

ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY NOVEMBER 10, 2014
7:00 P.M.
ROCKPORT OPERA HOUSE

Present: Chair William (Bill) Chapman, Tracy Lee Murphy, Geoffrey Parker and Kenneth McKinley. Absent: Vice Chair Charlton Ames. Also present: Richard C. Bates, Town Manager; the press (Dwight Collins) and members of the public

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

a. Approval of the minutes of the:

- Tuesday, August 5, 2014 meeting of the Select Board

Tracy Murphy moved to table the minutes of the Tuesday, August 5, 2014 meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 4 – FOR – 0 OPPOSED

- Monday, September 8, 2014 meeting of the Select Board

Tracy Murphy moved to approve the minutes of the Monday, September 8, 2014 meeting of the Select Board with the following corrections: page 3 b, sixth paragraph delete “used to be” and add “never was” and on page 10, fifth paragraph change “municipality” to “municipally.” Geoffrey Parker seconded the motion. VOTE: 4 – FOR – 0 OPPOSED

- Tuesday, October 14, 2014 Executive Session of the Select Board

Kenneth McKinley moved to approve the minutes of the Tuesday, October 14, 2014 executive session of the Select Board. Geoffrey Parker seconded the motion. VOTE: 3 – FOR – 0 OPPOSED – 1 ABSTAINED (PARKER ABSENT)

- Tuesday, October 14, 2014 meeting of the Select Board

Kenneth McKinley moved to approve the minutes of the Tuesday, October 14, 2014 meeting of the Select Board with the following corrections: page 2, II, a. first sentence after the word “friends” add “of the Rockport Library” and the next paragraph change “turned” to “turn.” Tracy Murphy seconded the motion. VOTE: 3 – FOR – 0 OPPOSED – 1 ABSTAINED (PARKER ABSENT)

b. Next Regular Select Board Meeting on Monday, December 8, 2014, 7:00 P.M.

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- c. Announcements – See agenda
- d. Upcoming Select Board Workshops: None scheduled
- e. Committee Openings – See agenda
- f. Agenda Changes – None
- g. Public Comment – None

Ken – noted that due to the heavy wet snow, many campaign signs had been buried under the snow for a few days, but were now emerging. He reminded those who placed signs that they need to be removed now that election is over.

Bill – suggested that from his experience that the parties encourage residents to assist with cleaning up all the elections signs still being displayed. He said that because of all the snow and high winds, some of the signs are in the ditch or lying on the side of the road.

Helen Shaw – suggested a round of applause for the Police Department, the Fire Department and the Public Works Department for a job well done regarding the big snow storm.

Betsy Elwell – suggested that the Town suspend the permit parking policy on Beauchamp Road for the winter.

Bill - they will discuss it with the Chief of Police.

Rick stated that it would need action on the part of the Board.

Tracy - suggested that this item be placed on the next Select Board agenda.

Geoff – would it carry more or less weight if it comes from the Board?

Rick – the Board approved it and therefore, they are the ones that have to undo it.

Bill – they will have it on the December agenda.

Ken – would like to know how the process has worked.

II. TOWN MANAGER’S REPORT – see attached

- a. Public Recognition of Outstanding Contributions to the Town of Rockport

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Bill & the Board presented David Jackson, Chairman of the Parks Committee with a clock/plaque for all of his years of service and hard work on that committee. David said that he loved it and could not believe it. The gift is lovely. He was “very” pleased.

Bill & the Board thanked the Parks Committee and the Garden Club for all of their efforts and cooperation between the two groups cleaning up Mary Lea Park.

Also present were Jim Sady, Penny Baum, Sani Fogel and David Barry.

III. UNFINISHED BUSINESS

- a. None this month

IV. PUBLIC HEARING

- a. Public Hearing: General Assistance Ordinance Amendments Appendices B & C effective October 1, 2014 – October 1, 2015

Bill opened the Public Hearing at 7:58 p.m. to hear comment on the proposed changes to the General Assistance Ordinance.

- In favor – None
- In opposition – None
- Neither for or against – None

Bill closed the Public Hearing at 8:00 p.m.

- b. Public Hearing: A new Liquor License for Oakland Park Bowling Center, LLC/Jason R. Kaler located at 732 Commercial St., Rockport, ME

Bill opened the Public Hearing at 8:00 p.m. to hear comment on a new Liquor License.

- In favor – None
- In opposition – None
- Neither for or against – None

Bill closed the Public Hearing at 8:01 p.m.

VII. NEW BUSINESS

- a. Vote to approve the General Assistance Ordinance Amendments Appendices B & C effective October 1, 2014 – October 1, 2015

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Geoffrey Parker moved to approve the General Assistance Ordinance Amendments Appendices B & C effective October 1, 2014- September 30, 2015. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- b. Vote to approve a new Liquor License for Oakland Park Bowling Center, LLC/Jason R. Kaler located at 732 Commercial Street, Rockport, ME

Jason Kaler was present at the meeting to answer any questions the Board may want to ask him.

Geoffrey Parker move to approve the new Liquor License for Oakland Park Bowling Center, LLC/Jason R. Kaler located at 732 Commercial Street, Rockport, ME. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- c. Committee Resignation(s): None

- d. Committee Application(s):

- Lawrence Novotny to Investment Committee

Bill - we will accept residents of another town/state, but prefer residents of Rockport. The person should have a connection with the town.

Geoff – did we make a policy last month?

Ken – I would be uncomfortable with nonresidents if they comprise a majority of the committee.

Geoffrey Parker move to approve the appointment of Larry Novonty to the Investment Committee with a term expiration of June 30, 2016. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- e. Presentation by the Penobscot Bay Medical Center regarding their efforts and plans

Erik Frederick, Chief Operations Officer from Pen Bay Medical Center was the presenter.

Rick – Bill and some of the Department Heads have been meeting with members of Pen Bay Medical Center

Erik – this fiscal year was a tumultuous year. Our volume of patients dropped, the COO left, and there was turnover in a number of leadership positions. We are \$2.7 million behind our budget. We are working with Maine Health. This summer things have picked up beyond our expectations. We are working with the Town quarterly.

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We are also partnering closely with Waldo County. We had our first integration meeting on October 23rd. We are working on plumbing upgrades and energy efficiency. We will be opening the Sussman House by Thanksgiving. Regarding Pen Bay, the plans are for the hospital to stay where it is for the long term.

Geoff – I have heard that you have signed a contract with North East Mobile Services as your primary transport service.

Erik – talked about their “telemedicine opportunities”. They work with Maine Health and have their own IT team with Maine Medical Center.

He talked about security at the hospital. They now have two officers per shift, 24-7 to keep the hospital safer. Rockport has been very helpful by supporting the security by having officers available when needed. The security of the pharmacy is on their radar screen.

Bill – asked how the storm impacted them.

Erik – for the 18 hours that our power was out, we cancelled unnecessary surgeries and some of the physicians’ offices were closed. Power was restored by midday Monday. We also had to make accommodations for staff that were unable to make it in to work. Some of the staff stayed longer hours and worked extra shifts.

- f. Receipt of a \$1,000 gift from Johanson Boatworks for Harbor Improvements

Kenneth McKinley moved to approve the \$1,000 gift from Johanson Boatworks for Harbor Improvements and to send them a letter for the tremendous gift and to have it signed by the Select Board and the Town Manager. It was very thoughtful. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- g. Approve the lease purchase agreements for the Fire Department Truck and the Public Works Category 7 truck

Tracy Murphy moved to approve the lease purchase agreements for the Fire Department Truck and the Public Works Category 7 Truck as presented. Geoffrey Parker seconded the motion. VOTE 4 FOR – 0 OPPOSED

See two attachments.

- h. Discuss attending a joint session with the Camden Select Board and MSAD board on Monday, November 13, 7:00 p.m. at the Bus Barn, 7 Lions Lane in Camden

Bill – the School Board has reached out to both Towns. He will not be able to attend the meeting as he has a previous obligation.

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Kenneth McKinley moved to have the Rockport Select Board attend the Meeting scheduled for Monday, November 17th at 7 p.m. at the Barn in Camden as a joint meeting with the Camden Select Board and the Superintendent of Schools. Tracy Murphy seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- i. Set date for a Fiber Optic Next Step Workshop. Suggested date: January 8, 2015, 5:15 p.m., Town Office

Bill – looking at January the 8th. We need to discuss the feasibility for the Town.

Ken – we need to make sure we have a presentation for the meeting.

Rick – is working with Aaron on it.

- j. Set date for a workshop to wordsmith the Capital Improvement Plan and Capital Asset Management Policy and other financial policies

Bill – what are the other two policies?

Rick – one of the other policies is for credit cards and another financial policy

- k. MRC Voting Ballot: 3 year term expiring December 31, 2017

Tracy Murphy moved to cast Rockport’s ballot for Joshua Reny of Fairfield as a candidate on the MRC Board of Directors. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VI. WASTEWATER COMMISSIONERS

Tracy Murphy moved to leave as Select Board and enter as Wastewater Commissioners. Geoffrey Parker & Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

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

Tracy Murphy moved to commit the September 2014 Wastewater User/Debt Fees totaling \$115,762.54 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

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

VII. LIAISON REPORTS

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Bill –The Chamber of Commerce will meet on December 10th. The Knox County Commissioners will also be meeting to review their budget for the upcoming year. The Library is continuing to meet and to work on future planning. MCSW will be meeting on their budget on the 19th.

Tracy – the Planning Board meet Wednesday regarding two subdivisions. The new subdivision for the Villages is very swampy.

Ken – the Cemetery Committee will be meeting on the 19th or 20th of this month. The Pathways met last week. They will meet with Mike and Jamie to discuss where they want to go next. The ORC has not met. We need to talk to Richard Remsen about the time of the meetings. North East Mobile Services will be meeting soon regarding a new contract.

Geoff – the Zoning Board and the Opera House Committee will be meeting soon. The Harbor Committee met, but did not have a quorum. If the Public Works builds the floats we can get an extra float for the same cost.

VIII. EXECUTIVE SESSION

At 9:00 p.m. Tracy Murphy moved to go into an Executive Session on a personnel matter. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

At 9:15 p.m. Kenneth McKinley moved to adjourn the executive session. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Tracy Murphy moved to retain an independent investigator to investigate a personnel matter and to report back to the Select Board. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

IX ADJOURNMENT

At 9:16 p.m. Kenneth McKinley moved to adjourn the meeting. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY

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November 10, 2014 – Fire Truck

Motion: I move that the vote entitled, “Vote to Authorize Lease Purchase of a Fire Truck in the Principal Amount of \$399, 500,” be adopted in form presented to this meeting.

**VOTE TO AUTHORIZE LEASE PURCHASE OF A FIRE TRUCK IN THE PRINCIPAL
AMOUNT OF \$399,500**

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 The First Bancorp, dated October 31, 2014, to provide tax-exempt lease purchase financing for a new fire truck (the “Equipment”) in the principal amount of \$399,500.00 at an interest rate of 3.30% for a term of ten 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 2014-2015 Town Budget at town meeting held June 11, 2014, the Town Manager is authorized to execute and deliver a lease purchase agreement with The First Bancorp, or its nominee, in the name and on behalf of the Town for the Equipment, with an purchase price of \$399,500.00, 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

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

A true copy, attest:

Linda M. Greenlaw, Town Clerk
Town of Rockport

November 10, 2014 – Dump Truck

Motion: I move that the vote entitled, “Vote to Authorize Lease Purchase of a Dump Truck in the Principal Amount of \$172, 273,” be adopted in form presented to this meeting.

**VOTE TO AUTHORIZE LEASE PURCHASE OF A DUMP TRUCK IN THE
PRINCIPAL AMOUNT OF \$172,273**

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 Gorham Savings Leasing Group, LLC, dated October 16, 2014, to provide tax-exempt lease purchase financing for a 2015 Western Star dump truck with plow (the “Equipment”) in the principal amount of \$172,273.00 at an interest rate of 3.25% 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 2014-2015 Town Budget at town meeting held June 11, 2014, the Town Manager is authorized to execute and deliver a Municipal Lease Purchase Agreement with Gorham Savings Leasing Group, LLC, or its nominee, in the name and on behalf of the Town for the Equipment, with an purchase price of \$172,273.00, 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

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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.

A true copy, attest:

Linda M. Greenlaw, Town Clerk
Town of Rockport