

**MEETING MINUTES
MONDAY, JULY 14, 2014
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair, William (Bill) Chapman, Vice-Chair Charlton Ames, Tracy Lee Murphy, Geoffrey Parker and Kenneth McKinley. Also present: Richard C. Bates, Town Manager; Ann Filley, Library Director; Michael Young, Public Works Director; Mark Kelley, Chief of Police; Abbie Leonard, Harbor Master; members of the Library Committee; members of the Steering Committee, the press and several members of the public

- I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7: 00 P.M.

Bill – read a prepared statement outlining the process for any action or statements regarding the Library. No action will be taken this evening. The Select Board has not made any decision regarding this matter. See attached statement.

- a. Approval of the minutes of the Monday, June 23, 2014 meeting of the Select Board

Tracy Murphy moved to approve the minutes of the June 23, 2014 Select Board Meeting as presented. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Next Meeting, Monday, August 11, 2014 at 7:00 P.M.

- c. Announcements – See agenda

- d. Upcoming Select Board Workshops – See agenda

- e. Committee Openings: - See agenda

- f. Agenda Changes –

Tracy Murphy moved to change the Town Manager’s report to after the Wastewater Commissioners session and to reschedule items f, i, j & k to the next regularly scheduled Select Board Meeting in August. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Tracy Murphy moved to also reschedule the Executive Session for this evening to after the workshop scheduled for July 16 regarding the Wastewater Visioning. There was no second to the motion. The consensus was to hold off and make a decision at the end of tonight’s meeting.

- g. Public Comments –

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Geoff – the statement that was read preempts any comments from the public tonight.

Bill Freeman – when was this decision made? As you can see several residents are in attendance tonight to speak to the Library issue.

Bill – the decision was made earlier today. I have been considering it for several days, but wasn't sure that I was on proper ground until today.

Stephanie Lash – will the final wording of the ballot question be ready for the public on August 5th?

Bill – We don't know when we will have the final wording. We have to make a decision if we will accept the wording as presented tonight. It may be grammatically incorrect or the tone of the article may need to be changed.

Ken – we will have some wording presented this evening and we will use it for the public hearing on August 5th.

Jim Ruddy – what will happen tonight?

Bill – the Library Committee will provide us the wording tonight.

Jim Ruddy – will there be any comments allowed on the wording tonight?

Bill – not tonight. There will only be discussion amongst the Board.

Ken – to clarify what will happen tonight, we cannot vote to place the article on the ballot.

Bill – we have to hold a public hearing and then it is optional. We will then have the opportunity to have a vote to see if we want to place the article on the ballot.

Tom Latta – in the spirit of fair play, will we be allowed to express our points of view and will you be accepting contrary proposals?

Bill – stated no.

Geoff – he is hoping that the community, at the public hearing, will have a conversation to alter the process on how we are doing things. Can the public meeting be a milestone wherein everyone checks in and starts a new way of approaching communication or is it to put a specific proposal forward?

Bill – we cannot wander off to something not scheduled on the agenda.

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Geoff – to open up conversation to create a more friendly and cooperative meeting, can we expand the limitation of that meeting?

Tracy – we need to follow public hearing rules. In 1980 there was a vote and the voters voted to not have the Selectmen govern the Library. The Town voted to have a Committee in charge of the Trust Fund. We are not being asked for money. The Town is not in charge of the Library Funds. The Selectmen are not in charge of the Library. An article was put forward to the voters and they clearly voted 69-90 against having the Selectmen in charge and voted 88-71 to be governed by a Committee.

Geoff – I am interested to see if we can help the community through this process in our leadership position.

Ken – the public hearing is a time for us to hear all the comments from everyone. Then I want time to digest the information (a couple of hours) before making a decision.

Several residents raised their hands to speak.

Bill banged the gavel and said “No, to any more comments.”

Several people started talking and stated they protested the proceedings.

Geoff – suggested that they take a 5 minute break under the Vice Chair and to let him take over the meeting.

Bill – okay 5 minutes

David Jackson – I don’t think that is necessary as the Chair is doing a good job.

Larry Lehman – you could accept written comments. My question would then be how would they be handled? Will they be read?

Bill – they would become public documents for anyone to review. We need to digest all of the information before we make our decision.

Jim Ruddy – I wrote the Board a letter 10 days ago about having a separate meeting. You did not respond. Therefore, I wrote another letter 5 days ago and still did not hear any feedback.

Bill – we decided to hold a public hearing/debate on August 5th. You asked for a time frame of 3 hours or more.

Jim Ruddy – all I wanted was a response to my letters, I was not asking for a public hearing.

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Ken – I did receive a copy of your letter and several others as well. Thank you for them. A public hearing is really where we should hear this information. I read them all and I think that it will accomplish what you want in the end.

Charlton – there is a lot of passion in this room and that is what we are looking for.

Bill – apologized for his untimely and inappropriate reaction earlier this evening.

Paul Charbonneau – went to the microphone introduced himself and expressed his feelings on the amplified music coming from the Marine Park's recent events. He stated how the loud bass music shook the windows in his house for hours. There are a lot of elderly, sick and others who suffer from migraines, people in the immediate vicinity. A lot of people do not like it. Please think about this issue before you extend the hours from 10:00 pm to later. I have heard that you want to extend it to 11:00 p.m. You should ban the playing of outdoor amplified music.

Bill – if we receive any proposals it will go to a public hearing and you will have an opportunity to express your feelings.

- II. TOWN MANAGER'S REPORT – Moved to after Wastewater Commissioners
- III. UNFINISHED BUSINESS – NONE
- IV. PUBLIC HEARING
 - a. To hear comments regarding proposed changes to the General Assistance Ordinance Appendix A

Opened at 7:50 p.m.: FOR – NONE
OPPOSITION– NONE
NEITHER FOR NOR AGAINST

Jan Rosenbaum – is the cost of living taken into consideration when reviewing these guidelines?

Bill – the state has certain criteria that they follow.

Closed at 7:53 p.m.

- b. To hear comments regarding the SPECIAL AMUSEMENT PERMIT FOR DANCING & ENTERTAINMENT: THE FARMSTEAD, 399 commercial Street, Rockport, Maine 04856

Opened at 7:53 p.m. FOR – NONE
OPPOSITION – NONE
NEITHER FOR NOR AGAINST - NONE

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Closed at 7:55 p.m.

V. NEW BUSINESS

- a. Vote to approve the proposed changes to the General Assistance Ordinance, Appendix A

Tracy Murphy moved to approve the amendments to General Assistance Ordinance Appendix A. Geoffrey Parker seconded the motion. VOTE: 5 FOR- 0 OPPOSED

- b. Vote to approve the Special Amusement Permit for Dancing and Entertainment: The Farmstead, 399 Commercial Street, Rockport

Jan Rosenbaum – what is a Special Amusement Permit for?

Allen Mitchell of the Farmstead – a town permit for allowing music and dancing at his business property at 399 Commercial Street.

Someone asked if the neighbors and the public were informed of this. The answer by the Town Clerk, Linda Greenlaw was yes as it was advertised in the local newspaper as required by law and posted at our usual posting places in town 7-10 days prior to the meeting.

Mark Kelley – stated that he has no problem with the issuance of the permit. Mr. Mitchell has had a permit in the past for his previous business and there were not any problems.

Kenneth McKinley moved to approve the Special Amusement Permit for Dancing and Entertainment: The Farmstead, 399 Commercial Street, Rockport. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- c. Committee Resignation(s) – NONE

- d. Committee Application(s)

- Brendan Riordan to the Harbor Committee
- Barbara Chapman to the Harbor Committee

Brendan Riordan was present at the meeting to answer any questions the Board may have of him.

Kenneth McKinley moved to approve the appointment of Brendan Riordan to the Harbor Committee with a term expiration of June 30, 2016. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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Barbara Chapman was also present to answer any questions from the Board.

Tracy Murphy moved to approve the appointment of Barbara Chapman to the Harbor Committee with a term expiration of June 30, 2017. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

e. Review and approval of the Water Quality Committee's proposed homeowner survey

Bob Kennedy was the presenter for this item. There has been ongoing contamination at Goodies' Beach since 2009. There is a high ratio of fecal bacteria there as well as personal care products (such as nicotine) and pharmaceuticals. We rank as one of the highest in the state. We plan on conducting a survey of forty-seven homes on West Street, Pleasant Street, High Street and a portion of Pascal Avenue. I am looking for approval of the content of the letter to be sent. Should it be a letter or face to face contact?

Bill – whatever we do it should be held in the strictest confidence.

Bob – we are running out of tools to find this leak.

Bill – would not like to see these surveys become a public document as they will contain personal questions.

Rick – maybe a personal interview would be better as a written document becomes public information once it is received.

Geoff – we could have staff do the interviews to protect the individuals.

Rick – they would be more likely to talk with us if they know that the information will not be attached to their name.

Bill – have you checked with MMA to see if it could be kept secret?

Geoffrey Parker moved to approve this letter as well as any other material necessary to assist us to find the leak and to approve the Town Manager's authority to proceed. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Bob – stated that there should be another item on an agenda to research what happens after storm events and as a result of the storm high readings were recorded.

Charlton – Thanked Bob publically for all of his work and his knowledge on the subject matter. He also said that he was embarrassed to learn that the Board had neglected to

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appoint Bob to the Ad Hoc Water Quality Committee as well as the Conservation Commission.

Ken – concurred that he has done a lot of work and has a high degree in engineering.

f. Discussion regarding mission and composition of the Water Quality Committee

This item was postponed to the next regular Select Board meeting.

g. Discussion and vote on a Statement of Appreciation to the Library Steering Committee for their efforts

Tracy Murphy moved to recognize the many hours of hard work and dedication put in by the members of the Steering Committee. I personally appreciate it and know that they met very frequently sometimes as a sub-committee meeting weekly in order to develop the report. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

h. Hear from the Library Committee regarding their request to place a non-binding resolution on the November Warrant vis-à-vis use of the old Rockport Elementary School site for a new library

Kathleen Meil stated that they would like to have the following wording placed on the November ballot.

“Do you agree that the Town of Rockport should develop a plan for a new library on the RES site, provided that the current ball fields are preserved and pending community input on the design and budget?”

She gave a brief presentation, touching on the five listening tours and the extensive research and consultations with experts. She said that she looks forward to a spirited discussion on the 5th of August.

Kenneth McKinley moved to set a public hearing date regarding this warrant item requested by the Library Committee on Tuesday, August the 5th at 7:00 p.m. here at the Opera House upstairs. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

The Board discussed that the hearing should be taped and they will need two cameras. The meeting will not be televised.

i. Discussion regarding the adoption of an ordinance permitted by MRSA Title 36, Chapter 908 (A) Section 6271: tax deferral program for certain qualified senior citizens

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This item was postponed to the next regular Select Board meeting

- j. Vote to approve a tax abatement to Patterson Mobile Home Park for Tax Years 2011 and 2012

This item was postponed to the next regular Select Board meeting.

- k. Review Reserve Accounts Policy

This item was postponed to the next regular Select Board meeting

- l. Approval of the Select Board to put the tax acquired property at Chickawaukie Pond up for sale by sealed bid and for the Town Manager to accept a bid that is most advantageous to the Town of Rockport

Ken – I feel that it would be to our benefit to not have a minimum bid, since the bid could be less and then we couldn't sell the property

Discussion – We can reserve the right to reject any and all bids. The road to the property is a private way, there is no public access and the parking did not work out. You can only fit about 2 and a half cars in the available space without being on the private way. The logistics just didn't work out. It is a non-buildable lot.

We will send out notices to the abutters and put a notice in the local newspaper.

Kenneth McKinley moved to approve the sale of the tax acquired property at Chickawaukie Pond by sealed bid and to approve that the Town Manager accept the bid that is most advantageous to the Town of Rockport, if any are received. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- m. Discuss and vote on the details of the proposed November warrant articles regarding Infrastructure Bonds

Rick – we can have 1, 2 or 3 separate bonds. You can place individual articles on the ballot or have the one for the Opera House, one for roads and one for infrastructure.

Ken – recommended that we have one bond for the Opera House project and the other one for everything else.

Summer and School Streets should be included in the bond as well. We will have to have the new dollar amount for the complete bond.

Bill – maybe we should have the West Rockport Fire Station separate as we really need this for the new fire truck.

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Charlton – how do you explain that to the voters if you have one article for the fire station, one for the opera house and another for all of the other items?

Tracy – I think that two articles all together would be better. There is something in both bonds for everyone.

Tracy Murphy moved to put forth two (2) bonds this fall, one for a taxable bond, the Opera House and one (1) for non-taxable bond, which includes all of the other items listed. Kenneth McKinley seconded the motion. VOTE: 5 – FOR – 0 OPPOSED

Took a five minute break at 8:45 p.m. to allow the cameraman to change the tape.
Meeting resumed at 8:50 p.m.

- n. Approval of the Order of Municipal Officers regarding payment of outstanding or delinquent property taxes

Kenneth McKinley moved to approve the Order of Municipal Officers regarding payment of outstanding or delinquent property taxes. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- o. Vote to elect two (2) members to represent District 12 on the Maine Municipal Association's (MMA) Legislative Policy Committee (LPC)

Kenneth McKinley moved to elect William Chapman and Jay Feyler to represent District 12 on the Maine Municipal Association's Legislative Policy Committee. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- p. Appoint a member of the Select Board to a 3-year term on the MidCoast Solid Waste Board of Directors (MCSWC)

Kenneth McKinley moved to approve the appointment of William Chapman to serve a three-year term on the MidCoast Solid Waste Board of Directors. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

VII. WASTEWATER COMMISSIONERS

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

- a. Commitment of Sewer User Rates for the period of May 2014

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Kenneth McKinley moved to commit the May 2014 Wastewater User/Debt Fees totaling \$24,468.85 to the Treasurer for collection. Tracy Murphy seconded the motion. VOTE: 5 FOR –0 OPPOSED

- b. Approval of the Order of Wastewater Commissioners regarding payment of outstanding or delinquent sewer user payments

Tracy Murphy moved to approve the Order of Wastewater Commissioners regarding payment of outstanding or delinquent sewer user payments. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Kenneth McKinley moved to exit as Wastewater Commissioners and resume as Select Board. Geoffrey Parker seconded the motion. VOTE: 5 FO R- 0 OPPOSED

The Town Manager gave his report. See attached.

VII. LIAISON REPORTS

Bill – you already heard my report on the Library earlier.

Charlton – the Parks Committee wants to move the sign at Mary Lea Park from the present site to the bottom of the park. David Jackson is a good leader and we are getting a good service from this committee. The bayberry shrubs have been planted. The park needs some pruning.

Conservation Commission – they have done a lot of work. Bob Kennedy’s seat has not been ratified and we need to get it taken care of. He is a very conscientious person and a great addition to the committee.

Geoff – Opera House Committee – there has been some confusion on what was said by the Select Board at the last meeting. I forgot my notes and therefore did not have the information. I do remember that there was some discussion regarding the tables. We went over the contract again.

Ken – Cemetery, no meeting

Pathways Committee meeting – I missed that one, but they continue their work.

ORC – I talked to Richard Remsen and we can get the work required done in the short period of time that we have to do this for the November election. Bill Najpauer is working on the Special Amusement Ordinance and the item for signage change for medical facilities located in the Hospital and Resort Zone. We know that there can be no discussion by email and will have to have a meeting to discuss any changes and to vote on it, so that it can be presented to the Board and then go to the voters.

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Tracy – The Planning Board did not have a meeting.

I did talk to Barrett Brown about the Recreation Committee. He was in the Town Office while I was there. He will assist us by coming up with a list of candidates for that committee.

Northeast Ambulance has been given the contract from PBMC to be the first one to be called for transporting patients. They had added more staff and an ambulance just for transporting patients. They are considering the former Tannery site located in Camden as a potential site for their local headquarters.

Geoff – the Opera House Committee also discussed the kitchen area and would like to have it updated for use by professionals. What is the status of the Opera House Manager's job description? The response was that it was approved at last month's meeting. They also reelected the same set of officers. They talked about the roofing material needed to redo the roof.

Ken – will we be taking a vote on the warrant article for the Library after the public hearing next month? I would like to have some time to digest what is discussed that night.

Tracy – we should do as we usually do and that is to vote after the public hearing is closed.

Discussion – we need to hear everyone and read all the emails we receive from residents.

Charlton – this is a very emotional issue and it will be that night. I do not think that we will hear any new information.

Ken – we should make it clear to the public what they can expect.

Geoff – maybe we should consider another way to move forward.

Bill - We should have sign-in sheets: For, Opposed, Neither for nor against; and we should accept written comments. We should ask Allen Mitchell for a professional opinion of the state of the library building.

Discussion – 1 body equals 1 comment -- should we allow someone to give their time to another person? – anonymous letters should have no weight because you can't tell if it is a resident or not – do we want to allow non-residents to speak?

Do we need a time keeper? – Heaven Bartlett volunteered to assist with being the time keeper.

What about a moderator?

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Tracy – no, it is a public hearing and we should be the ones to control the meeting. We should set some guidelines. We would need the name, address, and whether a person wants to speak.

We could have a sign-up sheet before the meeting. Linda will be in charge of doing this for us.

VIII EXECUTIVE SESSION

- a. Pursuant to 1 M.R.S.A. SECTION 405 (6)(c) to discuss acquisition of real estate property or economic development

Tracy Murphy moved to go into executive session at 10:05 p.m. Pursuant to 1 M.R.S.A. SECTION 405(6) (c) to discuss acquisition of real estate property or economic development. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Tracy Murphy moved to exit executive session at 10:32 P.M. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

No decision was made.

No action was taken.

IX ADJOURNMENT

Tracy Murphy moved to adjourn the meeting at 10:33 P.M. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY