

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, APRIL 12, 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, Departments Heads (Virginia Lindsey, Finance Director; Mark G. Kelley, Chief of Police; Steve Beveridge, Public Works Director; Abbie Leonard, Harbor Master; Tom Ford, Planning & Community Development Director and Molly Larson, Library Director), William Plouffe, Town Attorney, members of the 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, March 3, 2010 meeting of the Select Board

Bill Chapman moved to accept the minutes of the March 3rd, 2010 meeting with the corrections of the meeting being Wednesday (not Monday as stated on this agenda), motion to go into executive session should be 1 M.R.S.A (not 36), and motion to adjourn executive session should be workshop (not meeting). Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Approval of the minutes of the Monday, March 8, 2010 meeting of the Select Board

Sani Fogel moved to accept the minutes as presented. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

II. TOWN MANAGER’S REPORT

III. LIAISONS’ REPORTS - None

IV. 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

MINUTES APRIL 12, 2010

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

Bill Chapman moved to commit the February 2010 Sewer User Fees totaling \$25,049.59 to the Treasurer for collection. Dale Landrith seconded the motion. VOTE: 5 FOR –0 OPPOSED

- b. Presentation by Judy Kelley, President of Aqua Maine regarding the wastewater billing

Presentation by Judy Wallingford.

Bill Chapman 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 have the Town Attorney review/redraft as Employee Contract with Town Manager and to be sure it is consistent with the Town Charter and will then vote on it at the next meeting. Bill Chapman seconded the motion. VOTE: 5 – FOR – 0 OPPOSED

VI. PUBLIC HEARING

- a. Application for a New Malt, Vinous and Spirituous Liquor License for Shepherd's Pie, Brian Hill, located at 18 Central Street, Rockport

VII. NEW BUSINESS

- a. Approval of the Application for a New Malt, Vinous and Spirituous Liquor License for Shepherd's Pie, Brian Hill, located at 18 Central Street, Rockport

Sani Fogel moved to approve the application for a New Malt, Vinous and Spirituous Liquor License for Shepherd's Pie, Brian Hill, located at 18 Central Street, Rockport. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Confirmation of Kerry Leichtman as Assessor

MINUTES APRIL 12, 2010

Thomas Farley moved to confirm the appointment of Kerry Leichtman as Town Assessor effective April 16, 2010. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

c. Presentation by Judy Kelley, President of Aqua Maine on the upcoming filter plant and the rate increase

Presentation by Judy Wallingford

d. Discussion and possible approval of requests to use RES East:

- Rotary Club on July 24 and July 25 (see complete details on letter)
- Friends of the Rockport Library on July 1 to July 13
- Pen Bay Soccer starting immediately to June 18
- Cellardoor Winery on June 17
- Camden-Rockport Little League from May 4 to June 10

Dale Landrith moved to allow the use of the RES East property subject to the Town of Rockport Rules & Regulations Regarding the Use of Town Owned Parks and Properties by Private Groups Policy. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

e. Vote to expend up to \$5,000 from the computer reserve line (1313) to develop and host a new website and to replenish this account with the appropriation in the FY 10/11 Budget

Sani Fogel moved to approve the withdrawal of \$5,000 from the Computer Reserve to improve, upgrade and redo the Town Website. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. Final Vote on FY 10/11 Budget

Article?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 2010/2011 fiscal year:

A.	General Government	\$1,037,179
B.	Public Assistance.....	\$5,050
C.	Public Safety.....	\$128,654
D.	Public Works.....	\$70,790
F.	Culture and Recreation.....	\$134,810
G.	All Other – Cemeteries.....	\$21,000
H.	All Other – RES East	\$7,860

MINUTES APRIL 12, 2010

G. Undesignated Fund Balance	\$25,000
Total.....	\$1,430,343

VOTE: 5 FOR – 0 AGAINST

Article? To see if the Town will vote to raise and appropriate the following for General Government for the 2010/2011 fiscal year:

A. Administration	\$24692
(\$1,000 per Select Board Member and \$1,500 for the Chairman)	
B. Town Manager	\$218,593
C. Town Clerk	\$163,777
D. Planning & Community Development	\$170,016
E. Finance.....	\$82,049
F. Assessing	\$115,618
G. Town Office Building.....	\$68,745
H. Insurance.....	\$42,394
Total.....	\$885,884

VOTE: 4 FOR – 1 AGAINST (FARLEY)

Article? To see if the Town will vote to raise and appropriate the following for Public Assistance for the 2010/2011 fiscal year:

A. General Assistance	\$17,667
Total.....	\$17,667

VOTE: 5 FOR – 0 AGAINST

Article? To see if the Town will vote to raise and appropriate the following for Public Safety for the 2010/2011 fiscal year:

A. Police Department	\$442,376
B. Fire Department.....	\$334,598
C. Streetlights	\$58,040
D. Animal Control.....	\$9,147
E. Harbor Master	\$109,450
F. Public Safety Building	\$20,208
G. Emergency Management Agency.....	\$1,941
Total.....	\$975,760

VOTE: 5 FOR – 0 AGAINST

MINUTES APRIL 12, 2010

Article? To see if the Town will vote to raise and appropriate the following for

Public Works for the 2010/2011 fiscal year:

A.	Public Works.....	\$1,140,482
B.	Sanitation.....	\$171,191
	Total.....	\$1,311,673

VOTE: 5 FOR – 0 AGAINST

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

Culture and Recreation for the 2010/2011 fiscal year:

A.	Library.....	\$314,549
B.	Conservation Commission.....	\$2,150
C.	Parks and Recreation.....	\$59,310
D.	Opera House.....	\$90,204
	Total.....	\$466,213

VOTE: 5 FOR – 0 AGAINST

Article ?To see if the Town will vote to raise and appropriate the following for

Long Term Debt (Debt Payments) for the 2010/2011 fiscal year:

A.	Cemetery.....	\$29,769
B.	Harbor Building.....	\$38,905
C.	Sand & Salt Shed.....	\$48,056
	Total.....	\$116,730

VOTE: 5 FOR – 0 AGAINST

Article? To see if the Town will vote to raise and appropriate the following for

County Fees for the 2010/2011 fiscal year:

A.	County Service E-911.....	\$47,711
B.	County Service Dispatch.....	\$23,507
	Total.....	\$71,218

VOTE: 5 FOR – 0 AGAINST

Article? To see if the Town will vote to raise and appropriate the following for

Cemeteries and RES East for the 2010/2011 fiscal year:

A.	Cemeteries.....	\$57,933
B.	RES East.....	\$7,860
	Total.....	\$65,793

MINUTES APRIL 12, 2010

VOTE: 5 FOR – 0 AGAINST

Article ?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 2010/2011 budget to be taken from fund balance?

VOTE: 5 FOR – 0 AGAINST

Article ?To see if the Town will vote to authorize the payment of tax abatements and applicable interest approved by the Select Board from the property tax overlay account?

VOTE: 5 FOR – 0 AGAINST

g. Vote by the Board on Articles Thirteen through Thirty-Four of the June 2010 Annual Town Meeting Warrant

Article 13.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 2010/2011 fiscal year:

A.	General Government	\$1,037,179
B.	Public Assistance.....	\$5,050
C.	Public Safety.....	\$128,654
D.	Public Works.....	\$70,790
F.	Culture and Recreation.....	\$134,810
G.	All Other – Cemeteries.....	\$21,000
H.	All Other – RES East.....	\$7,860
G.	Undesignated Fund Balance	\$25,000
	Total.....	\$1,430,343

VOTE: 5 FOR – 0 AGAINST

Articles 14.To see if the Town will vote to raise and appropriate the following for General Government for the 2010/2011 fiscal year:

A.	Administration.....	\$24692
B.	Town Manager	\$218,593
C.	Town Clerk	\$163,777
D.	Planning & Community Development	\$170,016
E.	Finance.....	\$82,049
F.	Assessing	\$115,618

MINUTES APRIL 12, 2010

G.	Town Office Building.....	\$68,745
H.	Insurance.....	\$42,394
	Total.....	\$885,884

VOTE: 4 FOR – 1 AGAINST (FARLEY)

Articles 15. To see if the Town will vote to raise and appropriate the following for Public Assistance for the 2010/2011 fiscal year:

B.	General Assistance.....	\$17,667
	Total.....	\$17,667

VOTE: 5 FOR – 0 AGAINST

Articles 16. To see if the Town will vote to raise and appropriate the following for Public Safety for the 2010/2011 fiscal year:

A.	Police Department	\$442,376
B.	Fire Department.....	\$334,598
C.	Streetlights	\$58,040
D.	Animal Control.....	\$9,147
E.	Harbor Master.....	\$109,450
F.	Public Safety Building	\$20,208
G.	Emergency Management Agency.....	\$1,941
	Total.....	\$975,760

VOTE: 5 FOR – 0 AGAINST

Article 17. To see if the Town will vote to raise and appropriate the following for Public Works for the 2010/2011 fiscal year:

C.	Public Works.....	\$1,140,482
D.	Sanitation.....	\$171,191
	Total.....	\$1,311,673

VOTE: 5 FOR – 0 AGAINST

Article 18. To see if the Town will vote to raise and appropriate the following Culture and Recreation for the 2010/2011 fiscal year:

E.	Library	\$314,549
F.	Conservation Commission	\$2,150
G.	Parks and Recreation	\$59,310
H.	Opera House	\$90,204

MINUTES APRIL 12, 2010

VOTE: 5 FOR – 0 AGAINST

Articles 19. To see if the Town will vote to raise and appropriate the following for Long Term Debt (Debt Payments) for the 2010/2011 fiscal year:

D. Cemetery	\$29,769
E. Harbor Building.....	\$38,905
F. Sand & Salt Shed.....	\$48,056
Total.....	\$116,730

VOTE: 5 FOR – 0 AGAINST

Article 20. To see if the Town will vote to raise and appropriate the following for County Fees for the 2010/2011 fiscal year:

C. County Service E-911	\$47,711
D. County Service Dispatch	\$23,507
Total.....	\$71,218

VOTE: 5 FOR – 0 AGAINST

Article 21. To see if the Town will vote to raise and appropriate the following for Cemeteries and RES East for the 2010/2011 fiscal year:

C. Cemeteries.....	\$57,933
D. RES East.....	\$7,860
Total.....	\$65,793

VOTE: 5 FOR – 0 AGAINST

Articles 22. 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 2010/2011 budget to be taken from fund balance?

VOTE: 5 FOR – 0 AGAINST

Article 23. To see if the Town will vote to authorize the payment of tax abatements and applicable interest approved by the Select Board from the property tax overlay account?

VOTE: 5 FOR – 0 AGAINST

Article 24. To see if the Town will vote to authorize the Select Board, on behalf

MINUTES APRIL 12, 2010

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 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.

VOTE: 5 FOR – 0 AGAINST

Article 25.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.

VOTE: 5 FOR – 0 AGAINST

Article 26.To see if the Town will vote to set October 15, 2010 and April 15, 2011 as the tax installment due dates?

VOTE: 5 FOR – 0 AGAINST

Article 27.To see if the Town will vote to set October 16, 2010 and April 16, 2011 as the tax delinquency dates and to fix the rate of interest on delinquent taxes at 7.00% interest per year?

VOTE: 5 FOR – 0 AGAINST

Article 28.To see if the Town will vote to fix the rate of interest on delinquent wastewater charges at 7.00% interest per year?

VOTE: 5 FOR – 0 AGAINST

Article 29.To see if the Town will authorize the Select Board and Treasurer, on behalf of the Town, to accept gifts, real estate, and certain funds, including

MINUTES APRIL 12, 2010

trust funds, that may be given or left to the Town?

VOTE: 5 FOR – 0 AGAINST

Article 30. 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?

VOTE: 5 FOR – 0 AGAINST

Article 31. 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?

VOTE: 5 FOR – 0 AGAINST

Article 32. 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?

VOTE: 5 FOR – 0 AGAINST

Article 33. 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;
- (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

MINUTES APRIL 12, 2010

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.

VOTE: 5 FOR – 0 AGAINST

Article 34. Shall the Town of Rockport vote to approve a Community Development Block Grant application in the amount of \$200,000 on behalf of Yachting Solutions LLC and Atlantis Maritime LLC 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 exercise such authority as are necessary and reasonable to implement such programs. Furthermore, the Town Rockport is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

VOTE: 5 FOR – 0 AGAINST

h. Discussion regarding Article II Section 2 of the Town Charter and Select Board members

At 9:30 p.m. Robert Duke moved to go into Executive Session pursuant to 1 M.R.S.A 504 6(E) to meet with the Town Attorney to discuss the Board's legal rights and duties regarding allegations. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

The Board came out of Executive Session at 9:57 p.m.

Sani Fogel moved to come out of Executive Session at 10:00 p.m. Dale Landrith seconded the motion VOTE: 5 FOR – 0 OPPOSED

Robert Duke recused himself for items h & i and handed the gavel to Bill Chapman, the Vice-Chair. Thomas Farley also recused himself.

Dale Landrith moved to set Tuesday, April 27th 7:00 p.m. as a Public Hearing

MINUTES APRIL 12, 2010

regarding the qualifications and eligibility allegations. Sani Fogel seconded the motion. **VOTE: 3 FOR – 0 OPPOSED**

i. Proposed Charter Amendment to Article II Section 2 of the Town Charter

Dale Landrith moved to include an article to the Town Meeting Warrant to amend Article II Section 2 of the Town Charter. Sani Fogel seconded the motion. **VOTE: 3 FOR – 0 OPPOSED**

At 10:26 p.m. Robert Duke and Thomas Farley rejoined the Board and Robert took back being the Chair.

j. Quitclaim Deeds for Signature

Elite Properties, LLC
Steve Burton
Franklin I. & June E. Clinch
Denis R. Desrosiers (two timeshares)

Sani Fogel moved to convey by Quit Claim Deed the premises described as Map T02 Lot A10-011 to Steve Burton. Dale Landrith seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

Thomas Farley moved to convey by Quit Claim Deed the premises described as Map T02 Lot A08-024 to Franklin L. & June E. Clinch. Dale Landrith seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

Dale Landrith moved to convey by Quit Claim Deed the premises described as Map T01 Lot A17-016 to Denis R. Desrosiers. Sani Fogel seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

Bill Chapman moved to convey by Quit Claim Deed the premises described as Map T01 Lot A17-017 to Denis R. Desrosiers. Dale Landrith seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

Sani Fogel moved to convey by Quit Claim Deed the premises described as Map 17 Lot 49-002 to Elite Properties, LLC. Dale Landrith seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

k. Letter of request from F. Carl Mahoney to redeem his property at 105 Beech Hill Road

MINUTES APRIL 12, 2010

Dale Landrith moved to direct the Town Manager to offer F. Carl and Elizabeth Mahoney the option to reacquire the property identified as Map 20 Lot 23 upon satisfaction of the following terms which is to pay all the back taxes, interest and cost. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

l. Vote to approve a public hearing on Monday, May 10th and a Special Town Meeting on Monday, May 24th for a CDBG for Avena Botanicals

Sani Fogel moved to convene a Special Town Meeting to be held on Monday, May 24, 7:00 PM at the Rockport Opera House. Bill Chapman seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Bill Chapman moved to hold a Public Hearing on May 10, 2010 on the Special Town Meeting Warrant. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

m. Proclamation for April – Sexual Assault Awareness Month

Thomas Farley moved to proclaim the Month of April 2010 as Sexual Awareness Month in the Town of Rockport. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED

n. Other New Business

VIII ADJOURNMENT

Dale Landrith moved to adjourn the meeting at 10:45 p.m. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY