

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY MARCH 14, 2016
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair, William Chapman, Vice-Chair Kenneth McKinley, Tracy Lee Murphy, Geoffrey Parker and Owen Casas. Absent: Richard C. Bates, Town Manager. Also present: Jamie Francomano, Planning and Development Director; Dwight Collins, Press; and members of the public

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

a. Approval of the minutes of the

- Monday, November 9, 2015, meeting of the Select Board - **TABLED**
- Tuesday, November 17, 2015, meeting of the Select Board - **TABLED**
- Tuesday, February 9, 2016, Executive Session of the Select Board

Tracy Murphy moved to accept the minutes of the February 9, 2016 meeting as amended by adding before Adjournment that Ken McKinley arrived late and the vote to adjourn should be 5 FOR. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Tuesday, February 9, 2016, meeting of the Select Board - **TABLED**
- Monday, February 29, 2016, Executive Session 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 11, 2016 at 7:00 p.m., Opera House and streamed at <http://livestream.com/Rockportmaine>
- c. Announcements: See Agenda
- d. Upcoming Budget Workshops and Meetings: – See Agenda
- e. Upcoming Ad Hoc Library Planning Committee Meetings: - See agenda
- f. Upcoming Select Board Workshops: - See Agenda
- g. Committee Openings: - See Agenda
- h. Agenda Changes: – None this evening

There will be a food collection by Camden and Rockport for the Food Pantry. Food carts loaned to us by Hannafords will be at each of the Town Offices between March 29th and April 9th. You may also contribute at Hannafords on Saturday, April 9th. This is to celebrate Camden's 225th and Rockport 125th Anniversary.

ZBA Meeting has been cancelled, The Planning Board will meet on the fourth Wednesday, March 23rd at 5:30 at the Opera House.

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There will be an executive session on Wednesday, March 6th at 7:00 prior to the Budget Meeting

i. Public Comment:

Helen Shaw – reported that three little children, Mary, Marian & Lizzie were buried on their family lot in the mid 1800's. In the early 1990's, their headstones were removed and taken to Brooks Monuments to be repaired. The law is that they must be returned within six months. The owners refused to let them be returned. They didn't want any new owners to know that these graves were on the property.

These stones need to be returned or we need to get a court order and move the bodies to the cemetery.

I spoke to Rick two years ago and nothing has been done as yet. It is time for the Town to step up and mark these graves again.

Stephanie Lash – there is a rumor that the property next to 1 Limerock is available to purchase.

Bill – it is not on the agenda and we would have to meet in executive session to discuss the purchase of any land. We will take this issue under advisement.

II. TOWN MANAGER'S REPORT – see attached

III. UNFINISHED BUSINESS

a. None this month

IV. PUBLIC HEARING

a. None this month

V. NEW BUSINESS

a. Acknowledgment of Gifts to the Town: None this month

b. Committee Resignation(s)

- Sarah Vokey – Recreation Committee

Kenneth McKinley moved to approve the resignation of Sarah Vokey, on Owen's word, from the Recreation Committee and to have the Board sign a letter expressing thanks for her service. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Discussion that Lynn Bannister has resigned from the Conservation Commission.

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Ken – we should have a written resignation.

Kenneth McKinley moved to accept the resignation of Lynn Bannister from the Conservation Commission and to have the Board sign a letter expressing thanks for her long service. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Ken – she will be missed for her minutes.

c. Committee Application(s):

- Debra Hall & Emmett Sutton – Ad Hoc Technology Committee
- Craig Wilson – Recreation Committee

Bill – introduced Debra

Debra – we have owned a house in Rockport for 17 years. We have been splitting our time between Naples, Florida and Rockport. Rick contacted me and asked me to help on this committee. I have training as an attorney and not necessarily technologist.

Geoff – fully supports her being on the committee.

Tracy Murphy moved to approve the appointment of Debra Hall to the Ad Hoc Technology Committee. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Emmett – I am a former owner of two tech companies. I worked for the Defense Department and for the last thirty years have assisted with negotiations with NATO.

Geoff – we thank you for your offer to lend your experience to the committee.

Emmett – I hope that you have a charge for the committee.

Tracy Murphy moved to approve the appointment of Emmett Sutton to the Ad Hoc Technology Committee. Geoffrey Parker seconded the motion. VOTE 5 – FOR – 0 OPPOSED

Craig – I am not a Rockport resident, but I work at MRC (Midcoast Recreation Center). I have spent most of my waking hours here in Rockport. As soon as my senior daughter graduates, we intend to move here.

Owen – I look forward to having a chair for that committee. Craig has not attended a meeting as yet. Expressed his approval of having three members as Rockport residents and two members as working in Rockport.

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Owen Casas moved to appoint Craig Wilson to the Recreation Committee with a term expiration of June 30, 2017. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- d. Vote on request to support and facilitate a CDBG Economic Development Grant application for Avena Botanicals

Presenter are Jamie, Deb Soule and Amy.

The goal is to build a new building using the grant and to have three new year round positions. We will have a new software system, rebrand and repackage our products and increase our production.

Ken – referred to today's newspaper article.

Amy – we have done everything that they have asked of us. The grant does not cost you anything, just some time.

Jamie – you have been through this process before and have been successful at it. We will need to have a “Special Town Meeting” with public input given. They are looking for general support from the Town. This should happen in the middle to end of April.

Debbie – we have been in business for thirty years.

Ken – what are the consequences if they can't fulfill their obligations?

Jamie – they would be in default and not be able to get a grant again. I will write a statement at the end to let you know that it is completed.

Board – we have to take a vote to say that it is done.

Owen – where do you see you all in five years?

Deb – we are no Toms or Burt Bees. The grant will allow us to grow enough to be able to stay in business here. We will manufacture our product on site and will not outsource it. We need to meet the regulations to stay here. Our business is on a smaller scale.

Bill – is there any public comment. No public comment.

Kenneth McKinley moved to support and facilitate a CDBG Economic Development grant application for Avena Botanicals. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED.

- e. Presentation by MSAD 28 staff regarding the Middle School Project

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Presented by Jamie Stone, the principal and Linda Chilton, a third term member of the School Board.

Jamie S. – we have scheduled listening tours and are gathering feedback and representation from both sides of the towns. We meet monthly and have scheduled twenty-five meetings to make new plans. We plan to bring something to the voters in 2017. They will focus on a new school and education. This will not include the Mary E. Taylor School. We plan to have more public community use space.

Tracy – when we wanted to hold the Democratic Caucus at the school, we were told we had to pay an outrageous charge plus proving we had insurance. The high school told us that it would cost us \$800. They told us eighteen years ago that it was for public use and then when asked to use the building the story changed.

Geoff – we want to focus on education. They have a huge policy book to go by. What is the size of the new auditorium/ gym?

Jamie S – by not including the Mary E. Taylor School, it will cut 3-4 million off the project cost. We donate lots of time to non-profits such as the Boy Scouts.

Bill – the ball fields are declared off limits for little league, etc.

Jamie S. – it depends on the schedule.

Owen – is Matthew Smith the athletic Director?

Jamie S. – he reserves the space, and manages the terms of the agreements. There hasn't been any basketball, etc. in the gym after an event where the sprinkler system went off and ruined our floors. We do require renters to have liability insurance of a one million dollar policy.

Ken – can a person have a onetime event on your policy?

Jamie S. – that is a good question. Where did we go wrong the last time?

Geoff – the timing and the large price tag. You need to get out more and sell it to the voters. It took the high school fifteen years to get their new school. You need to get to all of the community spaces not usually used. You could have meetings at the library, Simonton Corner Hall, etc.

Ken – the feedback portion is most valuable.

Jamie S. – as you talk to residents what did you hear.

Bill – when you had the vote last time it was deliberately set in February. That was very bad timing. A lot of residents are away in the winter and the weather is not the greatest.

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The question was why it was not held in June when more people would be available to vote.

Ken – the bottom line is that the number was too high.

Jamie S. – by the removal of the MET (Mary E. Taylor) building and the bus barn, it will be less expensive. A lot of that space is used by the CSD and not the MSD. We have asked the Camden Select Board if they have an emotional tie to MET. They have not given us an answer.

Ken – in my opinion, it is the only interesting architectural building on the campus in Camden.

Owen – we all go and talk a lot but we need an open mind. They did a great job, but the bottom line was way too high.

Jamie S. – we are looking for a Rockport member to attend the meetings.

Bill – I see that as a potential conflict of interest. The law is that the Select Board cannot serve as a School Board member.

Jamie – there will not be any voting. It is not a voting committee. If you would like to attend, please contact Maria Libby. On April the 13th at 4:00 p.m. there will be a meeting and at 3:00 p.m. Keith will be giving tours of the present building.

Tracy – I would like for you to send us an invitation.

f. Conservation Commission report

Ted Skowronski – the committee members are Bob Kennedy, Kim Kimball, George Haselton and Fred Ribeck. We meet monthly. We don't have enough members and need two more. We have been studying the water quality for twelve years and for the last seven of those years, we have been concentrating on the Harbor. We have a grant to study the watershed activity. We have been trained by DEP to do proper water quality monitoring. We have an increased number of dog waste stations and they are taken care of by the Public Works Department. In West Rockport we have more signage by the residence of Molly Sholes as people have been dumping tires, etc. there. A lot of our residents use the spring water that is there. We have conservation survey easements for the YMCA and Petit property. We have to walk and find the property lines and then make sure that nothing new has been put up on the property. We are trying to do more education. On April the 28th we will have a pesticide forum with two speakers. It will be held at 5:30 – 7:00 p.m. We are not tree huggers.

Bill – are there any questions?

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Geoff – why do we have an easement on the YMCA and Petit property and then have to file papers every year?

Ted – it has a practical use. It has natural and organic materials.

Ken – it is a hard working commission. The need new members and alternates.

- g. Request by Richard Nightingale (via Paul Gibbons, his attorney) to change the Road Acceptance Ordinance

Bill we have several options including doing nothing.

Ken – Jon Duke came to us earlier about this issue. There is a fifty percent rule as a go to reason for accepting or rejecting a road. There is an issue with school buses and emergency vehicles using Hawthorne Road.

Paul – representing Richard Nightingale, the developer of Bay Ridge Development. We are requesting a retroactive clause in a Town Ordinance adopted in November of 2007. It is unfair to change the rules in the middle of the game.

Ken – let's lower the threshold to make through traffic possible.

Bill – is there any public comment?

Shane Gray – I live on Hawthorne Drive now for five years and bus access is my primary concern. I have a small child that has to walk through the snow to get to the bus stop.

Jon Duke – thank you for a chance to talk. It is a challenge. It is also a school issue. We have been facing this for four years now. We have thirty school kids in that area. It is vital to get this to the voters to have this approved. The Town embraces all from five year olds to retirees. It is a private way and we would like to have it a public road.

Paul – the public uses this road a lot as it is a connecting road for Winding Way and Wellington Drive.

Owen – what about your wording? Wasn't there a grandfather clause?

Paul - presently it is unfair and I would like to see a compromise.

Tracy – the point of the rules is to not take roads before they are built out. I am not convinced that we should take this to the voters. I am not sold that this is a great idea. The fire department and police will use the road anyway if there is an emergency.

Paul – still fell that a simple amendment to state that any subdivision built prior to the ordinance change is not affected would be the right thing to do.

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Bill – we can throw out the ordinance or throw out this request. It has to go to the voters. He sold properties, but they have not been developed as yet.

Tracy – this has taken nine years. Nine years to bring this issue back to us. I don't see that as a priority.

Paul – we need to expedite the matter based on fact to get it to the voters in June. In 2008, he did come back to the Town and spent \$60,000. The staff didn't know about the change in the ordinance.

Geoffrey Parker moved to pass the matter on to the ORC and request that deal with this now with Ken's language. Kenneth McKinley seconded the motion.

Tracy - what do you expect from the ORC? So you want them to do what it takes to pass this. I strongly disagree with it.

Geoff - I would urge the ORC to add this to their list.

Bill – the timing is critical on getting something to the publishers on Thursday morning.

Tracy – this is no emergency and I have a problem with a nine year issue. It is only 25% developed and we should just throw out the ordinance for this.

Owen – I agree with Tracy. I would be more comfortable with a special exception.

Bill – we can take what Paul or Ken says.

Owen – I am pushing the emergency.

Paul – why do you think it is so unfair to say it should apply to the ordinance before the November 2007 vote?

Ken – I don't like to set a precedence on retroactive laws.

VOTE 3 (MCKINLEY, PARKER AND CASAS) – 2 OPPOSED (MURPHY AND CHAPMAN)

Break: 9:12 p.m. - 9:22 p.m.

h. Discussion regarding the Rockport Sidewalk Construction and Preservation Ordinance adopted June 12, 1996

Ken - This was brought to us by Will Gartley regarding section 10, Site Plan Review.

Tracy – why is this onerous?

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Ken – why is a site plan necessary for reconstruction of a sidewalk? It is outdated. It does not belong in the ordinances, but should be in the rules and regulations. It is horribly outdated. We should get rid of it.

Tracy – are you suggesting that we get rid of it or to update it?

Bill - this seems like another item for the ORC agenda.

Tracy – we might want a site plan review for the high sidewalk.

Geoff – we need to contact the abutters. You could tighten up section 10. Granite curbing came in quite strongly with this ordinance.

Owen – I went over this with Geoff Scott from Pathways Committee. The Planning Board is the check in the box that the work is done properly. Maybe Pathways should look over the ordinance before it goes to ORC.

Ken – he also discussed section 9.

Owen – something as grand as the high sidewalk may need to go before the Planning Site Plan Review. We should ask Jamie.

Tracy – what would someone submit to the Planning Board and what would they use as their set of rules?

Jamie – it may be too thorough and not necessary. It is not development review per se.

Bill – when rebuilding Pleasant Street, Mr. Peabody had a meeting with the residents.

Tracy – we should also do that with Summer Street. What are we going to do, rewrite the ordinance, have Pathways look at it and then send it to ORC? I would like more input from Jamie about site plan review.

Jamie - the site plan review is not a perfect fit. We could dial it back a little bit. Would you do a public hearing? That is a hell of a question. Who should get a notice when it is a public sidewalk?

Tracy – it should go to the Planning Board and to Pathways. Ask Rick to get something to them and not to the ORC until fall. You should ask Jamie if other roads need to go through this process as well as Summer Street.

- i. Follow-up on the suggestion that Provider Agency donations return to being funded through the town budget

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Bill – we should decide or ask the voters if they want it back on the warrant like it used to be. If they want they can decide to reduce the amount but not increase it.

Ken – I would propose an article next year and leave it the same for this year. We should also ask the Budget Committee how they would like it to go.

Geoff – would like to go to the voters in June and ask them.

The Board discussed the issue and talked about holding until November and to have further discussion after June, maybe in August or September.

j. Consider placing the several non-land use articles on the June Warrant

Bill – Stacey has until noon tomorrow, so we have to decide tonight what articles we want on the ballot in June.

Tracy Murphy moved to accept the recommendation of MCSWC for the handling of the Municipal Solid Waste after the termination of the current contract with Penobscot Energy Recovery Corporation (PERC) on March 31, 2018. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

William Chapman moved to accept “To see if the Town will vote that any reconstruction, expansion, improvement, renovation or replacement of the Rockport Library be limited to its current location at 1 Limerock Street.” Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

647 Rockland Street item was tabled.

There was discussion on whether or not the Fiber Optic Engineering question should be on the ballot? The Board said that it will be a budget item.

The item on Provider Agencies will be held until November

Tracy Murphy moved to accept as written Shall an Ordinance entitled “Ordinance amending the Town of Rockport Floodplain Management Ordinance,” adoption of which is mandatory for continued participation in FEMA’s National Flood Insurance Program, be enacted? Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Kenneth McKinley moved to accept Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Sewer Ordinance to delete the Fee Schedule so that it will appear in the related Sewer Regulations instead, clarify the roles and responsibilities of the Commissioners’ Authorized Representative, and make other corrections and clarifications throughout,” be enacted? Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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Kenneth McKinley moved to accept Shall an Ordinance amending the Town of Rockport Land Use Ordinance, Section 805.3 – Private Ways, to allow the Code Enforcement Officer to issue a permit for some Private Ways that currently require Planning Board approval, to clarify what materials are requires to support an application, and to impose a requirement for notice to abutters for some Applications, be enacted? Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Owen Casas moved to accept Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance, Section 1400 – Shoreland Zoning, Section 917 – Land Use Table, Section 918 – Dimensional Table and Section 913 – Downtown, which would clarify the permitted uses and standards for development in a portion of the Section 913 Downtown Zoning District,” be enacted? Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

William Chapman moved to accept Shall an Ordinance entitled “Ordinance amending the Town of Rockport Land Use Ordinance, Section 600 – Administration, by adopting and incorporating by reference the Maine Uniform Building Code (MUBC), effective July 1, 2016, which would increase life safety requirements and construction standards but make no change in the legal actions, enforcement powers or penalties for violations,” be enacted? Tracy Murphy seconded the motion. VOTE: 4 FOR – 1 OPPOSED (CASAS)

The Board had a brief discussion about the energy section.

- k. Discuss appointing non-residents to committees who come to us as part of a “good citizen” initiative by a Rockport business

William Chapman moved to table this item. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- l. Approve the changed job description for Deputy Library Director and Adult Programming

Tracy Murphy moved to approve the changed job description for Deputy Library Director and Adult Services Librarian. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- m. Approve the job title change from Executive Secretary to Executive Assistant

Geoffrey Parker moved to approve the changed job title from Executive Secretary to Executive Assistant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- n. Request on behalf of Paul Deraps for a payment arrangement on his property taxes

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Geoffrey Parker moved to approve the settlement arrangement for Paul Deraps at 52 Limerock Street at \$260 per month. Kenneth McKinley seconded the motion.

VOTE: 5 FOR – 0 OPPOSED

- o. Consider changing the date of the Legal Services RFQ Workshop from April 4 to April 6

The Board agreed to have a workshop on April the 6th at 4:00 p.m.

- p. Propose the draft 2016-2017 Select Board Calendar

Bill – explained that was a draft calendar and they could do with it what they want.

- q. Preparing for the Town Manager’s Annual Review

The Board discussed skyping for anyone out of town. The talked about the 16th and then moved it to the 23rd at 4:00 after the executive session. Bill will send the form out to each Board member and then the Board will send them to Tracy when done for her to compile.

VI. WASTEWATER COMMISSIONERS

Tracy Murphy moved to close 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 December 2015

Tracy Murphy moved to commit the December 2015 Wastewater User/Debt Fees totaling \$143,862.29 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 5 FOR - 0 OPPOSED

- b. Commitment of Sewer User Rates for the period of January 2016

Tracy Murphy moved to commit the January 2016 Wastewater User/Debt Fees totaling \$19,184.00 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 5 FOR - 0 OPPOSED

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

VII LIAISON REPORTS

Bill – Tracy and I attended the MCSW meetings. Next Monday and Wednesday we will meet at the Town Office at 5:30. We will have a public hearing at the Opera House on April 4th at 7:00 p.m.

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Ken – you heard the reports from the ORC and Conservation Commission earlier tonight
The Cemetery Committee did not meet this month. Legacy Rockport will meet with
Charlton and Lynda in July about the Library.
Geoff – no report.

Owen – the Parks Committee did not meet. I couldn't attend the Pathways Committee
Meeting this month. They have formed work groups.

VIII. EXECUTIVE SESSION

- a. None this month

IX ADJOURNMENT

**Kenneth McKinley moved to adjourn the meeting at 11:10 p.m. Tracy Murphy
seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY