

**- PUBLIC MEETING -**  
**Rockport Select Board**  
**Tuesday, October 13, 2015**  
**7:00 PM**  
**Rockport Opera House**  
**Meeting Room**

Televised – Channel 22  
Streamed at <http://livestream.com/Rockportmaine>

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## MEETING NOTES

### I. Call Meeting to Order

a. Approval of the minutes of the:

➤ **Monday, September 14, 2015**, meeting of the Select Board

*Suggested Motion: Motion to approve the Minutes of the Monday, September 14, 2015, meeting of the Select Board.*

➤ **Monday, September 21, 2015**, Executive Session of the Select Board

*Suggested Motion: Motion to approve the Minutes of the Monday, September 21, 2015, executive session of the Select Board.*

### II. Town Manager's Report

### III. Unfinished Business

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

As you remember at the last meeting you instructed me to work with Town Counsel in developing a lease agreement for the Select Board to consider and possibly approve at this meeting. As of writing this, Town Counsel is working on the final wording of the lease agreement and is memorializing key portions of our needs in the agreement.

While there are a lot more words in the agreement than was presented in the letter of intent, the terms are essentially the same. The owner has agreed to all of our terms and to additional clauses needed for liability protection. Additionally there is language in the lease that specifies who is responsible for which repairs in the event of a complete failure of a system in the building.

This is basically a “triple net” lease meaning that we are responsible for paying the taxes, maintenance and utilities. Since we are the town, there are some unusual circumstances, we can't pay the taxes to ourselves, so the lease payment amount was adjusted to cover the cost of

the taxes and is actually figured into the monthly payment. The amount of the increase is actually less than the taxes divided up over the 12 month lease. There is also a confusing factor with the sewer bills, in that we can't pay ourselves for sewer usage and ultimately, if the tenant (in this case us) does not pay the sewer bill, we, the town, liens the property owner, not the tenant. In this case the owner will pay the sewer bill and will bill us separately for that use.

***Suggested Motion: Motion to approve the lease as presented and instruct the Town Manager to sign the lease agreement and begin planning to move the library into the building as soon as it is feasible.***

b. Discuss the relocation of Glen Cove Veterans Memorial

As you remember the discussion took an unexpected turn at the last meeting, months after we publicized our intent to move the monument.

We were made aware that the neighbor, who was not present at the meeting, was willing to site the monument on his property. Jamie contacted him and asked him to call back about setting up a meeting to develop an easement that allowed us to place the monument on his property and to date, he has not called back. Jamie will reach out again to him, but at this point it is very unlikely that we will get the monument moved this season with all of the other work PWD has to do getting ready for winter.

I recommend tabling this until an agreement can be reached with the neighbor or until next Spring, whichever comes first, at which point we will locate the monument at the previously approved location in time for Memorial Day, if no agreement can be reached.

c. Approval of the Parks Committee by-laws

Included in your packet is the proposed revision in the Parks Committee by-laws

***Suggested Motion: Motion to approve the by-laws of the Parks Committee.***

d. Approval of Town-Owned Credit Card Policy

Included in your packet is a revised copy of the Credit Card Policy you worked on at the last workshop. There were only minor changes and this should be already for approval with minimal discussion.

***Suggested Motion: Motion to approve the Town-Owned Credit Card Policy and incorporate it in the Purchasing Policy.***

## **IV. Public Hearing**

a. Public Hearing: General Assistance Ordinance Amendments Appendices A-D, effective October 1, 2015-September 30, 2016

This is the standard amendments that keep us compliant with changing statutes.

- **Allow all interested members of the public an opportunity to comment on the proposed ordinance**

- **End public discussion**
- **Close the hearing**

**V. New Business**

- a. Vote to approve General Assistance Ordinance Amendments Appendices A-D effective October 1, 2015-September 30, 2016.

***Suggested Motion: Motion to approve the General Assistance Ordinance Amendments A-D effective October 1, 2015-September 30, 2016.***

- b. Acknowledgment of Gifts to the Town:  
 ➤ None this month
- c. Committee Resignation(s):  
 ➤ None this month
- d. Committee Application(s):  
 ➤ Ad Hoc 125<sup>th</sup> Anniversary Celebration Committee  
 Stephanie Kumble  
 Michelle Gagne Hannan  
 Lynn Johnson  
 Connie Russell

Please note these members have been approved/recruited by the existing committee. This committee will likely begin developing tasks and appointing subcommittees to help with specific tasks like fundraising and specific events.

***Suggested Motion: Motion to approve the appointment of Stephanie Kumble, Michelle Gagne Hannan, Lynn Johnson and Connie Russell to Rockport's 125<sup>th</sup> Anniversary Ad Hoc Committee.***

- Conservation Commission – Kimberly M. Kimball

Enclosed is your packet is a recommendation from Chair Ted Skowronski and the current roster of members.

***Suggested Motion: Motion to approve the appointment of Kimberly M. Kimball to the Conservation Commission with a term expiration date of June 30, 2018.***

- e. Announce the creation of an Ad Hoc Technology Committee and ask for volunteers to serve.

This has been recommended in the past and would be very helpful. What is very important is what their charge is? At this point I would say that depends largely on the qualifications of the people that you have who volunteer to be on the committee.

- f. Discuss establishing an Ad Hoc Committee to look at the future of the West Rockport Fire Station.

No recommendation from the manager.

- g. Vote to expend the Harbor Float Reserve to cover the over-expenditure of the Harbor Lighting Project in the Harbor Budget.

Attached you will find a memo from Ginny relative to the Harbor Float Reserve and the Harbor Lighting Project. To explain what happened and why this is showing up as a negative balance is due to several factors. This was a project that was made far more complex than it needed to be based on the fact that we needed to meet the requirements of the funding agency. Secondly, items are correctly charged to this project which are “in-kind” contributions that are part of the PWD budget, but because of the way that we account for it, it makes it appear that we are way over. This is in the area of equipment rental which was planned out of the PWD budget but it has to be accounted for in the project.

There are a couple of factors that have added to the additional cost. First, while we had the work engineered, the bid specifications did not call for a Ground Fault Protector. The electrical contractor recognized this deficiency and we opted for doing it while the project was being done, rather than adding it on after the fact which would cost substantially more and risk injury to users without it.

Additionally, we ran into some unforeseen problems when trenching over near the bulkhead. They hit boulders and tried unsuccessfully to fill it with sand which washed away in the big storm surge we had immediately following the repair. We had to pour concrete into the space which has held up just fine and added to the cost. Bottom line is that while this account was over we were under in the PWD budget. For complete breakdown please see Finance Director Virginia Lindsey’s memo included in your packet.

***Suggested Motion: Motion to approve the transfer of the Harbor Lighting costs of \$15,756.88 to the Harbor FY 14-15 budget.***

- h. Vote to pay for the FY 14-15 over-expenditure of the Harbor Float Reserve from various funding sources

As I hope that you remember when I brought this to you last summer, we discussed using funds from the Harbor Boat Reserve to cover the expected overage and the board decided that you would rather simply vote to authorize the over expenditure if needed. See Finance Director Virginia Lindsey’s memo included in your packet.

***Suggested Motion: Motion to approve the transfer of funds from account G 1-1815-00 Friends of Rockport Harbor in the amount of \$121.57; approve the transfer of funds from account G 2-3520-00 Miscellaneous Donations (Harbor Miscellaneous) in the amount of \$1,210.08; which will leave a negative balance of \$2,765.22 as of June 30, 2015.***

- i. Vote to rename the purpose of the Cascade Foundation Police Department Canine Grant to the Cascade Foundation Police Department Video Grant

This is a pretty straight forward name change of the purpose of the grant that the auditors are requesting. The original grant was for a police dog, that proved to be unfeasible, the chief contacted the donor who was agreeable to the change of purpose and the cameras were installed. For further details please see Finance Director Virginia Lindsey's memo included in your packet.

***Suggested Motion: Motion to approve the renaming of the Cascade Foundation Cascade Canine reserve account to Cascade Foundation Police Department Video; for the purpose of continuing to maintain the video surveillance camera located at the harbor.***

- j. Approve the resolution for the Lease Purchase Agreement with Androscoggin Bank for the new 2016 Ford F550 Public Works Truck

This is not the norm but given the fact that this year we opted to have Bond Counsel review bid documents and the lease purchase agreement he is recommending that the Board vote to authorize the lease purchase as described below.

***Motion: I move that the vote entitled, "Vote to Authorize Lease Purchase of a Public Works Truck in the Principal Amount of \$91,274," be adopted in form presented to this meeting.***

**VOTE TO AUTHORIZE LEASE PURCHASE OF A PUBLIC WORKS TRUCK IN THE PRINCIPAL AMOUNT OF \$91,274**

The Select Board of the Town of Rockport (the "Town") hereby votes as follows:

That the Town Manager is authorized to accept the proposal of Androscoggin Bank, dated September 25, 2015, to provide tax-exempt lease purchase financing for a 2016 Ford F-550 public works truck with dump body and plow (the "Equipment") in the principal amount of \$91,274.00 at an interest rate of 2.62% for a term of four years, and any such prior action by the Town Manager is hereby ratified and confirmed;

That under and pursuant to Sections 5721, 5722, and 5728 of Title 30-A of the Maine Revised Statutes, all other applicable law, and approval of the 2015-2016 Town Budget at town meeting held June 10, 2015, the Town Manager is authorized to execute and deliver a Municipal Lease Purchase Agreement with Androscoggin Bank, or its nominee, in the name and on behalf of the Town for the Equipment, with an purchase price of \$91,274.00, in such form and on such terms not inconsistent herewith as the Town Manager may approve (the "Lease");

That no part of the proceeds of the Lease shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Lease to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code");

That the Lease issued pursuant hereto is designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Code;

That the Town Manager is authorized to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Lease, and to take all other lawful actions necessary to ensure that the interest portion of the rental payments under and pursuant to the Lease will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof;

That the appropriate officials of the Town are authorized to execute and deliver such other documents and certificates as may be required in connection with the Lease; and

That an attested copy of this Vote be filed with the minutes of this meeting.

k. Approval of Ordinance Review Committee's FY15-16 Work Agenda

Included in your packet you will find a memo from Jamie outlining the recommended work plan for the ORC for you to review and approve.

This year there is an abundance of items on the plan for consideration in a brief list these include: (for a detailed explanation see the memo included in your packet)

1. MUBEC
2. Section 913 Downtown – further clarifications required.
3. Architectural Review – Performance Standards of Sections 1002-1004
4. Administrative / Clean up in Sections 917 and 918
5. Downtown District - upper floor decks overhanging Town sidewalks
6. Short Term Rentals – the “airbnb problem.”
7. Commercial zoning on Rt. 17
8. Sewer Ordinance – further clarifications required
9. Private Ways – Clarify when approvals are necessary and adjust the threshold between CEO and PB authority.
10. Restrict the ZBA's jurisdiction – move some decisions to the Planning Board instead
11. “Stealth” cellular towers – request by a mobile phone company
12. Piers, ramps, wharfs bulkheads and floats – The Harbor Committee is requesting clarification of the scope of review for applications for marine improvements
13. Taxi regulations

***Suggested Motion: Motion to approve the Ordinance Review Committee's FY15-16 Work Agenda.***

1. Discussion of inviting the Provider Agencies to participate in Holiday on the Harbor 2015

No recommendation by the manager

m. Discuss the idea of adding “alternates” or “associates” to various committees

This is common practice on many appointed boards and committees, particularly those of an advisory nature with no quasi-judicial role or defined by statute. Having alternate members allows these committees to groom new members by inviting them into the process early. In fact we have seen the effectiveness just recently, when Owen had to step down from Pathways as a result of his election, but his seat was able to immediately be filled by an alternate who was waiting for a seat to open.

- n. Vote to authorize the Town Manager to execute a “termination agreement” regarding the driveway at 97 Pascal Avenue and to file it with the Knox County Registry of Deeds.

There has been a great deal of interest from residents as to the status of the easement (license) on the Town land next to the Ingraham property that was recently sold. As you know, this license has a clause that extinguishes the easement as soon as the property is sold to someone other than the son and daughter. To eliminate any question on this, Town Counsel is recommending a “belt and suspenders” approach that adds a recognition of the extinguishing of the license by the Town and the new property owner that is then filed at the registry of deeds.

Included in your packet is a copy of that agreement as well as the original. With the motion below you will be giving me the authority to sign that agreement.

***Suggested Motion: Motion to authorize the Town Manager to execute a “termination agreement” regarding the driveway at 97 Pascal Avenue and to file it with the Knox County Registry of Deeds.***

- o. Confirm the date for the Pre-Budget Workshop as **Wednesday, October 21, 2015 5:30 p.m.** (with light refreshments provided at 5 p.m. for the workshop participants)
- p. Set date for a Select Board workshop to discuss Fiber Optic rollout strategies; **suggested date of Thursday, October 29, at 4:30 p.m.**
- q. Set date for a special Select Board meeting to discuss the future location of the Rockport Public Library; **suggested date of Thursday, November 5, at 6 p.m.**
- r. Discuss the Town Manager’s request that the December Select Board meeting occur on December 7 instead of the normal date of December 14.

I would like to take vacation again around Christmas as I have done over the past several years and would like to leave Sunday after the Holiday on the Harbor event which happens Saturday December 13<sup>th</sup> this year. To do this I would either need to miss the regularly scheduled meeting on the 15<sup>th</sup> or you could move your meeting to the week before, December 7<sup>th</sup>. Robin will be driving down after Thanksgiving with the dogs for the month and it would be nice to join her.

- s. Appoint David Studer as Interim Code Enforcement Officer while Scott Bickford is out on leave.

Scott will be out for an undetermined number of weeks for another surgery. Jamie has arranged for David Studer

***Suggested Motion: Motion to appoint David Studer as Interim Code Enforcement Officer while Code Enforcement Officer Scott Bickford is out on leave.***

## **VI. Wastewater Commissioners**

***Suggested Motion: Move to leave as Select Board and enter as Wastewater Commissioners.***

In order for the Town to have all legal remedies available to secure the collection of past due balances, the Wastewater Commissioners must commit sewer fees to the Treasurer.

Chapter 2 **Sewer Use Charge Ordinance** § 8, states, “There shall be a lien to secure the payment of sewer charges legally assessed on real estate...” For this avenue to be open procedurally M.R.S.A. 38 § 1208, **Collection of Unpaid Rates**, requires a commitment to the Treasurer of the rate or fee. For residential accounts, commitments will be done quarterly and for commercial accounts monthly (March, June, September and December monthly billings will be included in the end of their respective quarter). Supporting documentation and the commitment are in your meeting materials.

- a. Commitment of Sewer User Rates for the period of August 2015

***Suggested motion: Motion to commit the August 2015 Wastewater User/Debt Fees totaling \$23,136.00 to the Treasurer for collection.***

- b. Votes to expend surplus for FY14-15 Wastewater Route 1 Engineering Funds and Sewer Extension Project

See Finance Director Virginia Lindsey’s memo included in your packet.

***Suggested motion: Motion to approve that the engineering of the Route 90 extension and the other possible sewer extensions (South, North, and Route 1 Corridor) should be paid with wastewater retained earnings (surplus) funds, for both FYE 06/30/15 and 06/30/16.***

***Suggested motion: Motion to approve and authorize use of budgeted contingency funds in FY 16 for the purpose of paying Woodard & Curran fees not authorized by DEP under the terms of the bond.***

## **VII. Liaison Reports**

## **VIII. Executive Session**

- a. None this month

## **IX. Adjournment**

***Suggested Motion: Motion to adjourn.***