

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY MARCH 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; Abbie Leonard, Harbormaster and Kerry Leichtman, Assessor; Attorney William Plouffe and members of 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, February 9, 2015 meeting of the Select Board  
**Tracy Murphy moved to accept the minutes of the February 9, 2015 meeting as presented. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**
  - b. Next Regular Select Board Meeting on Monday, April 13, 2015 at 7:00 p.m., Opera House and televised on Channel 22
  - c. Announcements: See Agenda
  - d. Upcoming Select Board Workshops - See Agenda (Geoff stated that it would behoove the Budget Committee that they should televise their meeting. Bill stated that we can ask them to, but we cannot order them to televise their meeting if they choose not to.)
  - e. Candidate Nominating Papers available – See agenda (There will be an information session on Thursday, April 2<sup>nd</sup>, for anyone taking out or anyone who is curious on what is require of Select Board members. This will be held at the Town Office.)
  - f. Committee Openings: - See Agenda
  - g. Agenda Changes – Charlton Ames requested that the Board moved item I under New Business (Town Attorney) to after the Manager’s report
  - h. Public Comment –

David Barry – 8 Church Street would like to know what steps the Select Board are taking to utilize the RES site so that it can come back into the tax base.

Bill – we will take your suggestion under advisement.

Ken – thank you for your comment. I think that it is time to do that.

Bill – I will place this on the agenda as an item for the April or May agenda.

Geoff – I would like to reiterate and clarify something from the last meeting. We understand that it is very unlikely that the library will go on that property.

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Bill – hold your thoughts until the April or May meeting regarding the disposition of this property. We need time to reason it out.

Rick – I would like to have Bill Plouffe and Amy Tchao come forward.

There was some discussion regarding forming a building committee for the Library.

Ken – we are going to be the general contractors for the Opera House Bond project? I am worried about the staging necessary for the roofing.

Rick – I am as well.

Bill – believe me we do not get any special treatment from the Public Works guys when they are plowing by our homes.

Ken – the fiber optic project should be ready in November of 2015. I am very optimistic. We may need an ordinance.

Bill – we may have a very busy summer.

Okay Rick, now you may introduce our new attorney. Bill Plouffe is retiring on April 1<sup>st</sup>.

i. Appoint Amy K. Tchao as Town Attorney effective April 1, 2015, for a term expiring June 30, 2015

Bill Plouffe – I started with the Town of Rockport in 2001. I have been your attorney for fourteen years. You have been a wonderful client. There is a time for every season and it is time for me to retire. I have worked with Amy for 20 years in municipal government. I am confident that she will do a good job for you.

Amy – I look forward to working with Rockport as your attorney. I have worked with other coastal towns here in Maine. I look forward to working with you.

**Tracy Murphy moved to appoint Amy Tchao as Town Attorney effective April 1, 2015, for a term expiring June 30, 2015. Geoffrey Parker seconded the motion.**  
**VOTE: 5 FOR - 0 OPPOSED**

Ken – when the time comes we should go out to see what else is available.

II. TOWN MANAGER'S REPORT – see attached

III. UNFINISHED BUSINESS

a. Midcoast Recreation Center request for a letter from the Select Board vis-à-vis their progress in meeting the milestones recommended by the Town Assessor prior to granting tax exempt status – tabled from the February 9 Select Board meeting

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Barrett Brown – Midcoast Recreation Center has 501(3) (C) status. They have charitable and worthy non-profit status. They promote living a healthier life. Today they had fourteen (14) little zorros fencing. Also today they are hosting Special Olympics. Two weeks ago they hosted the local high school hockey teams. There were 450 people present and cheering. Our team did not win.

Craig – MRC is truly a community resource. They are generous by offering free opportunities. MRC has upped our game over the past year. This year's budget we received 13% by fund raising. We are proud of what we do and feel worthy of the community's support. We are working to be better and to meet the criteria to be tax exempt. MRC is a true community resource.

Barrett – I am a Rockport resident, married with four (4) kids. We use MRC for our personal use as well. I am proud that we are at 13% through fund raising, have received 2- 5 grants. The high school hockey team does fund raising on their own for their programs.

Bill – do other high schools use MRC for hockey?

Barrett - we have 2 teams “Ice Cats” that are regional and Camden Hills. They come from a very wide distance to play ice hockey.

Craig – we are a coed approach.

Geoff – does grants and gives gifts to charter organizations?

Craig – yes – we received a US tennis grant and a private donation from the Rotary for special needs.

Ken – I looked at your web site. It looks like you are charitable. What about payment in lieu of taxes? MRC is one of the most hazardous facilities according to Ray Sisk, EMA because of the dangerous chemicals you have to use. The Fire Department is very crucial to you.

Craig – we offer discounts to Rockport residents. I think that works as a payment in lieu of taxes. We bought new software to track how many residents use our services.

Barrett – we will look into it.

Charlton – I enjoyed my visit to your facility. I have read the minutes very carefully and it is a very difficult case for Kerry.

Kerry – it is not an easy position to have to say no. I take no pleasure in being difficult, but I have to follow state statute and regulations. An athletic facility is not tax exempt and there is nowhere that says that. You can be a charity, but not tax exempt. A 501 (3)

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(C) is for income tax purposes. This status does not make you tax exempt. They are not a charity. It is very difficult to decide. It is a slippery slope. A charity is a charity. It is his responsibility to make a judgment and he does not see it as being charitable and benevolent. They are good people. He does not like saying no. He has used Family Ice in Falmouth to compare MRC to.

Ken – is there a difference between charity and non-profit charitable organizations?

Kerry – I don't know. A charity takes funds into their hands and passes it out and does not charge a fee of any kind.

Charlton - the minutes have given me further insight into the process.

Kerry – the Board (Assessment Review) were divided and found the decision difficult. The person that voted no, saw no difference between MRC and the YMCA. Doug was concerned on how little they gave out in scholarships. Larry was upset that they chose not to pay their tax bill and put their money elsewhere. He was offended by that decision. Tony was split on his decision.

Ken – I am also having a hard time seeing the difference between the YMCA and MRC.

Kerry – there is not an easy answer. The YMCA has put itself out in a number of ways to help others. It is not all about athletic programs. During the storm in November they opened up their facility to the public in order for them to take a shower and/or to get warm.

Charlton – I have talked to Craig. It seems like MRC does the hard things and the YMCA does the easier things. What is the breadth of what MRC offers? What is the scope?

Bill – are we making progress or should we kick the can down the road?

Ken – yes, we are making progress.

Tracy – why did you come here in the first place? How do we make a decision? I don't know that it is our job. It is Kerry's job. We shouldn't be weighing in on the decision. It is up to Kerry.

Geoff – he wants to get a soft consensus on how we think on the matter.

Ken – tennis is a luxury per Kerry.

Rick – thinks that tennis is great. MRC offers tennis in the winter and also offers many other services to the community.

Kerry – do we need two Y's?

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Rick – a lot of times, it is not easy to make these decisions.

Kerry – I am looking at this with my assessor’s hat on. Craig is with the recreation hat on. They offer a diversity of programs and have a number of users. I think that it is more than an ice rink. It is not a detriment.

Ken – are you still relying on the four bullet points that you outlined?

Kerry – yes.

Ken – are we ready to make a motion to incorporate the four bullets.

Charlton – quid pro quo.

Geoff – basically the question is how aggressive do we want to be.

Bill – the charter took away the position of the Select Board being assessor’s agents.

Tracy – it is not our job to be sticking our nose in this and to give a laundry list in a motion.

Kerry – I am asking you for a sense of what you think on this issue.

**Kenneth McKinley moved to endorse Midcoast Recreation Center (MRC) as a significant community resource for recreation, and to encourage MRC to include members on their Board of Directors to represent the citizens of Rockport; to establish user fees for school and other contractual user groups that are at or below market rates; and to establish preferential use for Rockport residents. Geoffrey Parker seconded the motion. VOTE: 3 FOR (MCKINLEY, PARKER AND AMES) – 0 OPPOSED (MURPHY AND CHAPMAN)**

Tracy – I don’t feel that the motion is appropriate and will be voting against it.

Bill – it does go a little too far.

Geoff – stated in the written record it carries the weight of giving guidance. It is a little bit of guidance.

Charlton – nothing is perfect. MRC is a community resource.

Ken – we are hitting the points without telling you what they are. How often can you review a decision?

Kerry – annually.

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IV. PUBLIC HEARING – NONE

Took a break at 8:45 p.m. to 8:50 p.m. to change the DVD.

V. NEW BUSINESS

a. Committee Resignation(s)

- Brendan Riordan from the Harbor Committee

**Kenneth McKinley moved to approve the resignation of Brendan Riordan from the Harbor Committee and that a letter be sent from the Chair thanking him for his service. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

b. Committee Application(s):

- Endorsement of Steve Corson’s application to serve on the Knox County Airport Advisory Committee

**Tracy Murphy moved to table this request until the April 18<sup>th</sup> meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

c. Request by Ashwood-Waldorf School for a price reduction on the rental of the Opera House

Lesley Finlayson – she is a six grade teacher at the school and will be the presenter in place of Jody Spanglet.

Geoff – since I have been contacted by the school to do the audio for the show I may or may not be in a position to vote on this item.

The Board did not think that he needed to recuse himself

Lesley – she remarked how fascinated with the meeting she was. She is not a US citizen and was impressed with the process. As the school only has a budget of \$500.00 for the play, they are asking to have the rental fee reduced for the required \$756.00 fee. There isn’t any charge for the performance of the play “Pirates of Penzance.”

Geoff – we should leave the fee to \$500, which is what they asked.

**Charlton Ames moved to approve the request from the Ashwood-Waldorf school from \$756 to \$500. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

d. Approval of Harbor Committee By-Laws

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Bill – there are some wording issues. Section 2, third line should delete “must” and add “is considered to”; Section 3, first line should be Chair “and” Vice-Chair deleting the next two words “and Secretary” and line three change “The to A” (which is at the beginning of that sentence); Section 4, line two delete “Town Manager” and line three after member and public add “commas” and add the words “and the town office.”

Tracy – I am concerned about lowering the number of members to five members.

Geoff – they really looked at that one and maybe we could try it for a year and then change it if necessary. It is safe to pass it now knowing that a rewrite is coming.

Ken – agreed that it is fine in the short term.

**Geoffrey Parker moved to approve the proposed changes to the By-laws recommended by the Harbor Committee as presented and amended. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

e. Approval of Commercial Use Permit and Fee

Abbie – has been working on this for two years and is ready to put it forward to the Board. The applicant will need to provide the proper proof of insurance. Her attempt is to have clear cut guidelines.

Bill – does the permit require licensing?

Abbie – the licensing is on them (the applicant) and the Coast Guard.

**Geoffrey Parker moved to approve the recommended changes to the Commercial Boat Operator Float Use Permit and Fee recommended by the Harbor Committee and the Harbormaster. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

f. Request by CPT Eric Pendleton for the town to enact an ordinance exemption residents serving on active duty from being required to pay excise taxes on their vehicles (Title 36, Part 2, Chapter 111, §1483-A)

Tracy wants more information on what kind of impact this ordinance will have our excise tax collection. She also asked if other towns have adopted this policy.

The Board decided to table the item until next month.

**Kenneth McKinley moved to work with Town Counsel and to explore this ordinance and to bring the information back to the Board next month for their vote. Geoffrey Parker seconded the motion. VOTE: 5 FOR - 0 OPPOSED**

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- g. Reminder to all town committees to have their annual report submitted to Stacey Parra ASAP for inclusion in the town's Annual Report

Ken will write a report for the Select Board.

- h. Vote to accept the following donations:

- For General Assistance:

a \$1,000 donation from an anonymous donor

a \$500 donation from West Bay Rotary

**Kenneth McKinley moved to accept the donation from an anonymous donor in the amount of \$1,000 for general assistance. Geoffrey Parker seconded the motion.**

**VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to accept the donation from the West Bay Rotary in the amount of \$500 for general assistance. Geoffrey Parker seconded the motion.**

**VOTE: 5 FOR – 0 OPPOSED**

- For Heating Assistance:

A \$50 donation from an anonymous donor

**Geoffrey Parker moved to accept the donation from an anonymous donor in the amount of \$50 for heating assistance. Tracy Murphy seconded the motion. VOTE:**

**5 FOR – 0 OPPOSED**

- For Police:

A \$500 donation from Merrill and Delores Halpern

**Charlton Ames moved to accept the donation from an anonymous donor in the amount of \$500 for the Police Department. Tracy Murphy seconded the motion.**

**VOTE: 5 FOR – 0 OPPOSED**

**Bill Chapman moved to amend the motion to say Merrill and Delores Halpern.**

**Kenneth McKinley seconded the motion. VOTE ON AMENDMENT: 5 FOR – 0 OPPOSED**

The Board agreed that a thank you letter should be sent to each of the donors.

- i. This item was moved to earlier in the agenda - Appoint Amy K. Tchao as Town Attorney effective April 1, 2015, for a term expiring June 30, 2015

- j. Propose 2015-2016 Select Board Calendar

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Bill furnished everyone with a copy of possible meetings.

VI. WASTEWATER COMMISSIONERS

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

a. Commitment of Residential Sewer User Rates for the period of January 2015

**Tracy Murphy moved to commit the January 2015 Wastewater User/Debt Fees totaling \$25,768.04 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 5 FOR - 0 OPPOSED**

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

VII LIAISON REPORTS

Bill – the Library Committee is working with the village as the site for the library. David Barry has made it very clear that they think that the committee thinks that RES is still an option.

Legacy Rockport – we are completing the form 990 for tax exempt status. We will then be in compliance.

Conservation Commission, we need to be on our toes regarding the budget to determine how to deal with the pollution at Goodie’s Beach. They feel that they have handed it off to the Board and Rick. The water and wastewater will need to be treated. We are in violation of clean water act. This has the potential to be a black eye for us. The Commission doesn’t know what to recommend or how much money is needed. We are talking a bigger number than what we have.

Rick – nobody has given us any numbers to put in the budget.

A question was asked about snow being dumped into the harbor and if DEP has been contacted.

Rick – we have a permit to dump the snow. The roads we collect the snow from are considered clean.

Charlton – the Commission will have an annual report next month.

Tracy – the Planning Board has a meeting this month on Wednesday. The Recreation Committee has not been able to meet this month. Twice there was a snow storm and the

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third time not all of the members were available so we could not meet. I buy my meat from Aldermere Farms and would love to have someone from there to be a representative on the committee. Would also like to have someone from the Erickson fields.

Ken – the C-R Pathways Committee endorsed pathways on land owned by Maine Coast Heritage Trust from West Street to Beech Hill. They are working on Rockport’s master plan. The ORC is meeting tomorrow morning to get ready for the Planning Board session. The sign and noise sections of the ordinance are done. Scott is a great resource with public buildings inspections. The Cemetery Committee is meeting later this month. The Ambulance Committee will be meeting soon.

Geoff – the Harbor Committee is trying to do good work. People who attend the meetings have a specific interest to attend. He asked about the new permit. The Opera House Committee is working with John Viehman to develop a new web site. We are trying to bring in more money from renting out this meeting room. We need a new furnace and hope for a savings once that is done. There will be a lot of activity around here this summer with renovations.

Bill – the Library Committee is reviewing their by-laws and will be rewriting them. The Board has spoken with Steve Podgajny of Portland on the future library planning. The Investment Committee will be meeting later this month. MCSW will be working on their strategic planning for March 2018. They will discuss how to reconfigure the facility – residential from commercial. Will there be a true single stream or a dual stream system. Trash will go in the yellow bags and all the rest will go into another hopper all together. The Board of Directors will meet on April 8<sup>th</sup>. This would be a significant change that will require public input. There will be a workshop in May with James Guerra, the manager.

Charlton – the Parks Committee is looking at their budget.

VIII. EXECUTIVE SESSION

a. None this month

IX ADJOURNMENT

**Geoffrey Parker moved to adjourn the meeting at 10:26 p.m. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY