

**ROCKPORT SELECT BOARD
MEETING MINUTES
TUESDAY, OCTOBER 13, 2015
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-Chair Kenneth McKinley, Tracy Lee Murphy, Geoffrey Parker and Owen Casas. Also present: Richard C. Bates, Town Manager; Department Head: Virginia Lindsey, Finance Director, Jason Peasley, Fire Chief, Mike Young, Public Works Director and Jamie Francomano, Director of Planning & Community Development and several members of the public.

I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7: 25 P.M.

a. Approval of the minutes of the

- Monday, September 14, 2015 meeting of the Select Board

Tracy Murphy moved to table the minutes of the September 14, 2015 meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Monday, September 21, 2015 Executive Session of the Select Board

Tracy Murphy moved to table the minutes of the September 21 2015 Executive Session of the Select Board. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Next Regular Select Board Meeting on Monday, November 9, 2015 at 7:00 p.m.

c. Election Day is Tuesday, November 3, 2015. Polls are open at 8:00 a.m. and close at 8:00 p.m. Polling place for Rockport is in the Richardson Room at the Town Office

d. Announcements – See agenda

e. Upcoming Select Board Workshops - See agenda

f. Committee Openings – See agenda

g. Agenda Changes –

Kenneth McKinley moved to hear Wastewater Business after j. of New Business. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

h. Public Comment – none

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II. TOWN MANAGER'S REPORT – see attached

Ken – what has been the volume of discussions as a result of the revaluation?

Rick – it has been very light.

III UNFINISHED BUSINESS

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

Pat Messler – there are major problems with the present library - the age of the building, groundwater under the building, and it is too small for what we do there. We need two times the amount of the present space. There is a parking problem and the intersection located there is confusing. Other town buildings have safe parking and the library needs the same. The Select Board will relocate the library for now, but we need to do something regarding the present library. I believe that it is a real disservice to the Town of Rockport. We should consider all property that is available to the town before committing to one site for a new library. We could have other town functions at a new site such as the fire station and the police station. How much will it cost to blast any ledge? What will the cost of leveling the land and demolishing the present library, building a new library at the present site be compared to using the RES site? We should keep an open mind.

Tracy Murphy moved 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. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Discuss the relocation of the Glen Cove Veterans Memorial

Rick – Bradford Gregory has not approached the town regarding moving the monument a few feet to be placed on his property. We should table any action tonight. It is getting too late in the year to do anything now. We will have to wait until March or April. If an easement has not been accomplished, we need to go ahead and move the monument to the Glen Cove Park.

Board – we need the paperwork. He needs to come forward with it.

Tracy Murphy moved to table this item to March 2016 at the latest. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Owen – they blindsided me. I was surprised when the American Legion guys showed up at the meeting.

- c. Approval of the Parks Committee by-laws

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Tracy Murphy moved to approve the by-laws of the Parks Committee as presented. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

d. Approval of Town-Owned Credit Card Policy

Kenneth McKinley moved to approve the Town-Owned Credit Card Policy and incorporate it in the Purchasing Policy. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

IV. PUBLIC HEARING –

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

Bill Chapman – opened the public hearing at 8:14 p.m. to the members of the public.

At 8:14 p.m. - COMMENTS FOR – NONE

At 8:15 p.m. - COMMENTS AGAINST – NONE

At 8:15 p.m. - COMMENTS NEITHER FOR NOR AGAINST - NONE

Bill closed the public hearing at 8:16 p.m.

V. NEW BUSINESS

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

Tracy Murphy moved to approve the General Assistance Ordinance Amendments A-D effective October 1, 2015 – September 30, 2016. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

b. Acknowledgement of Gifts to the Town: None this month

c. Committee Resignation(s): - None this month

d. Committee Application(s) –

- Ad hoc 125th Anniversary Celebration Committee
Stephanie Kumble
Michelle Gagne Hannan
Lynn Johnson
Connie Russell

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Tracy Murphy moved to approve the appointments of Stephanie Kumble, Michelle Gagne Hannan, Lynn Johnson and Connie Russell to Rockport's 125th Anniversary Ad Hoc Committee. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Conservation Commission – Kimberly M. Kimball

Geoffrey Parker moved to approve the appointment of Kimberly M. Kimball to the Conservation Commission with a term expiration date of June 30, 2018 based on the chair's recommendation. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

Tracy – would like to see a “strategic” plan in place.

The Board – suggested that the Committee could make changes to the Town's current policy (guidelines). A majority of the members should be town residents

Rick – will the Board have a Board member as liaison?

The Board – yes

Tracy – I would expect to see a report in September in time for our next budget. They need a Development and Implementation Plan.

Kenneth McKinley moved to create an Ad Hoc Rockport Technology Committee to be composed of seven members with three year terms. Geoffrey Parker seconded the motion. VOTE: 5 FOR - 0 OPPOSED

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

Jason – I would recommend Levi Rollins, Allen Mitchell and Bill Lane. Bill Lane has the brains for this project. There is a lot of work that needs to be done. The furnace is 15 years old, the kitchen is older than me, there is no room for a second truck and there isn't any room outside for us to park.

Geoff – I think that it is a fine suggestion.

Bill – the committee should consist of a fireman, select board liaison and a member of the public.

Jason – wants more than just the firemen on the committee.

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Bill – thinks they should appoint the committee. Tracy wants to be on it and Rick has someone in West Rockport willing to serve. The present land is landlocked. We may need to seek other locations. We need to serve all of the people.

Geoff – what number do you suggest, Jason?

Owen – what do you need for the next best option?

Jason – it is up to you. Two windows are rotten and the building is not worth putting in \$85,000 in repairs. It was built in 1972. We have 190-200 calls and someone from West Rockport rolls on every call. In the past they only rolled if the fire was in West Rockport.

Ken – this project needs to be driven by the residents. Forming a committee makes all the sense in the world.

Ginny – you could put the \$85,000 in a reserve fund.

Geoffrey Parker moved to create an Ad Hoc Committee to give advice to the Board on the future of the West Rockport Fire Station. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

Rick – this is for monies that have already been spent.

Ken – how has the harbor done this summer?

Rick – not great! The funds that were used should have been taken out of the harbor budget even though public works did the work.

Ginny - it was funded by a grant and a donation. We have to fund it and then get reimbursed. We had it come from this pocket over here and I am just cleaning it up. The auditors said that you cannot have a negative balance. This is an over-expenditure.

Geoff –where does the money come from?

Ginny – from the harbor funds (budget).

Rick – it is for a ground fault protector that we forgot to put in the bid. It is not a good thing to be standing in a boat in the water while working with electricity.

Tracy Murphy moved to approve the transfer of the Harbor Lighting costs of \$15,756.88 to the Harbor FY 14-15 budget. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

Ken – regarding the negative balance from where does it need to be transferred?

Ginny – from the Harbor Reserve Account as showed on the memo that I provided to you.

Tracy Murphy moved 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. Geoffrey Parker seconded the motion.

Geoffrey amended the motion to insert the last line to read into the Harbor Float Account (G-2-3825-00). Kenneth McKinley seconded the motion. VOTE ON THE AMENDMENT: 5 FOR – 0 OPPOSED.

VOTE ON THE AMENDMENT MOTION: 5 FOR – 0 OPPOSED

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

Tracy Murphy moved to approve renaming of the Cascade Foundation Canine Reserve Account to the Cascade Foundation Police Department Video, for the purpose of continuing to maintain the video surveillance camera located at the harbor. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

Tracy Murphy moved that the vote entitled, “Vote to Authorize Lease Purchase of a Public Works Truck in the principal amount of \$19,274” be adopted in the form presented to this meeting. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

**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

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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.

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

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

VI. WASTEWATER COMMISSIONERS

At 9:15 p.m., Tracy Murphy moved to close as Select Board and open as Wastewater Commissioners. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

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Kenneth McKinley moved to commit the August 2015 Wastewater User/Debt Fees totaling \$23,136.00 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 5 FOR –0 OPPOSED

- b. Votes to expend surplus for FY 14-15 Wastewater Route 1 Engineering Funds and Sewer Extension Project

Tracy Murphy moved 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 FY 06/30/15 and 6/30/16. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Tracy Murphy moved 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 terms of the bond. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

At 9:21 p.m., Tracy Murphy moved to leave as Wastewater Commissioners and to go back into session as Select Board. Kenneth McKinley seconded the motion. VOTE: 5 FOR –0 OPPOSED

Break 9:22 p.m. – 9:29 p.m.

- k. Review and approval of Ordinance Review Committee's FY 15-16 Work Agenda

Bill – handed out priority sheet. He had added a couple of items for the Planning Board to take the lead on.

1. MUBEC or MUBC or nothing – need a recommendation and reasoning
2. Section 913 Downtown – further clarifications required
3. Architectural Review – Performance Standards of Sections 1002-1004 – to Planning Board for recommendation
4. Administrative/Clean up in sections 917 and 918
5. Downtown District – upper floor decks overhanging Town sidewalks – send to ORC and Planning Board and have them write why it is a good or bad idea.
6. Short Term Rentals – the “airbnb problem” – delete
7. Commercial zoning on Rt. 17 – it is against comprehensive plan
8. Sewer Ordinance – further clarifications required – send to subcommittee of Scott, Mike and Steve and not to the ORC
9. Private ways – clarify when approvals are necessary and adjust the threshold between CEO and PB authority – first to Jamie to ORC and then Planning Board.
10. Restrict the ZBA's jurisdiction – move some decisions to the Planning Board instead – If it is not broken then we should leave this one alone.
11. “Stealth” cellular towers – request by a mobile phone company – take off from list

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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 – delete from list.

No motion was made on this item. Jamie will bring it back to the Board in November.

Ken – we should remove #6 until next year. It would swallow up too much of the ORC time on this one item.

Bill – #13 should not go to the ORC as it is regarding taxi regulations.

Tracy – agreed and said that she does not feel that this is an ORC issue.

Geoff – what about a mission statement for the ORC? I do not recall that they have one. Is it commanded by charter?

Ken – we have not reviewed the bylaws in a long time. The ORC does do writing (creating) and word smiting. The Select Board has the authority to put items on the ballot. The Board should designate what expectations are.

Owen – does the ORC make recommendations on the ballot?

Select Board – no.

On #5, the Select Board needs to decide this item? There was a discussion by the Board, Jamie and John Alexander (Planning Board).

The Board discussed the timing of the ORC meetings and felt that 8:00 a.m. was a difficult time for some of the members.

Tracy – we need to decide who is kicking off the item, where does it go next and what the spacing should be. The Board should prioritize the issue to be discussed.

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

We should invite them to set up in Union Hall.

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

Ken, Geoffrey and Owen felt that this is a good idea. There shouldn't be any limits on their terms. We should just let it evolve.

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- 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

Kenneth McKinley moved 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. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- 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)

The Board agreed. It will be at the Opera House and televised.

- p. Set date for a Select Board workshop to discuss the Fiber Optic rollout strategies; suggested date of Thursday, October 29, at 4:30 p.m.

This meeting will also be held at the Opera House.

- q. Set date for a Select Board workshop to discuss the future location of the Rockport Public Library: suggested date of Thursday, November 5, at 6:00 p.m.

Bill – we will discuss any emails and written comments that we have received. It is too early in the process to make a firm decision for a location of a new library.

Geoff – the goal is to get moving.

This meeting will be held at the Opera House and televised.

- 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

Tracy – I prefer to stay with our regular date. Rick can have his notes together before he leaves on vacation.

Ken – I feel that it is useful to have Rick here in case we have any questions.

Kenneth McKinley moved to have the next Select Board meeting on December 7th. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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

Owen Casas moved to appoint David Studer as Interim Local Plumbing Inspector while Scott Bickford is out on leave. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED.

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VI. WASTEWATER COMMISSIONERS

Wastewater business was conducted earlier in the meeting

VII. LIAISON REPORTS –

Bill – The Chamber of Commerce is presenting their meeting tomorrow night upstairs.

The Library is holding their annual Seafaring Series on Thursday night.

MCSW will be having their budget meeting on the 18th.

Tracy – the Planning Board is meeting tomorrow night on a subdivision issue.

Owen – I was out of town and missed the Pathways Committee meeting. They are working on the Camden’s Comp Plan.

The Parks Committee was supposed to meet today, but the meeting was cancelled.

Ken - the Conservation Commission met. Jamie is working on the “Coastal Community Grant” for the Goose River study. We will be having a new member joining the group. Bob Kennedy will not be available for the workshop on November the 23rd. Every suspicious place has been checked for the pollution problem at Goodie’s Beach and we only found one minor issue.

The Cemetery Committee will be meeting on Friday.

Geoff – the Harbor Committee will meet on the 2nd.

The Opera House met on the 5th. There was discussion about changing the sign.

VIII. EXECUTIVE SESSION – None this month

IX. ADJOURNMENT

Tracy Murphy moved to adjourn the meeting at 11:34 p.m. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY