

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY MAY 9, 2011
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-Chair Tracy Lee Murphy, Thomas Farley, Alexandra (Sani) Fogel and Dale Landrith, Jr. Also present: Robert Peabody, Jr., Town Manager, William Plouffe, Town Attorney, Department Heads: Kerry Leichtman, Assessor; Mark G. Kelley, Chief of Police; Steve Beveridge, Public Works Director; Tom Ford, Planner and Director of Community Development; Molly Larson, Library Director; Abbie Leonard, Harbor Master; and Virginia (Ginny) Lindsey, Finance Director, Town Employees Susan Dates, Stacey Parra, Scott Bickford and Jane Babbitt, the press and members of the public

- I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7:02 P.M.
- a. Approval of the minutes of the Monday April 11, 2011 meeting of the Select Board

Sani Fogel moved to accept the minutes of the April 11, 2011 meeting as presented. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Approval of the minutes of the Tuesday, April 19, 2011 meeting of the Select Board

Sani Fogel moved to accept the minutes of the April 19, 2011 meeting as presented. Tracy Murphy seconded the motion. VOTE: 3 FOR – 0 OPPOSED – 2 ABSTAINED (FARLEY & LANDRITH)

- c. Select Board Workshop, Monday, May 23, 7:00 PM., Town Office - there will also be an Executive Session as an agenda item to ratify the Police Department and the Public Works Department Union Contracts.

- d. Select Board Organization Meeting, Wednesday, June 15th Immediately Following Town Meeting

- e. Next Regular Select Board Meeting on Monday, June 27, 2011, 7:00 PM, Rockport Opera House Televised on Channel 22

- f. Announcements:

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- g. School Meeting Announcements:
- h. Committee Vacancies:
- i. Public Comment
- II. Town Manager's Report
- III. Liaisons' Reports – None
- IV. UNFINISHED BUSINESS
 - a. Reconsideration of Town Manager's Contract decision

At 7:23 p.m., Dale Landrith, Jr. moved to enter Executive Session for Attorney Client consultation between the Town's Attorney and the Select Board pursuant to 1 M.R.S.A 405(6)(E). Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

At 7:37 p.m., Dale Landrith, Jr. moved that we exit Executive Session for Attorney Client consultation between the Town's Attorney and the Select Board pursuant to 1 M.R.S.A 405(6)(E). Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Dale Landrith, Jr. moved to reconsider the decision made at the April 11, 2011 Select Board Meeting to not renew the Town Manager's Contract. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

V. Executive Session

- a. Executive Session for the purpose of discussing reasons for and against renewal of the Town Manager pursuant to 1 M.R.S.A. Section 405(6)(A)

At 8:12 p.m., Dale Landrith, Jr. moved that the Select Board go into Executive Session to discuss the renewal of the Town Manager's Contract pursuant to 1 M.R.S.A. (6)(A). Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

At 10:13 p.m., Dale Landrith, Jr. moved that we exit Executive Session regarding the discussion of whether or not to renew the Town Manager's Contract pursuant to 1 M.R.S.A. (6)(A). Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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Tracy Murphy moved to renew the contract of Robert Peabody for one year, July 1, 2011 to June 30, 2012 and to have the contract signed by the Chair. Sani Fogel seconded the motion. VOTE: 3 FOR (CHAPMAN, FOGEL & MURPHY) – 2 OPPOSED (FARLEY & LANDRITH)

VI. WASTEWATER COMMISSIONERS

Tracy Murphy moved to exit as Select Board and enter as Wastewater Commissioners. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

a. Commitment of Commercial Sewer User Rates for the period of March 2011

Dale Landrith, Jr. moved to commit the March 2011 Sewer User Rates pages 1 through 11 totaling \$127,618.25 to the Treasurer for collection. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Approval of the Wastewater Budget

Dale Landrith, Jr. moved to approve the Fiscal Year 2011-2012 Wastewater Budget and to set the debt service rate at \$45 per equivalent user and the usage rate at \$9.38 per cubic foot. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Dale Landrith, Jr. moved that we ask the Town Manager to move forward with putting the services of our Wastewater Management out to bid. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

c. Request for Entrance into a Private Sewer Line – Wayne Oxtan and Michelle Farrell

Tracy Murphy moved to approve, pursuant to Chapter 1 Section 4, Michelle Farrell-Oxtan Map 27 Lot 149 and Wayne Oxtan Map 27 Lot 151 to enter the private sewer manhole sited behind their respective properties on property belonging to Lena LLC. Said approval is subject to the following requirements /conditions: 1) a deeded and recorded, at the Knox County Registry of Deeds, easement for each lot shall be obtained for entry into the manhole with inclusive language allowing the Town access prior to the physical connection; 2) an as-built sketch with “tie-points” shall be executed and submitted to the Town for the location of entry for each property; 3) payment of the equivalent user fee and entrance fee for each property prior to connection; 4) each lot shall be independent of the other including at the

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entry point into the manhole; 5) all materials used shall meet standards of the Sewer Ordinance and the State of Maine for similar subsurface wastewater pumped installations; and 6) the Town shall not be liable for nor shall it incur any fees resulting from this action. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Tracy Murphy moved to exit as Wastewater Commissioners and reenter as the Select Board. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Dale Landrith, Jr. moved to direct the Town Manager to bring up to us any other services like that, that might be excluded from the regular Purchasing Policy, for us to consider whether we feel they should be put out to bid. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

VII. PUBLIC HEARING

a. No Public Hearing

VIII. NEW BUSINESS

a. Heart Safe Community Presentation by Camden First Aid Association - DELAYED

b. Resignation from the Harbor Committee – Bruce Dodge

Sani Fogel moved to accept with regret the resignation of Bruce Dodge from the Harbor Committee. Thomas Farley seconded the motion. VOTE 5 FOR – 0 OPPOSED

c. Appointment

Harbor Committee – Patrick Annis
Parks & Recreation Committee – Sarah Vokey

Sani Fogel moved to appoint Patrick Annis to the Harbor Committee to a term expiring June 30, 2012. Thomas Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Thomas Farley moved to appoint Sarah Vokey to the Parks & Recreation Committee to a term expiring June 30, 2012. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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d. Presentation of the MSAD #28 and Five Town CSD Budgets – Wayne Dorr & Cathy Murphy

e. Approval of proposal by Midcoast Internet Solutions

Sani Fogel moved to direct the Town Manager to sign an agreement with Midcoast Internet Solutions subject to the terms and conditions found in the document date April 29, 2011 including any changes made by the Town Attorney. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. CMP Smart Meter Presentation

g. Appointment of Representatives to the Midcoast Economic Development District

Tracy Murphy moved to appoint Bill Chapman and Bob Peabody as Rockport’s representatives to the Midcoast Economic District General Assembly to a one-year or till replaced term. Sani Fogel seconded the motion. VOTE: 5 FOR – 0 OPPOSED

h. RES-East: Where do we go from here

Sani Fogel moved that we should vote right now to begin to plan with Media Workshops whatever they want to do, whatever our negotiators decide and take it to the voters in November with some alternates, that Maine Media Workshops will do this if they want to buy it, they’ll do this if we lease it, they’ll do this if whatever and they are going to leave us the field, they are going to make us tax money because they promised that already. The other buildings that they have will make us more tax money. It is a win win all the way around and I would like us to start and get going with it. Dale Landrith, Jr. seconded the motion. VOTE: 3 FOR (CHAPMAN, FOGEL & MURPHY) – 2 OPPOSED (FARLEY & LANDRITH)

Dale Landrith, Jr. moved to appoint Sani Fogel, Tom Ford and Bob Duke to the Negotiating Committee for RES East. Thomas Farley seconded the motion. VOTE: 3 FOR (CHAPMAN, FARLEY & LANDRITH) – 1 OPPOSED (MURPHY) – 1 ABSTAINED (FOGEL)

i. Approval of two Quit Claim Deeds

Deborah Grutter T02, B1, 027

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Deborah Grutter T02, A06, 027

Tracy Murphy moved to convey by a Municipal Quitclaim Deed the property described as Map T02 Lot A06-027 and Map T02 Lot B1-027 to Deborah J. Grutter. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

j. Other New Business

IX ADJOURNMENT

Tracy Murphy moved to adjourn the meeting at 12:29 a.m. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY