

**SELECT BOARD  
MEETING MINUTES  
MONDAY JANUARY 23, 2017  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair, William Chapman, Vice-Chair Kenneth McKinley, Geoffrey Parker, Owen Casas and Brendan Riordan. Also present: Richard C. Bates, Jr., Town Manager; Helen Shaw, Cemetery Committee and members of the public.

I. CALL MEETING TO ORDER – William Chapman, Chair called the meeting to order at 7:05 P.M.

II. PUBLIC HEARING – None this meeting

III. MINUTES, MEETINGS AND ANNOUNCEMENTS

a. Approval of the minutes of the:

- Monday, November 9, 2015, meeting of the Select Board
- Monday, May 9, 2016, meeting of the Select Board
- Monday, August 22, 2016, meeting of the Select Board
- Thursday, December 8, 2016, special meeting of the Select Board

**Geoffrey Parker moved to approve the Thursday, December 8, 2016, special meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN)**

- Monday, January 9, 2017, meeting of the Select Board

**Geoffrey Parker moved to approve the minutes of the Monday, January 9, 2017 meeting of the Select Board with a correction on page 4, bottom of the page “Geoff – a revocable license is a bad idea.” and on page 9, the first paragraph last sentence should be deleted and should add “With the short timeline frame, the 1 Limerock Street makes more sense.” Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

b. Announcements of upcoming regular Select Board meetings:

Regular Select Board Meeting on Monday, February 13, 2017, 7:00 p.m., Rockport Opera House Meeting Room, to be streamed at <http://livestream.com/Rockportmaine>

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Regular Select Board Meeting on Monday, February 27, 2017, 7:00 p.m., Rockport Opera House Meeting Room, to be streamed at <http://livestream.com/Rockportmaine>

b. Announcements of upcoming Select Board workshop(s): (See agenda)

Geoff – asked who should be invited to the Special Library Workshop and who lines them up? Is it Geoff and Brendan?

Bill – I think that it would be up to you.

Ken – you should start with the list. I will call some people for you if you want me to.

Owen – I will call the one person that I had suggested.

The Board discussed how to better inform our citizens of the process.

Bill – suggested having the new director of the Mid Coast Regional Planning Council and some planners. “You should include Ann Krieg and Jamie.”

Ken – if you need any help reach out to us and we will help you line up any speakers.

Brendan – in the interest of giving people the best heads up on the meetings, how do we do that? We should be talking to people who don’t have a bias.

The Board discussed a draft agenda and doing a press release and notice on the library and Town’s websites.

Bill – we should have sent post cards to the residents.

Geoff – we need to have a press release and get some editorial coverage.

Bill – it will need to be done soon. We don’t have much time.

The Board decided on contacting Village Soup and Pen Bay Pilot to get them to post an article for us.

d. Announcements: (See agenda)

e. Committee Openings: - See Agenda

f. Agenda Changes – None this meeting

g. Public Comment – None this meeting

IV. TOWN MANAGER UPDATE

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Rick – the School Board has decided to have a ballot in June regarding the Middle School. Megan and I have been working on the budget and the numbers are not as bad as we first thought. We have cut it by \$500,000.

Linda – I am pleased to report that we now are accepting credit cards. It is going very well. We have processed a few credit card payments in the past week.

The Board was very happy to hear that this had been implemented.

V. UNFINISHED BUSINESS – None this meeting

VI. NEW BUSINESS

a. Acknowledgement of Gifts to the Town

- Cascade Foundation in the amount of \$20,000 Donation for the Town Office Vestibule
- Cascade Foundation in the amount of \$30,000 to purchase new fire jackets, pants and boots for the Rockport Fire Department

**Kenneth McKinley moved to accept the generous donations listed and to send letters of thanks to the Cascade Foundation. Brendan Riordan seconded the motion.**

**VOTE: 5 FOR – 0 OPPOSED**

Rick – this gives the Fire Department a second set of gear to use if the first one gets dirty and needs to be dry cleaned before using again.

Owen – “can it be a big card we send them?”

Rick – the Fire Department does something very nice for them when they give them a donation.

b. Committee Resignation(s): None this meeting

c. Committee Application(s) – None this meeting

d. Request by Ashwood Waldorf School for a reduction in Opera House rental fee

Lesley Finlayson – we have a budget of \$500 for a production. Last year you gave us reduction of rental fees and we are requesting your approval again. We will try to do a better job getting the necessary funding. We are requesting two fewer days this year.

Geoff – we have given them a rebate twice. Maybe we could get a little history from Terri.

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Lesley – this year we are doing a more difficult production.

Terri – I concur with Lesley. The extra \$150 for more rehearsal time means having the building is open a little longer. I am comfortable with more rehearsal time. My concern is with this being an ongoing request.

Geoff – they are a non-profit. Of the \$1089 cost, they are asking for a reduction of \$389 off the contract price. They have asked for more time to rehearse.

Terri – it will only take a little extra time as staff will have to unlock the building and then lock up when they are done. It will also take a little extra heat and lighting.

Owen – I just want to make sure that the Town doesn't lose money on it. I will be happy as long as we make a breakeven point.

Terri – feels that the Opera House will not lose any money. The fee should cover the cost of staff time, heat and lighting.

Rick – we are not making any money, but are covering our costs. The \$700 covers it.

**Kenneth McKinley moved to approve the request by the Ashwood Waldorf School for a reduction of fees of \$239.00, thereby reducing the rental fee from \$939 to \$700, for use of the Opera House, February 15-17, 2017 as outlined in the Opera House Rental Agreement. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Lesley – I want to thank you and to express the school's gratitude. We do have a responsibility to be more responsible and to work on getting the funding for a production next year. We use the productions as our fund raiser.

e. Cemetery Committee presentation

Linda – the Cemetery Committee met last week. You had asked that the Committee review the prices that the lots are currently being sold for. We did a comparison with Lincolnville, Rockland and Camden and found that we are very close to the price that they are currently charging. The Committee recommends that we leave the price of the lots to what they are now. (See attached comparison.)

Rick, the Lawrences, Bob Williams (Brooks Monuments) and I met and discussed the possible burial grounds for four children that were reported to be buried at 27 Amsbury Street. Bob Williams informed us that it was reported to him that a psychic had said that they were buried on that property. There is no proof where they are buried. The children were Mary Amsbury (10 months old), Lizzie (11 months old), Willie (4 years old), and Marian (11 months old) Packard. They died in the 1850's. He also told us that the stones were first removed from the storage building at Amsbury Cemetery. After he had repaired the stones, he took them back to the property where Beth Berry had said the

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children were buried. The owner of the property refused to have the stones set on the property. He then took the two stones back to his business on Route 90 and they have been there ever since. He would be very happy to have them placed in the Amsbury Cemetery.

The Committee is recommending to the Select Board that the stones be placed on a piece of town owned land near the storage building (dead house) and that a plaque be placed explaining the placement of the two stones.

The Committee has established a subcommittee of five to research the cost of columbarium(s) at the Sea View Cemetery in the Cremation Section. It will consist of Julie Clement, Ken McKinley, Elizabeth Berry, David Farley and myself. We will have a site walk at the cemetery and David will show us where he feels the best location for this project should be. He is willing to give us an estimate on the site work that will need to be done before placing the columbarium(s).

Until we have provided more space for burials we are asking for an extension of twelve months (January 23, 2018) to sell lots to Rockport residents only.

The Board discussed the children's burials and stones. It was agreed that there isn't any way of knowing where they are buried. Ken explained that there should be an explanatory plaque where the stones are placed. Rick offered to have a sketch of the area where they would be set.

**Geoffrey Parker moved that the Board grant the Cemetery Sexton to cause to be placed these stones and a plaque in an appropriate place at Amsbury Cemetery. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPOSED**

f. Renewal of moratorium on sale of lots at Sea View Cemetery

**Kenneth McKinley moved to approve the moratorium of sale of lots at Sea View Cemetery to Rockport residents only until January 23, 2018. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPOSED**

g. Discussion regarding endorsing the Coastal Mountain Land Trust Round The Mountain effort

**Owen Casas moved to endorse the work being done by the Coastal Mountains Land Trust and others on the Round the Mountain Campaign and to send in the attached letter of support from the Board. Kenneth McKinley seconded the motion. VOTE: 5 – FOR – 0 OPOSED**

Owen – I would like to wish them well.

Ken – they are doing terrific work.

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Bill – it allows our name to be used.

h. Approval of the Maine Municipal Association Legal Contact List

Geoff – suggest that the last three on the list to be struck. They should go through the Town Manager.

Ken – we should have the Town Manager, Finance Director, Assessor, CEO/LPI, Planner and Town Clerk on the list. I don't think that it is being abused, but agreed that the others should go through the Town Manager.

The Board had more discussion on this item.

**Owen Casas moved to authorize the list as presented and to send the letter in your packet to Maine Municipal Association reflecting the positions in the list as well as allowing the Town Manger to make revisions in the list as needed. Geoffrey Parker seconded the motion.**

**Owen Casas moved to amend the list to strike everyone listed after the Assessor (See list). Geoffrey Parker seconded the amendment. VOTE: 5 FOR – 0 OPPOSED**

Bill – I will call for the vote on the amended motion.

**VOTE: 5 FOR – 0 OPPOSED**

**Geoffrey Parker moved to allow the chair of the Board to sign the letter if MMA requests it. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

i. Quitclaim Deeds from the municipal of the Town of Rockport to Eswar Priyadarshan for Samoset Timeshare at T03 A7 034 and To3 B3 027 for the tax years 2011, 2012, 2013, 2014, 2015 and 2016

The Board asked about the process when a property is foreclosed on and why this went on since 2011.

Linda – explained the process when a timeshare has been foreclosed on and that the Samoset is given the authority to sell the timeshare to recoup any unpaid maintenance fees and unpaid taxes. In this particular case the owner of the two units were paying the annual maintenance fee. They had not changed their mailing address and trusted that someone at the old address would forward them the bills. This did not happen. A couple of months ago, they sent us a tax payment for the 2016 real estate taxes. I responded back to them and explained the situation and they agreed to pay all of the back taxes as they didn't want to lose their timeshares.

**Kenneth McKinley moved to approve the Quitclaim Deeds from the Municipality of the Town of Rockport to Eswar Priyadarshan for Samoset Timeshare at T03 A7 034**

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**and T03 B3 027. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

j. Changing the job title from Interim Police Chief to Police Chief

This request is based on our joint meeting with the Camden Select Board.

Owen – we need a robust discussion on what we want for our Police Department. It needs to be more in depth and should happen later.

Rick - it was discussed that we should go for a three-year agreement.

Geoff – conceptionally need to have a discussion on this.

Bill – do need to decide what we want our department to look like.

Rick – the three-year agreement is structured so that we can opt out at any time.

There was a discussion whether or not this is a merger.

Rick – it is a very liberal opt out. There won't be any financial penalties.

**Owen Casas moved to change the title of Randy Gagne from Interim Police Chief to Police Chief effective immediately. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

k. Approve the notice regarding commercial or retail marijuana establishments and social clubs

Bill – this has come about from our Town Attorney that we should take no applications at this time.

Owen – I am on the Legal Affairs Committee and we are meeting tomorrow if possible. The plan is to add a 3-month moratorium to the nearly nine months that it will take to come up with rules and regulations governing such establishments.

Rick – there is no need for anyone to get into the queue to apply for this. Town Counsel has recommended that this can be done internally as an administrative change.

Geoff – why penalize an early bird? This would be counter intuitive. I am personally unconvinced that this is a position we should take.

Ken – in terms of the ORC, is there any value to have them examine this without any applications on the table?

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Brendan – we asked you a couple of weeks ago, and you said that the ORC already had a full plate.

Ken – we are and we will not look at it until summer.

Geoff – this Board needs to take the publics’ input. We should allow them to give us their interest.

Brendan – if we enact the notice, we would be giving a signal that we are not supportive of the business. Do you want it that way?

Geoff – only one business in town is interested and will put it elsewhere if we approve this notice.

Brendan – I am not indicating a support for this.

Rick – other towns are doing this. What if the government works quicker and we don’t have something in place? If you are comfortable, you have plenty of time.

Owen – nothing will happen until 2018.

Geoff – we should frame it and not the ORC. We need to make the decision.

Owen – resale will not happen for nine months plus a three-month extension. Personal use will happen at the end of January.

Ken – “Unless the state rules are really strict about a lot of things pertaining to marijuana, I will not support a marijuana business in Rockport.”

Owen – it has been talked about where someone can smoke it and changed that after checking one’s ID, it cannot be sold to minors. This will go into effect January 30<sup>th</sup>.

Bill – the ORC has set their fall agenda and it needs to be completed in July. We should hold a meeting to find out what the public wants and then give it to the ORC.

Brendan – I have concerns. This Board has problems knowing which way the wind blows. The ORC can do this and they do give us valuable guidance.

Ken – they should look at the land use ordinance and recommend whether it should be for limited use or whatever. We need to frame the question. Rules will make a difference in where and how severe penalties are to anyone who gives marijuana to minors.

No motion was needed at this time.

1. Finalizing the Toboggan Challenge team: name, riders, practice session



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The event will be on February 11<sup>th</sup> and 12<sup>th</sup>.

Bill – we will race on Saturday the 11<sup>th</sup>. I’ve sent an email to John French and Leonard Lookner asking, “do you want us all to ride on the bus out together like last year?” “We will need to sign a waiver. What about an entry form?”

It was decided that the paperwork is done that day.

What name should we use? It was asked if they wanted to use the same as last year.

Heaven – you should use “We will Rock you!”

The Board liked that suggestion. They discussed getting hooded sweatshirts. They will use helmets, but did not decide any decorations. Heaven offered to paint the wording on the shirts for them.

It is a four-person event. Who wants to be on the team?

Owen – yes; Geoff – yes; Ken – yes; Brendan – “I would love to be left out!” Bill – yes. Rick can be our backup person in case someone can’t make it.

They need helmets. They will have a planning meeting at 6:30 p.m. on February 1<sup>st</sup>.

Geoff – left the room

VII. WASTEWATER COMMISSIONERS

**Brendan Riordan moved to exit as Select Board and enter as Wastewater Commissioners. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

a. Commitment of Commercial Sewer User Rates for the period of November 2016

**Owen Casas moved to commit the November 2016 Wastewater User/Debt Fees totaling \$26, 416.96 to the Treasurer for collection. Kenneth McKinley seconded the motion. VOTE: 4 FOR –0 OPPOSED**

**Brendan Riordan moved to exit as Wastewater Commissioners and to reenter as the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR –0 OPPOSED**

Geoff – came back to the room.

VIII. LIAISONS’ REPORTS

Brendan – missed 2 meetings so has nothing to report.

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Owen – the Recreation Committee met and started on their bylaws framework. You all probably have a better idea on what is happening on the Pathways Committee than I do. Camden will have a tougher road with the Route 1 pathway as we have already set aside some funds. The legion is doing good. If you need a rental, they are renting their facility.

Bill – the Library Committee met earlier today. The discussion was about next Monday's meeting. They have found how to cut 1,000 square feet from the building. It will have minimal impact on the programs. They will come up with some numbers for the cost. They are recommending a one-story building which will save space as they won't need stairs or an elevator. Usage is up significantly for October, November and December. Jane Lafleur will be at the February 7<sup>th</sup> meeting. Jamie will also be at that meeting.

Brendan – we are grownups. We don't need raised voices and swearing.

Bill – the Glovers need their building to expand their business. The Friends of the Library will need to find space for storing and sorting the book after their book sale in July. Midcoast Solid Waste will meet Wednesday at 7:00 p.m. at the Camden Town Office. The Board will be meeting on the 4<sup>th</sup> Wednesday of the month through July. They are looking at a redesign of the facility. The four towns can't afford to change it around. We could all give back the money we receive from PERC in 2018 if we all agree. The Investment Committee will meet next week.

Ken – you heard from the Cemetery Committee tonight. I am pleased that they are making progress and will be getting some numbers together for the cost of columbarium(s). The Ambulance Review Committee has not met, but they should set up a meeting as they have a new commander. The ORC has been meeting on the hotel issue. It is pretty well ready. Rooms in that zone will be limited to 40 maximum. They are also discussing a mini storage building.

Geoff – the Zoning Board did not meet. I missed the Planning Board meeting and they will have another meeting soon. The Opera House Committee met on the 13<sup>th</sup>. We are planning a celebration for the 125<sup>th</sup> anniversary. We are commissioning an opera to show at the Opera House. It will be a daylong celebration and not a week long one. The date was in March or April of 1882. The chair is working on getting the exterior lighting replaced. We are still talking about the air conditioning. It will cost \$100,000 to \$150,000. We can save \$50,000 if the duct work doesn't need to be replaced. No complaints in the summer that it is too hot just too cold.

Owen – is this a historic building?

There isn't a plaque on the building displaying that it is.

IX. EXECUTIVE SESSION – none this meeting.

X ADJOURNMENT

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**Kenneth McKinley moved to adjourn the meeting at 9:15 P.M. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK AS RECORDING SECRETARY