMMISSIONERS

Dale Landrith moved to exit as Select Board and enter as Wastewater Commissioners. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

a. Commitment of Commercial Sewer User Rates for the period of February 2011

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Dale Landrith moved to commit the February 2011 Sewer User Fees totaling \$27,629.84 to the Treasurer for collection. Thomas Farley seconded the motion. VOTE: 5 FOR –0 OPPOSED

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

VII. PUBLIC HEARING

- a. No Public Hearing

VIII. NEW BUSINESS

- a. Execution of the Community Development Block Grant Contract for Avena Botanicals

Sani Fogel moved to direct the Town Manager to sign the contract with the Community Development Block Grant Business Assistance Grant Contract and the Indemnity/Surety Agreement with Deborah M. Soule d/b/a/ Avena Botanicals. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Request to donate the two manual scoreboards from the Marge Jones Recreational Center to Camden-Rockport Middle School by Camden Rockport Little League

Tracey Murphy moved to approve the donation of the two manual scoreboards to the Camden Rockport Middle School subject to a subsequent affirmative vote of the Rockport Parks and Recreation Committee. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- c. Final Discussion and Vote by the Board on Articles Twelve through Twenty of the June 2011 Annual Town Meeting Warrant

Article 12.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 2011/2012 fiscal year:

A.	General Government	\$1,034,930
B.	Public Assistance.....	\$4,225
C.	Public Safety.....	\$144,989
D.	Public Works.....	\$211,931
E.	Culture and Recreation.....	\$143,109

F.	All Other – Cemeteries	\$18,000
G.	All Other – RES East	\$500
H.	Undesignated Fund Balance	\$80,000
	Total.....	\$1,637,684

Dale Landrith, Jr. moved to approve Article 12 as read. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 13. To see if the Town will vote to raise and appropriate the following for General Government for the 2011/2012 fiscal year:

A.	Administration	\$24,045
B.	Town Manager	\$220,729
C.	Town Clerk	\$171,408
D.	Planning & Community Development	\$180,213
E.	Finance.....	\$82,047
F.	Assessing	\$109,581
G.	Town Office Building.....	\$91,526
H.	Insurance.....	\$44,598
	Total.....	\$924,148

Dale Landrith, Jr. moved to see if the Town will vote to raise and appropriate the following for the General Government for the 2011-2012 fiscal year: Administration \$24,045, Town Manager \$220,729, Town Clerk \$171,408, Planning & Community Development \$180,213, Finance \$82,047, Assessing \$109,581, Town Office Building \$91,526, Insurance \$44,598 for a total of \$924,148. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 14. To see if the Town will vote to raise and appropriate the following for Public Assistance for the 2011/2012 fiscal year:

A.	General Assistance.....	\$16,416
	Total.....	\$16,416

Dale Landrith, Jr. moved to approve Article 14 as read. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 15. To see if the Town will vote to raise and appropriate the following for Public Safety for the 2011/2012 fiscal year:

A.	Police Department	\$475,327
B.	Fire Department.....	\$330,645
C.	Streetlights	\$58,750

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D.	Animal Control.....	\$10,749
E.	Harbor Master.....	\$108,230
F.	Public Safety Building.....	\$21,138
G.	Emergency Management Agency.....	\$2,472
	Total.....	\$1,007,311

Tracy Murphy moved to approve Article 15 as read. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 16. To see if the Town will vote to raise and appropriate the following for Public Works for the 2011/2012 fiscal year:

A.	Public Works.....	\$1,350,000
B.	Sanitation.....	\$153,022
	Total.....	\$1,503,022

Dale Landrith, Jr. moved to approve Article 16, stipulating that there will be no new truck, no replacement employee and adding \$7,400 to the maintenance of vehicles. Tracy Murphy seconded the motion. VOTE: 3 FOR – 2 OPPOSED (MURPHY & CHAPMAN)

Article 17. To see if the Town will vote to raise and appropriate the following Culture and Recreation for the 2011/2012 fiscal year:

A.	Library.....	\$305,035
B.	Conservation Commission.....	\$7,645
C.	Parks and Recreation.....	\$75,806
D.	Opera House.....	\$136,054
	Total.....	\$524,540

Dale Landrith, Jr. moved to approve Article 17 as read. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 18. To see if the Town will vote to raise and appropriate the following for Long Term Debt (Debt Payments) for the 2011/2012 fiscal year:

A.	Harbor Building.....	\$38,136
B.	Sand & Salt Shed.....	\$46,181
	Total.....	\$84,317

Dale Landrith, Jr moved to approve Article 18 as read. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 19. To see if the Town will vote to raise and appropriate the following

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for County Fees for the 2011/2012 fiscal year:

A. County Service E-911	\$50,046
B. County Service Dispatch	\$24,657
Total.....	\$74,703

Dale Landrith, Jr moved to approve Article 19 as read. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 20. To see if the Town will vote to raise and appropriate the following for Cemeteries and RES East for the 2011/2012 fiscal year:

A. Cemeteries.....	\$58,380
B. RES East.....	\$8,106
Total.....	\$66,486

Tracy Murphy moved to approve Article 20 as read. Dale Landrith, Jr. seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (FARLEY)

d. Vote by the Board on Articles Twenty-One through Thirty-two of the June 2011 Annual Town Meeting Warrant

Article 21. 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 2011/2012 budget to be taken from fund balance?

Tracy Murphy moved to approve Article 21 as read. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 22. To see if the Town will vote to authorize the payment of tax abatements and applicable interest from the property tax overlay account?

Tracy Murphy moved to table Article 22 to the April 19th meeting of the Select Board. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 23. 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 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

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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.

Tracy Murphy moved to approve Article 23 as read. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 24. 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.

Dale Landrith, Jr. moved to approve Article 24 as read. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 25. To see if the Town will vote to set October 17, 2011 and April 17, 2012 as the tax installment due dates?

Tracy Murphy moved to approve Article 25 as read. Sani Fogel & Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 26. To see if the Town will vote to set October 18, 2011 and April 18, 2012 as the tax delinquency dates and to fix the rate of interest on delinquent taxes at 7.00% interest per year?

Tracy Murphy moved to approve Article 26 as read. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 27. To see if the Town will vote to fix the rate of interest on delinquent wastewater charges at 7.00% interest per year?

Dale Landrith, Jr. moved to approve Article 27 as read. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 28. To see if the Town will authorize the Select Board and Treasurer,

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

Sani Fogel moved to approve Article 28 as read. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 29. 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?

Tracy Murphy moved to approve Article 29 as read. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 30. 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?

Thomas Farley moved to approve Article 30 as read. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 31. 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?

Dale Landrith, Jr. moved to approve Article 31 as read. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 32. 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

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current year taxes which may be due prior to the commitment of those taxes;

(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 the 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 the 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.

Dale Landrith, Jr. moved to approve Article 32 as amended to read (4) the instead of a tax club and (6) to read the instead of a tax club. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

e. Quit Claim Deeds for signature per our Tax Acquired Property Policy

Richard Benner, 407 West Street, Map 26, Lot 217

Valerie Kelly, 479 Rockland Street, Map 17, Lot 79

Phillip MacClennen & Lori (MacClennen) MacDonald , 664 West Street, Map 17, Lot 19

Tracy Murphy moved to convey by Quit Claim Deed the premises described as Map 26 Lot 217 to Richard Benner. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Tracy Murphy moved to convey by Quit Claim Deed the premises described as Map 17 Lot 79 to Valerie Kelly. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Tracy Murphy moved to convey by Quit Claim Deed the premises described as Map 17 Lot 19 to Phillip MacClennen & Lori (MacClennen) MacDonald. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. Discussion of the Town Manager's Evaluation Process

Discussion followed. Set a workshop for Monday, May 23rd at 7:00 p.m. to review the process using a "formal review".

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g. Other New Business

Dale Landrith, Jr. moved that the Select Board not renew the contract of our current Town Manager which expires on June 30, 2011. Thomas Farley seconded the motion.

Dale Landrith, Jr. moved to call the question. Thomas Farley seconded the motion.

Sani Fogel moved that we say Thomas Farley is eligible to sit on this Board as we went through this before and found out that he was and is a positive member of this Board. Dale Landrith, Jr. seconded the motion. VOTE: 2 FOR (FOGEL & LANDRITH) – 2 AGAINST (MURPHY & CHAPMAN) –

1 ABSTAINED (FARLEY) MOTION FAILS

Dale Landrith, Jr. moved that Thomas Farley is not eligible to participate (vote) in this matter. Sani Fogel seconded the motion. VOTE: 2 FOR (MURPHY & CHAPMAN) – 2 AGAINST (FOGEL & LANDRITH) – 1 ABSTAINED (FARLEY) MOTION FAILS

Vote on the motion to call the question.

VOTE: 3 FOR (FARLEY, FOGEL & LANDRITH) - 2 AGAINST (MURPHY & CHAPMAN)

Vote on the motion.

VOTE: 3 FOR (FARLEY, FOGEL & LANDRITH) - 2 AGAINST (MURPHY & CHAPMAN)

IX. EXECUTIVE SESSION

A. No Executive Session

X. ADJOURNMENT

Dale Landrith moved to adjourn the meeting at 10:07 p.m. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY