

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, SEPTEMBER 13, 2010  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-Chair Tracy Lee Murphy, Dale Landrith, Jr., Thomas Farley and Alexandra (Sani) Fogel. Also present: Robert Peabody, Jr., Town Manager, Department Heads: Tom Ford, Director of Community Development & Planning, Mark Kelley, Chief of Police, Virginia Lindsey, Finance Director, Stephen Beveridge, Public Works Director and Abbie Leonard, Harbor Master and members of the public

I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7: 03 P.M.

a. Approval of the minutes of the Monday, April 12, 2010 meeting of the Select Board

**Sani Fogel moved to accept as presented the minutes of the April 12, 2010 meeting. Dale Landrith, Jr. seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (TRACY MURPHY)**

b. Approval of the minutes of the Tuesday, April 27, 2010 meeting of the Select Board

**Sani Fogel moved to accept as presented the minutes of the April 27, 2010 meeting. Dale Landrith, Jr. seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (TRACY MURPHY)**

c. Approval of the minutes of the Monday, August 9, 2010 meeting of the Select Board

**Dale Landrith, Jr. moved to accept the minutes of the August 9, 2010 meeting with a correction to I.f. (should be Vote: 3 FOR – 2 OPPOSED). Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

d. Next Regular Select Board Meeting on Tuesday, October 12, 2010

e. Upcoming Select Board Workshops:

f. Announcements

g. School Meeting Announcements

h. Committee Vacancies

**MINUTES SEPTEMBER 13, 2010**

- i. Public Comment
- II. AGENDA CHANGES
- III. TOWN MANAGER'S REPORT
- IV. LIAISONS' REPORTS
- V. UNFINISHED BUSINESS
  - a. No Unfinished Business
- VI. WASTEWATER COMMISSIONERS

**Sani Fogel moved to exit as Select Board and enter as Wastewater Commissioners. Tom Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- a. Commitment of Commercial Sewer User Rates for the period of June and July 2010

**Thomas Farley moved to commit the June 2010 Sewer User Rates totaling \$103,568.26 (pages 1 through 10) and July 2010 Sewer User Rates, totaling \$36,899.11 to the Treasurer for collection. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR –0 OPPOSED**

**Dale Landrith, Jr. moved to exit as Wastewater Commissioners and reenter as the Select Board. Tracy Murphy seconded the motion. VOTE: 5 FOR –0 OPPOSED**

- VII. Public Hearing
  - a. No Public Hearing
- VIII. NEW BUSINESS
  - a. Rockport Elementary School East Voting and Discussion Items
    - Vote to reappoint Steve Corson to the RES East Ad Hoc Committee

**Thomas Farley moved to appoint Steve Corson to the RES East Ad Hoc**

**MINUTES SEPTEMBER 13, 2010**

**Committee. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- Discussion of expanding RES East Ad Hoc Committee to twelve members – application for committee service from Dyke Messler

**Dale Landrith, Jr. moved to expand the RES East Ad Hoc Committee to thirteen members including the Select Board representative who is a voting member. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Sani Fogel moved to appoint Dyke Messler to the RES East Ad Hoc Committee. Tom Farley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- Discussion of the recent meetings regarding the proposal of Yachting Solutions for the RES East
- Discussion of Request for Proposals re: RES Property Valuation
- Discussion of Request for Proposals re: requesting Bids for Sale of the RES Property

b. Discussion and approval of the Harbor Winter Storage Fees

**Sani Fogel moved to revise the July 1, 2010 to June 20, 2011 Marine Park/Harbor Fee Schedule for Winter Boat Storage to read \$1.00 per square foot. Tracy Murphy seconded the motion. VOTE: 5 - FOR – 0 OPPOSED**

c. Tax Anticipation Bid Award

**Sani Fogel moved that the Select Board of the Town of Rockport hereby rejects all bids for its borrowing in anticipation of tax receipts for the 2011 fiscal year that would require a deposit relationship with the bidder and hereby authorizes a borrowing in the original principal amount not to exceed Eight Hundred Fifty Thousand Dollars (\$850,000) in anticipation of tax receipts for the 2011 fiscal year from Bar Harbor Bank & Trust on behalf of the Town with interest thereon at 1.99% per annum. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Sani Fogel moved that under and pursuant to the provisions of Title 30-A M.R.S. Section 5771, the Chair of the Select Board and the Treasurer of the**

MINUTES SEPTEMBER 13, 2010

Town be and they are hereby authorized to borrow in anticipation of tax receipts from Bar Harbor Bank & Trust in the name of the Town of Rockport the sum of up to Eight Hundred Fifty Thousand Dollars (\$850,000) at the interest rate of 1.99%; and that the Chair of the Select Board and the Treasurer be and they are hereby authorized to issue general obligation securities of the Town of Rockport in an aggregate principal amount not to exceed Eight Hundred Fifty Thousand Dollars (\$850,000) and to execute and deliver a note or notes under the seal of the Town attested by the Town Clerk, dated on or about September 20, 2010 in such form as the Chair of the Select Board and Treasurer may approve; and that the appropriate officials of the Town be and hereby are authorized to execute and deliver on behalf of the Town such documents and certificates as may be required in connection with such borrowing; and that no part of the proceeds of said borrowing shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the notes to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the notes be designated as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of said Code; and that the Chair of the Select Board and the Treasurer be and they are hereby 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 notes, to take all other lawful actions necessary to ensure the interest on the notes will be excluded from gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the notes to become includable in the gross income of the owners thereof. Tracy Murphy seconded the motion. **VOTE: 5 FOR – 0 OPPOSED**

d. Discussion and approval of the Wind Energy Committee being formed by the Town of Camden - No action was taken

e. Discussion and approval of the revisions to the Municipal Purchasing Policy

**Dale Landrith, Jr. moved to table this item to the November meeting. Tracy Murphy seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

f. Prioritization of Select Board Goals - Discussion

g. Other New Business - None

IX. Executive Session

**MINUTES SEPTEMBER 13, 2010**

a. Discussion regarding the Public Works Department Union Negotiations pursuant to 1 M.R.S.A. Section 406(6) (D)

**At 10:20 p.m., Tracy Murphy moved to go into executive session regarding the Public Works Department Union Negotiations pursuant to 1 M.R.S.A. Section 406(6) (D) Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Tracy Murphy moved to come out of Executive Session at 11:29 p.m. Dale Landrith, Jr. seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

X ADJOURNMENT

**Tracy Murphy moved to adjourn the meeting at 11:30 p.m. Dale Landrith seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY