

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, MARCH 8, 2010
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); Tom Ford (Director of Planning and Community Development); Steve Beveridge (Public Works Director); and Mark Kelley (Police Chief); and members of the public

I. CALL MEETING TO ORDER – Robert Duke, Chair called the meeting to order at 7: 05 P.M.

a. Approval of the minutes of the Monday, February 8, 2010 meeting of the Select Board

Bill Chapman moved to approve as presented the minutes of the February 8, 2010 meeting. Sani Fogel 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

a. Commitment of Commercial Sewer User Rates for the period of January 2010

Bill Chapman moved to commit the January 2010 Commercial Sewer User Fees, totaling \$35,243.94 to the Treasurer for collection. Dale Landrith seconded the motion. VOTE: 5 FOR –0 OPPOSED

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

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VI. PUBLIC HEARING

- a. Application for a New Malt, Vinous and Spirituous Liquor License for Midcoast Culinary Solutions, d/b/a Rubs Dinner House & Grill, Scott Wilcox, Shawn Wilcox, Dustin Ricker and Robin Kaplar, located at 554 West Street
- b. Application for a Special Amusement Permit for Dancing and Entertainment for Midcoast Culinary Solutions, d/b/a MCS Catering and d/b/a Rubs Dinner House & Grill, Scott Wilcox, Shawn Wilcox, Dustin Ricker and Robin Kaplar, located at 554 West Street
- c. State of Maine Community Development Block Grant Economic Development Program Grant Application on behalf of Yachting Solutions

VII. NEW BUSINESS

- a. Approval for a New Malt, Vinous and Spirituous Liquor License and Special Amusement Permit for Dancing and Entertainment for Midcoast Culinary Solutions, d/b/a/ MCS Catering and d/b/a Rubs Dinner House & Grill, Scott Wilcox, Shawn Wilcox, Dustin Ricker and Robin Kaplar, located at 554 West Street

Sani Fogel moved to approve a New Malt, Vinous and Spirituous Liquor License for Midcoast Culinary Solutions doing business as MCS Catering and Rubs Dinner House & Grill. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Sani Fogel moved to approve a New Special Amusement Permit for Dancing and Entertainment for Midcoast Solutions, doing business as MCS Catering and Rubs Dinner House & Grill. VOTE: 5 FOR – 0 OPPOSED

- b. Presentation by Central Maine Power on the upcoming tree work in our area
- c. Request by Greg Haining for additions to the Ordinance Review Committee work plan:
 - Zone Line Change for West Rockport Meadows, LLC
 - Change to Section 300 – Undeveloped Land to allow Small Wind Generation – No Motion

Thomas Farley moved to direct the Ordinance Review Committee to review the Haining request of a Zone Line Change for West Rockport Meadows LLC for possible inclusion on the 2010 Town Meeting Warrant. Sani Fogel seconded the motion. VOTE: 4 FOR – 1 OPPOSED (ROBERT DUKE)

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- d. Approval of the Lease Purchase Agreement with Gorham Savings Leasing Group, LLC (or its nominee) for the purchase of a Freightliner Plow Truck

Sani Fogel moved that under and pursuant to the provisions of Title 30-A of the Maine Revised Statutes Annotated, as amended to date and authorization of the voters of the Town of Rockport at a town meeting held on June 10, 2009, the Treasurer of the Town be and hereby is authorized to execute and deliver a tax-exempt lease purchase agreement with Gorham Savings Leasing Group LLC, or its nominee, in the name and on behalf of the Town of Rockport, for a Freightliner plow truck, said lease purchase agreement to be in the aggregate principal amount of One Hundred Forty Two Thousand One Hundred Sixty Five Dollars (\$142,165) payable over a term not to exceed 4 years with interest at an annual rate not to exceed 3.60%, and otherwise in such form and on such terms not inconsistent herewith as the Treasurer in consultation with the Town's legal counsel deems to be in the best interests of the Town; and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b) (3) of said Code; and that the Clerk of the Town be and hereby is authorized to execute and deliver any certificates with respect to proceedings of the Town in connection therewith, and that the Treasurer and Chair of the Select Board, acting singly, be and hereby are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the Treasurer and Chair of the Select Board, acting singly, be and they hereby are 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 said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- e. Appointment of Election Clerks for a term of two years, April 1, 2010 – April 1, 2012

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Bill Chapman moved to appoint the Election Clerks recommended by the Town Clerk pursuant to 21-A MRSA §503 and Article VII §of the Rockport Charter. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. Appointment of Rebecca Gamage to the Rockport Opera House Committee with a term expiration of June 30, 2010

Sani Fogel moved to appoint Becky Gamage to the Opera House Committee to a term ending June 30, 2010. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

g. Appointment of a municipal representative to serve on the Reorganization Planning Committee

Bill Chapman moved to appoint Thomas Farley as the Municipal Representative to serve on the Regional Planning Committee. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

h. Approval of the Ordinance Restricting Vehicle Weight on Posted Ways

Bill Chapman moved to adopt the Town of Rockport Restricting Vehicle Weight on Posted Ways Ordinance and to update the Town of Rockport Codes accordingly. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

i. Other New Business –

Discussion of the Camden Rotary Club using the Former Rockport Elementary School Gym for a yard sale to be held on July 16 -18th. The Board will have this item on the agenda for their next meeting.

At 8:45 p.m. Sani Fogel moved to go into Executive Session regarding a legal matter concerning the Charter, 1 MRSA §406 (6) (E). Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Dale Landrith moved to come out of Executive Session at 9:13 p.m. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Sani Fogel moved to place the Teen Center on the tax bill. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

VIII ADJOURNMENT

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Dale Landrith moved to adjourn the meeting at 9:17 p.m. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY