

Rockport Select Board Meeting

Monday – July 13, 2015 – 7:00 p.m.

Rockport Opera House Meeting Room



Televised – Channel 22

Streamed at <http://livestream.com/Rockportmaine>

Minutes of Meeting

In Attendance as the beginning of the meeting:

Select Board Members:

Chair William Chapman

Vice-chair Kenneth McKinley

Tracy Lee Murphy

Geoffrey Parker

Owen Casas

Town Officials:

Town Manager Richard C. Bates

Finance Director Virginia B. Lindsey

Michael Young, Public Works Director

Abbie Leonard, Harbormaster

Ann Filley, Library Director

I. MEETING CALLED TO ORDER

The July 13, 2015 meeting of the Rockport Select Board was called to order at approximately 7:02 p.m. by Chair Chapman.

a. Approval of Minutes of Previous Meetings

Monday, May 11, 2015, meeting of the Select Board

- **Motion made by Ms. Murphy, seconded by Mr. McKinley to approve the Minutes of the Monday, May 11, 2015, meeting of the Select Board.**

Ms. Murphy had a question on page 2 of the meeting minutes about something she had said. She suggested striking the last three words “no library – sell,” because she wasn’t sure what that had meant. She had another question about something written on page 9 of the minutes, but after some discussion and clarification it was agreed not to make any further changes.

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- When a vote was taken on the motion, **the motion passed with a vote of 4 in favor and 1 abstention.** Mr. Casas abstained from the vote as he had not been a board member at the time of the meeting.

Monday, June 22, 2015, meeting of the Select Board

- **A motion was made to table approval of the June 22, 2015 meeting minutes because the minutes of that meeting were not available at this time. Ms. Murphy motioned, seconded by Mr. McKinley. Voted unanimously.**

b. Next Regular Meeting Announced

Chair Chapman reported that the next meeting of the Rockport Select Board would be held on **Monday, August 10, 2015** at 7 p.m. and would be held in the Rockport Opera House Meeting Room. The meeting would be televised on Channel 22 and streamed at <http://livestream.com/Rockportmaine>.

c. Announcements:

Chair Chapman made several announcements about upcoming committee meetings and workshops and noted that a complete list could be found on the town's website as well as on this meeting agenda. He mentioned the August 29th Leaning and Cleaning Workshop for which the Maine Old Cemetery Association will hold an all-day workshop designed to clean and repair old grave stones. He explained that the workshop was limited to 20 participants and a fee of \$20 would be required to participate. Anyone interested in attending this workshop could make application at the town office or the Maine Old Cemetery website. Chair Chapman further stated that the workshop would train people how to clean or reset grave stones properly. He also indicated the surnames on some of the stones that would be cleaned; stating that by law descendants were required to be contacted about the cleaning and also that the town must give permission to do work on the gravestones, and acknowledged that the town had already granted permission.

d. Upcoming Workshops:

Chair Chapman also mentioned a number of workshops scheduled for August thru October, and stated that a complete list was available on the town's website.

Workshops of particular interest were acknowledged:

- Fiber Optics Workshop, Monday, August 17th

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- 125th Anniversary Planning Workshop, Tuesday August 25th. Chair Chapman encouraged the public to attend and participate in the planning of the town's anniversary.
- Future of the Rockport Public Library – workshop Thursday, September 10th. The chairman stated this would be a joint workshop with the library committee.
- Chair Chapman mentioned another Cemetery workshop scheduled for September 21st, which would be a joint workshop with the Cemetery Committee.
- Lastly, the Chair mentioned a Pre-budget Workshop scheduled for October 21st at the Opera House.

e. Committee Openings:

The chair noted that the committee openings were listed on the meeting agenda. He urged residents to consider joining the Zoning Board of Appeals (ZBA), as there were two vacancies on this board, which didn't meet that often but was critical to the town to have a full complement of members.

f. Agenda Changes:

There were no changes to the meeting agenda.

g. Public Comment:

There was no public comment.

II. TOWN MANAGER'S REPORT

Town Manager Richard Bates gave his monthly report to the board and then verbally gave his report to all in attendance.

Keep Rockport Beautiful

Mr. Bates announced that he wanted to publicly recognize a small group of volunteers that had been called the Keep Rockport Beautiful Committee. (A group of four women were in attendance, including Maggie Christy who had put together a team to help clean up town roads.) The town manager reported that Ms. Christy had visited his office to let him know that she thought the streets needed to be cleaned up because there was too much road side litter. At the time, the town manager said, he had disagreed with Ms. Christy. However, during a morning drive around town with the public works director they soon realized there were a lot of "cut through streets" on which roadside trash was visible. It was after that that Mr. Bates agreed with

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Ms. Christy that she and her group could indeed help the town. The town manager informed the select board that this group of people had met regularly for about two months; they organized and worked on cleaning up the roadsides collecting 128 pounds of litter. He said that the group had ended up with 30 volunteers from Pen Bay Medical Center. In addition, local business had either discounted supplies or had cleaned roads in their areas. Businesses that participated included Maine Stone Landscaping, Coastal Mountains Land Trust, Farley & Son, EBS, Camden Hannaford, and Home Depot. (It was Home Depot that had discounted needed supplies for the cleanup work.).

The town manager remarked, “They did an amazing job!” to which the group earned a standing ovation from all in attendance.

Chair Chapman remarked that a lot of kids had helped, and “thanks” were offered all around.

Library Book Sale

The town manager reported that the annual library book sale was another success. It was noted that the Friends of the Library had taken in \$14,600 prior to considering their expenses. It was also acknowledged that the book sale took the efforts of many people, starting with the Friends of Rockport Public Library; Midcoast Recreation provided the building space for the sale; Rockport Steel provided space to sort books throughout the year; and public works had set up tables, moved books – it was a big event well attended. Mr. Bates thanked all the people involved in making the annual book sale such a success.

Infrastructure Projects

-Opera House-

Mr. Bates reported that the Opera House bid had come in under budget. The original estimate for infrastructure repairs had been \$350,000; the bid had come in at \$217,110 lump sum. However, in adding gutters, windows, soffits, and fascia boards the total of the repairs was about \$269,000. This would hopefully leave the town with enough funds to get a new HVAC system for the building as well.

Mr. Bates also reported that some trees close to the Opera House building had to be removed. He noted that lilac trees had been removed, and he was hopeful that the Parks Committee could advise the town on what to replant in some of these areas. He noted there were a number of other trees that would be required to be removed before the project got underway, including a small pine tree at the front of the building, a birch tree alongside the building that was leaning; and tall, spindly pine trees that needed to be removed at the same time. Trees behind the building would also be removed so that staging can be put up. Mike Young commented that some large trees might be saved. It was also noted that the abutting neighbor was also concerned about his side of the building, and had been cooperative with the town in hopes of getting his building spruced up during the same time the Opera House repairs were being done.

-Mill Street Bridge-

The town manager reported that the preliminary work on the Mill Street Bridge was underway, with engineering done, geo tech work getting completed, and final design was planned by October 1. Bids were expected by March 1, and construction was planned for the summer of 2016.

-School Street-

The School Street project was underway with geo tech and survey work having been completed; the final design would be ready by August 21, with an anticipated September 21st construction start date.

-Summer Street-

The Summer Street project was also underway; the town had contacted The Maine Water Company to find out if they needed to do any work on the road while it was opened up. Mr. Bates explained that the geo tech process actually meant testing or boring into the road to analyze what materials might actually be in the road. These are core samples that actually help determine the materials in the road, to better plan on how to repair/rework the roadway.

-Pascal Avenue High Sidewalk-

The town manager stated that one of the more challenging projects facing the town was the high sidewalk on Pascal Avenue. Mr. Bates suggested that whatever design is decided upon for the sidewalk it should be aesthetically pleasing to the community, and not made to look like a New York thruway when it's completed. He said the survey was done, and he was hoping for the completion of the preliminary design by the end of August. He explained that a number of options will be presented to help determine how much the town is willing to pay on the reconstruction required on this project. With a goal of getting the design decided upon, construction could start in the spring of next year. He also stated that there would be disruption in that area of the town while the project was in progress.

Mr. Parker suggested reaching out to the Conservation Commission, as well as seeking public comment in hopes of getting input into the design, as the design would change the way the area looks.

-Mount Pleasant Street-

The town manager reported that the geo tech work on Mt. Pleasant Street had not started yet, but the goal was to get it done this summer. He reported that work had started on ditch lines and a ditch line had been created for water to go to rather than continue to follow the granite along the roadway.

-West Rockport Fire Station-

Mr. Bates told the select board that the construction required on the West Rockport Fire Station was somewhat of a challenge. The preliminary design had been completed; however, there was a land issue that had not yet been resolved. The town manager said that members of the fire department were working on a resolution to this matter.

-Public Works Roof-

The town manager explained that the final project for consideration was the repair or replacement of the roof on the public works building. Because there were a number of options that could resolve the roof issues, the replacement or repair of the roof would be dependent on how much money remained after all the other infrastructure projects had been completed. He said he planned to leave the decision on the public works building roof until the end, at which time he would decide the best approach, but that it would be completed next year.

-Gartley & Dorsky Infrastructure Project Schedule-

The town manager noted that in the select board members' packets he had provided them with a spreadsheet generated by Gartley & Dorsky that included the list of the various projects the town was working on, as well as bond estimates, and dates for preliminary design – final design – bid – construction start and end dates.

Fiber Optics Survey

Mr. Bates reported that the Tilson Survey of approximately 400 residents chosen at random had been sent out. The survey was designed to evaluate resident satisfaction and interest in supporting a municipally owned network or another alternative. The town manager said there was an expectation of a 10% return rate of the surveys, which he said would be “really good.” He also explained there would be an on-line survey at the link <https://www.surveymonkey.com/r/mid-coastonline>. Residents would be able to go to this website and complete a survey. He also said he was happy to report that some people had been telling others about the survey via Facebook and other online services, and residents were being encouraged to take the survey.

As part of the survey the manager would be sending out a blanket e-mail to residents asking them to do a “speed test” of their current internet connection to report at what speed they are receiving internet access. Mr. Casas suggested if residents were getting speed results lower than what they were paying for they should contact their service provider.

Revaluation Completed

Town Manager Bates report that the town's revaluation had been completed. Overall, the town had lost \$41,003,224 in real estate value as a result of the reval.

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The town manager went on to commend Assessor Kerry Leichtman for the tremendous amount of work and effort he put in in getting the reval completed, and at a rate that taxpayers could afford.

According to the reval, much of the decreased value was in the oceanfront land values and upper end housing. According to the assessor, residents could expect an 83 cents increase in the mil rate; this prediction was based on facts known as of today. The town manager went on to report that the town had 6,212 real estate accounts and 80% of these would see a reduction in their property valuations, 1% would see no change, and 17% would see a valuation increase.

Using a mil rate of \$13.82, 4,472 taxpayers would pay less in property taxes in 2016; 9 would see no change; and of the remaining 1,731 – 495 would see an increase of less than \$100; 367 would see an increase of greater than \$100 but less than \$200; and 877 taxpayers would see increases of more than \$200.

The town manager stressed that all of these estimates were preliminary and could change up to the time of commitment.

Mr. Bates further explained that the reval information would go out to taxpayers this Wednesday. Taxpayers would be given a phone number to call with questions concerning their revaluations; they'd also be given an e-mail address that would permit them to set up an appointment to come in and ask questions of KRT – the company that had performed the reval. The town manager stated that any revaluation of properties was a “tough process”, but the loss in value was what had been sort of anticipated. He again noted that the assessor had put in a lot of time and effort with KRT to make sure the numbers were right. He stated that K. Leichtman had taken the reval very seriously; noting that K. Leichtman was one of the few that would actually see more than a \$200 increase in his property taxes in the coming year.

Chair Chapman credited K. Leichtman for saving the taxpayers money in conducting the revaluation process in the manner he felt most beneficial to the town.

The town manager reported that some of the property owners that K. Leichtman had already heard from had been happy with the reductions in their property values.

Other

-New Hires-

In other town news, the town manager reported that two people had been hired to work at the Harbor as park attendants; he had hired a temporary laborer to work at the public works facility; and the new fire truck had just been put into service on Sunday night.

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-Harbor Piling Project-

Also, Mr. Bates reported the Harbor piling project had been completed; but, not without major problems. He acknowledged that while the piling project had created new space, and public works was still building another float for the recreational side; there had been great angst from the fishermen. All considered, the town manager said the fishermen had done very well in modifying and adjusting their work schedules for nearly two weeks, during the driving of the pilings. The town manager noted that more space had been created for the fishermen, and it was good for them, but also inconvenient at the same time.

-Guest Speaking-

Mr. Bates informed the board that he had spoken at a Telecom Association of Maine meeting at the Samoset, as well as a meeting of the Maine Broadband Workshop held in Portland last week about Rockport's high fiber network.

III. UNFINISHED BUSINESS

a. Relocation of Glen Cove Veterans' Memorial to the Glen Cove Rest Area

The town manager reported that the town had solicited comments from the public regarding the possible relocation of the Veteran's Memorial to the Glen Cove Rest Area. Some of the comments asked, "Why move it?" - But really – the town manager said – he only had about three or four calls. He acknowledged that he hadn't had any calls from anyone originally involved in the placement of the memorial.

Mr. Casas stated he had spoken to the land owner where the memorial was currently located (who was present during this portion of the meeting), and the property owner was okay with the town removing the monument as well as the flagpole; anything below the pedestal would be the landowner's responsibility.

It had been suggested previously by the chair, that a rededication ceremony be held on Veterans' day this year, after the relocation work is completed in the fall.

- **Mr. McKinley motioned to approve moving the Glen Cove Veterans' Memorial to the Glen Cove Rest Area. Seconded by Ms. Murphy. Voted – 5 to 0. Motion carried.**

IV. PUBLIC HEARING

a. Public Hearing

There was no public hearing this month.

V. NEW BUSINESS

a. Acknowledgment of Gifts to the Town:

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Chair Chapman acknowledged receipt of \$50.00 from an anonymous donor to benefit the General Assistance Heating Fund, and voiced the town's appreciation.

b. Committee Resignation(s):

There were no committee resignations this month.

c. Committee Application(s):

It was noted that the select board had received a committee application from Warren Erickson to serve on the Planning Board. However, Mr. Erickson could not attend this meeting.

- **Chair Chapman moved that the matter of appointing Warren Erickson to the Planning Board be tabled. Motion seconded by Ms. Murphy. Voted 5 to 0. Motion carried.**

Ms. Murphy did suggest that the town's planner send a packet to Mr. Erickson for the next Planning Board meeting.

d. Consideration of the By-Laws for the Parks Committee

The Select Board considered by-laws for the Parks Committee. Chair of the Parks Committee Dave Jackson was in attendance.

Mr. Casas questioned why the reduction of the committee membership from eight to five members, yet the by-laws presented for consideration still indicated five members as being a quorum. Mr. Jackson said that was a simple oversight; it should be three members to represent a quorum.

Chair Chapman suggested the bylaws "purpose" should actually state the mission of the committee. Mr. Jackson said the committee did have a mission statement that could be incorporated into the document.

Mr. McKinley agreed with the suggestion to include the purpose or mission of the committee, as well as making sure the document indicated just three members were needed to constitute a quorum. Mr. McKinley did ask however, why there was no term limit on the number of times an individual could be appointed to the committee. Mr. Jackson answered by saying that institutional knowledge on this committee was very important. Chair Chapman noted that term limits were usually set by state statute; but

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these committee members were purely town appointed committees and term limits didn't apply.

After further brief discussion, Mr. McKinley suggested some of the language was clumsily worded, and suggested that section 5 of the proposed bylaws reference the town's charter – in particular the conflict of interest section.

Mr. Casas informed Mr. Jackson that he was making notes on his copy of the proposed bylaws and would bring them with him to the next committee meeting scheduled for the next day.

Mr. Jackson was also asked about the regular meeting dates for the committee. Mr. Jackson said that previously the committee accommodated the schedule of the former select board member Charlton Ames, but acknowledged that the bylaws did not define a day certain. Mr. Jackson went on to say that the committee had been meeting regularly on the second Tuesday of each month. Chair Chapman informed Mr. Jackson that it made it easier for the select board to know when the committee was scheduled to meet.

- **After further brief discussion Mr. Parker moved, seconded by Mr. McKinley, to hold approval of the Parks Committee bylaws until the August meeting of the board. Voted 5 to 0. All in favor. Motion carried.**

e. Rockport's Quasiquicentennial (125th) Anniversary planning

Harbormaster Abbie Leonard addressed the board and spoke about plans leading up to a 125th celebration for the town's anniversary. It was noted that a "brainstorming session" had been scheduled for August 25th. The session was being held to facilitate the creation of a steering committee that could then set up sub-committees for specific tasks associated with planning and carrying out a town celebration.

Ms. Leonard reported that there was interest in doing some sort of summertime event; but, acknowledged that trying to find a date when everyone could meet was proving to be difficult. She said one idea had been a "lobster sub-cup"; another suggestion had been a third annual paddle board race. Some people had ideas about different themes. She also suggested having the Bay Chamber playing music in Harbor Park. Another idea was to have a boat parade; and another a Cross Fit obstacle course. She also said that a jazz concert had been scheduled next weekend by Bay Chamber, and they were hoping that over 100 people would visit the Park. All of this, the harbormaster reported, would hopefully drum up momentum for the 125th celebration.

Chair Chapman said he was in favor of forming a committee that could then form sub-committees, and indicated that efforts were underway to do just that. He suggested people should talk to Ms. Leonard or Mr. Bates. He said the town had a list of people

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wanting to help; he also noted it would be a lot of work to bring about a celebration for the town.

Mr. McKinley questioned how large the committee would be? Chair Chapman suggested waiting to see what ideas would be forthcoming before establishing the number of committee members. He suggested he wanted to see what ideas would start to “percolate”. Mr. McKinley suggested he was concerned that people would be waiting for the board to make some decisions. Ms. Leonard noted that many people wanted to become involved; yet no one had stepped up who wanted to be in charge.

Town Manager Bates acknowledged that no dates had been established as yet next year for when the town wanted to “do things.”

After further discussion Ms. Leonard noted that there was a problem in that the town did not have a budget for this celebration. She said it would be great to have a “Celebrate Rockport” brand. Mr. Parker asked if committee members might be willing to come up with some money to make up some signage; or, did the town have any discretionary funds that could be used for signage in support of a town celebration? Mr. McKinley suggested another idea would be to have merchandise items made up to sell in support of the celebration.

When questioned about the town’s anniversary date, it was noted that the actual date was February 25th, to which some facetiously suggested a snowball fight with Camden officials by the arch or over the bridge on this date next winter; Camden being the town from which Rockport separated in 1891.

No further comments were made, but it was noted that the meeting to establish a more formal celebration committee was scheduled for August 25th at 6 p.m. in the Richardson Room at the town office building.

f. Review and approve the updated Rockport Investment Policy

It was noted that the charge of the Investment Committee was to invest the town’s public assistance and cemeteries funds, and previously wastewater funds. However, the current policy did not mention wastewater funds, which the Investment Committee had started to review again recently on the town’s behalf. The change proposed for the Investment Policy was to add “Wastewater” under article B. of the policy.

Mr. Casas stated his desire that the town not invest any funds in companies that dealt with fossil fuels of any kind. However, Chair Chapman reported that the investment committee had had this discussion some time ago. If one attempts to sort out which companies invest in fossil fuels and which ones don’t, it can get very confusing. He reported that Bar Harbor Trust Services (BHTS) was the bank responsible for overseeing the town’s investments. BHTS has a program in place whereby the professionals ask the questions about particular companies’ holdings. In addition, the Investment Committee members were well versed in investment strategies and represented the town very well.

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The chair suggested that the finance director forward to Mr. Casas the investment portfolio for his review.

It was noted that the next meeting of the Investment Committee was scheduled for September 21 at 4 p.m. Chair Chapman suggested BHTS be asked about the companies in which the town was invested at the September 21st meeting.

- **Ms. Murphy motioned, seconded by Mr. McKinley, to approve the Rockport Investment Policy as amended. Voted 5 to 0. Motion carried.**

It was noted that there was a typo on page 4 of the Investment Policy. The finance director indicated she would make the correction.

g. Request by the owners of 23 Main St. to extend their 2nd floor porch

Property owner Rick Kremenz was present during this portion of the meeting.

The Select Board reviewed a request from the owners of 23 Main Street – Rick and Barbara Kremenz - to extend their second floor balcony to be consistent with that of their neighbors. The town’s planner had provided the board with a memo and background materials concerning this matter. In his memo, Mr. Francomano explained that the balcony/deck would overhang the town’s right of way. After consulting with the town’s attorney it was suggested that the town and the Kremenz’ enter into a Revocable License Agreement that would permit the construction and maintenance of the balcony/deck in the airspace above the town’s right of way; a future board could revoke the agreement.

Mr. Casas asked what the rationale was behind the revocable license agreement. The town manager responded by saying – “How does it get to the select board?” Mr. Bates acknowledged it was “kind of” a land issue – but, then again it wasn’t. He explained that the Planning Board only dealt with issues up to the property line. This particular issue dealt with a matter of something invading air space over the town property. “This is the challenge” the town manager remarked. He further explained he had been reluctant to get the select board involved until it had gone through all the appropriate steps, as he wanted to make sure it was done correctly. After legal consultation, the town manager reported, the best solution was to develop and agree to the revocable use.

Mr. Kremenz stated that an issue such as this could be taken formally to a town meeting, but because it was such a “small thing” his attorney had agreed with the town’s attorney that a revocable license would permit him to reconstruct the balcony/deck, even though he agreed it would not be a permanent arrangement. He acknowledged his belief that this

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in no way would bind the town. He said in talking with his attorney this seemed to be the easiest, less complicated way to have a nicer looking building on Main Street. He reported that his neighbor's balcony goes out another two feet. He further stated he wanted to make his balcony a little larger so that it was nicer and more useable.

Mr. Parker stated that all zoning ordinances were focused on making things conform, but there was no statement in the proposed agreement stating as such. He said he would like to see this overhang go with the idea of lot coverage, and asked if it was something above the ground. He also asked if the ZBA would look and see if this is in line with zoning. Mr. Parker further inquired as to whether the select board was the first step or the last step in this process and acknowledged that it seemed to be rather unique.

Ms. Murphy stated it would not be a ZBA issue because it was not an issue of lot coverage. The town manager noted it was a unique situation. And Chair Chapman suggested it could be a non-conforming building. John Alexander, chair of the Planning Board who was in the audience reported that the Planning Board had agreed the ZBA did not need to act on this case, and suggested it should go to the town as an "improvement."

Mr. McKinley stated he was concerned in setting a precedent; he further noted a revocable license was "troublesome."

After further comment, Ms. Murphy said that her concern had been with liability, but basically the revocable agreement proposed had taken care of that concern. She further said that if the town said the building owner had to take down the balcony, then the owner would have no alternative but to remove it. She also said that she saw the need to do something like this in the village section of the town, but not elsewhere.

Chair Chapman noted that the town had vacant properties in the village and asked if granting this revocable agreement would create a precedence that would require the town to give others the same permission.

Mr. Casas suggested it seemed as though they were talking about two different things.

Mr. Parker then said permission to construct this balcony was unsupported by ordinances; and further the revocable agreement was unwise. He suggested the board could either grant permission or state the reason(s) why; at some point change the ordinance; and any additional work would make it less non-conforming...but, then upon major reconstruction the town would have to pull back the license. He said he would feel much better if the town wrote a good ordinance to address something like this. The unfortunate thing is that the deck is in disrepair.

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Mr. McKinley remarked that the town could write an ordinance to allow or not allow; then he would be okay with the revocable agreement.

Ms. Murphy then asked Mr. McKinley if he was saying he wanted the town to write an ordinance to allow this.

Mr. McKinley responded by saying he was interested in an ordinance specific for the village area to take care of this issue, but he was not in favor of doing this in other areas of town.

Mr. Krementz said that what he was proposing would improve the sidewalk, because rain and snow would not fall directly onto the sidewalk. He said he would make sure there was no falling ice.

Mr. McKinley said he also would like to see in the revocable license agreement a requirement to have liability insurance and name the town as additionally insured.

Ms. Murphy suggested that any changes the board made at this meeting would need to go to town counsel for review. She said she still had questions about giving license to someone over town property; it could be a big step precedent wise; and she was not ready tonight to make an agreement.

Ms. Casas asked if there was a requirement to build to certain code or standard, to which Ms. Murphy said there was no requirement established because it was over town air space. Further, she said she'd be interested in finding out what other towns have done in similar situations; and further, she was not comfortable allowing one person to build over town space without more information.

The town manager agreed this would be a big step, and he hadn't thought that the select board would approve such an agreement at this meeting. Mr. Bates said there was a lot to think about, and the planner was not in attendance to answer some of the board's concerns. He further stated a lot of good comments had been made; he would look at the issue further and bring it back to the board at a subsequent meeting.

Chair Chapman concluded that he had heard an "adversity of opinions or thoughts: some of which needed to be answered or thought through – "cogitate." The board chair said he too had thought the town's attorney would have provided a more substantive statement as to the implications should the board enter into a revocable agreement. He also wondered how other towns might have handled similar matters, and what precedent might be set. He remarked that this matter was out of his comfort zone, and he needed more information before he could make an informed decision.

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Ms. Casas asked what the town had done when the balcony had been initially installed. It was noted that the present balcony had extended over the sidewalk for about 100 years. Mr. Casas stated he had heard a lot of contention, and asked what other balconies extended into the town's property line. Mr. Parker responded by saying that others had been "grandfathered".

Mr. Casas then asked when this matter needed to be resolved. Mr. Kremetz said his contractor was working on other properties currently, so it would be a couple of months before work could begin on the balcony.

- **Mr. Parker then motioned, seconded by Ms. Murphy, to table this matter to the next meeting. Voted 5 to 0. Motion carried.**

Mr. Bates stated he would be in touch with land owner.

h. Discuss and give direction to the town manager regarding implementing certain aspects of the Rockport Public Library building study:

Some current and former library committee members were present during this portion of the meeting, in addition to the library director, as follows:

Kathleen Meil, Cate Monroe, Stephanie Kumble, Dr. Stephanie Lash, and Anne Filley – Library Director

Chair Chapman stated there were a number of items that needed to be addressed regarding the library building, to include the following:

- Vacating or strengthening the 2nd floor office and storage space
- Remediation of potential mold issue in the crawl spaces
- Securing the building envelope to prevent further infiltration

The chair of the board noted the town had received information from Peter Tule at CES recommending the town remediate the mold issue by cutting down on moisture infiltration and improving air flow. He did not recommend a full air quality analysis. Mr. Tule's recommendation also included a review of the second floor of the building. His report stated that the second floor was not in danger of collapsing, but he suggested moving the book storage to another location. The library director's office was well supported on the second floor, but there needed to be a second form of exit.

Ms. Filley addressed the board and said she wanted to state for the record she was in favor of moving the books that are on the second floor as part of the storage area;

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however, the books in this area were used by patrons on a regular basis (some are classics). She also stated her belief that the director's office needed to "come down", but there was limited space on the first floor where her staff operate from, which comprised just 63 square feet of office space. She urged the select board to think about the idea of safety; what is safe for the employees, in terms of mold reiteration. Ms. Filley stated she was nervous about using fans to mitigate the mold because there was limited access to electrical outlets, and noise from the fans would be another factor to consider. She said it wasn't just the lower level of the building that smelled; she wasn't sure the fans would do a good job of dispelling the mold smell. She went on to say that she wished the board would consider the safety of the library patrons; people with asthma visited the library daily. She also reported that people in wheelchairs had difficulty getting in and out of the building. She suggested perhaps the remediation would strike a forward thinking approach as to what the public wanted for their library. She said she wanted to make sure the town was focused on the future and bringing the standards of the library building up more quickly rather than trying to "stuff us" into this small space. She urged the board to "think globally" and positively. She closed her comments by asking, "How do we value the people who come to work for us every day?"

Mr. Casas asked the library director how she felt about having portable office space outside of the library building, to which Ms. Filley replied she wouldn't be against utilizing an outside building for storage; but, she would not be in favor of using it as office space. She suggested this was very short term thinking, and it would take away from what the library was all about.

Ms. Kumble addressed the board and voiced her concerns with the possible mold in the lower level. She reported that two years ago, in her own house that had been built in the year 1978; she had addressed water issues that had resulted in mold getting into the sheetrock in her home. She suggested in was unthinkable to attempt to remediate mold without looking at floors or walls. She said she had a tremendous concern for the staff, for kids – some may remember the RES situation with molds, she said. And then she asked, "What about radon"? She voiced concern about spending \$50,000 to make some corrections on a building that was basically failing; mold could cause some potentially serious health issues. She closed her comments by saying that she was "upset by these."

Ms. Meil addressed the select board and stated that "one of the things we have going for us is a sense of urgency." She said the CES study in combination with Stevie's report highlighted the issues the library had been struggling with. She suggested taking the sense of urgency and making some forward thinking solutions rather than band aide solutions that are temporary at best. She concluded her remarks by saying "don't make short term solutions until you have a long term plan."

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Mr. Bates addressed those in attendance by saying part of the challenge was that the town had only recently received the report. He agreed the problems had existed for many years and had gotten worse. The challenge however, Mr. Bates said, was not to overreact and do something that would waste money and effort, and do something to move the town in a direction and a goal. He suggested the best course of action would be to have the library committee and select board meet sooner than September. Move that conversation up earlier – because there are some things that require immediate attention, such as the mold issue. He suggested the library committee and select board needed to strategize and come up with a plan.

Dr. Lash spoke to all in attendance and voiced her agreement; but said it would be impossible to sign on with a particular vision within a three week time frame. She suggested that in the short term a decision needed to be made by the people responsible for the building – the select board. She agreed that it was a high priority to make a comfortable working environment for the staff, but said that was not the responsibility of the library committee. She suggested all the select board could do was to either remediate what's there or move the library operations to a temporary site.

Again, the town manager said this matter was very challenging. He acknowledged there were things that could be done in the short term, and there were other long term considerations as well, all of which would be costly.

Town Manager Bates agreed the decision over whether or not to put money into the building is the select board's decision. He acknowledged that the library building had major issues. He reported that "six of us received this email" saying we needed to make sure everything on the second floor needed to be out immediately. It is the purview of the five member select board as to whether to choose to put band aides on this building, or to decide not to make this a long term building. As town manager, he said he did not feel it was the best use of the town's money to put money into this building – a "short term building."

Board members agreed that they needed to give the town manager a clear direction to move forward. The hazards identified to the employees and citizens encountered in this building required a decision to be made.

Mr. Parker asked why the select board should go ahead and make decisions independent of the library committee. He noted the library director had already indicated the staff could not work within the small square footage. For the select board to make decisions to affect the library operations without their input would not be advantageous.

Ms. Murphy remarked that there were things the board had to do and stressed that the

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decision about the building is the decision of the select board. She further suggested that something needed to be done over the next few weeks.

Chair Chapman noted that over the next few weeks it would be difficult to get a full membership of the board together; and he wanted all select board members to participate in any decisions regarding the library building.

Chair Chapman inquired about Dr. Lash's remarks about a "temporary site" saying he wasn't sure what she had meant. Dr. Lash said that from a public health perspective the select board should make sure wherever the library operated out of, it should be safe and useable while a longer term plan was developed. If a new building was constructed it would take at a minimum a couple of years. Ms. Meil said she agreed with Ms. Kumble that even if a longer term plan was for a new building that would mean getting rid of the building where it is currently. She asked, "Why not rent a building?"

Mr. Casas asked where the library would go. What will it look like? What will it cost? He said he also had safety concerns about the current building. He suggested the board should solve these issues quickly; which could include some sort of "band aide" because employees continued to work in the library building.

Ms. Meil remarked that the priorities for the library were not cheap, and there was no inexpensive way to solve these problems temporarily. She commented that the town's mil rate was going to go up regardless of the library issues.

Mr. McKinley suggested these things had to happen in parallel. Any long term plan wasn't going to be finished for a significant period of time. So, what could the town do in the short term? An outside office was probably not the best solution. The roof of the building couldn't be raised to create more space. There was the mold issue to contend with; the solution was not to remove what was there but to prevent further infiltration. He suggest the board might ask the town manager to look at some short term solutions; was it worth looking at a cost for ventilation. Was there anything that could be done about the moisture in the building? What about air quality? What about costs?

After further general discussion, Mr. Jackson addressed the select board, stating he had "seen this movie before" having served on many school building committees. He stated that money had been wasted on the old high school, the old RES building – all of which were remedial patches to keep things going. He suggested that once the board started spending money there would be no stopping it until the long range plan was brought to fruition. He emphatically stated any short term plan "doesn't work." Mr. Jackson suggested the town should start moving the library operations out of their current building "tomorrow." Further, he suggested there were many vacant buildings within the

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town boundaries that could accommodate a library facility until a new building was constructed.

Mr. Anderson (a neighbor near the library) addressed the board and said that he agreed totally with Mr. Jackson. He said the most expedient thing to do was to find a place to move the library. He said it did not matter if the town was going to build onto the existing one, or tear it down and build a new one. He said everyone was in agreement that the library was “going to be there.” He said the select board should get the library out of the building and try to find a temporary space from which they could conduct business for the short term.

Mr. Casas asked “what would that look like?” Was there money available to move the library? The town manager answered by saying the town had budgeted money for repair of the building that could be used to lease a space instead of repairing the current facility. He also said he believed there were a couple of buildings in several locations, and others that he hadn’t yet explored, that could serve as space temporarily from which the library could operate. He asked, “Do we spend money on band aides, or do we put that money into leasing something else?” The current building was in need of major renovations and improvements. He asked the board if they were ready to decide on that now, or if they needed another meeting.

Chair Chapman asked fellow board members if they wished to direct the town manager to explore alternative locations for the library. Ms. Murphy replied by saying it was worth looking into alternatives. However, the board would also need to consider moving costs, lease costs, moving books, equipment, and a whole host of other things.

After further discussion, Mr. McKinley suggested the board needed to decide whether or not remediating mold in the walls was worth spending money on, in light of the fact that the engineering report indicated that the foundation would not support anything more than comprised the building currently.

Mr. Parker expressed concern that finances, emotion, science – everything seemed to enter into this conversation. He asked if the board should make a deal with the former car dealership on Route 1, or should the board bring this conversation to the library committee to figure this out. He suggested the board was being too inclusive; and a meeting with the library committee was needed soon.

Again, Chair Chapman reiterated the fact that the responsibility of the library building was the select board’s responsibility. The select board needed to be aware of what the board was putting the town’s employees into. And further, the town will need to finance it.

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Ms. Murphy responded by saying that she was “not there yet.” She suggested the board ask the town manager to identify properties within the town that might be suitable to relocate the library temporarily. She further stated she wanted to see everything out of the second floor of the library building, because it was a matter of health and safety for the employees. She stated it came down to the “five of us” to either decide to pour money into the library building, or to say “no” and move forward. She suggested that when the board got closer to making a decision it would make sense to involve the library committee and the library director. Again she stated she was concerned about the employees and patrons of the library; children were invited to the building two or three times a week, and they shouldn’t be exposed to the poor building conditions. She went on to say that she had paid \$1,000 herself this year, for a mold report on her own house; and she and her family had to move out of their home, and had been out since March. She said it was not appropriate for the board to ask people to continue to operate in a building that contained unhealthy levels of mold.

- **Mr. McKinley then motioned, to direct the town manger to explore alternative locations for the library temporarily, and report back to library committee and select board at the next select board meeting. Second by Mr. Parker.**

Mr. McKinley explained his reasoning for his motion, including the safety and well-being of staff and the public.

The town manager suggested from the conversation thus far he could see that the town was now at a place where people were beginning to agree. He suggested if this piece of the puzzle could be resolved, the harder decisions will then be about space and size of the library; the library will sit at its current site, but the current building won’t work. “If we’re right in that view” the town manager said, then the best approach might be to move out; find temporary space; find out what size would be appropriate and how much it will cost.

After further discussion, Mr. Casas stated he did not wish to prolong this issue and wait another month. He suggested giving the town manager a week in which to come up with some locations suitable to move the library, and schedule a special meeting for the next week, even if all select board members could not be present at a special meeting. It was suggested that if a board member was not able to attend (as Mr. McKinley might be unavailable) then they could Skype into a meeting.

Town Manager Bates responded by saying he had spent a lot of time on this issue; but because of all the “moving pieces” it could take longer to work out a solution. Rather than be quick, he would rather take the time necessary to reach a conclusion that would

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cover all bases. He said there were several properties in town that could be good potential locations for the library temporarily; but he could not get the necessary work done in a week to research and check out the locales – as much as he'd like to.

Mr. Casas suggested he was only asking the town manager to report back in a week's time the locations he had looked at as well as the potential cost. But, again, the town manager said that would not be enough time to complete a thorough investigation.

Mr. McKinley suggested that a temporary solution might require the library to be relocated for at least two years. It made sense to take the time to review all aspects of this potential move, to provide the board with the appropriate information to help them make the right decision in this matter. He said he appreciated the need for urgency; but, he wanted to make sure the decision was done the right way.

Chair Chapman remarked the library committee was scheduled to meet on the 12th of August.

After some concerns about mold were raised from the audience, the question was asked about the short term mold remediation. It was noted that a more complete study of the mold issue would cost between \$3,000 and \$5,000. It was known that mold was in the building; it didn't make sense to spend money for a report to say the same thing, as any study would take an additional two to three weeks, after which it would take another two to three weeks to finally get a report. That would be about the same amount of time it would take for the manager to conduct his research; for the board to meet; and then for the board to make a decision.

The town manager asked all present, and a call out to the public in general, that anyone with ideas about where to temporarily locate the library contact him to let him know and he could investigate the town's options. Mr. Bates remarked that people often had good ideas, and he welcomed input.

- **When a vote was called on the motion, Mr. Casas cast a “no” vote. The chair then took a roll call vote. Members Parker, McKinley, Murphy, and Chapman voted in favor of the motion. Mr. Casas voted in opposition to the motion. The motion carried by a 4 to 1 vote.**

At 9:27 p.m. the select board took a short break. At this time Mr. Parker left the meeting due to health issues.

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The select board meeting reconvened at 9:34 p.m. At this time the only persons in attendance at the meeting were select board members McKinley, Chapman, Murphy, and Casas. Also remaining in attendance were town manager Bates, and finance director Lindsey.

The meeting continued with the next item on the agenda:

i. Consider when each committee should be invited to bring the Select Board up-to-date with their mission and efforts

Chair Chapman said he had provided each member a list of committees that had visited with the board over the last year. In going over the list he suggested the following:

- It would be good to meet with the Pathways Committee again in December.
- There was a workshop scheduled with the Cemetery Committee in September.
- The annual Library Committee workshop was already scheduled for July 1st each year.
- The board had met with the Parks Committee in April.
- He suggested meeting with the Conservation Committee in December.
- He also suggested meeting with the Harbor Committee in September.
- Once the work was done on the Opera House building – meet with the Opera House Committee in September.
- The Investment Committee hadn't really been in to meet with the board, so the chair suggested meeting with this committee at the board's regular October meeting, noting that BHTS was scheduled to meet with this committee at their September committee meeting.
- The Ordinance Review Committee work session to solicit ideas for ordinance changes was usually in September, but they could meet with this committee in October if necessary.
- The chair noted that the Recreation committee had three members, and two volunteers. The board discussed the problems in getting people to join the committee. Mr. Casas asked if a committee member could be a non-resident of the town; someone who worked for MRC. Ms. Murphy suggested that MRC could have a non-resident employee serve on the committee, but if that person left MRC's employ then that employee would need to be replaced on the committee. Mr. McKinley suggested that in a perfect world a committee

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member would be a town resident; but the board had previously talked about this issue. He further stated that the town's charter had procedures to handle this; a person from out of town would be acceptable if that person had expertise to bring to the committee, so long as the committee was not quasi-judicial, but only advisory. However, it was noted that a majority of committee members should be Rockport residents. Ms. Murphy also suggested that a committee could have non-voting members that could participate on a committee. Chair Chapman indicated he would work with the town manager on the representation difficulties on this committee.

- The board agreed they could choose to meet with the Capital Improvement Committee after the Capital Plan was approved later this year, if they so desired.

j. Discuss having the town attorney give the annual FOAA briefing to committee members and town staff on Thursday, August 27, 7 p.m., Town Office.

It was noted that the town's attorney was scheduled to conduct the town's annual Freedom of Access Act training for committee members and required town staff on August 27th at 7 p.m. at the town office.

The town manager was asked to notify all committee members of the training date and time.

k. Schedule a workshop regarding the Capital Improvement Policy, Capital Improvement Plan, and Credit Card Policy

The select board briefly discussed the difference between the Capital Improvement Plan and the Capital Improvement Policy with the finance director. Ms. Lindsey explained that once the select board approved the "policy" the plan could then be developed, much in the same way as an annual budget is developed. The select board would only be required to approve the plan after it had been developed using the policy as a guide.

After some discussion, the board believed there would not be many changes required of the proposed Capital Improvement Policy. Board members were asked to get any proposed changes to the town manager and finance director no later than July 27th. This would give the finance director time to make necessary changes to the proposal, so the board could approve the policy at their August meeting.

In reviewing the proposed Credit Card Policy the town manager said there was no urgency on getting the policy approved, in light of the multitude of tasks currently before the board. The select board suggested having a workshop on the proposed Credit Card

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Policy on August 18th immediately after their executive session. Any comments or suggested changes should be forwarded to the town manager and finance director as soon as possible so the select board could have an updated version of the proposal by their August 10th meeting.

l. Schedule a workshop to consider direction of town website(s)

It was noted that the town's website has been a concern of some for a while. The town website had been identified as a goal of the select board, being critical in nature.

Mr. Casas asked if it made sense to schedule a meeting with John Viehman, who had been working on another website, so the board could discuss the website issues with him.

Mr. McKinley noted that others had asked to be invited to a workshop dealing with the town's website also. It was suggested that it might be time to develop another town committee; a committee dealing with technology and website issues.

Ms. Murphy suggested the board develop a mission statement, and would need a workshop to do so. Further, she suggested the sooner the better, because there could potentially be items that would need to be budgeted.

After some discussion the board set a date for a **Website/Technology Workshop** for **September 1st at 5 p.m.**, to be held in the Richardson Room at the town office building.

Ms. Murphy suggested that budget committee members be notified of this workshop, especially Jan Rosenbaum and John Viehman because they had both voiced interest in perhaps joining such a committee.

m. Reallocate committee liaisons: Conservation and Water Quality

Mr. McKinley half-heartedly consented to becoming the new liaison to the Conservation Committee. It was noted that the committee was scheduled to meet on Wednesday morning.

VI. WASTEWATER COMMISSIONERS

- **Ms. Murphy motioned to close the meeting of the select board and re-enter the meeting as wastewater commissioners for the purpose of conducting wastewater business. Seconded by Mr. McKinley. Voted 4 to 0. Motion carried.**

The Select Board acknowledged receipt of the wastewater accounts receivable as of June 30, 2015.

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a. Commitment of Sewer User Rates for the period of May 2015

- **A motion was made by Ms. Murphy to commit the May 2015 Wastewater User/Debt Fees totaling \$24,206.10 to the Treasurer for collection. Seconded by Mr. McKinley. Voted 4 to 0. Motion carried.**

b. Request by Fresh Off The Farm and Rockport Steel to have the sewer connection fee waived

The Town Manager reported that the sewer extension project had not gone as planned and had caused major disruption to two local business along the area on U S Route 1; Fresh Off the Farm (particularly) and Rockport Steel. Because of the disruption and inconvenience to the businesses, and in discussing the matter with Nate McLaughlin from Woodard & Curran, it seemed appropriate to waive the connection fee for these two businesses – now.

Ms. Murphy noted that any new user was required to pay a connection fee of \$1,000. When the town added this new build out the select board had opted to add a \$2,000 fee to this new sewer line section because property owners in this area had not been paying the debt fees associated with the sewer system. Ms. Murphy stated that even though she thought it would be a nice gesture to waive the fee, the entire sewer line extension had been done for Fresh Off the Farm. Without them, Ms. Murphy claimed, the town would not have spent \$800,000 in bonds as a collective to put sewer in along that section of road at this time. Therefore, Fresh Off the Farm had not paid into the debt service as many others have over the years; also others would be sharing in paying off this new debt.

Chair Chapman reminded everyone that through a Community Development Block Grant (CDBG) \$270,000 of the project costs had been offset, requiring Fresh Off the Farm to preserve jobs.

Ms. Murphy responded by saying even though this was true, the town was now asking everybody else to pay into this.

Mr. Casas asked if Rockport Steel was part of the job preservation terms in the CDBG, to which the answer was “no”, Rockport Steel had not been part of the grant.

The town manager explained that this had been a question raised by the engineers because of the inconvenience factor all summer long; particularly to Fresh Off the Farm. Mr. McLaughlin from Woodard & Curran had felt that this was a consideration worth asking for. Mr. Bates then asked the board if this was something the board would entertain or not?

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The chair of the board noted that the proposal was only good if either business hooked up between now and the end of the season; otherwise no fees would be waived.

Ms. Murphy stated there were no other potential customers to connect along this strip.

Mr. McKinley commented that the owners of Fresh Off the Farm had wanted the town to extend the sewer line so they could connect to the town's sewer system; but it was part of the town's long range plan to extend the sewer line down route one. He said he was less inclined to waive the new \$2,000 buy in fee because this was supposed to be paid in lieu of having paid any system debt previously. He said he would be willing to look at the \$1,000 tie in fee.

Ms. Murphy responded by saying the reason for the \$1,000 tie in fee was due to having staff process paperwork, and take care of other things associated with getting a new customer onto the system.

Chair Chapman pointed out that Rockport Steel also owned other properties along route one, other than just their building located on Rockville Street, one of which was the old Dunn's Hearing Center. He noted the sewer line had been extended as far as Sea Light Lane.

Mr. Casas commented that he would probably vote for waiving the \$1,000 fee, but would be in favor of still charging the \$2,000 fee.

Ms. Murphy noted that neither business was asking the town to do anything; this had been a suggestion made by the town's engineer. She further commented that she was not in favor of waiving anything.

After further discussion, Mr. McKinley asked if either business had made any attempt to contact the town to hook up to the new sewer line; to which the town manager responded "no", they had not.

Further discussion ensued. It was noted that both businesses would be subject to paying the debt service fee regardless of whether or not they connected to the sewer system.

Ms. Murphy reminded everyone that Fresh Off the Farm had come to the board requesting the sewer line extension because they could not put in a regular leach field without incurring \$20,000 or \$30,000 to put a new septic system in, which they deemed to be too much for their business to come up with. It would cost about half that for the business to tie into the town's sewer system.

Concluding this line of discussion the select board took no action on this matter.

- **At the conclusion of wastewater business Ms. Murphy moved, which was seconded by Mr. McKinley, to adjourn as Wastewater Commissioners and reconvene the meeting as the Select Board. Motion carried by a 4 to 0 vote.**

VII. LIAISON REPORTS

Ms. Murphy noted that the Planning Board had been looking at the request made by Schooner Bay Taxi, and that it was currently on its way to the ZBA. She stated she was happy with what's going on with the taxi business, and said there was no reason why someone could not have a home occupation in that area. However, the Planning Board had questions and that was why it was going to the ZBA. She said there would be something for the board to look at in the future.

Mr. Casas voiced concern in that Camden's liaison to the Pathways Committee didn't frequent the committee meetings. After having had a chat with this individual, Mr. Casas said that the liaison had assured Mr. Casas that he would attend the next meeting. Mr. Casas remarked he hoped to "keep the peace" at these meetings.

In discussing the activities of the Pathways Committee, Mr. McKinley noted that the Maine Coast Heritage Trust was developing its own pathways and was hoping to meet with the town's committee to see if there could be some shared efforts. Mr. McKinley suggested the town should create a Pathways Reserve, using the money previously held for pathways and combining that with what had been budgeted in the current budget. He asked that this item get put on the board's agenda in the next couple of months.

Mr. Casas spoke about the possibility of getting a "landing pad" on the Route 1 and 90 intersection that would increase the possibility of getting a pedestrian crossing placed in this area. It was noted that the town's planner had been attending Pathway Committee meetings, which all felt would be helpful. If the "landing pad" could be put in place, Mr. Casas said he had been assured by the State that the pedestrian crossing would be put in place.

There was additional discussion, during which Ms. Casas said it would be beneficial if there could be something done at the light near Penobscot Bay Medical Center, making it easier for left turning traffic. Without a delay in the light switch at this intersection, it proved very difficult in turning into the hospital roadway.

Mr. McKinley reported the Cemetery Committee had had a meeting recently; and an ORC workshop had been scheduled.

Mr. Casas reported that a recent MUBEC workshop had been very informative; the committee was working on an issue that might require voter approval.

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Chair Chapman informed fellow board members that he had spoken to Camden selectman John French about holding another joint session between the two towns, in hopes of discussing the possibility of shared services – but NOT police or fire services. It was suggested that the two town managers work out a meeting date sometime in late August or into September. The chair also reported that he had mentioned the town's 125th anniversary celebration when Rockport separated from Camden. According to Chair Chapman, Mr. French said he would be present at whatever celebration Rockport put on.

VIII. EXECUTIVE SESSION

a. No executive session this month.

There was no executive session held for the month of August.

IX. ADJOURNMENT

- ✓ **A motion was made by Ms. Murphy, seconded by Mr. McKinley, to adjourn the July 13, 2015 meeting of the Rockport Select Board at approximately 10:34p.m. Motion carried by a 4 to 0 vote.**

Virginia B. Lindsey, Acting Recording Secretary