Present: Chair Kenneth McKinley, Vice-Chair Owen Casas, Douglas Cole, Mark G. Kelley and Thomas Gray. Also present: Richard C. Bates, Town Manager; Department Heads: Jamie Francomano, Director of Community Development & Planning, Megan Brackett, Finance Director; Abbie Leonard Harbormaster, Mike Young, Public Works Director; Jason Peasley, Fire Chief; Employees, Stacey Parra, Susan Dates and Terri Lea Smith; the press, Lynda Clancy and Louis Bettcher and members of the public

I. CALL MEETING TO ORDER – Chair Kenneth McKinley called the meeting to order at 6:32 p.m.

II. EXECUTIVE SESSION

   a. Discussion of Labor Contracts pursuant to 1 M.R.S.A. Section 504 (6)(D)

At 6:33 p.m., Doug Cole moved to go into Executive Session pursuant to 1 M.R.S.A. Section 504 (6) (D). Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Owen Casas moved to exit the executive Session at 6:46 p.m. Mark Kelley seconded the motion. 4 FOR – 0 OPPOSED

   b. Discussion of a Confidential Matter pursuant to 1 M.R.S.A. Section 405 (6)(A)

At 6:46 p.m., Doug Cole moved to go back into Executive Session pursuant to 1 M.R.S.A. Section 504 (6) (A). Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

At 6:50 p.m. Owen Casas moved to exit Executive Session. Tom Gray seconded the motion. (He arrived late at 6:47 p.m. after they had gone into session.) VOTE: 5 FOR – 0 OPPOSED

At 7:00 p.m. the Chair Ken McKinley called the regular meeting to order.

Doug Cole moved that the Select Board direct the Town Manager to sign the Police Department Labor Contract for 2017 to 2020. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (Tom Gray was not present at the Executive Session.)

II. PUBLIC HEARING – None this meeting
Rockport Select Board Minutes
Monday, August 14, 2017

III. MINUTES, MEETINGS AND ANNOUNCEMENTS

a. Approval of the minutes of the previous meetings:

- Monday, July 10, 2017, meeting of the Select Board

Doug Cole moved to approve the minutes of the July 10th meeting with an amendment to “Owen and Tom being absent at the meeting.” Tom Gray seconded the motion. VOTE: 3 FOR – 0 OPPOSED – 2 ABSTAINED (Tom Gray and Owen Casas)

b. Announcements of upcoming Select Board meeting(s)

- Special Select Board meeting on Tuesday, August 15th, 2017, 4:00 PM to discuss and approve the survey developed by Portland Research Group as part of the research on the future of the Rockport Public Library
- Regular Select Board Meeting and Public Hearing on Monday, September 11, 2017, 7:00 p.m., Rockport Opera House Meeting Room, to be streamed at http://livestream.com/Rockportmaine,

c. Announcements of upcoming non-budget Select Board workshop(s): - None

d. Announcements: - See agenda

e. Committee Openings: – See agenda

f. Agenda Changes

g. Public Comments

Helen Shaw – wanted to inform the new Select Board of a dangerous problem on Pascal Avenue. When the gallery has events people park with their cars hanging over onto the road, and they block the mailboxes. There has been at least one accident near Ship Street because the site visibility was blocked by cars parking too close to the entrance. She has made numerous complaints and PD never shows up. She talked to Rick and he assured her that the lines would be painted tomorrow.

She stated that she wants the neighbors to be notified 48 hours in advance of any events taking place in that area. She wants an ordinance to be drawn up.

Mark – how did you make out the other day when you called?

Helen – I called and talked to the sergeant and he said that he was going off duty.

Owen Casas asked to have item n. moved to be near item k since several firemen are present for those items.
IV. TOWN MANAGER’S REPORT – See attached

Ken – asked Bill Chapman and Geoff Parker to step forward. He presented Bill with a print done by Peter Ralston, thanking him for his nine years of service with eight of them being the chair. He then presented Geoff with a different print done by Peter Ralston, thanking him for his previous six years on the Board with serving a total of fifteen years on the Select Board.

Ken – also presented Bill with a plaque and gavel for his service. Geoff was presented with a proclamation thanking him for his service on the Select Board, Planning Board, Zoning Board of Appeals and the School Board. The Board also made a presentation of a sign stating that the Select Board Meeting Room is now “The Geoffrey C. Parker Community Meeting Room,” thanking him for the countless hours he has put in making the sound system exceptional.

Rick – the work in this room is largely not noticed. The livestream is very nice. You can watch your set at home and interact in the meeting by sending a message. Geoff has put in a ton of hours.

Owen – thanked both Bill and Geoff for their many hours of service to the Town.

Rick – reported that Sue Dates of Public Works will be retiring as soon as we find a replacement for her. She has worked for the Town since 2005.

Stacey Parra has worked here since June of 1998 and is leaving to be the Clerk in Union. It is a mixed blessing and is something that is an improvement. She is the most talented executive assistant that he has had in forty years. It has been an honor to have worked with her.

There will be a party for them on August the 31st at 5:30 p.m. to 7:00 p.m.

Ken – Stacey has done a lot of work helping the Select Board crossing the t’s and dotting the i’s.

Rick – Assessing and Planning has a new employee, Hannah Sisk.

Rick – gave his report – see attached.

V. UNFINISHED BUSINESS

a. Appoint a representative to serve on the board of the Midcoast Economic Development District (MCEDD)

The Board – asked the former chair of the Board, Bill Chapman if he wanted to serve on this committee and he declined saying that he was enjoying his retirement.

Bill – in regard to time commitment the board meets once a year in June to go over their bylaws and to elect a director. The directors meet four times a year and then if you are on the executive committee, they meet monthly.
Ken – we should hold off until next month and ask if a member of the Planning Board would like to be on the board.

It was agreed to move the fire department items to after the committee applications.

V. NEW BUSINESS

a. Acknowledgement of Gifts to the Town:

- An anonymous donation to General Assistance in the amount of $1,000

Doug Cole moved to accept the generous donation from an anonymous donor in the amount of $1,000 for General Assistance. Tom Gray seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

- Donation of a scrap metal rack to the Harbor from Seth Palmiter

Owen Casas moved to accept the generous donation of a scrap metal kayak rack to the Harbor from Seth Palmiter and to send him a letter of thanks. Mark Kelley seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

b. Committee Resignation(s): - None this meeting

c. Committee Application(s):

- William Kelly – Opera House Committee

He was not present at the meeting.

Owen – has had interactions with him from the Opera House 125th Celebration. He highly recommends that he be appointed. He was at the event serving food and pitching in to help with the event.

Mark – I thought that we had talked about having the applicant present when they are on the agenda. We keep going back and forth.

Ken – it is different for the Planning Board.

Owen – I admit that I have waffled on it.

Doug Cole moved to approve the appointment of William Kelly to the Opera House Committee with a term expiration of June 30, 2020. Owen Casas seconded the motion. **VOTE: 4 FOR – 1 OPPOSED (Mark Kelley)**

- William Leone – Capital Improvement Committee
William – I have experience in business and will bring good decision making. I have observed the last CIP meeting and was impressed with the detail supplied by Megan. I have experience with building, construction and real estate.

Owen – how many members are there?

Allen Mitchell – five

**Tom Gray moved to approve the appointment of William Leone to the Capital Improvement Committee with a term expiration of June 30, 2018. Mark Kelley seconded the motion. **VOTE: 5 FOR – 0 OPPOSED

n. Discussion regarding the request by Nelson Tolman to purchase a portion of the 647 Rockland Street property.

Rick – we do not need all of the property that we purchased. Mr. Tolman came to me requesting permission to purchase some of the land. Would you like me to explore the possibility and come back to you later with a recommendation?

Owen – it seems to me that it would be logical to sell any land we don’t need to the abutter. What is the plan?

Rick – we are only saying yes we are interested in the possibility.

Owen – where are we with the Ad Hoc Committee?

Jason – we have been working with Bill Lane and he has done some design work for us. There is no need for a massive redesign. We need a small bump out for an addition allowing us to put in the new truck.

Bill Lane – he has identified what is needed for an expansion to the West Rockport Fire Station. A sideline adjust is appropriate. We can put on an addition and make sure that it will not affect the sideline.

Mark – that piece of property would only be good to Mr. Tolman.

Bill Lane – we have not made an assessment to make that definitive.

Jason – what do you want from the committee?

Owen – I am waiting on a recommendation. We have money sitting there.

Jason – we have $125,000. Do you want to wait until we have all of the funding that we need before moving ahead?

Doug – we are getting off topic. Do we want Rick to talk to Nelson?
Ken – let’s get back to the question.

The Board responded that they do want Rick to explore it.

Owen – I would encourage the committee to come back to the Board with a plan.

Ken – at a future meeting can you come back to us with something? Next month?

Jason – yes.

Ken – I will put it on the agenda for the September 11th meeting.

k. Approval to allow the Town Manager to sign the contract with Greenwood Emergency Vehicles, Inc, for a new fire truck

Ken – we need to sign the contract early to save about $30,000 to $35,000.

Megan – the fire truck replacement plan fell behind. Therefore, we will need to purchase two trucks within five years. This will be part of a lease purchase arrangement. It will save us money to pre-buy a new truck now.

Ken – we will be replacing two trucks.

Jason – it will be beneficial to leave number 25 at the West Rockport station. It will affect our ISO rating if we have two trucks there. Next month on September 7th we will be going through a rating.

Mark – what is the current rating?

Jason - six or seven.

Owen Casas moved to approve the request from the Town Manager and the Fire Chief to order the new E-One Typhoon Pumper Fire Truck in the amount of $584,227 from Greenwood Emergency Vehicles, Inc. for delivery on or about July 1 – July 15, 2018. Tom Gray seconded the motion. VOTE: 5 FOR – 0 OPPOSED

d. Committee Presentation(s): - None this meeting

e. Vote to establish an Ad Hoc Comprehensive Plan Review Committee

Doug Cole moved to establish an Ad Hoc Comprehensive Plan Review Committee made up of 7 – 9 members and to ask interested residents to submit an application by September 5, 2017 for consideration at the September 11, 2017 meeting of the Select Board. Mark Kelley seconded the motion.
Ken – we already have some applications. We need to think about a charge and the number of members that we want on the committee.

Owen – do we usually give a range?

The Board discussed what dates to have the applications back to them and decided on the ones that are in the motion. They felt a range was fine.

Owen – can we ramp up getting members?

Ken – we already have four.

Owen – in Jamie’s memo, paragraph 3, why isolate the Harbor Village?

Jamie – there is a give and take to make the village a downtown.

Ken – last time the plan was a good product. The committee was made up of mostly Rockport residents.

Owen – should we give this more time and change the dates.

Doug withdrew his motion and Mark withdrew his second.

Doug Cole moved to establish an Ad Hoc Comprehensive Plan Review Committee made up of 7 – 9 members and to ask interested residents to submit an application by September 18, 2017 for consideration at the September 25, 2017 meeting of the Select Board. Mark Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. Presentation by Intern Peter Huntington

Peter – I am a student in Vermont and did this work for the Margaret Chase Policy Center at the University of Maine. I did an assessment of the culverts, an analysis of the roads and pavement and the street lights. I mostly worked on the culverts. They are under driveways and roads. They are used to “move water through.” I took several photos on my laptop and used a GIS database and local roads software to record it all.

We have a total of 734 culverts – 255 (34.6%) are in good condition; 383 (52%) are in fair condition; 95 (12.9%) are in poor condition; and .5% unknown condition. The Road surface is cracking in some places and there are pot holes and drainage issues. There are 165 storm drain in town and are mostly in the harbor and village area. I recorded 284 streetlights in the daytime and therefore, have no accounting if there all work or not.

I will provide you with a binder with all of the information as well as it being entered into the program that was used.

Rick – the goal is to help Peter for the next several months by keeping the information up to date.
Peter – I will be carrying the information over into my academics and will record the potential damage of weather conditions.
Doug – asked how the tropical storm Irene’s effect was on Vermont.

Peter – we found that it created problems with the culverts in Vermont and Massachusetts.

Rick – we are interested in putting in the location of all of the stop signs and the street signs. It is important to keep it current. Peter’s work has been a huge pay off.

Ken – it seems like we hit the jackpot with our intern.

Rick – he has been here all summer working.

Peter – it has been a valuable experience for me and I would like to thank the Town of Rockport and the Public Works Department.

Owen – if we know there is going to be some extreme weather, I will free up my couch and have you spend a day or two to search the effects of it on our culverts.

Peter – I would love to.

Mark – how does the 95 poor condition culverts get treated?

Mike – I am always looking at them to make sure there aren’t any problem.

g. Consider a request to accept the donation of a bench in Marine Park

Ken – we need to make sure that the bench fits in with the Harbor Plan.

Abbie – Rev. Williams is still alive and wants to sit on the bench. I will put the bench under the tree by the river side. Should we charge the Harbor Committee or the Parks Committee to make a decision on having benches at the Harbor Park? There shouldn’t be any more in my opinion.

Mark – should we develop a policy?

Ken – that is something that we should think about.

Owen – you should contact David Jackson and let him know about it.

Mike – you could have the Parks Committee come up with some guidelines regarding the style, material and plaques that are allowed.

Ken – should the plaques be carved or sand lasted?

Tom – it should be handled in a sensitive way.
The Board decided to table this item until the September meeting.

h. Discuss and approve the proposed warrant items and wording of the warrant articles for the November 7, 2017 Special Town Meeting Warrant

Ken – the charter items in Article 2 and 3 are pretty straight forward. Does anyone have any issues with them? No issues were heard.

Owen Casas moved to approve the proposed warrant articles 2 and 3 for inclusion on the November 7, 2017 Special Town Meeting Warrant, which wording could be changed at the Monday, September 11th Public Hearing. Doug Cole seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Article 4 is a new ordinance and will be ready for review at the September meeting.

Owen – does it cover retail sales, cultivation and inspections? I have no problem with the cultivation or inspections. I know that the voters were against it.

Jamie – the ordinance is straight forward and requires a minimum of response.

Rick – the attorney says that it covers all retail cultivation. The ordinance will prohibit it.

Ken – we need to vote to put it on the warrant so that the residents can vote on it.

Rick – we need to start the train moving as this sets up the public hearing date.

Mark Kelley moved to approve the proposed warrant article 4 for inclusion on the November 7, 2017 Special Town Meeting Warrant, which wording could be changed at the Monday, September 11th Public Hearing. Doug Cole seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Ken – I have an issue with Article 5. I don’t like special exceptions. It has the potential of opening us up to legal issues. I am not excited about it.

Rick – it is the recommendation of town counsel caused by a being owner feeling that he is not being heard.

Owen – I would like to see a recommendation from the Harbor Committee.

Abbie – the chair and vice-chair have looked at it and made some edits. We haven’t been able to get a meeting together.

Doug – as the liaison, I have seen this go back and forth. I am undecided how to vote on this matter. He has been building this boat for three to five years and no one anticipated a problem with it? Kenny has a reputation and bucks the trend.
Tom – I admit that my reaction is similar to Doug’s. He has been building the boat for a long time.

Abbie – I knew about it and went out to Kenny a year and a half ago and that is why we are trying to get an exception. The present ordinance is voted on by the town’s people, we cannot change it. He did not inform her that he was launching the boat and she found out on the day he launched it. I talked to Rick and that is when we went the litigation route.

Tom – was there an attempt to change the ordinance?

Abbie – I would like to see it changed. Instead of giving him a notice of violation and taking him to court, we are doing a pre-notice of violation.

Rick – Kenny’s attorney came up with the response and we have made some changes to it.

Owen – it doesn’t take many changes until it ruins your plan.

Tom – it doesn’t make me feel good because I feel that we are being backed into a corner.

Ken – we realize that it is a working harbor, so we need to come up with a plan. We should up the fee if someone has a bigger boat than the ordinance currently allows. I don’t like someone going against the rules. It rubs me the wrong way. I will not recommend the special exception.

Mark – is there room elsewhere that the boat can go?

Abbie – if I move some boats around it might be possible. We would be looking at the middle harbor.

Mark – you need a designated space for boats 50’.

Abbie – the Harbor Committee feels the same way. Kenny made a formal request. There isn’t another mooring available. I will have to move some around.

Owen – is this a trend we should anticipate?

Ken – we need to talk about moorings in the inner harbor for 50’ boats.

Abbie – it is based on the swing tide.

Ken – we could identify a few, make it a rule and charge more money. I prefer not putting this on the Harbor Committee to make that judgement. They are not a quasi-judicial committee.

Abbie – I would have to reassign some moorings. Nobody is waiting for a place for bigger boats.
Rick – we cannot create space where we don’t have it. The attorney say that the special exception is a reasonable approach.

Ken – the Harbor Committee is not a quasi-judicial Board. We could give it to the Planning Board to decide. We will need a recommendation by September 11th.

Abbie – yes, I will get one from the Harbor Committee.

Owen – they can come in for the September 11th Board discussion. I am mostly not comfortable with the language.

Ken – we can approve it being placed on the warrant for a public hearing and cancel the article then. You can kill it now or agree to put it on.

Owen – can you work up a second opinion for us before the next meeting?

Ken I would entertain a motion.

**Owen Casas moved to approve the proposed warrant Article 5 for inclusion on the November 7, 2017 special Town Meeting Warrant, which wording could be changed at the Monday, September 11th Public Hearing. Tom Gray seconded the motion. VOTE: 4 FOR – 1 OPPOSED (Doug Cole)**

i. Vote to hold a public hearing on warrant articles for the November 7, 2017 Special Town Meeting Warrant on Monday, September 11, 2017, 7:00 p.m. Rockport Opera House Meeting Room

**Owen Casa moved to hold a public hearing on the proposed warrant articles 2-5 for the November 7, 2017 Special Town Meeting Warrant on Monday, September 11, 2017, 7:00 p.m., Rockport Opera House. Tom Gray seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

BREAK: 9:50 – 9:55 p.m.

j. Vote to hold a public hearing and set a meeting date regarding the removal of a dangerous building at 479 Rockland Street (Map 17/Lot 79)

**Tom Gray moved to hold a public hearing and set a meeting date of Monday, September 25, 2017 regarding the removal of a dangerous building at 479 Rockland Street (Map 17/Lot 79). Doug Cole seconded the motion.**

Jamie – she has been in violation for more than two years.

Owen – we need to reassess fees for violations.

**VOTE: 5 FOR – 0 OPPOSED**
k. This item was heard earlier.

1. Appoint an Auditor for FYE June 30, 2018 and authorize the Town Manager to sign a three-year contract with an auditor

Ken – we have chosen RHR Smith & Company as our auditor for the next three years. It is a good practice to see what is out there so we went out to bid. All of the firms that applied were qualified firms.

Megan – we picked the middle bidder.

Mark – the previous firm left on good terms?

Ken – there were some issues and Megan was not happy with them.

Owen – Ken and I met with RHR and were very impressed. RHR has a policy on returning emails immediately. They are very aggressive. Their clients all have the certifications. There are also grant opportunities available if we receive our certification. Megan is working on that certification. RHR already has the portal online. The old firm did not and were not prompt at answering emails.

Mark – shouldn’t we have something done by now regarding the audit for last year?

Ken – we didn’t get the completed audit until April this year, which was well beyond the deadline of December 31st.

Owen – RHR is ready to start.

Doug – according to the MMA, the Select Board should be the one to make the decision. I would have liked to see the list of applicants and looked at them.

Owen – we talked to Camden and they spoke highly of them. They did the audit for the forensic audit of the Snow Bowl and they audit the books for Midcoast Solid Waste.

Mark – we were not given the option to sit in on the interviews or were we given any information on the bids.

Doug Cole moved to appoint RHR Smith & Company as the Town’s Auditor for the fiscal year ending June 30, 2017 and authorize the Town Manager to sign a three-year contract. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

m. Discussion and Approval of 2017-2018 Goals
The Board discussed the goals that they had talked about in a workshop. There are three goals that were given a top priority status and six that were given a very worthy status. The top three are the Library, Comprehensive Plan and the Capital Improvement Plan.

Doug – let them happen.

Owen – we decided the let the Route 1 sewer expansion be deferred because of all the other stuff we have to do.

Rick – that is a three to five year plan, so we have time.

See list.

n. This item was discussed previously in the agenda

o. Review and approval of the Restricting Vehicle Weight on Posted Ways Ordinance

Mike – there was a plan in 1974 according to Linda, Town Clerk and it was never adopted.

**Doug Cole moved to approve the Restricting Vehicle Weight on Posted Ways. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

p. Consider appointing a representative from the Select Board to serve on the MSAD 28 Middle School Building Committee

Owen – I would be happy to serve on the committee

Tom – I would strongly say no to serving on this committee as it will put me in a difficult situation.

**Doug Cole moved to appoint Owen Casas from the Select Board to serve on the MSAD 28 Middle School Building Committee. Tom Gray seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

q. Appoint a representative to serve on the board of the Mid-Coast Regional Planning Commission

Owen Casas moved to appoint Jamie Francomano from the Select Board to serve on the board of the Mid-Coast Regional Planning Commission. Mark Kelley seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

r. MMA Annual Election – Vice President and Executive Committee Members

**Dog Cole moved to approve all members on the voting ballot for the Maine Municipal Association. Tom Gray seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

VII. WASTEWATER COMMISSIONERS
At 10:27 p.m., Owen Casas moved to leave as Select Board and enter as Wastewater Commissioners. Mark Kelley seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

a. July commitment of Sewer User/Debt Fees for the period of May 2017
   
   Tom Gray moved to commit the Sewer User/Debt Fees for the period of May 2017 totaling $26,284.83 to the Treasurer for collection. Owen Casas seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

b. August commitment of Sewer User/Debt Fees for the period of June 2017

   Tom Gray moved to commit the Sewer User/Debt Fees for the period of June 2017 totaling $94,605.18 to the Treasurer for collection. Owen Casas seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

   Owen Casas moved to exit as Wastewater Commissioners and to go back into session as Select Board. Tom Gray seconded the motion. **VOTE: 4 FOR 0 – OPPOSED**

VIII. LIAISON REPORTS

Doug – I attended the Harbor Committee meeting and it was contentious about the boat. Overall the members are negative about changing the ordinance. They are looking for the path of least resistance and want to get it behind them.

Owen – Pathways are building a path from Erickson Field all the way to Beech Hill Street. The Recreation Committee is trying to figure how it works with the youth leagues and the Town. Rick and Mike have discussed the irrigation going on in the field in preparation for the soccer season. We will need to do something about the tennis court at some point. The weeds along the edges have been burnt.

Owen and Doug discussed the importance of having minutes from the various committees available on a timely basis.

Mark – I will see David Jackson tomorrow about the Harbor and placement of benches. The Ambulance Review Committee will need in the future and I missed the CIP meeting.

Tom – I have nothing to report.

Ken – the ZBA elected George Benson as the new chair. They approved a variance for a boat shop at the Corner of Union and Grove Street. It will now go for a site plan review with the Planning Board.

Doug – again, we need minutes available in an easy access form.

IX. EXECUTIVE SESSION – None this month

X. ADJOURNMENT
Owen Casas moved to adjourn the meeting at 10:40 p.m. Doug Cole seconded the motion. 
\textbf{VOTE: 5 FOR – 0 OPPOSED}

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY