

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, SEPTEMBER 14, 2009
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair, Robert Duke, Vice-Chair, William (Bill) Chapman, Alexandra (Sani) Fogel, Thomas Farley and Dale Landrith, Jr. Also present: Robert Peabody, Jr. (Town Manager), Abbie Leonard (Harbor Master), Judy Mathiau (Assessor), Tom Ford (Director of Planning and Community Development), Steve Beveridge (Public Works Director) 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, August 10, 2009 meeting of the Select Board

Bill Chapman moved to accept the minutes of the August 10, 2009 meeting as read. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Approval of the minutes of the Monday, August 17, 2009 meeting of the Select Board

Bill Chapman moved to accept the minutes of the August 17, 2009 meeting as read. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

II. TOWN MANAGER’S REPORT

III. LIAISONS’ REPORTS

IV. UNFINISHED BUSINESS

a. No Unfinished Business

V. WASTEWATER COMMISSIONERS

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

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

Thomas Farley moved to commit the July 2009 Commercial Sewer User Fees, totaling \$34,875.14 to the Treasurer for collection. Sani Fogel seconded the motion. VOTE: 5 FOR –0 OPPOSED

Bill Chapman moved to exit as Wastewater Commissioners and reenter as the Select Board. Dale Landrith seconded the motion. VOTE: 5 FOR –0 OPPOSED

VI. PUBLIC HEARING

- a. Shall an Ordinance entitled “Ordinance amending the Coastal Waters and Harbor Ordinance – Section 504- Inspection of Mooring Tackle” be enacted?”

b. Shall the Town (i) amend the Commercial Street Municipal Development and Tax Increment Financing District and adopt the revised Development Program for the District, such designation and adoption to be on the terms and provisions of the “Commercial Street Municipal Development and Tax Increment Financing District Development Program” (Development Program”) on file in the Town Clerk’s Office; (ii) make the findings set forth in the Development Program (iii) adopt the financial plan including the percentage of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program; and (iv) submit to the State of Maine Commission of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Rockport Downtown Municipal Development and Tax Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A Chapter 206?

c. Shall the Town (i) designate the Rockport Downtown Municipal Development and Tax Increment Financing District and adopt the Development Program for the District, such designation and adoption to be on the terms and provisions of the “Rockport Downtown Municipal Development and Tax Increment Financing District Development Program” (“Development Program”) on file in the Town Clerk’s Office; (ii) make the findings set forth in the Development Program; (iii) adopt the financial plan including the percentage of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program; and (iv) submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Rockport Downtown Municipal Development and Tax

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Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A Chapter 206?

d. Shall the Town of Rockport vote to approve a Community Development Block Grant Application for the Economic Development Program on behalf of Farmers Fare in the amount of \$100,000 for working capital to advance private label and specialty foods production and to submit same to the Department of Economic and Community Development and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and to exercise such authority as are necessary and reasonable to implement such programs?

VII. NEW BUSINESS

a. Vote to place Public Hearing Items a-e on the Tuesday, November 3, 2009 Special Town Meeting Warrant

Bill Chapman moved to place the Article, “Shall an Ordinance entitled “Ordinance amending the Coastal Waters and Harbor Ordinance – Section 504- Inspection of Mooring Tackle” be enacted” on the Warrant for the Special Town Meeting to be held on November 3, 2009 at the Rockport Town Office from 8:00 A.M. to 8:00 P.M. Sani Fogel seconded the motion. Dale Landrith moved to amend the article and insert “and diver certification” at the end of the second sentence. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED (amendment) VOTE: 5 FOR – 0 OPPOSED (motion)

Bill Chapman moved to place the Article, “Shall the Town (i) amend the Commercial Street Municipal Development and Tax Increment Financing District and adopt the revised Development Program for the District, such designation and adoption to be on the terms and provisions of the “Commercial Street Municipal Development and Tax Increment Financing District Development Program” (Development Program”) on file in the Town Clerk’s Office; (ii) make the findings set forth in the Development Program (iii) adopt the financial plan including the percentage of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program; and (iv) submit to the State of Maine Commission of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Rockport Downtown Municipal Development and Tax Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A Chapter 206?” on the Warrant for the Special Town Meeting to be held on

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November 3, 2009 at the Rockport Town Office from 8:00 A.M. TO 8:00 P.M. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Bill Chapman moved to place the Article, “Shall the Town (i) designate the Rockport Downtown Municipal Development and Tax Increment Financing District and adopt the Development Program for the District, such designation and adoption to be on the terms and provisions of the “Rockport Downtown Municipal Development and Tax Increment Financing District Development Program” (“Development Program”) on file in the Town Clerk’s Office; (ii) make the findings set forth in the Development Program; (iii) adopt the financial plan including the percentage of increased assessed value of said District to be retained as captured assessed value in accordance with the Development Program; and (iv) submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of the Rockport Downtown Municipal Development and Tax Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A Chapter 206? on the Warrant for the Special Town Meeting to be held on November 3, 2009 at the Rockport Town Office from 8:00 A.M. to 8:00 P.M. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Bill Chapman moved to place the Article, “Shall the Town of Rockport vote to approve a Community Development Block Grant Application for the Economic Development Program on behalf of Farmers Fare in the amount of \$100,000 for working capital to advance private label and specialty foods production and to submit same to the Department of Economic and Community Development and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and to exercise such authority as are necessary and reasonable to implement such programs? on the Warrant for the Special Town Meeting to be held on November 3, 2009 at the Rockport Town Office from 8:00 A.M. to 8:00 P.M. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Bill Chapman move to sign the November 3, 2009, Special Town Meeting Warrant. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Select Board decision on recommendations on Warrant

Bill Chapman moved to place a recommendation in favor of all the articles on the Special Town Meeting Warrant. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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c. Gateway 1 Presentation – Stacey Benjamin & Evan

d. RES East Redevelopment AD Hoc Committee

- Memorandum of Understanding – RES East Elementary School
- Disposal of Playground Equipment
- Disposal of Modular Classrooms
- Building Winter Heating Discussion

Sani Fogel moved to sign the Memorandum of Understanding with School Administrative District 28. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Sani moved to allow the Town Manager to dispose of the playground equipment sited at RES East. Bill Chapman seconded the motion. VOTE: 4 FOR – 1 OPPOSED (FARLEY)

Disposal of Modular Classroom – **No Motion**

Thomas Farley moved to winterize the heating system in the RES building and to leave all the heating components in tact. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

e. Resignation from the Zoning Board of Appeals and Opera House Committee – D. Andrew Eddy

Sani Fogel moved to accept with regret D. Andrew Eddy’s resignation from the Zoning Board of Appeals and the Opera House Committee. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. Application to the Harbor Committee – Sharilyn Morton

Sani Fogel moved to appoint Sharilyn Morton to the Harbor Committee to a term ending June 30, 2012. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

g. Approve revisions to the Provider Agencies Definition, Policy & Procedure and Eligibility Questionnaire

Sani Fogel moved to approve the changes to the Provider Agencies Definition, Policy & Procedure and the Eligibility Questionnaire. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

h. Discussion/ Resolution regarding Excise Tax repeal and TABOR II

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i. Designation of Rockport's voting representation and alternate for the MMA Annual Business Meeting to be held on Wednesday, October 7, 2009

Sani Fogel moved to appoint Robert Peabody, Jr., Town Manager as Rockport's voting representative to the MMA Business Meeting and Bill Chapman as the alternate. Dale Landrith seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 RECUSED (Bill Chapman)

j. Other Business

VIII ADJOURNMENT

Dale Landrith moved to adjourn the meeting at 10:25 p.m. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY