

**- PUBLIC MEETING -**  
**Rockport Select Board**  
Monday, February 14, 2022  
ZOOM - 6:00 p.m.

Streamed at <https://livestream.com/Rockportmaine>

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**AGENDA**

**I. Call Meeting to Order**

**II. Town Manager's Report/Update**

**III. Public Input on Non-agenda Items**

**IV. Amendments to the Agenda**

**V. Consent Agenda**

- a. General Assistance Donation
- b. Committee Resignation(s):
  - Kurt Penney – Comprehensive Plan
- c. Meeting Minute(s):
  - June 9, 2021 Organizational Meeting
  - January 10, 2022

**VI. Action Items**

- a. Act on Opera House Fee Schedule
- b. Act on Park Bench Policy
- c. Act on Accepting a Gift – Sally Cook
- d. Act on Parking Task Force Mission – Orion (tabled from last meeting)
- e. Act on Committee Bylaws
  - Ordinance Review Committee
  - ZBA

**VII. Discussion Items**

- a. None

**VIII. Select Board Liaison Reports**

**IX. Adjourn**

**Future Meetings, Office Closures, Etc.**

Wednesday, February 16, 2022 – Budget Overview Workshop – ROHA in person  
Monday, February 21, 2022 – Town Office Closed – Washington's Birthday/President's Day  
Tuesday, February 22, 2022 - Budget Review Meeting - HYBRID  
Thursday, February 24, 2022 – Budget Review Meeting - HYBRID  
Tuesday, March 3, 2022 – Budget Review Meeting - HYBRID  
Monday, March 7, 2022 – Candidate Nomination Papers Available – Due back April 15th

Monday, March 7, 2022 – Select Board Budget Workshop – Consensus Vote  
Wednesday, March 9, 2022 - Select Board Budget Workshop (if needed)  
Monday, March 14, 2022 – Regular Select Board Meeting  
Tuesday, March 15, 2022 – Budget Committee Meeting  
Monday, March 21, 2022 – Select Board Budget Workshop  
Thursday, March 24, 2022 – Budget Committee Meeting



## Town of Rockport, Maine

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### Town Manager's Office

Town Office  
101 Main Street  
Rockport, Maine 04856  
Telephone: 207-236-0806 x3  
Fax: 207-230-0112

### Jonathan Duke, Town Manager

Email: [jduke@rockportmaine.gov](mailto:jduke@rockportmaine.gov)

### Diane Hamilton, Executive Assistant and General Assistance Administrator

Email: [dhamilton@rockportmaine.gov](mailto:dhamilton@rockportmaine.gov)

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## Town Manager's Report & Update February 14, 2022

### Town Office:

We have begun to test out our new CivicReady program which will allow residents to sign up to receive alerts and notices from the Town. This service is only meant for information of an emergency or newsworthy basis, though those who sign up will have the opportunity to select which types of alerts they agree to receive. The contact information collected can only be used for the Town's needs and will not be shared to outside users or commercial interests. We will have an additional training session next week for town departments who will work with this system. Finally, we will make a large public push to get as many residents as possible to sign up. The old days of going to the phone book to contact a resident are long gone, so without services such as these it can be next to impossible to communicate with our residents.

### Finance:

Obviously, the largest area of focus in the last month has been preparations for the FY 2023 municipal budget, which will be unveiled on Wednesday evening. It should be no surprise that this budget will be a significant challenge even without new programs or policies for town government.

Last week the field work was completed on the FY 2021 audit. Auditor Peter Hall is expecting to have the audit in hand to us in March, which should put us back on a normal cycle of seeing our audits wrapped up in the fall following a June 30<sup>th</sup> year end.

### Public Works:

Public works has been a beehive of activity as the weather pattern has become filled with snow and ice on a regular basis. This past weekend coupled a significant icing event on Friday that had our crews out continuously from early Friday morning through Saturday afternoon. Then coupled that with a Monday into Tuesday refreezing/freezing rain event, followed by rain and water in the roadway thanks to snow filled ditch lines. Who does not love February in Maine?

Maine DOT's plans for a new bridge continue to move forward and a group of citizens have gotten a jumpstart on this process to begin brainstorming their hopes for the new bridge. The Select Board will need to create a Bridge Advisory Committee this spring to assist in the development of the bridge project.

**General Assistance Annual Review:**

Annual General Assistance Review was completed on Wednesday January 20<sup>th</sup> and the Town is in compliance with all the General Assistance Statues and the Department of Health and Human Services' General Assistance Policy.

**Harbor:**

Prock Marine completed their construction of the new pier at the harbor early last week. The storm last week caused some changes to the completion schedule, but Prock and their barge returned to install a handful of new pilings to assist with expanding our dock space.

Mooring renewal notices are in the mail so that is a great sign that spring is on its way.

**Library:**

The second of our significant winter storms in the last few weeks created a great deal of icing concerns around the building that limited access during the day on Saturday and early Monday morning. Many thanks to our Public Works department who worked diligently to remove an incredible buildup of ice.

**Opera House:**

Work is underway at the Opera House to improve our ability to broadcast meetings. Our Buildings and Grounds Supervisor, Glen Adolphsen, has been constructing a new space for our broadcast equipment in the Parker Meeting Room, and work will continue through our budget meetings next month. In the meantime, the new broadcast equipment will be utilized upstairs in the auditorium to provide the capability to stream and engage with individuals who are joining the meeting remotely. These "hybrid" meetings will kick off on Tuesday, February 22<sup>nd</sup>.

**Planning:**

The RES Survey remains front of mind as we continue to request more residents to participate. At last look, we received less than two hundred responses which is far fewer than what we need to suggest we have a reasonable read on the sentiment of the entire community. Individuals can visit [surveymonkey.com/r/RESsite](https://surveymonkey.com/r/RESsite) to fill out the survey.

We will soon circulate the advertisement for the administrative assistant position to support our code enforcement officer and planner. There are some alterations to this position included in the FY 23 budget, but the needs of this position and the forthcoming busy construction season force us to move forward. Additionally, this position will be tasked to begin our implementation of our new software, Gov Pilot, which will manage our permit workflow and integrate with a number of town departments.

The Planning Board approved findings of fact on the 20 Central hotel project relating to the court's remand of the decision from December. Code Enforcement Officer Scott Bickford will review the results from a traffic study initiated by this process later this spring.

The Ordinance Review Committee completed their work plan efforts for the June ballot. Now the Planning Board will take up these efforts prior to placement on a ballot.

**Assessing:**

Due to illness, our letters to property owners have been delayed which inform those property owners of forthcoming changes to the town's assessed value. However, meetings are still scheduled to occur in the month of March so please be patient as we work through these adjustments.

**Recreation:**

In yet another sign spring is coming, Five Town Little League has begun to set dates and times for its use of the Marge Jones Fields.

**Safety:**

The Town's inspection by the Bureau of Labor for inclusion in the SHAPE program is set for February 24<sup>th</sup>. The SHAPE program is the highest level of worker safety available in Maine and allows for reduced rates for worker's compensation and liability insurance.

**In lieu of Taxes:**

Many thanks to the Center for Furniture Craftsmanship which made a donation of \$6,000 in lieu of taxes.

**Legislative Concerns:**

**LD1772:** Is a bill which affords local leaders greater flexibility in determining when it is in the best interest of municipal boards and councils to meet remotely. The bill repeals from existing statute the list of reasons authoring the use of remote meetings, and instead leaves the determination of the reasons to municipalities. Given the mess from which the Legislature left us with our Remote Participation Policy, one can hope they finally get it right with this bill.

**LD 1874:** I testified in favor of this bill by Representative Seth Berry which requires utilities to provide a 90-day period following a disconnection notice to disconnect power at critical municipal facilities like public works garages or fire stations. With Governor Mills recently announcing her own bill to alter how CMP and Versant are regulated, it will be interesting to see if this proposal is folded into the Governor's bill.

**Toboggan Races:**

31<sup>st</sup> Annual U.S. National Toboggan Championships are on Saturday, February 12, and the Rockport Select Board will compete against the Camden Select Board.

## Consent Agenda

- a. **General Assistance Donation**
- b. **Committee Resignation(s)**
  - Kurt Penney – Comprehensive Plan
- c. **Meeting Minutes**
  - June 9, 2021 – Organizational Meeting
  - January 10, 2022

***Suggested Motion:***

***I move the Board approve the Consent Agenda as presented.***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

**ROCKPORT SELECT BOARD ORGANIZATIONAL AND  
REGULAR MEETING MINUTES  
WEDNESDAY, JUNE 9, 2021, 5:30 P.M.  
ROCKPORT OPERA HOUSE  
GEOFFREY PARKER MEETING ROOM  
Streamed at <http://livestream.com/Rockportmaine>.**

Present: Mark Kelley, Denise Munger, Delores Michelle Hannan, Eric Boucher and John Strand.  
Also Present: Kerry Leichtman, Interim Town Manager; Linda M. Greenlaw, Town Clerk; Diane Hamilton, Executive Assistant; Megan Bracket, Finance Director, public (includes soon to be Town Manager) and Cameraman

Elected Select Board Members (June 8th), Eric Boucher and John Strand were sworn in by Town Clerk, Linda M. Greenlaw prior to the meeting.

I. CALL MEETING TO ORDER BY TOWN CLERK

Linda M. Greenlaw, Town Clerk, called the meeting to order at 5:30 p.m.

II. ELECT A CHAIR

Town Clerk Greenlaw entertained a motion for nominations for a chair.

**Board Member Kelley moved to nominate Michelle Hannan as chair of the Select Board for the upcoming year 2021-2022. Board Member Hannan seconded the motion.**

Town Clerk Greenlaw– discussion, hearing none, I will call for the vote.

**VOTE ON MOTION: 5 FOR – 0 OPPOSED (ROLL CALL)**

III. ELECT A VICE CHAIR

Town Clerk Greenlaw entertained a motion for nominations for a vice chair.

**Chair Hannan moved to nominate Mark Kelley as Vice-Chair of the Select Board. Board Member Kelley seconded the motion.**

Town Clerk Greenlaw– discussion, hearing none, I will call for the vote.

**VOTE ON MOTION: 5 FOR – 0 OPPOSED (ROLL CALL)**

Town Clerk Greenlaw turned the meeting over to the chair.

IV. ELECT AN AUTHORIZED REPRESENTATIVE AND ALTERNATE TO SIGN WARRANTS FOR THE EXPENDITURE OF FUNDS

**Chair Hannan moved to elect Vice Chair Kelley as the Primary authorized representative to sign warrants for the expenditure of funds and to continue with Board Member Munger as the alternate. Vice Chair Kelley seconded the motion.**

## SELECT BOARD MEETING MINUTES, JUNE 9, 2021

Vice Chair Kelley stated that he is fine with continuing with those duties. It is fun. Denise was the alternate last year.

### **VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

#### **V. DISTRIBUTION OF SELECT BOARD BYLAWS**

Chair Hannan stated that last August the bylaws were updated. You should look at the copies that have been provided for your review and we will discuss the item at our next meeting.

#### **VI. ESTABLISH TIME AND PLACE FOR REGULAR MEETINGS**

Chair Hannan stated that the meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month unless there is a holiday and then it would be on the Tuesday.

**Board Member Strand moved that the Board schedule regular meetings of the Select Board for the 2<sup>nd</sup> Monday of each month at 6:00 p.m. in the Geoffrey Parker Room at the Opera House, with the 4<sup>th</sup> Monday of each month as a second meeting date if needed. Board Member Boucher seconded the motion. VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

#### **VII. DISTRIBUTION OF THE PAST YEAR'S (2020-2021) SELECT BOARD LIAISON ASSIGNMENTS**

Chair Hannan asked the Board to go through the committee assignments to see what committees they would like to be liaison for. You will see several vacancies formerly held by Jeff and Debra. Jon will discuss his thoughts about committee assignments at the next meeting.

Vice Chair Kelley stated that several department heads are assigned to some of the committees so do not feel bad if you are the liaisons and cannot be at the meeting. He is in hopes that the department heads will be more active on some committees to relieve the Select Board Members of their workload.

Chair Hannan - the new members had just received their packets, so we should be sensitive that John and Eric have not had an opportunity to review the information. However, we have received new information from the town attorney.

Interim Town Manager Leichtman stated that they since Article 26 passed yesterday the above stated agreements will need to be authorized by having Linda Greenlaw, Town Clerk, the Chair of the Board, and the Interim Town Manager to sign the appropriate paperwork. At the end of this month there will be a very important meeting and it is important to confirm Robert Hall's appointment.

Chair Hannan agreed that there will be a very important item coming forth.

#### **VIII. ACTION ITEMS – A-C ONLY IF ARTICLE 26 PASSES ON JUNE 8<sup>TH</sup> ELECTION**

- a. Authorize the Town Clerk to sign “Authority of Town of Rockport to Enter into Agreement.”**

**Vice Chair Kelley moved that the Select Board authorize the Town Clerk to sign the Authority of Town of Rockport to enter into Agreement. Board Member Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

- b. Authorize the Select Board to sign “Midcoast Internet Development Corporation Interlocal Agreement.”**

**Vice Chair Kelley moved that the Select Board authorize the Chair to sign the Midcoast Internet Development Corporation Interlocal Agreement. Board Member Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

- c. Authorize the Interim Town Manager to sign “Midcoast Internet Development Corporations Actions Taken by Unanimous Written Consent of the Members without meeting.**

**Vice Chair Kelley moved that the Select Board authorize the Interim Town Manager to sign the Midcoast Internet Development Corporation Actions Taken by Unanimous Consent of the Member without Meeting Documents. Board Member Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

- d. Act on Board/Committee Appointments:**
- Robert Hall to Zoning Board of Appeals**

Chair Hannan stated that Robert Hall was not present at the meeting tonight, but he attended the last meeting and that they have a letter of recommendation from the Chair of that Board. So, in the interest of moving along, I would ask for a motion.

**Board Member Munger moved that the Board appoint Robert Hall to the Zoning Board of Appeals for a term ending in June 2024. Board Member Boucher seconded the motion. VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

Chair Hannan stated that she believed that covered all of the items.

She was reminded that they needed an executive session on Monday, June 14<sup>th</sup>.

After Board discussion, it was decided that they schedule an executive session at 6:00 p.m. at the Opera House, Geoffrey Parker Meeting Room and to also hear some agenda items following the executive session.

## **IX. ADJOURNMENT**

**Vice Chair Kelley moved to adjourn the meeting at 5:44 p.m. Board Member Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED (ROLL CALL)**

The meeting was adjourned at 5:44 p.m.

Respectfully submitted,  
LINDA M. GREENLAW,  
TOWN CLERK AS RECORDING SECRETARY

NAME	ATTEND
Michelle Hannan, Chair	✓
Mark Kelley, Vice-Chair	✓
Denise Munger	✓
Eric Boucher	✓
John Strand	
Jonathan Duke, Town Manager	✓
Rockport AV Staff	✓
General Public	N/A
Cynthia Kava	
Randy Gagne	✓
Megan Brackett	✓



**January 10, 2022 – 6:00 p.m.**

**ZOOM – Rockport Opera House**

## Consent Agenda

- a. Accept General Assistance Donation
- b. Accept Committee Resignation
  - Steve Smith – Ordinance Review Committee
- c. Meeting Minutes
  - May 24, 2021
  - December 13, 2021

### *Suggested Motion(s):*

*I move the Board accept the Section a of the Consent Agenda.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:35
Mark Kelley, Vice-Chair		✓		✓		
Denise Munger	✓			✓		
Eric Boucher				✓		
John Strand						

*I move the Board accept the Resignation of Steve Smith*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:37
Mark Kelley, Vice-Chair		✓		✓		
Denise Munger	✓			✓		
Eric Boucher			X			
John Strand			X			

*I move the board accept the Meeting Minutes for May 24, 2021* - Reviewed. No Quorum to vote

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						6:37
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher			X			
John Strand			X			

*I move the board accept the meeting minutes December 13th*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:38
Mark Kelley, Vice-Chair		✓		✓		
Denise Munger	✓			✓		
Eric Boucher				✓		
John Strand						

## Action Item

- a. Act on Committee Application  
➤ Cynthia Kava

### Manager's Comments: Action item

Cynthia will be attending the meeting via zoom.

### Suggested Motion:

*I move the Board accept the committee application for Cynthia Kava to the Comprehensive Plan Committee as a Citizen. There are no terms.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:39
Mark Kelley, Vice-Chair		✓		✓		
Denise Munger	✓			✓		
Eric Boucher				✓		
John Strand						

Additional Comments:


## Action Items

- b. Act on Employee Safety Mission Statement

### Manager's Comments: Action item

The Safety Mission Statement is approved by the Board Annually.

### *Suggested Motion:*

**I move the board approve the Safety Mission Statement as presented (or amended)**

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:42
Mark Kelley, Vice-Chair	✓			✓		
Denise Munger		✓		✓		
Eric Boucher				✓		
John Strand						

Additional Comments:


## Action Items

c. Act on Emergency Operations Plan for 2022

### Manager's Comments: Action item

The Emergency Operations Plan is reviewed every year. The Board will need to sign the Emergency Proclamation and Emergency Powers form, page 4.

### Suggested Motion:

*I move the Board approve the Emergency Operations Plan for 2022 as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:55 p.m.
Mark Kelley, Vice-Chair	✓			✓		
Denise Munger		✓		✓		
Eric Boucher				✓		
John Strand						

Additional Comments:

Update to remove "Winter" from Sever Winter Storm
p.5

## Action Item

d. Act on Capital Improvement Plan

### Manager's Comments: Action item

The Board will need to approve the Capital Improvement Plan that was presented and discussed at the Workshop on January 6<sup>th</sup>.

### *Suggested Motion:*

*I move the Board approved the Capital Improvement Plan as presented (or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

### Additional Comments:

No need for formal vote. Capital Improvement Plan
reflects the discussions and agreement at the January 6 <sup>th</sup> ,
2022 Workshop.

**Action Item**

- e. Act on dissolving the Investment Committee

**Manager's Comments: Action item**

Apart from finding a new home for our investments periodically, the needs of the Investment Committee on an ongoing basis are very small. The Investment Committee usually only meets once a year and only has four members because it is hard to find new members. After recently reviewing all the committees and their roles, we feel there is no need to continue with this committee currently. When we see the need to circulate an RFP from firms who wish to manage our investments, I would urge the Board to establish a task force to handle this task. Potentially, the Budget Committee could be tasked with reviewing the performance of our investments annually.

**Suggested Motion:**

*I move the Board dissolve the Investment Committee effective immediately.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		7:27
Mark Kelley, Vice-Chair				✓		
Denise Munger	✓			✓		
Eric Boucher		✓		✓		
John Strand						

**Additional Comments:**

Recommend - Quarterly / semi annual update from Fund manager. Communicate with committee members

## Action Item

f. Act on Parking Task Force Mission

### Manager's Comments: Action item

I am unsure if Orion will be able to join us Monday evening as he had a family emergency and was out of the office this week. However, remotely, he was able to share with me some of the work the committee put together including a map locating current parking which is included in this packet and maps identifying the owners of properties within the village. We may wish to wait on further decisions and delay this until February, but I wanted to ensure you have the information you had requested.

This was tabled from the last meeting.

In the mix of establishing a new committee policy for the town, the Board also set up a procedure for task forces created to handle a specified topic. The Parking Task Force is one such task force for which there has been some significant work put in to answer the concerns regarding a shortage of available parking on and around Central Street. It seems that the mission and goals of this task force may have listed a bit with Debra's departure from the Board, so it seems wise for this Select Board to place this task force (as well as the RES Task Force in the agenda item below) in line with the new committee policy.

I would also add, however, the remand to the Planning Board of the 20 Central proposed hotel project is due to directly address parking needs of that particular proposal.

### *Suggested Motion:*

*I move the Board re-establish the Parking Task Force with the mission to identify the next steps in maximizing, improving and maintaining parking in the Town of Rockport to serve the downtown/village area. The Task Force shall sunset December 31, 2022, and make a report to the Select Board prior to that date with recommendations for future action by the Select Board.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

Additional Comments:

Table for next meeting for full update from Orion.
Add the number of parking spots Rockport currently has to the map.

## Action Item

g. Act on Reserve Policy

### Manager's Comments: Action item

Finance Director Megan Brackett and I reviewed the existing policy and made some relatively minor changes. Most notably, following the Board's direction from the December meeting, we developed the proposed guidelines for the Winter Road Maintenance Reserve. Additionally, we reviewed the limits for each reserve and adjusted the amount in a few instances to only account for the higher cost of goods and services, no changes were made to alter the scope of each reserve account.

### Suggested Motion:

*I move the Board approve the Updated Reserve Policy as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		7:40
Mark Kelley, Vice-Chair	✓			✓		
Denise Munger		✓		✓		
Eric Boucher				✓		
John Strand						

Additional Comments:


## Action Item

- h. Act on Committee Bylaws
  - Board of Assessment Review

### Manager's Comments: Action item

Bylaws were modified after the adoption of the remote participation policy.

### *Suggested Motion:*

*I move the Board approve the Board of Assessment Review Bylaws as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		7:41
Mark Kelley, Vice-Chair	✓			✓		
Denise Munger		✓		✓		
Eric Boucher				✓		
John Strand						

Additional Comments:


## Executive Session

### Suggested Motion:

I move to Convene in Executive Session pursuant to 1 M.R.S. Section 405(6)(A) to discuss a Personnel Matter.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		7:49
Mark Kelley, Vice-Chair		✓		✓		
Denise Munger	✓			✓		
Eric Boucher				✓		
John Strand						

### Suggested Motion:

I move to exit the Executive Session and return back into regular meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		9:25
Mark Kelley, Vice-Chair	✓			✓		
Denise Munger		✓		✓		
Eric Boucher				✓		
John Strand						

## Adjourn

*Suggested Motion:*

*I move the Board adjourn the meeting.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		9:25
Mark Kelley, Vice-Chair				✓		
Denise Munger	✓			✓		
Eric Boucher		✓		✓		
John Strand				✓		

## Action Item

- a. Act on Opera House Fee Schedule

### Manager's Comments: Action item

Given feedback received from potential renters of the Opera House space, we are revising our fee schedule requests downward.

### *Suggested Motion:*

*I move the Board approve the Opera House Fee Schedule as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

Additional Comments:




## ROCKPORT OPERA HOUSE RENTAL FEE SCHEDULE

**AUDITORIUM** - includes green room, stage lights, basic sound system with 1 microphone, podium, staff attendant and janitorial service. Table and chair set-up not included. Separate Police Detail required.

**Events** (half day – up to 4 hours)

Renter	First 4 Hours	Each additional hour
Non-profit (Rockport-based)	\$450	\$100
Other non-profit	\$550	\$125
Private/commercial (Rockport-based)	\$700	\$150
Other private/commercial	\$1,050	\$175

**MEETING ROOM** - includes staff attendant and janitorial service, up to 3 hours

Renter	First 3 Hours	Each additional hour
Non-profit (Rockport-based)	\$240	\$50
Other non-profit	\$300	\$75
Private/commercial (Rockport-based)	\$350	\$80
Other private/commercial	\$450	\$100

**Wedding** (full day – up to 8 hours) - **full payment due at time of signing contract.** Includes Auditorium, Green Room, kitchen, staff attendant and janitorial service. Separate Police Detail required.

Renter	Fee
Rockport resident	\$1,500
Non-resident	\$2,500
Chair & table set up/breakdown	\$500
Breakdown only	\$250

### Additional Services

Service	Fee
Chair set up	\$200
Chair & table set up	\$500
Projector	\$150 each event
Breakdown only	\$100/\$250
TV Monitor	1 Monitor \$50 – 2 Monitors \$75 (each event)
Livestream (up to 4 hours)	\$150
Technical Assistance	\$300

### Payment Terms

Signed contract is required to hold date(s). Except for weddings, for which full payment is due at signing of contract, a non-refundable reservation deposit in the amount of 50% is due at signing, as well as a \$100 damage deposit. Balance is due 30 days before the event.

**PROPOSED fee schedule: February 2022**

### FOR MORE INFORMATION, CONTACT:

Nancy Albertson  
 Rockport Opera House, 6 Central St., Rockport, ME 04856  
 Telephone: (207) 542-0836  
 E-mail: [nalbertson@rockportmaine.gov](mailto:nalbertson@rockportmaine.gov)

## Action Items

- b. Act on Park Bench Policy

### Manager's Comments: Action item

The Parks and Beautification Committee worked diligently on a revised policy for the Park Bench plan they first initiated years ago. The revised effort places more control in the hand of the committee and Town in the placement of each bench.

### *Suggested Motion:*

*I move the Board approve the Park Bench Policy as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

Additional Comments:


## Town of Rockport, Maine Bench Donation Policy & Application

A donor bench program has been established by the Town of Rockport. The program offers donors the opportunity to honor an individual or family, or to simply provide a bench for community use. All donors must agree to the policy stipulations outlined below

- Location of all donated benches and the language used on donation plaques are subject to approval by the Rockport Parks and Beautification Committee.
- Donated benches are the property of the Town of Rockport and will be located and maintained according to the Rockport Parks and Beautification Committee's policies and priorities.
- Bench donations are tax deductible to the extent allowed by law.
- Bench donation terms are for ten (10) years. After that period the donated benches will be available for renewal at the cost of a new donation with the right of first refusal given to the existing donor. If the existing donor opts not to renew, the donated bench and/or plaque may be removed or rededicated at any time.
- The Rockport Parks and Beautification Committee retains the right to relocate any bench at any time, for any reason. If a bench is to be relocated, the Town will attempt to contact the donor to discuss alternate locations. The Parks and Beautification Committee will make the final determination.

\_\_\_\_\_ Please initial here when submitting a bench donation application to indicate that you have read and agree to the terms of the bench donation policy.

Note: Before filling out the application, please call the DPW administrative assistant at 207-236-6245 with questions or to discuss your donation.

To initiate a donation, benches must be paid for in full.

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Preferred Phone \_\_\_\_\_ Email \_\_\_\_\_

Inscription \_\_\_\_\_ Three lines, maximum 24 characters per line including spaces.

\_\_\_\_\_  
\_\_\_\_\_

Check to be made out to Town of Rockport and mailed with application to: Town of Rockport, 101 Main Street, Rockport, Maine 04856, Attn. New Bench Donation Application

# ROCKPORT BENCH PROGRAM



Remember your loved ones,  
celebrate your friends or  
commemorate the town  
by donating a bench  
to the parks of  
Rockport, Maine



# THE PARK BENCHES OF ROCKPORT

A unique opportunity to support the parks of Rockport through the donor bench program which provides benches enhancing the beauty of our town.



\$4,000

Weatherend *Jackson Park* Settee  
6' Teak

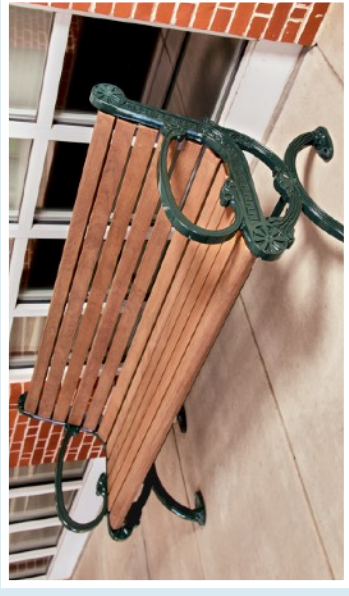
Location  
Memorial Park



\$3,000

DuMor Powdered Steel Bench  
6' Forest Green

Location  
Walker Park



\$2,500

DuMor World's Fair Bench  
6' Powdered Forest Green  
Steel & Faux Cedar

Location  
Harbor Park  
Goodridge Park

Dedication Duration for all benches is 10 years  
The cost for all benches will include shipping,  
plaque and installation



# Honorary/Memorial Bench/Donor Program Policy

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Rockport, Maine – September 2019  
Revised February 14, 2022

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# 1. INTRODUCTION

A donor bench program has been established by the Town of Rockport. The program offers donors the opportunity to honor an individual or family, or to simply provide a bench for community use. All donors must agree to the policy stipulations outlined below

- Location of all donated benches and the language used on donation plaques are subject to approval by the Rockport Parks and Beautification Committee.
- Donated benches are the property of the Town of Rockport and will be located and maintained according to the Rockport Parks and Beautification Committee's policies and priorities.
- Bench donations are tax deductible to the extent allowed by law.
- Bench donation terms are for ten (10) years. After that period the donated benches will be available for renewal at the cost of a new donation with the right of first refusal given to the existing donor. If the existing donor opts not to renew, the donated bench and/or plaque may be removed or rededicated at any time.
- The Rockport Parks and Beautification Committee retains the right to relocate any bench at any time, for any reason. If a bench is to be relocated, the Town will attempt to contact the donor to discuss alternate locations. The Parks and Beautification Committee will make the final determination.

Please initial here when submitting a bench donation application to indicate that you have read and agree to the terms of the bench donation policy.

Note:

Before filling out the application, please call the DPW administrative assistant at 207-236-6245 with questions or to discuss your donation.

~~The Town of Rockport has established an Honorary/Memorial Bench Program to create a lasting tribute for family and friends while enhancing our community.~~

~~The dedication plaque that will be affixed to the bench backs and will feature the headline "In Honor Of" or "In Memory Of", or words of your choosing not to exceed 28 characters. Donors can choose one of these phrases. The next two lines will hold a maximum of 28 characters each; if desired, with person or persons being memorialized or honored. Text is subject to approval in the application process. The middle line will identify who is being memorialized and the last line will identify the sponsor or donor.~~

~~There can only be one plaque per bench. A plaque will be displayed for ten years from the date of purchase and at the conclusion of the 10 years a new plaque must be purchased for continued participation in the program.~~

~~If you would like to sponsor or dedicate a bench placed in a park or open space, you can rent a bench with a plaque and the Town of Rockport will maintain it as a public bench.~~

~~The cost to rent a bench and display a plaque is \$5,000 for a ten (10) year (continuous) period.~~

~~The number of benches in each park or open space will be limited as determined by the Rockport Parks and Beautification Committee. New dedicated benches will in many places replace existing benches to provide a consistent bench program throughout the town. The current limits determined by the Committee are:~~

~~Marine Harbor Park: 14~~

~~Mary Lea Park: 4~~

~~Goodridge Park: 2~~

~~Memorial Park: To be determined~~

~~Walker Park: 2~~

~~Library Open Space: To be determined~~

~~This is consistent with the current number of benches located in our parks.~~

## ~~2. THE APPLICATION PROCESS~~

~~The Rockport Parks and Beautification Committee reserves the right to approve applications, with the criteria being satisfactory demonstration of association with the Town of Rockport.~~

~~A copy of the application is included. On your application please note your desired plaque wording.~~

~~Return the application to:~~

~~Rockport Town Office  
101 Main Street  
Rockport, Maine. 04856~~

~~The application will then be forwarded to the Rockport Parks and Beautification Committee for review; you will be notified if your request is approved. At that time, you will be requested to send a deposit check for \$1,000, made out to Town of Rockport Memorial Bench Program at the above address. After the bench is delivered, you will be invoiced for the remaining payment of \$4,000.~~

~~Each donor is limited to one application. If there are more applications than spaces available, the Rockport Parks and Beautification Committee will choose applications by lottery.~~

~~In the spring of the 10<sup>th</sup> year, the owner will be notified and offered the opportunity to have the plaque displayed for 10 more years at a cost to be determined by the Rockport Parks and Beautification Committee and Select Board. Donors who do not wish to continue displaying~~

~~the plaque may ask to have the plaque returned to them during the winter of the 10<sup>th</sup> year.~~

~~Donors will be responsible for keeping an active address on file with the Rockport Town Office. Donors who fail to respond to a maintenance/renewal notice within 90 days will forfeit their right to their plaque location.~~

~~The Town reserves the right to terminate the memorial bench program at any time, returning the plaques to their donors and refunding maintenance monies on a prorated basis.~~

~~Please be advised the Town of Rockport is not responsible for the replacement of benches or plaques in the event of loss due to vandalism or Acts of God including and not limited to coastal storms, hurricanes, floods, etc.~~

~~Again, thank you for your interest in our Program and your participation will enhance our recreational areas and afford the public the opportunity to sit and enjoy our exceptional views.~~

Approved by the Select Board September 9, 2019

Approved by the Select Board on February 12, 2022

# Application for the Town of Rockport Honorary/Donor Memorial Bench Program

1. Donor Legal Address:

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Donor Mailing Address:

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

2. Proposed text, such as "In Memory of...", "Dedicated to...", "Courtesy of...", "A gift from....." up to 28 letters (including spaces) per line. Three lines maximum. Note: plaque measures 2 1/16" x 5".

3. Please include a brief explanation of how the donor or memorialized party is associated with the Town of Rockport.

4. Terms: See attached approved Bench Program Policy for details.

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Application for the Town of Rockport Honorary/Donor Memorial Bench Program

Before filling out the application, please call the DPW administrative assistant at 207-236-6245 with questions or to discuss your donation.

To initiate a donation, benches must be paid for in full.

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Preferred Phone \_\_\_\_\_ Email \_\_\_\_\_

Inscription – Three lines, maximum 24 characters per line including spaces.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check to be made out to Town of Rockport and mailed with application to: Town of Rockport, 101 Main Street, Rockport, Maine 04856, Attn. New Bench Donation Application

## Action Items

- c. Act on Accepting a Gift – Sally Cook

### Manager's Comments: Action item

As the Town addressed the agreement with Memorial Park last fall, Sally Cook has graciously stepped forward to support the care and maintenance of Goodridge Park. Sally has offered a gift of \$2500 to fund a maintenance agreement the Town would have with Jackson Landscape Services, in kind with our previous Memorial Park agreement. I have attached a copy of the proposed agreement.

### *Suggested Motion:*

*I move the Board accept a gift from Sally Cook and thank her for her generosity.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

Additional Comments:




**CONTRACT AGREEMENT**  
**TOWN OF ROCKPORT AND JACKSON**  
**LANDSCAPE SERVICES**

**GOODRIDGE PARK MAINTENANCE**

THIS AGREEMENT is made by and between the TOWN OF ROCKPORT, a municipality located at 101 Main Street, in Knox County, State of Maine, hereinafter referred to as "Town" and JACKSON LANDSCAPE SERVICES *with a mailing address of PO Box 895, Camden, Maine 04843* and having a place of business in Camden, Maine, hereinafter, referred to as "Contractor".

**PURPOSE**

The Town of Rockport's Goodridge Park requires careful attention as a park in the midst of Rockport Village. In addition to regular mowing conducted under a contract the Town retains with another entity, volunteer residents have taken it upon themselves handle many of tasks to edge, weed, mulch, and fertilize the plant beds recently established. Thanks to a generous donation, this agreement allows the Contractor to provide these services without the town placing financial burden on the taxpayers.

**AGREEMENT**

*IN CONSIDERATION* of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Maintenance Schedule
  - 1.1 Spring 2022 – All plant beds shall be cleaned (removed of dead vegetation), edged, weeded, pruned, mulched and replanting may be required. Where plants are required to be replanted, the Town shall be responsible for the cost of the new plants.
  - 1.2 Summer 2022 – All plant beds will be weeded and pruned as needed.
  - 1.3 Fall 2022 – All plant beds shall be cleaned (removed of dead vegetation) edged, weeded, mulched, fertilized, and plants shall be pruned where necessary.
2. The Maintenance Schedule shall be enacted once the Select Board accepts a gift in the amount of \$2,500 from Sally Cook. This schedule will cover the remainder of 2022 Fiscal Year and through the Summer/Fall of 2022 and no alterations from this schedule shall occur without mutual agreement between the Town and the Contractor.

3. The term of this Agreement shall commence on the date of its execution by all parties and end on November 30, 2022, subject to the right of the Town to terminate the Agreement at any time by giving thirty (30) days written notice of termination to Contractor, as set forth below, or by giving notice to terminate after the Contractor fails to cure a default or violation seventy-two (72) hours after notice to the Contractor as set forth below.
4. The Contractor shall comply with all Federal, State and local laws, rules and regulations including without limitation, the Land Use Ordinance of the Town of Rockport.
5. The Contractor further agrees to abide by the following, which have been established by the Select Board:

- 5.1 Insurance. Contractor shall provide at its expense and keep in force during the term of this Lease, general liability insurance with a good and solvent insurance company or companies licensed to do business in the State of Maine in the amount of at least One Million Dollars (\$1,000,000) with respect to injury or death, and Five Hundred Thousand Dollars (\$500,000) with respect to damage to property, occurring in or about the leased premises. Such policy or policies shall name Town as an additional insured, such coverage and shall also cover Contractor's defense and indemnification obligations under this Agreement.

Contractor shall carry adequate workers' compensation insurance or other insurance providing equivalent protection for claims arising out of injury to employees of the Contractor.

Contractor agrees to deliver certificates of such insurance to Town prior to assuming responsibility for the operation and maintenance of the Premises and upon request by the Town during the term of this lease. Such insurance shall contain an agreement that such policy shall be non-cancelable without thirty (30) days' written notice to Town. Nothing herein shall, nor is intended to, waive any defense, immunity, or limitation of liability which may be available to the Town or their respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

- 5.2 Waste and site cleanliness. Contractor shall remove from the park all waste, weeds, clippings, and other refuse created through the execution of this agreement. Site must be left clean after each event and the end of this Contract.
- 5.3 To the fullest extent permitted by law, Contractor agrees to indemnify, defend, and to hold harmless the Town of Rockport, its officers, agents,

and employees, and their successors and assigns, against and from all costs, expenses, liabilities, losses, damages, inspections, suits, actions, fines, penalties, claims and demands of every kind and nature (collectively "Claim"), including reasonable counsel fees, asserted by or on behalf of any person, utility or governmental authority whatsoever arising out of the use of the Premises by Contractor or its employees, agents, guests, invitees, customers, contractors, or officers, however occurring and any matter or thing growing out of the occupation, maintenance, alteration, construction, repair, use or operation of the Premises, appurtenances thereto or any part by Contractor or its employees, agents, guests, invitees, customers, contractors, or officers during the term of this Lease, but excluding any claims to the extent caused by the negligence, acts or omissions of Town, their agents, contractors or employees. . Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to Town or their respective officers, agents, and employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law. THIS DEFENSE AND INDEMNIFICATION OBLIGATION IS INTENDED TO WAIVE ANY EXCLUSIVITY-OF-REMEDY DEFENSE OR EMPLOYER IMMUNITY PROVISIONS THAT MAY OTHERWISE BE AVAILABLE UNDER WORKERS' COMPENSATION OR SIMILAR LAWS. The obligations in this Section shall survive the termination of the Lease.

6. Contractor understands and agrees that Goodridge Park is used by the public and the Contractor should do its best to work around the public's enjoyment of the space. Town will make all attempts to notify Contractor of additional uses and activities that may occur on the Premises which might impact the execution of this agreement.
7. Every right or remedy given to the Town of Rockport and by this Agreement is cumulative and no right or remedy shall be exclusive of any other right or remedy provided by law. The exercise of one right or remedy by the Town of Rockport shall not impair the right of the Town of Rockport to exercise any other right or remedy.
8. The Contractor shall not, at any time nor in any manner, either directly or indirectly, assign or encumber this Agreement or any interest therein nor shall the Contractor assign or sublet any part of this Agreement, without first obtaining written consent of the Town of Rockport.
9. AMENDMENTS: This Agreement may not be amended or modified by any act or conduct of the parties or by oral agreements unless reduced and agreed to in writing signed by both the Town and Contractor. No waiver of any of the terms of this Agreement by the Town shall be binding on the Town unless reduced to writing and signed by the Town.

10. **MERGER:** This Agreement evidence the entire agreement between the parties and no changes shall be made except in writing. The failure of either party to insist in any instance on strict performance of any provision hereof shall not be construed as a waiver of such covenant.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement on September 13, 2021.

**TOWN OF ROCKPORT**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Jonathan Duke  
Town Manager

**JACKSON LANDSCAPE SERVICES**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Tom Jackson  
Owner

## Action Item

d. Act on Parking Task Force Mission - Orion

### Manager's Comments: Action item

Orion will be present to share the findings of the Parking Task Force which fell during his tenure and that of Bill Najpauer.

This information was in our previous agenda from when we tabled this conversation:

In the mix of establishing a new committee policy for the town, the Board also set up a procedure for task forces created to handle a specified topic. The Parking Task Force is one such task force for which there has been some significant work put in to answer the concerns regarding a shortage of available parking on and around Central Street. The mission and goals of this task force may have listed a bit with Debra's departure from the Board, so it seems wise for this Select Board to place this task force (as well as the RES Task Force in the agenda item below) in line with the new committee policy.

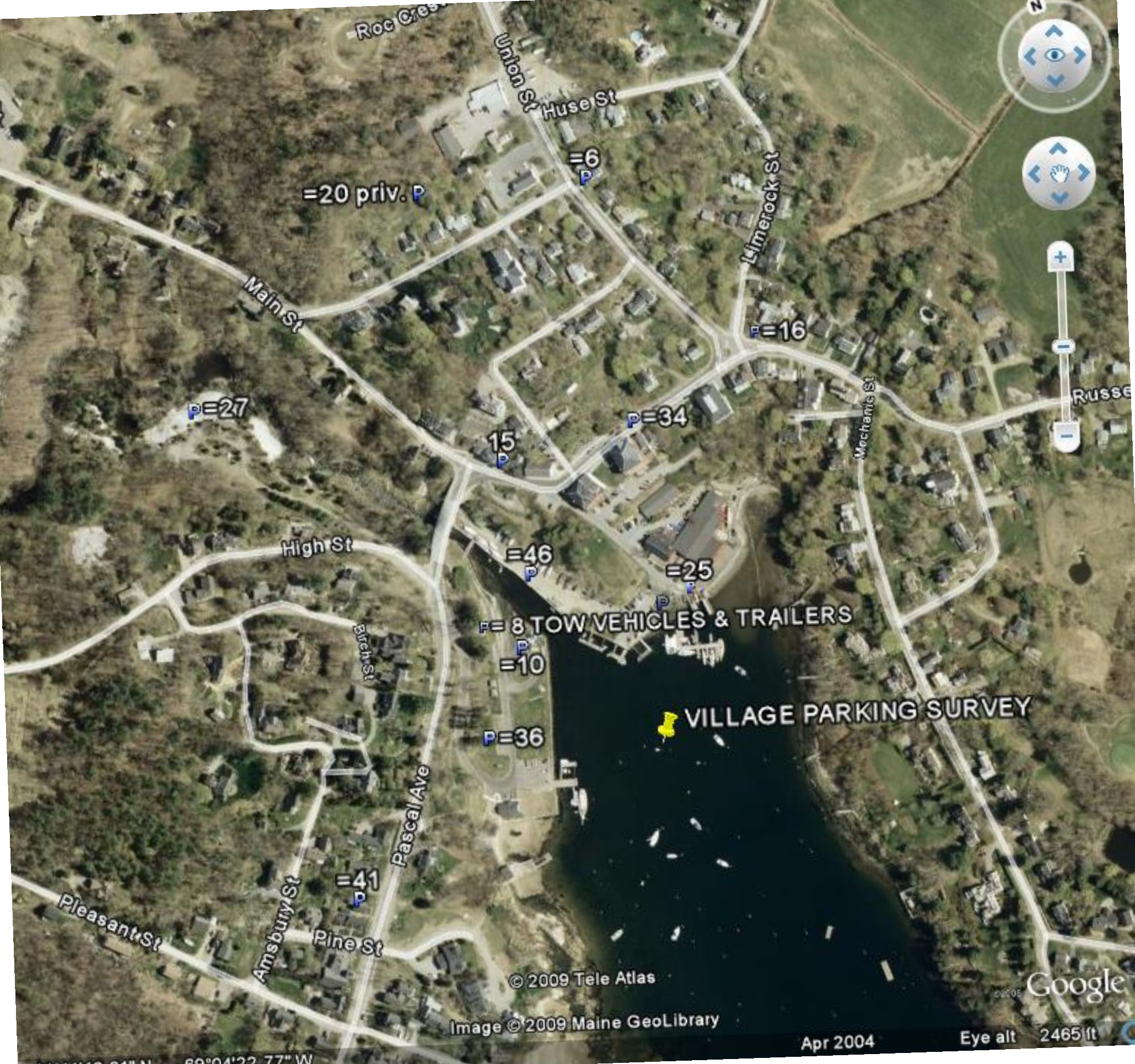
I would also add, however, the remand to the Planning Board of the 20 Central proposed hotel project is due to directly address parking needs of that proposal.

### *Suggested Motion:*

***I move the Board re-establish the Parking Task Force with the mission to identify the next steps in maximizing, improving, and maintaining parking in the Town of Rockport to serve the downtown/village area. The Task Force shall sunset December 31, 2022, and make a report to the Select Board prior to that date with recommendations for future action by the Select Board.***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

Additional Comments:

=20 priv. P

=6 P

=16 P

=27 P

=15 P

=34 P

=46 P

=25 P

=8 TOW VEHICLES & TRAILERS

=10 P

=36 P

=41 P

VILLAGE PARKING SURVEY

© 2009 Tele Atlas

Image © 2009 Maine GeoLibrary

Google

Apr 2004

Eye alt 2465 ft

69°04'22.77" W

## Select Board Goals

**To:** Bob Peabody  
**From:** Tom Ford and Mark Kelley  
**Subj.:** Select Board Goals – *Village Parking Survey*  
**Date** November 28, 2008

**Goal:** Inventory public parking spaces in the Rockport Downtown District and Harbor Village District to assess parking capacity.

**Task:** This task will involve a walking and windshield survey of Rockport's Downtown and Harbor Village Districts. Data will be compiled in spreadsheet format. GIS technology will be utilized.

**Action Plan:**

1. Tom Ford and Mark Kelley will inventory public parking spaces in the Downtown and Harbor Village Districts.
2. Tom Ford and Mark Kelley will compile data and use GIS technology to illustrate nodes of public parking.
3. Tom Ford and Mark Kelley, with input from Steve Beveridge, will make recommendations to the Town Manager and Select Board on the adequacy of existing public parking and a projection of future needs.

**Completion Date:** February 1, 2009



## Office of Planning and Community Development

**To** Town Manager and Select Board  
**From:** Tom Ford  
**Subj.:** Village Parking Survey – Inventory and Recommendations  
**Date** August 1, 2009, updated November 2, 2009

**Task:** This task involved conducting an inventory of public parking spaces in the Rockport Downtown and Harbor Village Districts within walking distance of the Opera House and to assess the public parking capacity of this area of Rockport. The initial inventory was followed by periodic windshield surveys of the parking areas. Based on that assessment, recommendations have been developed to better utilize this resource for the benefit of Rockport's residents and businesses.

**Methodology:** Each node of public parking within 2650 feet of the Opera House was inventoried by Scott Bickford and Tom Ford. The results of this survey are included on the attached village parking survey and labeled on the attached aerial photograph. Any unusual features of development are noted on the survey. This information was reviewed by Tom Ford, Mark Kelley, Steve Beveridge, and Abbie Leonard. With input from the Department heads, a series of recommendations have been developed to maximize the use of current parking resources and provide improved parking capabilities in the years ahead.

**Inventory:** We defined a node of public parking as an area with five or more public parking spaces within 2650 ft. of the Opera House. We inventoried each node of public parking and noted any unusual characteristics of the site. We then measured the approximate distance to the Opera House and calculated the average time to walk that distance.

Our inventory identified 348 public parking spaces within 2650 feet of the Opera House. In addition to public parking spaces, private parking is also located in this area, most notably the parking lot behind Central Street attached to the Shepherd Block which is currently owned by Glen Cove TND LLC. It was also interesting to note that 101 of the 348 total parking spaces are located within a six minute walk of the Opera House. During the course of this study, parking capacity was increased in the Main Street area and the Harbor Park area as the result of improvement by Public Works.

**Analysis:** Although the project identified a total of 348 public parking spaces within 2650 feet of the Rockport Opera House, it should be noted that this figure represents the maximum number of

parking spaces available in the summer. During the winter months, due to many factors including snow removal, boat storage, and park closures, many of the public parking spaces identified on the attached survey are not available for parking.

It is also important to note that due to a variety of circumstances, including the transition of the Photographic Workshop to Maine Media Workshop, the fire in the Shepherd Block, and the general malaise in the mid coast economy, the Rockport Downtown area has experienced a sharp economic downturn resulting in a reduced need for parking space.

There are positive developments on the horizon including the renovation of the Shepherd Block and the robust return of Bay Chamber Concerts and Maine Media Workshop to the Downtown District.

Since the beginning of this project, periodic windshield surveys of the public parking areas were conducted. The purposes of these surveys were to provide an estimate of the approximate number of occupied parking spaces. During average days in the winter and early spring, approximately 10 – 20 percent of the striped public parking spaces were occupied during daylight hours. With the exception of events at the Opera House that figure dropped precipitously after dark. This was primarily due to the fact that during the winter of 2008-2009 there was no regular commercial activity in the Rockport Downtown area in the evening hours.

The late spring and early summer saw a modest increase in commercial activity resulting in an average of 30 – 50 percent of the striped public parking spaces being occupied during day light hours. With the exception of major events at the Opera House or Center for Maine Contemporary Art, evening use of the public parking spaces dropped substantially.

Our analysis indicates that public parking is adequate for current needs provided people are willing to walk for modest distances to their destination. Future adequacy of public parking is more uncertain. Firm steps should be taken to initiate some of the recommendations outlined below.

### **Recommendations:**

- 1. Restriping Parking Spaces along Pascal Avenue, Central Street and Union Street:** Prior to the spring of 2010 the Police Chief, Public Works Director and Town Manager should make decisions on the propriety of striping parking places after the completion of paving on the Pascal Avenue, Central Street, and Union Street. If striping is to proceed, consideration should be given to size parking spaces appropriate to car size – compacts, SUVs etc.
- 2. Improved Signage:** Improved signage should be installed to indicate appropriate parking and non-parking spaces.
- 3. Fisherman's Parking:** A designated area for fisherman parking should be located adjacent to the new hoist. This area should be designated with input from the marine community.
- 4. Harbor Park Area:** All the parking areas in Harbor Park should be reviewed with the Harbormaster and Harbor Committee with the goal of accommodating the maximum number of parking spaces in this area. Additional trailer parking spots could be created

adjacent to the launch site. A fee schedule should be established for day long or overnight parking.

5. **Satellite Parking for Large Events:** The Planning Office should ensure that the permitting for large events such as a boat launching includes organizer arrangements for satellite parking at venues such as the Town Office parking lot.
6. **Parking Expansion Adjacent to the Library:** Additional parking spaces should be designed and constructed adjacent to the Village Green to better accommodate library patrons. A secure parking site should be obtained for library employees.
7. **Time Limits on Parking:** With the anticipated increase of commercial activity in the downtown area, it is appropriate to revisit the subject of time limits for parking and the reintroduction of fines for violators of parking time limitations. There is currently no regular enforcement of parking regulations.
8. **Continue a Windshield Survey of Parking Use Over the Next Year:** As economic activity in the village increases over the next year, it will become increasingly important to monitor the adequacy of the parking so that the business community is adequately served.
9. **Yellow Restricted Parking Lines:** In the spring of 2010 non parking areas should be prominently striped with yellow paint to reinforce to the driving public that parking is not allowed in the restricted yellow area. The yellow lines to be double width striped and painted twice a year for further reinforcement.
10. **Private Parking Lots :** Privately owned parking lots such as the Leucadia lot below Mary Lea Park, and the Pen Bay Ice lot, across from Graffam Seafood, could, with the owners' permission, by better utilized by the organizers of large events.

**Final Thoughts:** Public parking has been adequate for the normal flow of commerce during the spring and summer of 2009. Large events such as *'Pop the Cork'* have stretched the existing capacity of parking resources in the Downtown District. With the revitalization of the downtown area including the possible creation of a new TIF district and substantial improvements to the Harbor Park infrastructure, it is anticipated that adequate parking will be more critical in the summer of 2010. In anticipation of this increased economic activity it would be prudent to use the upcoming fall and winter seasons to continue to monitor parking in the village area and to systemically work on the recommendations outlined above.

**Attached**

- **Village Parking Survey:** A spreadsheet which identifies parking nodes and related data.
- **Google Earth Overview:** An aerial photograph of the of the Village showing parking nodes.

**Action Item**

- e. Act on Committee Bylaws
  - Ordinance Review Committee
  - ZBA

**Manager’s Comments: Action item**

Bylaws were modified after the adoption of the remote participation policy.

*Suggested Motion:*

*I move the Board approve the Ordinance Review Committee Bylaws and Zoning Board of Appeals Bylaws as presented (or amended)*

<b>NAME</b>	<b>MOTION</b>	<b>SECOND</b>	<b>ABSTAIN</b>	<b>YES</b>	<b>NO</b>	<b>Time</b>
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						

Additional Comments:




## Bylaws of the Ordinance Review Committee of the Town of Rockport, Maine

### Section 1. Purpose of Ordinance Review Committee

The purpose of the Ordinance Review Committee (“Committee”) is to evaluate and draft proposed town ordinances for consideration by the Select Board.

### Section 2. Purpose and Scope of These Bylaws

The purpose of these bylaws is to establish reasonable rules of procedure for Committee meetings and to promote the fair, orderly and efficient conduct of the Committee’s proceedings and affairs. These bylaws shall govern the Committee’s practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

### Section 3. Membership

The Committee consists of not less than ~~seven (7)~~ **five (5)** members, all of whom shall be residents of the Town of Rockport. The members shall serve without pay and shall be appointed by the Selectmen to serve for staggered three (3) year terms expiring on June 30.

From time to time, as required by the volume of work assigned to the Committee, it may be temporarily expanded to facilitate completion of assigned tasks such as rewriting ordinances resulting from the implementation of a new Comprehensive Plan. Such additional members shall serve only so long as required by the workload.

If a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve month period, a recommendation may be made to the Select Board that the member be removed from the Committee.

**Commented [OT1]:** This was changed from 7 to 5. Currently there are only 5 members on this committee. Needed to reduce so the committee could proceed with their workplan. -Orion

**Commented [OT2]:** If this continues to exist, then we cannot adopt this "remote meeting policy" or even move forward with ordinance amendments. I propose we reduce this to four (4) members.

## **Section 4. Officers; Duties**

The Committee shall elect a Chairman and Vice Chairman to be chosen annually at the first regular meeting after the town election in June and from among Committee members. The Chairman shall preside at all Committee meetings and shall have authority to rule on questions of procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Committee to perform its duties and conduct its affairs. The Chairman also shall set the agenda for each meeting. In the absence of the Chairman, the Vice Chairman shall have the same authority as the Chairman. The Town Manager shall maintain a permanent record of all Committee meetings and all correspondence of the Committee, which shall be a public record except as otherwise provided by law.

## **Section 5. Meetings**

Meetings of the Committee shall be held as needed. Special meetings may be called at the discretion of the Chairman or upon the request of a majority of the Committee, provided, however, that notice thereof shall be given to each member and to representatives of the press at least 48 hours in advance and that no business may be conducted other than as specified in said notice.

Such meetings may be held in person or if allowed by state law or town policy, via electronic conference call or similar means if for some reason it is impractical for the Committee to meet in person.

Notice of all Committee meetings shall be given as required by law, and all such meetings shall be open to the public. All final decisions shall be included in the official minutes, shall become a part of the Committee's permanent record. All meeting minutes shall be recorded and publicly available. Notice of any decision, if required, shall be given as prescribed by law.

## **Section 6. Quorum, Voting, and Conflict of Interest**

A quorum shall consist of a majority of the Committee being present. Any action of the Committee shall require the affirmative vote of a majority of members at meeting at which a quorum is present. Members of the Committee shall be subject to conflict of interest provisions of the Rockport Town Charter.

Members, including alternates, may participate in a meeting by electronic means but not vote or be considered part of the quorum unless physically present. Alternates may participate in any meeting but shall not be included for quorum or voting purposes except in the absence of a regular member.

## **Section 7. Conflict with Town Charter and Laws**

Any conflict or inconsistency between these bylaws and any applicable law or provision of the Rockport Town Charter shall be resolved in favor of the law or Town Charter.

## **Section 8. Waiver; Amendments**

These bylaws, or any provision thereof, may be waived but only if they remain consistent with applicable law and the Rockport Town Charter. These bylaws may be amended at any time in writing by majority vote of the Committee after notice on the proposed amendment but shall not be effective until approved by the Select Board.

Approved by the Ordinance Review Committee January 13, 2022

Approved by the Select Board on \_\_\_\_\_

Approved by the Ordinance Review Committee October 23, 2003

Amended by the Ordinance Review Committee March 11, 2020

Approved by the Select Board on March 23, 2020



## **Bylaws of the Zoning Board of Appeals of the Town of Rockport, Maine**

### **Section 1. Purpose and Scope**

These By-Laws are established by the Rockport Zoning Board to aid in the fulfillment of its responsibility under the Maine Constitution, the Statutes of Maine and the Municipal Ordinances, all of which have precedence. These By-Laws are intended to ensure fair and equitable treatment in all proceedings of the Rockport Zoning Board.

### **Section 2. Membership**

- A. The Zoning Board consists of seven (7) regular members and two (2) alternate members, who shall be residents of the Town of Rockport. The members shall serve without pay and shall be appointed by the Selectmen to serve for staggered three (3) year terms expiring on June 30. The maximum length of continuous service shall be nine (9) years.
- B. All Zoning Board members shall attend all meetings. If a member fails, without good cause, to attend four (4) consecutive regular meetings, or at least 75% of all meetings during the preceding twelve-month period it shall result in a recommendation to the Selectmen for removal of the member from the Board.

### **Section 3. Officers; Duties**

- A. A Chair and a Vice-Chair shall be elected annually by the Board members at the first scheduled meeting on or after July 1, and they shall each assume their duties at that meeting.
- B. In the absence of the Chair, the Vice-Chair shall assume the duties of the Chair.

- C. Should both the Chair and the Vice-Chair be absent from a Board meeting, a temporary Chair shall be appointed by the Chair prior to the meeting or elected by a majority of the Board present at the meeting.
- D. The Chair shall call all meetings of the Zoning Board and shall preside at all meetings of the Board.
- E. The Chair shall represent the Zoning Board and be its official spokesperson in all matters.
- F. The Chair shall be responsible for ensuring that new members receive an orientation.
- G. The Town shall employ a secretary, who shall be responsible for supervising the maintenance of accurate records of the Zoning Board meetings, including all official actions.
- H. Records, correspondence, and meeting minutes of the Zoning Board shall be maintained in the Planning Office and may be inspected during municipal business hours, and publicly available.
- I. Minutes of the Zoning Board meetings shall, whenever practical, be officially approved at the next regular meeting of the Board, subject to corrections. Such approved minutes shall constitute the official record of the meetings of the Board.
- J. The chair shall be empowered, in consultation with the town manager, to consult Town counsel to clarify any legal concerns including, but not limited to, procedure, process, and attorney attendance at any given meeting.

#### **Section 4. Meetings**

- A. Regular meeting of the Zoning Board shall normally be held on the third Wednesday of the month in the Rockport Opera House Meeting Room, or such other time and place that the Board may designate.
- B. No meeting of the Zoning Board shall start without a quorum consisting of ~~five~~ four regular members. Alternate members may be seated by the chair when a vacancy occurs. The Board shall act by majority vote of those members present and authorized to vote.
- C. If an alternate board member sits for an appeal that gets continued to another time, that alternate shall have precedence over a returning regular board member in sitting for the continuance of that appeal. In no case shall any member, regular or alternate, be allowed to join an appeal in progress without a declaration that they have studied all of the relevant documents, video coverage, and minutes germane to the issue.
- D. The agenda for regular meetings shall be established by the Planning Office in coordination with the Board Chair, made available to all Board members and posted for the public at least six days prior to the meeting.

E. Site walks, as deemed necessary by the Board, may be scheduled. Members of the public may attend site walks.

F. Such meetings may be held in person or if allowed by state law or town policy, via electronic conference call or similar means if for some reason it is impractical for the Board to meet in person.

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## Section 5. Rules of Procedure

### A. General

1. Meetings shall be conducted in accordance with Maine Statutes, Town Ordinances, these By-Laws, and pertinent parts of the latest revision of the Maine Moderators Manual; however, the Board may establish special rules for the conduct of any business provided such establishment of rules does not violate state or municipal law or ordinance.
2. An individual wishing to assure Zoning Board consideration of any matter shall provide all appropriate materials to the Planning and Codes Office at least fifteen (15) days in advance of a regular or special meeting.
3. Information shall be presented to the Zoning Board in one or more of the following manners. No information shall be submitted except in one of these manners:
  - a. As a part of a formal application to the Zoning Board submitted 15 days in advance of a scheduled hearing.
  - b. As verbal or limited written testimony during a public hearing.
  - c. Or at the request of the majority of the Board present and eligible to vote.

### B. Procedure

1. If a quorum is present, the Chair shall call the meeting to order at the appointed time.
2. The Chair shall declare all votes. If any member doubts a vote, the Chair shall order a recount of the affirmative and negative votes without debate. The secretary shall record all votes.
3. Prior to consideration of any agenda item before the Board, each Board member shall declare any potential conflict of interest to the Board with respect to that item. A Board member may voluntarily refrain from participation on an agenda item. If a question of a possible conflict of interest is raised and the Board member asserts that there is no conflict that will influence his or her conduct, the board, after discussion, shall determine by a majority vote whether a conflict exists. A Zoning Board member with a conflict of

interest shall refrain from participating, influencing, and voting on the agenda item that precipitated the conflict of interest by physically removing him or herself from the table, but may participate in the discussion from the audience as a member of the public.

4. A presentation by an applicant shall not exceed fifteen (15) minutes in length without permission of the Chair.
5. The Chair shall preserve decorum and decide all questions of order and procedure.
6. The agenda may be rearranged at the Board's discretion.
7. No meeting of the Board will go beyond 10:00 p.m. except upon unanimous vote.

#### C. Public

1. All public hearings held by the Zoning Board as required by law or ordinances of the Town of Rockport, in addition to meeting special requirements of such law or ordinances, shall provide all interested parties with an opportunity to be heard. The Chair may, however, limit discussion to new information and to pertinent information.
2. Members of the public wishing to address the Board concerning an agenda item shall wait until the Chair asks for public comment. When recognized by the Chair, the speaker shall state the speaker's name and address in an audible tone for the record. The speaker shall limit remarks strictly to the issue under discussion.
3. Persons wishing to address the Board on an item not appearing on the agenda may do so only after disposition of all items appearing on the agenda, and only at the discretion of the Chair.
4. The Chair may reopen a closed public hearing with the consent of the majority of the Zoning Board.

### **Section 6. Voting Procedures**

- A. The Zoning Board shall act only by motion. Each motion shall be confined to one subject, which shall be clearly expressed.

### **Section 7. Waiver; Amendments**

These bylaws, or any provision thereof, may be waived but only if they remain consistent with applicable law. These bylaws may be amended at any time in writing by majority vote of the ~~Committee~~ Zoning Board after notice on the proposed amendment but shall not be effective until approved by the Select Board.

Approved by the Zoning Board of Appeals September 25, 2002  
Approved by the Select Board September 10, 2003  
Revisions approved by Zoning Board of Appeals February 12, 2020  
Approved by the Select Board on March 9, 2020  
Approved by the Zoning Board of Appeals February 3, 2022  
Approved by the Select Board on February 14, 2022

# Adjourn

*Suggested Motion:*

*I move the Board adjourn the meeting.*

<b>NAME</b>	<b>MOTION</b>	<b>SECOND</b>	<b>ABSTAIN</b>	<b>YES</b>	<b>NO</b>	<b>Time</b>
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Denise Munger						
Eric Boucher						
John Strand						