

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, AUGUST 10, 2015
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair, William Chapman, Tracy Lee Murphy, Geoffrey Parker and Owen Casas.
Absent was Vice-Chair Kenneth McKinley. Also present: Richard C. Bates, Town Manager;
Department Heads Ann Filley, Library Director, Ben Blackmon, Interim Library Director, Jamie
Francomano, Director of Community Development & Planning, and Mike Young, Public Works
Director; press Lynda Clancy and members of the public

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

a. Approval of the minutes of the Monday, June 22, 2015 meeting of the Select Board

**Tracy Murphy moved to approve the minutes of the June 22, 2015 meeting as
presented. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

Approval of the minutes of the Monday, July 13, 2015 meeting of the Select Board

**Tracy Murphy moved to approve the minutes of the July 13, 2015 meeting with an
amendment on page 27 last sentence, it should be “MUBEC Workshop.” Geoffrey
Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

b. Next Regular Select Board Meeting on Monday, September 14, 2015, 7:00 p.m.

c. Announcements – See agenda

d. Upcoming Workshop Dates – See agenda

e. Committee Openings – See agenda

f. Agenda Changes:

**Geoffrey Parker moved to hear New Business items c & d after the Town Manager’s
Report. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

g. Public Comment – None

II. TOWN MANAGER’S REPORT – See attached

IV. NEW BUSINESS

c. Committee Application(s)

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- Warren Erickson – Planning Board

Tracy Murphy moved to approve the appointment of Warren Erickson to the Planning Board with a term expiration of June 30, 2016. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

d. Presentation regarding a possible NEA Grant for the benefit of Bay Chamber and Rockport Opera House – presented by Jamie Francomano and Monica Kelly, Executive Director of Bay Chamber Concerts

Jamie – we are applying for a grant from the National Endowment for Arts. This is a royal flush for financial services.

Monica – “Our Town” grant would be a partnership with our organization and the town. If granted this will bring a lot of energy to the village. The grant covers a very broad scale for small towns as well as larger towns. The grant will be extremely important to this facility (Opera House) and to Bay Chamber. We are asking for a grant to market and promote the use of the Opera House. It could be for as much as \$200,000. The Opera House is a treasure.

Geoff – the grant will be good for the town, the arts organization with the town and with marketing.

Owen – do we have to have matching funds to receive the grant?

Jamie – in reference to a match, the application does not state a ratio.

Nancy Ames Curtis – is the intent to make the Opera House more interesting and have a more inviting venue?

Rick – it would give us more versatility. The acoustics are some of the best around. It is better than the Strand or Camden Opera House, although they are lovely facilities. We are now streaming from the Opera House which is a big advantage.

Owen – barring funds is there something that this Board can do to help?

Monica – a letter of inquiry is necessary first, but a letter of support would be appreciated.

Bill – we will put this item on the agenda for our September meeting and will have the Town Manager draft a letter of support.

III. UNFINISHED BUSINESS

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

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Tracy Murphy moved to approve the By-Laws of the Parks Committee as amended on page 2, change quorum consisting of “four” to “three” members and at the bottom of the page update the date. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

b. Request by the owners of 23 Main Street to extend their 2nd floor porch

Jamie – they are shifting some of the maintenance on the sidewalk.

Mike – some engineering study should be done. The further you bring out the extension the better. It will help prevent snow and ice from falling on people as they walk by. The overhang should match up to the current railing.

Board – questioned if this should be sent to ORC or the Planning Board.

There were no comments from the public that were present.

Jamie – it will go before the Planning Board at some point. He talked about a “revocable easement.”

Tracy – the ORC needs to look at this.

Geoff – we should have the ORC come out with a decision and this should be taken to the voters. He is willing to make a motion for the sake of discussion.

Owen – if this became an ordinance would the license become revocable?

Jamie – I don’t think that this will pass the ORC. The applicant needs to help us figure it out.

Owen – the porch should fall in line with the sidewalk.

Tracy – I am not comfortable with a revocable license for Town air space. It is a very strange thing to do.

Bill – 21 Main Street was approved for an awning by this method. If we vote it down, we vote down the awning.

Tracy – there is a big difference between an awning and a structured balcony.

Rick – the owner would prefer a revocable license than an ordinance change.

Geoffrey Parker moved to approve the extension of the 2nd floor porch as approved by the Planning Board at 23 Main Street and allow the chair to sign the revocable license as presented. Tracy Murphy seconded the motion. VOTE: 1 FOR (CHAPMAN) – 3 OPPOSED (MURPHY, PARKER & CASAS) Motion fails.

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Geoffrey Parker moved to direct the ORC to make an ordinance change to allow this. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

c. Temporary relocation of the Rockport Public Library: discussion of the findings of the town manager regarding temporary space

Rick – I am not ready to move a decision at this time. Midcoast Medicine is closing and will be available. I met with the owners and it is a potential option. It does require some work. We have three options at this time. They are Fullers, 485 Commercial Street and Midcoast Medicine. It would be short sighted to decide now.

Bill – how fast do we want to move?

Owen – fast!

Tracy – in a thoughtful manner before winter sets in.

Rick – 485 Commercial Street will not be available until the end of October.

Tracy – we need to make the timeliest move. We should not wait until Midcoast Medicine makes a decision.

Owen – I am not used to this slow pace. We have monies available and need to move on this soon.

Geoff – if we can make a more intelligent decision in 2-3 weeks, then that is what we need to do.

Mr. Leone – stated that he has had a little experience with the Fuller building and it has a great deal of water in the building and is moldy.

Kathleen Meil – what do we have to do to get into that building? Have you talked about comparative costs? She feels like we are window shopping.

Rick – we need to do this in executive session (discuss money issues).

Bill – Fullers has not been used for five years. The front of that building is all glass, which is a poor insulator and would be costly to heat.

Owen – we would need a temporary site for two to three years.

Stephanie Lash – do you have some ballpark costs?

Rick - \$40,000 to \$80,000 for a lease and renovation.

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Stephanie – so the first year would cost \$100,000. Has there been any remediation against the current site?

Nancy Ames Curtis - how about using the space at Hoboken Gardens. Have you asked them about it?

Rick – they would probably sell it to us.

Bill – I think that we should take a closer look at 485 Commercial Street and get into Fullers and take a good look at it to see if there is any water damage. We should also approach Midcoast Medicine.

Rick – I believe that Fullers has been heated since their closure.

Cate Monroe – we need to fashion a timeline. Could you have available a list of the costs for each site and what it would cost for any renovations? Would this be done in executive session and will the Library Board be included in that discussion?

Bill – it will be up to the Select Board because we will be using Town funds. We will listen to the Library Committee and the Library staff. Any negotiations for a lease will be handled in Executive session.

Sally Cook – the primary reason for this move is because of the mold issue?

Bill – that is our largest concern and also the condition of the building (safety).

Sally – could you make renovations to the present building? There was nothing concrete in the study about the mold problem. There was no hard evidence in the study.

Rick – would have to put \$40,000-\$50,000 into the building this year and the same next year and then tear it down to rebuild.

Tracy – I feel that it would be irresponsible of me not to get them out of there. It is not fair to our employees. We should instruct the Town Manager to look into 485 Commercial Street and to follow up on Midcoast Medicine. I am not happy with Fullers site as it is too much space and money.

Rick – I agree that 485 Commercial Street is the best option. I think that we can rule out Fullers. He will get Ann and Ben into the building to look at it this week.

Tracy – would like to have this move forward and then we can meet in emergency session if necessary.

Geoff – I think that the Town Manager and Public Works Director understand that this is a high priority.

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Tracy – we need to look into shelving for the books.

Bill – at 9:25 p.m., we will take recess and then go into Wastewater business.

IV. PUBLIC HEARING – None this month

VI. WASTEWATER COMMISSIONERS

At 9:30 p.m., Tracy Murphy moved to leave as Select Board and enter as Wastewater Commissioners. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

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

Tracy Murphy moved to commit the June 2015 Wastewater User/Debt Fees totaling \$100,944.03 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

b. Wastewater Bill Abatements

- Lewis Wheelwright on behalf of Riviera Development
- Donald and Judith Flock
- Andrea Patterson on behalf of Patterson Mobile Home Park, LLC

Rick – told the Board to see page 2 of Ginny’s memo regarding these abatements.

Tracy Murphy moved that after reviewing the wastewater account history of the Riviera Development, the wastewater commissioners hereby grant an abatement of \$1,180.00. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Owen Casas moved that after reviewing the wastewater account history of Donald and Judith Flock, the wastewater commissioners hereby grant an abatement of \$604.77. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Bill Chapman moved that after reviewing the wastewater account history of the #9 Patterson Park, the wastewater commissioners hereby grant an abatement of \$380.30. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Geoffrey Parker moved that after reviewing the wastewater account history of #26 Patterson Park, the wastewater commissioners hereby grant an abatement of \$1,103.20. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

c. Continued discussion regarding waiving the sewer connection fee(s) for Fresh Off The Farm and Rockport Steel

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Rick – the applicants are not making the request, it comes from part of our in house staff. It is a small token to get them to connect into the system and because of what they went through last summer as a result of the construction in front of their business. We have discussed this at the staff level at least twice now. We will recoup the revenue in a short time once they are connected to the system.

Geoff – it is a token gesture because of the loss of income caused by us starting two months late. We should make the same offer available to everyone on that stretch.

Zelma – that would help us out tremendously. There was a problem with communications and letting us know the timelines for the project. It did not happen. Woodard and Curran never notified us last October or this spring or the 4th of July. We found out that we are responsible to bring the water to our business which we did not know about. The worse case scenario would be it will cost us \$24,000 for removing the old septic system and then hooking up to the sewer and the water line. We are looking for any help. Money is pretty pinchy right now. We lost several thousands in profit last summer. The construction really hurt our business.

Tracy – I feel that we should only forgive the \$1,000 equivalent fee and not the \$2,000 connection fee. We should also allow everyone along that line to hook in with a 50% discount.

Geoffrey Parker moved to allow the potential users of the newly extended sewer line to waive the \$1,000 connection fee if they commit to hookup by December 31, 2015 and to have it hooked in by October 1, 2016. Tracy Murphy seconded the motion. VOTE: 4 – 0 OPPOSED

Tracy Murphy moved to reduce the buy in fee by 50%, making it essentially \$500, subject to the same date restrictions we put on the previous motion for anyone who has already been paying debt service and who is already connected. Geoffrey Parker seconded the motion. VOTE: 4 FOR - 0 OPPOSED

Geoffrey Parker moved to waive the new service fee of \$2,000.00 for Fresh Off The Farm and Rockport Steel as long as they commit to hookup by December 31, 2015 and to connect by October 1, 2016. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Tracy Murphy moved to adjourn as Wastewater Commissioners and to reconvene as Select Board at 10:23 p.m. Geoffrey Parker seconded the motion. VOTE: 4 FOR 0 – OPPOSED

V. NEW BUSINESS

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

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- b. Committee Resignation(s) – None this month
- c. Committee Application(s): - See above
- d. Presentation regarding a possible NEA Grant for the benefit of Bay Chamber and Rockport Opera House – See above
- e. Discussion regarding putting the adoption of the Maine Uniform Building and Energy Code (or just the Building Code portion) on the November warrant

Owen – asked for clarification of MUBEC and why we need it.

Bill – building codes we must have, but not energy codes, that is optional. The building code is for safety and the energy code has to do with the R value.

Owen – my understanding is that this is voluntary and not required. If it was for strictly commercial buildings I would agree with it, but it is just an added expense for home builders.

Tracy – I think that we should wait until June to put this on the ballot with other ordinances.

Geoff – should we table this item?

Tracey – it feels like we are rushing this through and I feel that June would be a better time.

Bill Chapman moved to place MUBC on the ballot in November. Tracy Murphy seconded the motion. VOTE 2 FOR (MURPHY & CHAPMAN) – 2 OPPOSED (PARKER & CASAS) Motion failed.

Geoffrey Parker moved to place MUBEC in its entirety on the ballot in June and for it to become effective on July 1st. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- f. Set the date for the Public Hearing on all warrant articles as Monday, September 14, 2015, 7:00 p.m.

This item is not necessary as it was voted down in the previous item.

- g. Approval of establishing a Pathways Reserve

Tracy Murphy moved to approve the establishment of a Pathways Reserve as outlined in the memo from Finance Director Virginia Lindsey. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

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h. Approval of the Capital Improvement Policy

Tracy Murphy moved to table the Capital Improvement Policy. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

i. Approve of the FY2014-2015 Encumbrances into FY2015-2016

Tracy Murphy moved to approve the FY 2014-2015 Encumbrances into FY 2015-2016. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

j. Discussion of 2015-16 Goals: next step(s) – see list

The Board agreed that the top goals that are primary are fiber optic, the library, the 125th anniversary, websites, CIP (Capital Improvement Policy and TIF (Tax Increment Financing). The secondary goals would be the road book, GASB Compliance, more forms of payments, select infrastructure, emergency operation and street lights.

k. Discussion and vote on the Vice President and Executive Committee members for the Maine Municipal Association (MMA) Executive Committee

Tracy Murphy moved to approve the Vice President and Executive Committee members for the Maine Municipal (MMA) Executive Committee. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

l. Approval of Scott Bickford as the Health Officer and James Francomano as the Assistant Officer with a term expiration of June 30, 2018

Tracy Murphy moved to appoint Scott Bickford as the Health Officer and James Francomano as the Assistant Health Officer with a term expiration of June 30, 2018. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

m. Decision to award bond for Opera House infrastructure Projects

Geoffrey Parker moved that the resolution entitled, “Resolution to Authorize \$350,000 Taxable General Obligation Bond to Finance Opera House Renovations Project,” be approved in the form presented to this meeting, and that an attested copy of said Resolution be included with the minutes of this meeting. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

RESOLUTION TO AUTHORIZE \$350,000 TAXABLE GENERAL OBLIGATION BOND TO FINANCE OPERA HOUSE RENOVATIONS PROJECT

The Select Board of the Town of Rockport hereby resolves as follows:

1. That the offer of The First, N.A., dated July 22, 2015, to purchase taxable bonds of the Town in the original principal amount of Three Hundred Fifty Thousand Dollars (\$350,000.00) with an

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interest rate per annum on the outstanding principal amount thereof equal to 3.150% (the “Bank Proposal”) is accepted and approved;

1. That the Chair of the Select Board (the “Board Chair”) and Treasurer, acting on behalf of the Town, are hereby authorized pursuant to Title 30-A M.R.S. Sections 5721 and 5772, and other applicable law, to borrow up to Three Hundred Fifty Thousand Dollars (\$350,000.00) from The First, N.A., to finance a repair and renovation project for the Rockport Opera House (the “Project”), as previously approved by the voters of the Town at a special town meeting held on November 4, 2014 (the “Town Vote”);
2. That, in connection with said borrowing, the Board Chair and Treasurer, acting on behalf of the Town, are hereby authorized to issue a taxable general obligation bond in the name of the Town in an original principal amount of up to Three Hundred Fifty Thousand Dollars (\$350,000.00) (the “Bond”), which Bond shall be payable commencing on or about November 1, 2015, in twenty (20) substantially equal annual installments of principal and interest at an annual rate of 3.150%, and, to the extent not inconsistent with this Resolution, the Bank Proposal, and the Town Vote, on such other terms and in such form as the Treasurer may approve, said approval to be conclusively evidenced by the execution and delivery thereof;
3. That the Bond shall be issued in registered form, signed in the name of the Town by the Treasurer, countersigned by the Board Chair, and attested and sealed by the Town Clerk;
4. That the Bond may be made callable, with or without premium, prior to final maturity, in the discretion of the Board Chair and the Treasurer and not inconsistent with the terms of the Bank Proposal;
5. That the Treasurer is authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holder(s) of the Bond, that the Town will file any required reports, make any annual financial disclosure and any material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by the Securities and Exchange Commission, or any rule or order thereof, if applicable, are met;
6. If any of the officers or officials of the Town who have signed or sealed the Bond shall cease to be such officers or officials before the Bond so signed and sealed shall have been actually authenticated or delivered by the Town, such Bond nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bond had not ceased to be such officers or officials; and also any such Bond may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bond, shall be the proper officers and officials of the Town, although at the nominal date of such Bond any such person

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shall not have been or be such officer or official. If the Treasurer or other official of the Town is for any reason unavailable to, as applicable, approve, execute, seal or deliver the Bond or any documents related to the Bond, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;

7. That the Treasurer and other proper officials of the Town, acting singly, are authorized to execute and deliver on behalf of the Town such other documents and certificates, including such documents and certificates as may be required by bond counsel or by the First, N.A., and to do or cause to do all such other acts and things as may be necessary or desirable in order to effect the transactions herein authorized, and that any such prior actions by the them are hereby ratified and confirmed. Any such action taken, document signed, or consent given by such officer in such capacity shall be deemed to be an act by the Town; and
8. That the Town Clerk shall file an attested copy of this Resolution with the minutes of this meeting.

Authenticated by the Chair of the Select Board: _____
William Chapman

A true copy, attest: _____
Linda M. Greenlaw, Town Clerk

VI. WASTEWATER COMMISSIONERS – See above

VII. LIAISON REPORTS

Tracy – the Planning Board met and approved Schooner Bay Taxi’s application. They are now working at their property on Route 17. They will be meeting this Wednesday to hear an applicant regarding a small change in a subdivision. Midcoast Solid Waste also met.

Geoff – The Opera House met this month and talked about how the Camden Opera House relates to Rockport and that we should consolidate our calendars. John Viehman is working on the website. The Harbor Committee met as they had a quorum and had a good meeting. We talked about the overruns in costs for the pilings. We discussed drones. Fox on the Run is working well this summer. The tree cutting has received almost unanimous support.

Owen – The Parks Committee approved their bylaws. We talked about the Canopy Grant for trees. We looked at Marine Park, Mary Lea, and other parks. The Pathways got into a heated discussion on who will be Camden’s liaison. We talked about wanting \$5,000 for our reserve account. On September 8th or 12th there will be a river walk at the

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Tannery site. I reached out to Anthony Hutchenson to see if he would join the Recreation Committee.

Bill – MCED has a proposal for a survey for the rest of Route 1 with Woodward and Curran. The Library have not met. The Friends will be presenting the Library with a check for \$16,000 on Thursday. Midcoast Solid Waste will be working on the gut again soon.

VIII. EXECUTIVE SESSION – None this month

IX ADJOURNMENT

Geoffrey Parker moved to adjourn the meeting at 11:25 P.M. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY