

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY APRIL 19, 2016  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-Chair Kenneth McKinley, Tracy Lee Murphy, Geoffrey Parker and Owen Casas. Also present: Richard C. Bates, Town Manager, Department Heads: Jamie Francomano, Director of Planning and Community Development; Mike Young, Public Works Director and Ben Blackmon, Library Director, Jan Rosenbaum, Chair of AHLPC, the press and members of the public

- I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7:00 P.M.
  - a. Next Meeting – Monday, May 9, 2016, 7:00 p.m.
  - b. Agenda Changes
  - c. Public Comment – None this evening

Bill – we will be having a Special Town Meeting on Monday, May 9<sup>th</sup> at 6:30 p.m. here at the Opera House.

- II. TOWN MANAGER’S REPORT – None this evening

- III. UNFINISHED BUSINESS

- a. Approval of the Architectural Contract with Reed & Company Architects

Bill – this is a standard contract with a standard schedule for new cost construction.

Rick – agreed to what Bill said. He talked about a schematic design.

**Tracy Murphy moved to approve the Architectural Contract with Reed & Company Architects for the Library and allow the Town Manager to sign the contract. Geoffrey Parker seconded the motion.**

After some discussion the Board agreed to amend the motion.

**Bill Chapman to change the word “allow” to “direct”. Geoffrey Parker seconded the motion. VOTE ON THE AMENDMENT: 5 FOR – 0 OPPOSED.**

Owen – had a question on page 16 section 11.4. Then after reading it again decided that he had read it wrong while in his car. He questioned why there is blank space after the words “as follows”?

Rick – it is a boiler plate contract

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Owen – are the payments a lump sum or monthly payments?

Rick – I cannot answer that question at this time.

Tracy – questioned on page 17 that the numbers on the first two phases do not match. It is written as fifteen percent and then in figures shows 10% and the second one shows twenty percent and in figures 25%. We need to change the numbers to match.

It was decided to change the first one to be fifteen and 15% and the second one to be twenty and 20%.

Owen – had a question on page 10 section 4.3.3 on what the limits in #.3 and .4 mean.

Bill – we don't have the answers. I wished that you had asked your questions last week.

Geoff – basically it is to ensure that the applicant does not turn into Godzilla.

**VOTE ON THE MOTION: 5 FOR – 0 OPPOSED**

IV. PUBLIC HEARING

- a. Public Hearing on the proposed Ordinance Articles Three through Ten of the June 2016 Annual Town Meeting Warrant

The public hearing started at 7:15 p.m.

- Article 3.** Shall the Town accept the recommendation of Mid-Coast Solid Waste Corporation (MCSWC) for handling the disposition of municipal solid waste after the termination of the current contract with Penobscot Energy Recovery Corporation (PERC) on March 31, 2018?

ANYONE FOR – NONE

ANYONE IN OPPOSITION –

Allison McKellar of Camden – she has attended many meetings held in Camden regarding this issue. She started in extreme opposition, but has since come around. It is all about the environment. Her concern is basically the drive to take our trash twice as far as we now do. It will cost \$80,000 annually. What is the risk? The fact is that diesel prices will go up and that the cost will increase and that the contract is for twenty years. Ecomaine will cost us a lot more than we are paying now. It works great for Portland, but will be a burden to our taxpayers and the cost of the bags will have to go up to pay for it. It is an

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extremely steep learning curve. She is an “activist environmentalist”. She is against single cycle recycling.

Owen – asked if she had given this pitch to Camden as well as Rockport.

Allison – no

ANYONE NEITHER FOR NOR AGAINST –

Maggie Christie – she has been attending these meetings for six months. Doesn’t feel that there has been enough discussion held. It is not a safe decision. Fiberight would move us in the right direction. Twenty years is too long of a time for a contract.

Lissa Bitterman, representative from ecomaine – she has huge respect for Allison, but the information is not correct. Ecomaine will provide education on both recycling and trash disposal. Single sort recycling will cost \$38 a ton. We will be partners. She explained how the cost would be calculated and possibly shared back to the Town. The cost for now will be \$30-35 a ton and will be reset every month. There is a difference between the gate rate and a contract rate. They have one full-time educator and an interim in the summer. We will need to staff up if this agreement takes place.

Paul Gibbons – the attorney for MCSWC. The contract has a 5, 10, 15 and 20 year get out clause. He disagreed with the wording of the article. He had sent each town a copy of how the article should be worded. The voters need to be informed as to what they are voting on.

Allison – for clarification, I want to let you know that there will be education available if we stay with what we have said it would be of value.

Jan – when you read the article, all you see is that \$70+ is the price for the next twenty years.

Lisa -- it is \$70.50 and it will hold until June 30, 2019.

Bill – we are only talking about solid waste and not recycling.

**Article 4.** To see if the Town will vote that any reconstruction, expansion, improvement, renovation or replacement of the Rockport Public Library be limited to its current location at 1 Limerock Street.

At 7:52, Bill read this item and explained that it was presented and certified several months ago.

ANYONE IN FAVOR – NONE

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ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST - NONE

- Article 5.** Shall the Town vote to approve the purchase of the property at 647 Rockland Street for a purchase price not to exceed \$99,000.00 for the purpose of facilitating the possible expansion of the West Rockport Fire Station, and to appropriate said funding from unassigned fund balance?

Bill read this article at 7:53 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST - NONE

- Article 6.** 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?

Bill read this article at 7:55 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST - NONE

- Article 7.** 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?

Bill read this article at 7:56 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST - NONE

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**Article 8.** 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, 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?

Bill read this article at 7:57 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST - NONE

**Article 9.** Shall an Ordinance entitled, “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 required to support an application, and to impose a requirement for notice to abutters for some applications,” be enacted?

Bill read this article at 7:58 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST - NONE

**Article 10.** 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?

Bill read this article at 7:59 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST – NONE

Public Hearing closed at 8:00 p.m.

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- b. Public Hearing to approve a Community Development Block Grant application up to a maximum of \$100,000 on behalf of Avena Botanicals

Bill opened the public hearing at 8:00 p.m.

ANYONE IN FAVOR – NONE

ANYONE IN OPPOSITION – NONE

ANYONE NEITHER FOR NOR AGAINST – NONE

Bill closed the public hearing at 8:01 p.m.

V. NEW BUSINESS

- a. Vote to set date and time for Special Town Meeting for Avena Botanicals as Monday, May 9, 2016 at 6:30 p.m., Rockport Opera House

**Tracy Murphy moved to set the date and time for the Special Town Meeting of Avena Botanicals as Monday, May 9, 2016, at 6:30 p.m., Rockport Opera House. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- b. Vote to sign the Monday, May 9, 2016 Special Town Meeting Warrant

**Kenneth McKinley moved to sign the Monday, May 9, 2016 Special Town Meeting Warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- c. Recommendation Vote by the Board on Ordinance Articles Three through Ten of the June 2016 Annual Town Meeting Warrant:

**Article 3.** Shall the Town accept the recommendation of Mid-Coast Solid Waste Corporation (MCSWC) for handling the disposition of municipal solid waste after the termination of the current contract with Penobscot Energy Recovery Corporation (PERC) on March 31, 2018?

Owen – we need more information regarding the duration of the contract and who it will be with.

Geoff – stated that he thinks that the MCSWC Board did the wrong thing when they recommended ecomaine.

Paul Gibbons – I don't believe that the wording of the article is legal the way it is written. It does not tell the voters what they are voting on. You need to inform the voters. You can add an explanation to the article.

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Owen – it should state who the contract is with and how long it will be in effect.

There was a lot of discussion back and forth with the Board and Paul. All the Towns have to agree as it is one contract to cover all of the Towns.

Rick – this is a very complicated issue. I am not saying that the voters don't understand, but is it not easy.

There was a lot of discussion on whether this article should be on a secret ballot or open town meeting.

**Geoffrey Parker moved to table what is presently Article 3 to the open town meeting questions. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

BREAK – 8:55 p.m. to 9:06 p.m.

**Article 4.** To see if the Town will vote that any reconstruction, expansion, improvement, renovation or replacement of the Rockport Public Library be limited to its current location at 1 Limerock Street.

Tracy – questioned the difference of when an article is considered non-binding versus binding when it is a citizen's petition.

**Kenneth McKinley moved to accept article 4 as read and to place it on the ballot Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Geoffrey Parker moved to amend article 4 by adding "Submitted by a citizen's Petition." Tracy Murphy seconded the amendment. VOTE ON AMENDMENT: 5 FOR – 0 OPPOSED**

Ken – explained that he does not recommend the article as it limits our possibilities and doesn't want to close off other locations such as expanding into Memorial Park.

Geoff – it would also restrict the architect.

**Tracy Murphy moved to recommend article 4. Geoffrey Parker seconded the motion. VOTE: 0 FOR – 5 OPPOSED- 0 ABSTAINED**

**Article 5.** Shall the Town vote to approve the purchase of the property at 647 Rockland Street for a purchase price not to exceed \$99,000.00 for the purpose of facilitating the possible expansion of the West Rockport Fire Station, and to appropriate said funding from unassigned fund balance?

**Geoffrey Parker moved to place article 5 on the ballot. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 5. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 6.** 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?

**Kenneth McKinley moved to place article 6 on the ballot. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 6. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 7.** 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?

**Geoffrey Parker moved to place article 7 on the ballot. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 7. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 8.** 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, 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?

The Board discussed legal powers and penalties.

Jamie – The wording for this article was recommended by our Town Attorney.

Owen – explained why he was going to vote against this article.

**Tracy Murphy moved to place article 8 on the ballot. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 8. Kenneth McKinley seconded the motion. VOTE: 4 FOR (Parker, Chapman, Murphy & McKinley) – 1 OPPOSED (Casas) – 0 ABSTAINED**

**Article 9.** Shall an Ordinance entitled, “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 required to support an application, and to impose a requirement for notice to abutters for some applications,” be enacted?

**Owen Casas moved to place article 9 on the ballot. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 9. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 10.** 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 – you need to change the dash after 917 as it is not the same as the others.

Jamie – explained that a compromise was met regarding the frontage on Central Street and the maximum height for a permitted use on Main Street if it is Maine related.

Ken – this was done to satisfy DEP for the Shoreland Zone.

**Kenneth McKinley moved to place article 10 on the ballot. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 10. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

d. Final Discussion and Recommendation Vote by the Board on Articles Eleven through Twenty of the June 2016 Annual Town Meeting Warrant

**Article 11.** 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 2016/2017 fiscal year:

A.	General Government.....	\$1,060,438
B.	Public Assistance .....	\$13,265
C.	Public Safety .....	\$231,582
D.	Public Works.....	\$75,750
E.	Culture and Recreation .....	\$122,518
F.	All Other – Cemeteries .....	\$10,250
G.	Unassessed Fund Balance .....	\$150,000

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H. Special Assessments .....	\$125,023
Total .....	\$1,788,826

**Tracy Murphy moved to place article 11 on the warrant with a change to G. to read “\$51,000” and the total to be “\$1,689,826”. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 11. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 12.** To see if the Town will vote to raise and appropriate the following for General Government for the 2016/2017 fiscal year:

A. Administration .....	\$46,530
B. Town Manager .....	\$236,550
C. Town Clerk .....	\$211,810
D. Planning & Community Development.....	\$226,860
E. Finance.....	\$127,820
F. Assessing.....	\$187,715
G. Town Office Building .....	\$108,062
H. Insurance .....	\$56,887
Total	\$1,202,234

**Tracy Murphy moved to place article 12 on the warrant with a change to C. to read “\$212,060” and the total to be “\$1,202,484”. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 12. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 13.** To see if the Town will vote to raise and appropriate the following for Public Assistance for the 2016/2017 fiscal year:

A. General Assistance.....	\$27,635
Total .....	\$27,635

**Tracy Murphy moved to place article 13 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 13. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 14.** To see if the Town will vote to raise and appropriate the following for Public Safety for the 2016/2017 fiscal year:

A. Police Department.....	\$616,691
B. Fire Department .....	\$399,802
C. West Rockport Fire Station.....	\$103,179
D. Publicly Funded Utilities .....	\$222,010

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E.	Animal Control .....	\$11,435
F.	Harbor Master .....	\$155,443
G.	Public Safety Building .....	\$30,487
H.	Emergency Management .....	\$4,070
	Total .....	\$1,843,117

**Tracy Murphy moved to place article 14 on the warrant with a change to C. to read “\$4,179” and the total to be “\$1,744,117”. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 14. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 15.** To see if the Town will vote to raise and appropriate for engineering and design of a municipally owned Fiber to the Premise Network (FTTP) to serve all Rockport residents and businesses for the 2016/2017 fiscal year:

A.	Design & Engineering.....	\$300,000
	Total .....	\$300,000

**Geoffrey Parker moved to place article 15 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 15. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 16.** To see if the Town will vote to raise and appropriate the following for Public Works for the 2016/2017 fiscal year:

B	Public Works .....	\$1,470,775
C	Sanitation.....	\$163,311
	Total .....	\$1,634,086

**Owen Casas moved to place article 16 on the warrant with a change to B. & C. to read “A. and B.” Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 16. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 17.** To see if the Town will vote to raise and appropriate the following for Culture and Recreation for the 2016/2017 fiscal year:

A.	Library.....	\$439,058
B.	Conservation Commission.....	\$8,160
C.	Parks and Recreation.....	\$57,701
D.	Opera House.....	\$83,818
E.	Library Building (1 Limerock) .....	\$3,800
	Total .....	\$592,537

**Kenneth McKinley moved to place article 17 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 17. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 18.** To see if the Town will vote to raise and appropriate the following for Long Term Debt (Debt Payments) for the 2016/2017 fiscal year:

A.	Debt.....	\$140,515
	Total .....	\$140,510

**Kenneth McKinley moved to place article 18 on the warrant with a change to the amount to read \$142,510. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 18. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 19.** To see if the Town will vote to raise and appropriate the following for County Fees for the 2016/2017 fiscal year:

A.	County Service E-911 .....	\$59,367
B.	County Service Dispatch.....	\$29,251
	Total .....	\$88,618

**Tracy Murphy moved to place article 19 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 19. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 20.** To see if the Town will vote to raise and appropriate the following for Cemeteries, RES East and Special Assessments for the 2016/2017 fiscal year:

A.	Cemeteries.....	\$57,332
B.	RES East .....	\$9,815
C.	Special Assessments .....	\$6,800
	Total .....	\$73,947

There was a discussion regarding creating a reserve account or not for the Cemetery.

Jan R. - the Budget Committee did not vote on this article, we tabled it. We recommended that the Select Board put money in for the cemetery for further expansion at Sea View Cemetery by installing columbariums and that money be added for a new back stop at RES. We thank you for taking our recommendations to heart. We have no objections if you wanted to raise the money for a new back stop.

Bill – wants to object to adding money for the cemeteries until they have a full accounting of the investment (Trust Fund) for the cemeteries.

Megan – explained how much money is in the fund, \$522,000 and that we don't know when the investments will come back from a downward trend. There is a question if the interest can be used for anything other than perpetual care.

**Kenneth McKinley moved to place article 20 on the warrant with a change to A. to be “\$57,331” and B. to be “\$9,815” and the total “\$73,947.” Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 20. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

Bill – I am not happy with increasing the cemetery line.

- e. Recommendation Vote by the Board on Articles Twenty-One through Thirty-Three of the June 2016 Annual Town Meeting Warrant

**Article 21.** To see if the Town will vote to increase the property tax levy limit of \$3,376,914 established by State law in the event that the municipal budget approved under the previous warrant articles will result in a tax commitment that is greater than the current property tax levy limit. (By State law, the vote on this article must be by written ballot.)

**Tracy Murphy moved to place article 21 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 21. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Kenneth McKinley moved to remove from the table Article 3. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Article 3.** Shall the Town accept the recommendation of Mid-Coast Solid Waste Corporation (MCSWC) for handling the disposition of municipal solid waste after the termination of the current contract with Penobscot Energy Recovery Corporation (PERC) on March 31, 2018?

Tracy Murphy - this article will be placed on the warrant with a new number in sequence between the numbers of 21 and 22.

**Tracy Murphy moved “to see if the Town will vote to accept the recommendation of Mid-Coast Solid Waste Corporation (MCSWC) for handling the disposition of municipal solid waste by ecomaine of Portland, Maine after the termination of the**

**current contract with Penobscot Energy Recovery Corporation (PERC) on March 31, 2018? Kenneth McKinley seconded the motion.**

**Bill Chapman moved to remove the words “Penobscot Energy Recovery Corporation (PERC).” Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**VOTE ON THE MOTION TO PLACE ON THE WARRANT: 5 FOR – 0 OPPOSED**

**Geoffrey Parker moved to recommend the Article. Kenneth McKinley seconded the motion’**

Parker – I am against recommending this article as I believe that the MCSWC made the wrong decision. I know that the Committee did a lot of work.

Bill – I will also vote against it.

Tracy – we heard a lot of information. I believe that Fiberight has some good ideas, but this is the public’s money and you are taking a mature company that is non-profit and pitting it against something that isn’t even built yet. I am more comfortable with ecomaine than a company that doesn’t have all of its approvals.

Owen – I am comfortable with Fiberight. We have four towns functioning well and therefore I will support this article.

**VOTE: 3 FOR (CASAS, MURPHY & MCKINLEY) – 2 AGAINST (PARKER & CHAPMAN)**

**Article 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 2016/2017 budget to be taken from fund balance.

**Owen Casas moved to place article 22 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 22. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 23.** To see if the Town will vote to authorize the payment of tax abatements and applicable interest from the property tax overlay account.

**Tracy Murphy moved to place article 19 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 19. Kenneth McKinley seconded the**

**motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 24.** 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 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.

**Kenneth McKinley moved to place article 24 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 24. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**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.

**Geoffrey Parker moved to place article 25 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 25. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 26.** To see if the Town will vote to set October 17, 2016 and April 17, 2017 as the tax installment due dates.

**Kenneth McKinley moved to place article 26 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 26. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**Article 27.** To see if the Town will vote to set October 18, 2016 and April 18, 2017 as the tax delinquency dates and to fix the rate of interest on delinquent taxes at 7.00% interest per year.

**Owen Casas moved to place article 27 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 27. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**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.

**Kenneth McKinley moved to place article 28 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 28. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

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

**Geoffrey Parker moved to place article 29 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 29. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**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.

**Tracy Murphy moved to place article 30 on the warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 30. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**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.

**Kenneth McKinley moved to place article 31 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 31. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**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.

**Geoffrey Parker moved to place article 32 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to recommend article 32. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

**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 the 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 the 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.

**Kenneth McKinley moved to place article 33 on the warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to recommend article 33. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED – 0 ABSTAINED**

SELECT BOARD MEETING MINUTES, APRIL 19, 2016

- f. Vote to set the Town Meeting times as stated in the first paragraph of the June 2016 Annual Town Meeting Warrant

**Tracy Murphy moved to set the town meeting times as stated in the first paragraph of the June 2016 Annual Town Meeting Warrant. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- g. Vote to sign the Budget Validation Referendum – MSAD #28 and Five Town CSD Warrant and Notice of Election Tuesday, June 14, 2016

**Tracy Murphy moved to sign the Budget Validation Referendum – MSAD #28 and Five Town CSD Warrant and Notice of Election of Tuesday, June 14, 2016. Kenneth McKinley seconded the motion. VOTE 5 FOR – 0 OPPOSED**

Owen – asked about an amendment to the Road Ordinance. Could we rework the ordinance?

Geoff – I know that my not being present at the meeting when this was discussed limit us to what could be done.

Bill – it is too late now to get it on this warrant.

BREAK – 10:45 p.m. to 10:53 p.m.

- h. Discuss the size of the future library as recommended by the Library Committee and adopted by the Select Board

Rick – Jan is here at my request. There seems to be some confusion to what the Board voted on regarding a new library's spacing needs. The AHLPC needs to think beyond the 8,750 square feet to help them.

Bill – I looked at the spreadsheet to see what is needed to accommodate what we already have. We also need space for staff and other functions. My calculations would be around 7,800 to 7,900 square feet. This is for programming not including unassigned space. This would be the bare bones.

Geoff – what you just said is very important. It is what they voted on. We have to work with the community and the architect to come to a workable library solution that will be passed. It is “absolutely a guideline.” “No way, shape or form, is it a number you have to adhere to.” I want a library that passes. The ad hoc committee is in a hard spot. It is an estimate of the needs. We have a new set of experts on our side and perhaps they have some new ideas. The square footage is not a hard number.

Tracy – so you are going to forget about programming needs to get it passed? We are throwing programming out the window. We need something to serve this town for 20-30 years. I don't want to put in time that I have been putting in to the project to have it cut in half. We need 10,000 square feet with two stairwells and an elevator. I have gotten

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over building at RES and have moved on. If the charge has changed, I am not sure that this is what I want to do with my time.

Bill – the committee is working on the size of the building and the cost. The Capital Committee is putting together a plan to raise at least two thirds of the cost. We need the right product and the right strategy.

Tracy – we have hired an expert and he has a lot of great ideas. We are looking at a three story building. The reading room would be on the third floor. I would think long and hard as to what you want this group to do.

Owen – we have to remember that the Middle School is also going to be doing a capital campaign for its project. I am not tied to the 8,750 square feet if they can raise the money to pay for it. I was not aware that we ever talked about a third story. If that is the case, we will need to hire more staff. The cost will be over three million dollars to build this library. I don't remember discussing a third story.

Tracy – we offered two properties. We would have to move the water and sewer lines if we consolidated the two pieces of land on Limerock Street and that would cost us one half million dollars. The biggest footprint that we can have at 1 Limerock is 4,000 square feet.

Geoff – what if the programming gets cut? I am not advocating a smaller size. When you use brilliant people and magic happens. The AHLPC should be the go between. The Committees job is to get a successful library built. They are not a well-run committee in my opinion.

Jan – the charge from the Select Board was that we would agree on the site as 1 Limerock Street, the park or the two properties and that the program space should 8,750 square feet. They cannot put 8,750 into 7,000 square feet. Please don't tell me that it isn't a well-run committee. Somebody wrote to Rick and he didn't share that information with me. No one writes to me, they go in a circle and finally I get a copy of an email and I get the information second or third hand. I feel left out in that situation. What is the goal? We never asked the voters how much they would be willing to pay for a new library. The committee is supposed to create a fund raising committee, there is not a chair. They sit around and drink tea and name the rich people that they know. There is nothing being done and I worry about this. There are no new members. I worry that nothing is happening. We have a three story concept design and they will be coming back to us next week with a story building design. I would like to hear from the Parks Committee what they want saved in Memorial Park. I consider it an empty space with rocks. The architects will be coming up with a design. Owen, I think that a library can out fund raise a new middle school by 100 to 1. Too many bonds will kill everybody. In November the bond will pass or they can wait if they want while we do our fund raising. Tell me what the charge is for the committee. I am not interested in participating in continuing if you tell me to build a smaller library.

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Ken – 8,750 square feet was not in the motion made by the Board. I researched both the charge and the motion that was approved in November of 2015 and the 8,750 did not appear. The motion made by Tracy was (I listened to the live stream) “I move to accept the Library Committee’s presentation that outlines their estimated space requirements by program.” That motion is clear and because it is an estimate, I feel that there is room for some flexibility.

Jan – our rental space is 5,000 square foot and it is crowded. I understand that there are three openings in June of the five members of the Library Committee. What if the new members change the vote?

Bill – they are responsible for the programs and it is the Town’s responsibility for the physical structure. We have already moved down that path.

Ken – the committee can make a recommendation.

Geoff – my plea is that you concentrate on process.

Jan – everything we do is open and the meetings will be live streamed. We will have time for a comment section. I never want to discount the community I live in. There are a lot of intelligent people here. If this is kicked four or five years down the road, I will not live long enough to see this library built.

Tracy – Geoff, I was totally offended to have you say that is a poorly run committee. Jan has worked tirelessly with people that had never met before and he has kept everyone in line, got out a RFQ within days and came up within an incredible timeframe. I am offended on his behalf for saying that this is a poorly run committee.

Jan – “yeah, so there.”

Tracy – I expect an apology.

Geoff – give me a minute.

Bill – wait.

Jan – I don’t expect an apology. You just said what is on your mind and that is all I want to hear from anybody.

Geoff – would it help to hear an explanation?

Jan – sure.

Geoff - it was a reaction to my understanding that the last two meetings have been gridlocked with a significant reluctance to listen to anything but 8,750 square feet.

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Jan – what I said several times louder and louder was that this committee is under the authorization of the Select Board and that we didn't have the authority to change those parameters. We need to go to the Select Board or the Library Committee and here we are.

Geoff – I would love to have you prove my statement wrong. The next challenge is in finding a peaceful way to go forward.

Owen – would it help if we set a no lower than threshold?

Bill – we have given them the charge. Should we change and what will stop them from coming in with a new number

Jan – we will work with Ben and the architect. He can tell us what programs are most important to the Library and what a lower limit on the program space is.

Bill – 8,750 should satisfy the program space. If we lower it to 7,000 it cuts out any future growth.

Ken – don't get hung up on a certain number.

Jan – we need to sell it to the public.

Ben – I think that everyone on the committee is married to the 8,750. There is some wiggle room. I am looking for efficiencies and it is time to build aspirationally. We need to get the best we can get. My bigger concern is with a three story building and staffing. The fundraising will come along. There is a lot of work to be done.

Ken – do you feel like you need to get any better guidelines?

Jan – I understand the tolerances. Somebody will be disappointed but we want a good library for this town. Just let me know what you want. We are a young committee and just started in December. We are running full speed.

Ben – they are the best committee I have ever worked with. It did get a little heated at the last meeting.

Jan – I got a little overheated and will apologize to them tomorrow.

Ken – we are in good shape

- i. Discuss the Camden-Rockport Route 1 Sidewalk Plan – Skipped over this item
- j. Consider adopting a resolution regarding support for LD 1649 – Skipped over this item.

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- k. Review and approve Request for Proposal for Municipal Legal Services

**Tracy Murphy moved to approve the Request for Proposal for Municipal Legal Services and to have the Town Manager distribute accordingly. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- l. Reappointment of Election Clerks for May 1, 2016 – April 30, 2018

**Tracy Murphy moved to approve the list provided by the Town Clerk Linda Greenlaw for reappointment of Election Clerks for May 1, 2016 to April 30, 2018. Kenneth McKinley seconded the motion. VOTE 5 FOR – 0 OPPOSED**

VI. WASTEWATER COMMISSIONERS

- a. None this evening

VII. LIASION REPORTS

- a. None this evening

VIII. EXECUTIVE SESSION

- a. None this evening

IX. ADJOURNMENT

**Tracy Murphy moved to adjourn the meeting at 12:00 a.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY