

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, SEPTEMBER 9, 2013
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair, William Chapman, Vice-Chair Charlton Ames, Tracy Lee Murphy, Geoffrey Parker and Kenneth McKinley. Also present: Richard C. Bates, Town Manager, Department Heads: Stephen Beveridge, Public Works Director, Mike Young, Public Works, Mark Kelley, Chief of Police, Virginia Lindsey, Finance Director, William Najpauer, Community Developer and Planner, Jason Peasley, Fire Chief and several members of the Fire Department, several members of the Budget Committee, the press and members of the public

- I. CALL MEETING TO ORDER – William Chapman, Chair called the meeting to order at 7:03 P.M.
- a. Approval of the minutes of the Monday, August 12, 2013 meeting of the Select Board

Geoffrey Parker moved to table the minutes of the August 12, 2013 meeting. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (CHAPMAN WAS ABSENT)

- b. Next Regular Meeting on Tuesday, October 15th
c. Announcements
d. Upcoming Workshop Dates
e. Committee Openings
f. Agenda Changes –

Charlton Ames moved to move to the start of Unfinished Business, items f, g, and h of New Business. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- g. Public Comment - None.

- II. TOWN MANAGER'S REPORT
- III. LIAISONS' REPORTS – **this item moved to end of the meeting – will bring to Board next month, to change their By-Laws.**
- IV. UNFINISHED BUSINESS

N.B. (f) Committee Application(s): - James Sady – Parks Committee

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Tracy Murphy moved to appoint James Sady to the Parks Committee with a term to be determined. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

N.B. (g) Recognition of the Friends of the Rockport Public Library and their generous donation to the Library and for their continued efforts – Priscilla Wood, David Barry and Peter Chamberlain

David Barry – they made a donation of \$15,000 to the Rockport Public Library as a result of their annual book sale. The group thanked Midcoast Recreation Center and the Public Works Department for all they do.

Priscilla Wood – thanked the Fire Department for the use of space at the West Rockport Fire Station.

They announced that there would be a children's book sale on Saturday, 8:00 a.m. to 1:00 p.m. at the West Rockport Fire Station. They had a donation of several children's books.

N.B. (h) Request to spend funds to purchase New Access Team equipment for motor vehicle extraction – discussion and possible action – Jason Peasley, Fire Chief

Rick – budgeted \$48,000 for Ambulance Service, but only used \$12,000. Therefore, they could use the remaining funds for the extraction equipment.

Since Camden First Aid closed – Rockland has been providing this service free. They typically charge \$250.00 per call.

Jason – Rockport has had over sixteen accidents since he became chief. We seem to have several accidents in our town. We presently have seven individuals who are trained to use this type of equipment. If approved, we could have the equipment by Thursday and would then train Thursday evening. He has put in for some grants and has received two grants totaling \$40,000. We have received a \$25,000 donation to replace gear (helmets, etc.).

Ken – expressed his disappoint that the four towns did not assist on another in this effort.

Jason – we have been training with Hope and Lincolnville Fire Departments and will continue to do so. The equipment we would purchase is a bare basic package to perform the necessary task.

Tracy – with any extra funds, you should look to see what else you might need.

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No vote was taken. The Board gave their consensus for the purchase of equipment for motor vehicle extraction.

a. Fiber Optic Cable to downtown – progress update

Rick – this project is moving forward. Maine Media Workshops, Leucadia and the Town are working together. Geoff has been a tremendous help making me understand this (fiber optic cable).

Geoffrey – explained the process. Rockport will be known as the “High tech Harbor”. Maine Media will use this for research and education purposes. It will extend down Main Street to the village.

Meg (representative from MMW) said that they have a donor to help fund their part of the process. They need to get right of ways and agreements regarding who gets to do what. They hope to accomplish the process in this calendar year. It will be a three year contract.

Rick – the town will need to put in \$15-25,000.

Tracy – what budget year?

Rick – Bill and I are working on it. Hopefully, taxpayers will not have to come up with much money, if any.

Charlton – Leucadia is waiting for a proposal

b. Emergency Medical Service – progress update

Tracy Murphy moved to appoint Kenneth McKinley and Geoffrey Parker to the Emergency Medical Services Performance Review Committee and to appoint the Town Manager as the Ex-officio member to represent the Town of Rockport. Charlton Ames seconded the motion. VOTE: 5 FOR – 0 OPPOSED

c. Proposed disposition of town owned property on Chickawaukie Pond, Map 2, Lot 35 – progress update – to be tabled to October 15 Select Board meeting

Geoffrey Parker moved to table the proposed disposition of Town owned property on Chickawaukie Pond, Map 2, Lot 35 until the October 15th Select Board meeting. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

V. PUBLIC HEARING TO HEAR PUBLIC COMMENT ON THE FOLLOWING:

a. Public Hearing on proposed changes to the Shoreland Zone Overlay District

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Tracy Murphy moved to open the Public Hearing to hear public comment on proposed changes to the Shoreland Zone Overlay District as presented at 8:02 p.m. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

In favor – No comment
Opposed – No comment
Neither for or against – No comment

Kenneth McKinley moved to close the public hearing to hear public comment on the Shoreland Zone Overlay District at 8:08 p.m. Tracy Murphy seconded the motion. VOTE: 5 FOR – OPPOSED

b. Public Hearing on proposed Sewer Ordinance Amendment

Tracy Murphy moved to open the Public Hearing to hear public comment on proposed changes to the Sewer Ordinance Amendment as presented at 8:08 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

In favor – No comment
Opposed – No comment
Neither for or against – No comment

Geoffrey Parker moved to close the public hearing to hear public comment on the Sewer Ordinance Amendment at 8:10 p.m. Tracy Murphy seconded the motion. VOTE: 5 FOR – OPPOSED

c. Public Hearing on proposed Sewer Extension Bond

Tracy Murphy moved to open the Public Hearing to hear public comment on proposed changes to the Sewer Extension Board as presented at 8:11 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

In favor – No comment
Opposed – No comment
Neither for or against – No comment

Geoffrey Parker moved to close the public hearing to hear public comment on the Sewer Extension Bond at 8:12 p.m. Tracy Murphy seconded the motion. VOTE: 5 FOR – OPPOSED

d. Public Hearing on proposed Public Utility Installation Amendment

Tracy Murphy moved to open the Public Hearing to hear public comment on proposed changes to the Public Utility Installation Amendment as presented

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at 8:13 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

In favor – No comment
Opposed – No comment
Neither for or against – No comment

Geoffrey Parker moved to close the public hearing to hear public comment on the Public Utility Installation Amendment at 8:14 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – OPPOSED

VI. NEW BUSINESS

- a. Vote to place Shoreland Zone Overlay District on the November special town meeting warrant

Bill Chapman moved to place Article 2 (Shoreland Zone Overlay District) as presented on the November special town meeting warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

SELECT BOARD RECOMMENDATION: 5 FOR – 0 OPPOSED

- b. Vote to place the proposed Sewer Ordinance Amendment on the November special town meeting warrant

Geoffrey Parker moved to place Article 4 (Sewer Ordinance Amendment) as presented on the November special town meeting warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

SELECT BOARD RECOMMENDATION: 5 FOR – 0 OPPOSED

- c. Vote to place proposed Sewer Extension Bond on the November special town meeting warrant

Kenneth McKinley moved to place Article 5 (Sewer Extension Bond) with a correction to the figures (\$) on the November special town meeting warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

SELECT BOARD RECOMMENDATION: 5 FOR – 0 OPPOSED

- d. Vote to place the proposed Public Installation Amendment on the November special town meeting warrant

Bill Chapman moved to place Article 3 (Public Installation Amendment) on the November special town meeting warrant. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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SELECT BOARD RECOMMENDATION: 5 FOR – 0 OPPOSED

e. Committee Resignation(s):

- Sharon Pohlman – Budget Committee

Kenneth McKinley moved to accept the resignation, with regret, of Sharon Pohlman from the Budget Committee. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Nicole Lutkemuller – Conservation Commission

Tracy Murphy moved to table the resignation of Nicole Lutkemuller until they see a written resignation. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- John Viehman – Investment Committee

Kenneth McKinley moved to accept the resignation, with regret and thanks for being on other town committees, of John Viehman from the Investment Committee. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Item not on agenda – Tracy Murphy moved to accept the resignation of Doug Miller from the ORC, with regret and heartfelt thanks. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Bill – there is an opening on the Budget Committee and we can appoint a person. We will need an application from anyone interested in the opening on this committee.

i. 2013 road and street paving project – discussion of progress and funds expended to date

Rick – Steve has been employed as the Public Works Director for 27 years. He is a very dedicated employee. A mistake has happened that could happen to anyone and caused us to be over budgeted by \$200,000. Work was done on the roads that needed to be done but were not budget for this year. He has been very open and honest on how this happened. Several issues play into this.

Steve – stated that he is very embarrassed by this mistake.

We will defer purchasing a new truck. We will put a freeze on any new hiring and will tighten our belts. There will be no purchases that can wait until next year.

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Rick was looking for guidance from the Board.

Recommendations – UFB at 12% - we should try to maintain this, use as little overtime as possible, no food at meetings, look everywhere for any possible savings.

Rick – we need to fix this with as little burden to the taxpayer as possible. We need to be upfront and make sure that they are aware of what has happened, especially the budget committee.

Charlton – we need to tighten up procedures that might make it less likely to happen again.

Rick – we will be instituting purchase orders. We all make mistakes, we are not infallible. I do not do anything without asking Ginny. She is the numbers person, I am not.

John Viehman – I am trying to understand the project. I admire Steve highly and the work he does, but I don't understand.

Steve – explained that he made a math error of 1000 tons and 60% more roads were paved than had been planned for.

- j. 2012-2013 budget encumbrances to be brought forward to 2013-2014 – discussion and action

Tracy Murphy moved to transfer to reserves the amount of \$28,896.92 and to encumber \$65,739.48 for the coming year as presented. Further, that the amount of \$8,500.00 previously encumbered be allowed to lapse to surplus. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- k. Set the date of the Ad Hoc Water Quality Committee's report as October 7 – action

Tracy Murphy moved to set the date for the Ad Hoc Water Quality Committee's report to the Select Board to be October 7, 2013. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- l. Set date for Executive Session for the purpose of discussing and setting Town Manager's performance expectations for 2013-2014

The date for the Executive Session will be immediately following the Ad Hoc Water Quality Workshop on the 7th of October at 8ish.

- m. Quit Claim Deed from the Inhabitants of the Municipality of Rockport to:

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Ronald Johnson, Map 8, Lot 071 – unpaid 2010 real estate taxes
Tracy Murphy moved to convey by a Municipal Quitclaim Deed the property as described as Map 8, Lot 071 to Ronald Johnson. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Jahanna Steindl and Ian Waters, Map T03, Lot B04-007 – unpaid 2010, 2011 and 2012 real estate taxes

Tracy Murphy moved to convey by Municipal Quitclaim Deed the property described as Map T03, Lot B04-007 to Jahanna Steindl and Ian Waters. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

VII. WASTEWATER COMMISSIONERS

Geoffrey Parker moved to exit as Select Board and enter as Wastewater Commissioner. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

a. Commitment of Residential & Commercial Sewer User Rates for the period of June 2013 - action

Tracy Murphy moved to commit the June 2013 Residential & Commercial Sewer User Rates totaling \$22,078.90 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Commitment of Commercial Sewer User Rates for the period of July 2013 – action

Tracy Murphy moved to commit the July 2013 Commercial Sewer User Rates totaling \$28,827.97 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

c. Industrial user waste permit – discussion and possible action

Kenneth McKinley moved that the Town of Rockport grant the Penobscot Bay Medical Center a one year Industrial User, Wastewater Discharge Permit for up to 50,000 gallons per day discharge, as classified, for a period to expire September 9th 2014 and to authorize the chair to sign on behalf of the Rockport Sewer Commission. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

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VIII. EXECUTIVE SESSION

- a. No Executive Session

IX ADJOURNMENT

Tracy Murphy moved to adjourn the meeting at 10:20 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY