

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY FEBRUARY 9, 2015  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair, William Chapman, Vice-Chair Charlton Ames, Tracy Lee Murphy, Kenneth McKinley, and Geoffrey Parker. Also present: Richard C. Bates, Town Manager, Mike Young, Public Works Director, Kerry Leichtman, Assessor, Ann Filley, Library Director, members of the Library Committee and members of the Budget Committee and the public

I. CALL MEETING TO ORDER – William Chapman, Chair called the meeting to order at 7:00 P.M.

a. Approval of the minutes of the

- Monday, January 12, 2015 executive session of the Select Board

**Kenneth McKinley moved to accept as presented the minutes of the January 12, 2015 executive session. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (AMES)**

- Monday, January 12, 2015, meeting of the Select Board

**Geoffrey Parker moved to accept the minutes of the January 12, 2015 meeting as amended (page 5, 4<sup>th</sup> paragraph “restore” to “ReStore.” Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (AMES)**

- Monday, January 21, 2015, meeting of the Select Board

**Tracy Murphy moved to accept as presented the minutes of the January 21, 2015 meeting. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (MCKINLEY)**

b. Next Regular Select Board Meeting on Monday, March 9, 2015 at 7:00 p.m., televised on Channel 22

c. Announcements: - See agenda

d. Upcoming Select Board Workshops – See agenda

e. Committee Openings: - See agenda

f. Agenda Changes – None

g. Public Comment –

Robert Iserbyt – I run Rockport Charters out of Rockport Harbor and am concerned that at the last Harbor Committee Meeting there was not a quorum and therefore they could not hold their meeting. This has been going on for the last year. He explained his situation at the Harbor and that he operates on the Marine Park side of it. According to

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the rules, he should be on the commercial side as the ordinances do not permit him to operate on that side of the harbor. The Harbor Committee needs to hold meetings and to make suggestions to the Select Board. The meetings have been interesting but they are not getting anywhere.

Geoff – it is a catch 22. We do not have any method to have anyone step-down if they don't attend the meetings. All of the members are frustrated as well as others involved in the meetings.

There has been discussion on how to be able to be sure a quorum will be present at the meeting in order for the committee to vote on a recommendation to change the bylaws.

II. TOWN MANAGER'S REPORT – see attached

Geoff – how is our salt supply doing?

Rick – it is all right at the moment. We had the hydraulic arms on the wings break two times in the last storm.

Geoff – what is Tidewater looking for from us, space or offering TV services?

Rick – they are looking to lease space with us.

III. UNFINISHED BUSINESS – None

IV. PUBLIC HEARING - None

V. NEW BUSINESS

a. Committee Resignation(s)

- Becky Gamage, Opera House Committee

They did not receive a letter of resignation from Becky, but received an email from the Chair of that Committee.

**Geoffrey Parker moved to approve with regret, the resignation of Becky Gamage from the Opera House Committee and to send a letter of thank you signed by the Chair. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

b. Committee Application(s):

None this month

c. Mid-Coast Recreation Center presentation

Presented by Craig Wilson, Executive Director and Mark Brenton, Board Member

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Craig – they have been in business for fourteen years. They have taken steps to become non-profit and are in their fourth year of being non-profit. Soon they will be offering fencing. They have a 501(3) (C) issued by the state & feds. They do not charge a membership fee to join their recreation center. No one is ever turned away. They give away more than \$10,000 annually as financial assistance. The latest program that they offer is an over 60 hockey league. The purpose is to get this group back on the ice and it is free. They let the Lyme Support Group use their facility free of charge. They also allow the Library to use the facility for their annual book sale and have an agreement with them for the next five years.

He has met with the Town Manager and the Assessor several times to be able to achieve the goal of non-profit. They give preferential treatment to Rockport residents. They offer free exercise classes to them and all next week they are offering free skating to all Rockport residents. They also offer Pickle Ball free to Rockport residents. He encouraged the Board to come see what they are doing. “We are not learning anymore, we are truly a non-profit.”

Bill – actually it is the Friends of the Rockport Library that hold the book sale. This year it will be the week after the 4<sup>th</sup> of July.

Geoff – you are a good citizen giving free services to the Town. Is this a requirement of a non-profit?

Craig – no, we are setting a precedent. We are giving back to the Town.

Bill – Kerry, there are criteria for one to be property tax exempt? It is not the same as non-profit which is so that donations are tax deductible.

Kerry – yes, that is correct.

Ken – I am happy to see what you are doing.

Charlton – how many volunteers do you have?

Craig – we have 70 volunteers in all capacities – policy volunteers, financial volunteers and program volunteers.

Mark – the CPA that did their audit said that it feels like a non-profit.

Charlton – what about payment in lieu of taxes?

Craig – that would be challenging as we are barely making it as it is. It is very costly to run a skating rink. It is unique to have one in a small town.

Kerry – it was a very difficult decision to deny their request for tax exempt status. He has been working with them for the last four years. He has to follow the state statutes for

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benevolent and charitable organizations. It is not allowed for health and sports. The statutes are vague and there is no case law to follow. There is one instance in Falmouth. The difference is that they went to the town first before establishing the arena. Town land was given to them to lease for \$1.00. I am asking you what you would have said if they came to you first. We need to be sure of what we are getting out of it. They give \$10,000 for a \$40,000 tax bill. MRC has done a nice job. I am uncomfortable as there is no real guidance if they should be tax exempt/non-profit.

Bill – the decision lies with you. Is it permitted by state statute to have them to reapply? Are there any other institutions coming up the pike to ask for tax exempt status?

Kerry – I don't know of anyone else.

Rick – you are not required to take any action tonight.

Tracy – the information that you provided us show that you have raised \$115,000 through donations. Where do the rest of your funds come from?

Craig – the rest of our money comes from programs and rentals.

Charlton – I find this interesting and would like to have a visit at MRC and talk about your facility.

Tracy – I would like more information from Kerry to see if what they are doing suits what you need to consider them tax exempt.

Ken – would like a copy of their budget.

Kerry – I am asking for collaboration.

Ken – likes what Charlton said and would like to wait until next month before giving any thoughts on the process.

Tracy – asked for a copy of the tax bill.

Bill – we will discuss this again in March under Old Business.

- d. Discussion with Library Committee regarding the next steps to be taken vis-à-vis the library building and future plans for the library

Kathleen Meil – this is just an update. We are taking a step back and rethinking the project. The Library Committee and staff are responsible for the programs and services. The Town is responsible for the building and the land. Gartley and Dorsky and Public Works have also looked at the required maintenance needed. In her preference they need someone fresh to look at the issues. The Library Committee has engaged Steve Podgajny to look at current programs and services and what they should be doing. He has been

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meeting with several individuals. He had an all-day meeting with Friends of the Library and other citizens of the Town. He will also be meeting with the Select Board, the Library Committee and the staff. What is our library and what can it be? He is putting together a building program, figuring what space is needed and receiving public input. With some tweaking, the results will be ready by the end of June and he will have a suggestion for us.

Ken – it sounds like the process is moving along.

Geoff – the Select Board needs to get into higher gear.

Bill – what do we have available for monies for any maintenance needed? We will probably need to put some funds into the 2015-16 budget.

Geoff – both studies are being done at the same time, one for the programs and the other one for the building. The engineering study will cost \$8,000-\$10,000. If we put off the engineering study for another year does it help or hinder the process?

Bill – they are independent of each other. We have to be cautious of the budget with this year's winter weather.

Kathleen – their hope is that there is an understanding that this has been dragging on. There is an urgency to do something. If both studies are not done together, there will be a delay.

Ken – when the RFQ's come back, then we should ask if we should dip into the undesignated fund balance. This would be up to the Town Manager.

Rick – we need to wait.

Bill – we need to be aware of cash flow.

Geoff – it would be wise if we had any particular points that should be in Mr. Podgajny's work.

Kathleen – we are not looking at the physical space other than the location of placement.

Geoff – it should be on the record if a second story versus a one story would affect the programs.

Tracy – they (the Library Committee) are paying him, not us.

Charlton – I have full confidence in Steve and his work, in the Library Committee, and in Rick as Town Manager.

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Geoff – Steve is retiring in June. Will his services extend beyond that time?

Jan Rosenbaum – will this involve the Budget Committee this year?

Bill – it is too early to know.

Rick – there will be money in the budget this year. It will be one or two years before we are ready to move on.

- e. Discuss the request from David Barry regarding a non-binding warrant article relating to the use of 1 Limerock Street as the sole location for any present or future library.

Bill – it is our choice whether or not we decide to put this proposed article on the June warrant. If you present us with a citizen’s petition, you will need 10% (191) signatures. We would then have to place it on the warrant.

Charlton – we had a vote in November and the citizens voted the two articles down. Personally I just don’t feel that this is necessary. “We are looking at the site as hard as possible.” The Library Committee is also looking at the present site to see what can be done there.

David – I feel that starting with the first survey when 240 residents responded and overwhelmingly said no to moving the library out of the village and the vote when the zoning restriction was taken away, you have not been not prepared to accept what the voters wanted.

Charlton – “we understand that RES is not wanted as the building site.” This vote is not necessary and potentially harmful.

David – the proposed article takes all of the argument out of it as to where the library should be located.

Bill – “what if the vote comes back no?” We are already looking at the present site.

Geoff – it does not muddy the waters and in Mr. Barry’s view clarifies it. Maybe the library would be better placed on the adjoining site. It would behoove you to see where this study goes. We should wait and see what Mr. Podgajny comes back with. We should not muddy the water unnecessarily. I urge you to take a breath.

David – the present property needs to be used for a fire station or library it will revert back to the donor.

Ken – the cart is before the horse. “I will not support this suggested article.” RES is off the table and we are focusing on the current site.

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Tracy – mostly agrees with everything that has been said.

**Charlton Ames moved not to approve the request of Mr. David Barry to place his recommended article on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- f. Discuss the request by Vivienne Larmor, Mama’s Boys, for a town installed street light at the entrance to the drive on Route 90.

Bill – the entrance is difficult to see. There is a street light at 200 West Street at Dr. Goss’ property.

Ken - Strawberry Lane is a private drive. The entrance is difficult to see, but a light will not help. There is a pole on the opposite side of the road. The problem is not the lighting, but the lay of the land.

Tracy – it is up to them to provide lighting as it is a private drive. It is not up to the Town. They have signage on the building. How much does it cost for a light and how much is the annual maintenance?

Rick – we have not put up many new lights in recent years. I agree that it is the location and not the lighting.

Ken – the solution is not a light, but maybe a sign.

Rick – if the Board wants we can have her at the next meeting, but I don’t feel that it will help anything.

Bill – we will have Rick talk to her.

Break 8:40 - 8:45 to change the tape.

- g. Discussion of the next step(s) in the Fiber Optic Build-Out study to be performed by Tilson Technology

Rick – this will cost around \$40,000. We are looking for some grant money. We will be meeting with Tilson, Rockland and Camden. Maybe we can get some monies from MCCED. We will have the makings of the materials to go out to bid. Senator King’s office is working with us. Maybe we can squeeze \$10,000 out of our budget to move forward. A lot of people are interested in the Fiber Optic. The plan is to get done in two or three years.

Bill – Rockport’s fiber and sewer part of the MCCED project.

Geoff and Tracy feel that it is important to move ahead with the project.

Rick – we may be able to do that.

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Tracy – we need money to go into the budget now.

Rick – we are ahead as Camden and Rockland are just having the discussion.

Bill – we should talk to Roger Moody if he is still on the MCCED Board.

Ken – do we need to work on an ordinance to start the framework of a municipal fiber optic?

Charlton – maybe Tilson has had an experience with that.

Ken – how do we deal with other providers?

Rick – will do some homework with New Century. This is not GWI's specialty and that is why Tilson Tech out of Portland was recommended to us.

- h. Review and approve Provider Agency list to appear on tax bills for voluntary contributions

It was discussed and the Board agreed to revisit the idea of providing the approved agencies a place to distribute information and to offer citizens a chance to make a donation to them at the Holiday on the Harbor event.

Tracy – the Red Cross was at the school in November to provide shelter and food to our residents who were without power and needed a warm place to stay. I was very impressed by how they handled one situation where I took a couple to the school for help.

**Kenneth McKinley moved to approve the Provider Agency list as presented to appear on the tax bills for voluntary contributions. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

VI. WASTEWATER COMMISSIONERS

**Tracy Murphy moved to close as Select Board and to go into Wastewater Commissioners. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- a. Commitment of Sewer User Rates for the period of December 2014

**Tracy Murphy moved to commit the December 2014 Wastewater User/Debt Fees totaling \$138,824.61 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 5 FOR - 0 OPPOSED**

- b. Set date for Wastewater Budget workshop and to include Jim Guerra to discuss MCSWC outflow and its impact on Camden Wastewater Treatment Plant

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Bill – suggested May 7<sup>th</sup> or 14<sup>th</sup> at 5:30 p.m. Both dates are a Thursday.

The Board agreed to set the date at the 7<sup>th</sup> with the 14<sup>th</sup> as an alternate date if there is a conflict with scheduling.

**Kenneth McKinley moved to close as Wastewater Commissioners and to reconvene as Select Board. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

VII LIAISON REPORTS

Reminders:

Bill - Proposed a date of April 2<sup>nd</sup> as an education workshop for anyone taking out nomination papers for Select Board. Charlton and Ken's terms are up in June. He has been talking with Martin Cates to schedule a date for the next joint meeting with Rockport and Camden Select Boards. They have been extremely busy with the Snow Bowl and will get back to him.

Bill – you heard from the Library Committee earlier tonight. The Investment Committee is scheduled to meet in March. The MCSW is in the process of strategic planning for single stream recycling. They need to reconfigure the transfer station. It will be one year or more before any changes start. The Parks and Recreation are meeting in March?

Parks will meet on March 10<sup>th</sup> and regarding the Recreation Committee they are trying to get together a committee.

Tracy – The Recreation Committee will be meeting on February the 23<sup>rd</sup> at 5:30 p.m. Steve's input would be helpful. He should be invited to attend the meeting. There will not be anything for the Planning Board this month.

Charlton – The Conservation Commission is starting to gel. We are happy with the new members. They are working on a new mission statement and their bylaws. Something will need to be done with the pipe by Goodie's Beach.

Ken – there wasn't any meeting for the Cemetery Committee this month. The ORC has done a fair amount of work. They have been working on the noise ordinance and a resolution on hospital signs. They looked at metal buildings and decided that it is adequate for now. No changes are needed. The Pathways Committee will be meeting later next week. They are in a workshop mode regarding priorities and in 2016 the replacement of the traffic signal at Routes 90 and One.

The Ambulance Committee met and they are working on a new contract for 3 years. There will be an increase each year. However, the service is still a bargain.

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Geoff – Harbor Committee has had a difficult time getting a quorum to attend their meetings and therefore, cannot attend to business. Members that do not attend should be hamstrung. No one wants to give up their seat even though they do not attend the meetings. Brendan may tender his resignation. They need to change their by-laws. They also need to look at the conflict of interest section. The Opera House Committee put off their meeting due to the weather. John Viehman has brought a real sense of reality to this Board.

Bill – what about the bids for the Opera House?

Rick – this is a separate issue.

Geoff – how much money is left to get fiber optic here? By the next meeting we should be streaming out of here. In April we should be able to have the camera out of the Richardson Room. We will broadcast on 22 as well.

Ken – the Harbor Committee serves at the pleasure of the Select Board. We could remove people from that committee if necessary.

Bill – we would have to give them notice of our intent.

Ken – we could take some action, I would think.

VIII. EXECUTIVE SESSION

a. None this month

IX ADJOURNMENT

**Geoffrey Parker moved to adjourn the meeting at 9:34 p.m. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY