

Minutes

NAME	ATTEND
Denise Munger, Chair	✓
Eric Boucher, Vice-Chair	✓
Kim Graffam	✓
Michael Thompson	✓
Jonathan Duke, Town Manager	✓
Rockport AV Staff	✓
General Public	✓



March 11, 2024 – 6:00 p.m.

Library

Consent Agenda

- a. Select Board Resignation – James Annis
- b. Approve Meeting Minute(s):
 - February 12, 2024, Meeting Minutes

Suggested Motion:

I move the Board Approve the Consent Agenda as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair		✓				
Kim Graffam	✓					
Michael Thompson						

Action Item

- a. Act on Committee Application(s):
➤ Aaron Englander – Pathways Committee

Manager's Comments: Action item

Unsure if Aaron Englander will be able to attend at this time.

Suggested Motion:

I move the Board approve Pathways Committee application for Aaron Englander as an Alternate with term ending in June 2027.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Kim Graffam	✓					
Michael Thompson		✓				

Additional Comments:

Action Item

- b. Act on Order for Town Clerk to Develop Articles for Annual Town Meeting Warrant

Manager's Comments: Action item

Attached to the packet is a memo I have created that covers the long list of items that potentially could be on the Annual Town Meeting warrant which would be decided at the polls on June 11th. The vote to approve this slate of questions does not indicate your support for these ideas or even guarantee their inclusion but merely provide the Town Clerk the ability to create a draft ballot and warrant. The warrant will be on your April 8th agenda and which time the Board will vote on its recommendations on each article to be decided by the voters.

There is one item that is not included on the list, but added at the end which concerns short term rentals. I have listed this item but I have the expectation from individual Board members that they wish to isolate this issue and address it on its own. Obviously, there is a great deal of concern and attention to the issue of short term rental registrations and/or regulation. Further a great deal of conversations and discussion were generated from the Board's last meeting and it seems more attention is needed to review and possibly amend the current Land Use Ordinance sections concerning certificate of occupancy before that standard could be used to backstop STR registration, was discussed last time.

Suggested Motion:

I move the Board order the Town Clerk to draft appropriate articles for the June 11th Annual Town Meeting warrant as proposed by the Town Manager's memo.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair	✓					
Kim Graffam		✓				
Michael Thompson	✗					

Additional Comments:



Town of Rockport, Maine

Town Manager's Office
Town Office
101 Main Street
Rockport, Maine 04856
Telephone: 207-236-0806 x4
Fax: 207-230-0112

Jonathan Duke, Town Manager
Email: jduke@rockportmaine.gov

**Diane Hamilton, Executive Assistant and
General Assistance Administrator**
Email: dhamilton@rockportmaine.gov

Memo

To: Select Board

From: Jon Duke, Town Manager

Date: March 7, 2024

Re: Warrant Articles for June 2024 Referendum Election

I ask the Board to order the Town Clerk to draft warrant articles for inclusion on the June 2024 Annual Town Meeting referendum election on the following areas of discussion:

- A question considering the Annual Town Budget
- A question to authorize the design and construction of a water resource recovery facility and the expansion of wastewater along Route 90.
- A question to accept roadway names Business Circle, Rolling Meadow West, and Rolling Meadow East, which are a part of the West Rockport Meadows Subdivision.
- A question to accept an amendment to the Land Use Ordinance Zoning Map for parcel located at Map 20 Lot 182 from being partly in zone 903 and 906 to fully be a part of 906.
- A question to accept the Planned Unit Development proposed ordinance and to include it within the Land Use Ordinance and complies with LD2003. (PB recommended 7-0-0)
- A question to accept the Affordable Housing proposed ordinance and to include it within the Land Use Ordinance and complies with LD2003. (PB recommended 7-0-0)
- A question to accept amendments to the Cluster Development section of the Land Use Ordinance and complies with LD2003. (PB recommended 7-0-0)
- A question to accept amendments to the Dimensional Tables A and B of the Land Use Ordinance and complies with LD2003. (PB recommended 7-0-0)
- A question to accept amendments to Chapter 900 of the Land Use Ordinance. (PB recommended 7-0-0)
- A question to accept amendments to section 604, accompanying definition amendments in section 302, and related amendments to section 917 of the Land Use Ordinance. (PB recommended 7-0-0)
- A question to accept amendments to the Accessory Dwelling Unit section 816 of the Land Use Ordinance. (PB recommended 7-0-0)

Lastly, the Board was given a recommendation to consider to consider the creation of a Rental House Unit proposed ordinance at its last meeting. From conversations with members of the Select Board, it appears the Board wishes to address this matter separately and as such I am not including as part of this slate of questions to be drafted. The proposed topic, if the Board chose to include it on their draft warrant for April, it would be as the following.

- A question to accept Rental Housing Unit proposed ordinance and to include it within the Land Use Ordinance. (PB recommended 7-0-0)

Action Item

- c. Act on Harbor Rules and Regulations Policy

Manager's Comments: Action item

The Board discussed the Harbor Rules and Regulations document at its last meeting and suggested some changes which would clarify and prove greater specificity to assist the Harbormaster in managing the facility. The Harbor Committee met to discuss these changes and have returned with a revised document for the Board's approval.

Suggested Motion:

I move the Board approve the Harbor Rules and Regulations Policy as presented. (or amended).

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Kim Graffam						
Michael Thompson						

Additional Comments:

Postponed until April meeting

Action Item

d. Act on Memorandum of Understanding with Leshar Family Foundation Concerning RES Park Development

Manager's Comments: Action item

The Leshar Family Foundation and Town staff, including the Town Attorney, have been meeting concerning framework of how the Town and LFF will collaborate to get the park constructed and eventually establish a conservancy for the park's oversight. This agreement is merely an MOU for the framework of the process over the next two years, but subsequent agreements will be required as this process evolves.

As I see this document, the MOU provides LFF with the flexibility to manage the community engagement and design process and yet ensure final say resides with the Town, via the Select Board. The Select Board has been content to let the details of the park to be managed through the community engagement process established by LFF, but whereas this space will remain a public space, all of the laws and freedoms governed by those spaces being public remain as they would with any other Town park.

Suggested Motion:

I move the Board approve the Memorandum of Understanding with Leshar Family Foundation Concerning RES Park Development as presented.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair	✓					
Kim Graffam		✓				
Michael Thompson						

Additional Comments:

Action Item

- e. Set Date for Select Board Vacancy Nomination Paper Availability.

Manager’s Comments: Action item

With the resignation of Jim Annis from the Select Board, and presuming the Board accepts Jim’s letter earlier in this meeting, a vacancy exists on the Board which can only be filled by an election. The Town Charter states the Board must hold this election but given the fact nomination papers just opened for the two Board terms expiring in June, there is sufficient time to include this vacancy on the ballot with those two seats.

Suggested Motion:

I move the Board approve placing the recently vacated Select Board seat on the June Annual Town Meeting warrant and reducing the time nomination papers are available. Nomination papers will be available for the remainder of this term as of March 12th and papers will be due on April 12th.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair		✓				
Kim Graffam						
Michael Thompson	✓					

Additional Comments:

Action Item

- f. Approve Purchase and Sale Agreement for Robinson Drive Access

Manager's Comments: Action item

The next step in the process of reconstructing the entrance to Robinson Drive requires the Town to purchase property adjacent to the current entrance. The owner of this property agreed when this matter first arose following the October 2021 storm on a price equivalent to the Town's value for the property, which is \$28,500. FEMA who has finally approved funding the repair at this location will reimburse the Town for the purchase price.

To finalize the purchase the Town must hold a Special Town Meeting to approve of this land purchase. The first step is for the Board to approve the purchase and sale agreement and then subsequently set a date for the special town meeting for the approval of the purchase. Given the construction season and need to finalize this matter quickly, I would urge the Board to set a shorter timetable for the date of the meeting, which by law could be as short as 7 days from Monday's Select Board meeting.

The Town Attorney drafted the purchase and sale agreement and the owner of the property has already signed the draft agreement.

Suggested Motion:

I move the Board approve Purchase and Sale Agreement for Robinson Drive Access as presented.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair		✓				
Kim Graffam	✓					
Michael Thompson						

Additional Comments:

Action Item

g. Approve Special Town Meeting Warrant – Monday, March 25, 2024

Manager's Comments: Action item

The draft warrant is truly just that, a draft. I'm hopeful the four members of the Board can discuss between now and Monday dates they would like to hold a Special Town Meeting. My initial thought was to hold this very quick meeting prior to a budget meeting. We can amend this language, including time and date, at the meeting on Monday once everyone's schedules, etc. have been considered.

Suggested Motion:

presented

*I move the Board approve Special Town Meeting Warrant as **amended**.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair	✓					
Kim Graffam		✓				
Michael Thompson						

Additional Comments:

TIF Revision Suggestion
 Kerry Leichtman, Assessor
 March 11, 2024

We have two TIFs: Route 1 and Downtown. Funding for the TIFs comes from valuation growth in Real Estate and Personal Property. Personal Property revenues have been steadily declining. This is mostly due to the expansion of the state's Business Equipment Tax Exemption (BETE) program. Under the BETE program we exempt most items businesses report to us.

There are two business tax reductions programs: BETE and BETR. BETR is Business Equipment Tax Reimbursement. Under BETR the business pays the tax to the town and the state reimburses them for 100% of the tax paid on eligible items. With BETE, the state reimburses the town 50% of what we would have realized as revenues if the items weren't exempt.

It used to be that BETR was for retail and service businesses, while BETE was for manufacturing and offices. The state has redefined the parameters of what businesses are BETR eligible, reducing the categories to a narrow definition of retail sales. If a consumer enters a business, selects a product and leaves with that product in a bag, that's a BETR eligible retail business. Everything else is BETE.

As a result, we have not seen Personal Property growth in the downtown TIF district in years, and are now also in the red in the Route 1 TIF district..

Maine Revenue used to permit us to account for a negative value as \$0 growth but now requires us to "add in" the negative number. The result of this is a reduction in TIF revenues. For example, last year the Route 1 TIF realized \$10,761,983 in real estate Captured Assessed Value (CAV). The Personal Property CAV was -\$1,631,345. This lowered our overall CAV to \$9,130,638. The end result is less revenue available for the TIF development plan.

Because of this I am suggesting a revision to our TIF programs that would remove the requirement to include Personal Property revenues in both TIF's CAVs. We can achieve this by a select board vote that authorizes the town assessor to reduce the Personal Property capture percentage to 0% in the Route 1 and Downtown TIF districts. This authorization can be made annually, or we can, at a later date, amend the TIFs to exclude personal property for the remaining life of each TIF.

I move
 the
 Board

MT
 EB

4-0 in favor

	Motion	Second	Yes
Denise Murger, Chair			
Eric Boucher, Vice-Chair			
Kim Graffam	✓		
Michael Thompson		✓	✓

Adjourn

Suggested Motion:

I move the Board adjourn the meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Kim Graffam	✓					
Michael Thompson		✓				