

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY MARCH 27, 2017
7:00 P.M.
ROCKPORT OPERA HOUSE
MEETING ROOM**

Present: Chair William (Bill) Chapman, Vice-Chair Kenneth McKinley, Geoffrey Parker and Owen Casas. Absent was Brendan Riordan. Also present: Richard C. Bates, Town Manager; Department Heads; Mike Young, Public Works Director and Jamie Francomano, Planner and Community Development Director, and members of the public.

- I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7:00 P.M.
- II. PUBLIC HEARING – None this meeting
- III. MINUTES, MEETINGS AND ANNOUNCEMENTS
 - a. Approval of the minutes of previous meetings:
 - Monday, November 9, 2015, meeting of the Select Board – Tabled
 - Monday, February 27, 2017, Executive Session of the Select Board

Kenneth McKinley moved to approve the minutes of the February 27th Executive Session of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Monday, February 27, 2017, meeting of the Select Board

Kenneth McKinley, moved to approve as presented the minutes of the February 27th meeting of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Tuesday, February 28, 2017, special meeting of the Select Board

Geoffrey Parker moved to approve the minutes as most immediately discussed of the February 28th special meeting of the Select Board. (Add to item IV, the words “After a long discussion, no decision was made.”) Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Monday, March 13, 2017, meeting of the Select Board – Tabled
- Wednesday, March 15, 2017, special budget meeting of the Select Board

These minutes cannot be approved without a quorum present to approve them. Geoff and Owen were absent at this meeting. Brendan was present at the meeting, but is not here this evening.

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- Monday, March 20, 2017, special library meeting of the Select Board

Geoffrey Parker moved to approve the minutes of the March 20th special library meeting of the Select Board as amended by adding a sentence to I and II that “Public Comment was received.” Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- b. Announcements of upcoming regular Select Board meeting(s): - See Agenda

Bill – there will be a Public Hearing on April the 18th. The Planning Board will have a Public Hearing on April 5th for the proposed ordinance articles.

- c. Announcements regarding FY 17-18 (July 1, 2017 to June 30, 2018) budget review schedule: - See Agenda
- d. Announcements of upcoming non-budget Select Board workshop(s): - See Agenda
- e. Announcements: - See Agenda
- f. Committee Openings: - See Agenda
- g. Agenda Changes – None this meeting
- h. Public Comment – None this meeting.

IV. TOWN MANAGER REPORT

Rick gave a brief report. Last Friday, Taylor Allen replaced the rigging on the stage curtain at the Opera House. He did this as a donation to the Town.

Owen – Keep in mind that the Keep Rockport Beautiful Committee will be having their annual trash pickup day in April. Please take care of your own street.

V. UNFINISHED BUSINESS

- a. Consideration of the Bay Ridge IV Subdivision Road Acceptance request

Kenneth McKinley moved to place the sections of roads as shown on the plan provided, known as Hawthorne Drive and Bayberry Drive on the June town meeting warrant for acceptance by the voters. Geoffrey Parker seconded the motion.

Jamie – the Road Ordinance can exclude a portion of the road that is not a part of the through route. The Select Board can decide what they want to put on the warrant.

Owen – it bothers me that a kindergartener that lives on Hawthorne near Cliffside has to walk to the bus stop. How do we get that portion of the road plowed? I can't help it, I have a soft spot. How can we do it?

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Ken – we would have to change the ordinance. Other parts of Hawthorne Drive do not meet the present ordinance.

Bill – there will always be an inconvenience to someone.

Ken – how to fix it is the question. We need to look at the road acceptance in total. We can ask the ORC to do that, but not at this time. It is too late in the season to get it done to have on the ballot.

Geoff – it can be accepted once it meets the ordinance.

Jamie – there is a way to reach the 50% rule, combine the lots. Some of the owners own two lots and another owner owns three lots. You would need to go back to the Planning Board to change the subdivision rules. I am working with the group to help resolve this issue.

Bill – it is within our right to accept Hawthorne from Winding Way and then Bayberry to Ashley Terrace.

Mike – we will do an updated walk to make sure that everything is a go and that there are no problems with the road.

Owen – “can you do this with a camera?”

Mike – yes.

Bill – we will put this item on the agenda for the public hearing on April the 18th.

Bob Duke – asked about public comment according to Robert’s Rules.

Bill – we can temporarily waive our rules.

Bob – corrected Bill on procedure to allow public comment. Lot # 3 adjacent to his lot has been purchased and will be built on. He is lot number five.

Jamie – Mr. Foote - it will be a concern for him as he will be affected by not approving all of Hawthorne Drive. We cannot release the lot owners from the covenants that have been approved. Until the Planning Board sets them free and all the subdivision owners must agree to the terms.

Ildiko Rab – I am the mother of that child and I live on Cliffside Drive. I don’t feel that any of the other lots near me will be developed. One of them is owned by Mr. Moore.

Geoff – why are some lots specified as unbuildable?

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Jamie – I think that it would be most worthy to amend the ordinance. I think that it would be worthwhile to fix it.

Owen – in section 400, sections 402 & 403 can be read two ways.

Ken – section 402 is the only section that applies to the 50% rule.

Owen – do we have any flexibility?

Ken – no, it would be against the ordinance. I will not support something that goes against the ordinance.

Geoff – it will put an additional burden on the others on Hawthorne Drive.

Jamie – the subdivision portion is irrelevant.

Rick - I have a question on what happens to the balance of the lot owners. Is this not a part of the process? Why would we penalize the others? We don't have to make that decision today.

Ken – they can decide to wait until they have 50% developed.

Charlie Foote – 55 Hawthorne is the next lot up and is a lot further up the road and the one abutting Bayberry. If they are being taxed individually, they could combine the lots and throw another wrench in the process. The burden is between all of us at the present time, but if you accept this it will fall on two of us. This is a concern to me. I thought that this was for all of Hawthorne Drive, but it has changed. The road is flat. It would be 660 feet if straight road to be plowed. I understand that it is difficult to make a decision.

Bill – we are working to cooperate to accept the portion of the road that is permissible.

Bob – what do the residents want? They want to see the Select Board to move forward on the portion that meets the 25% of the ordinance.

Owen – section 300, if you read it, challenges what we are talking about. It is not an equitable process. If you read section 505, I see some flexibility.

Ken – this is all determined once the rules are met.

Jamie – you don't own the road. On April the 18th, we are going to put it on the ballot. I am representing the owners of the subdivision and not all of the residents. We have surprised them by saying we will accept only a portion of the road.

Owen – when do we need to have this decided to have it on the warrant.

Bill – we need to take action tonight.

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Owen – asked for a five-minute break and then asked to speak to Bill.

8:05 p.m. to 8:12 p.m. a break was taken

Owen – moved to amend the motion to extend the 600' on Hawthorne from Bayberry Lane. There was no second so the motion died.

VOTE: 4 FOR – 0 OPPOSED

VI. NEW BUSINESS

- a. Acknowledgement of Gifts to the Town:
 - None this meeting
- b. Committee Resignation(s):
 - Doug Linder – Board of Assessment Review

Bill – Doug Linder has been on the BAR since 1994. Our prayers are with him as he goes through some medical issues.

Kenneth McKinley moved to accept the resignation of Doug Linder from the Board of Assessment Review and to send him a letter of thanks especially for his long years of service. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Harry Podolsky – Recreation Committee

Ken – Harry has moved out of town. It is nice to have younger people interested in town government.

Owen – he has moved to Camden.

Kenneth McKinley moved to accept with regret the resignation of Harry Podolsky from the Recreation Committee and to send him a letter of thanks. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- d. Committee Application(s)
 - None this meeting

Ted Skowronski – there was an application for the Conservation Commission.

Bill – it was an oversight so we will put it on the agenda for April the 10th. We don't have her application before us and she is not present.

Ted – I recommend her to be added to the Commission.

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Bill – there is only one person short on the committee. We are not at risk of it creating a tie vote if there is something on their agenda that needs a vote. I prefer that she is present in case we have any questions. That is out of procedure for this process.

- e. Presentation by Anne Krieg, Executive Director of the Mid-Coast Regional Planning Commission (MCRPC)

Anne – this is my first month on the job. I cover eighteen towns providing varying levels of planning services. I could assist with updating your 2004 Comprehensive Plan. I have met with MDOT for all of the regional area. They give us funds to help with roads and pathways. The cost to you for annual membership is \$600.00 and as a result you will get 10 hours of my time per year. I have dealt with Bar Harbor and their issues. There will be a meeting in Union on the 27th at 5:00 p.m. and I would invite you to attend.

Ken – is this a new position? Have we been a member before?

Jamie – I don't know why we haven't been a member the last few years. He recommended joining and he has the \$600 available in his budget this year.

Anne – the membership is based on the fiscal year which begins July 1st to June 30th.

Owen – what region do you cover and how many are members?

Anne – Knox and Waldo County. I believe that Rockport is the only one who has not paid.

Owen – you are the MDOT whisperer for Jamie? Is part of what you do is keep an eye on what projects are planned and then notify the town?

Anne – yes. I meet with MDOT on a quarterly basis. The Board meets monthly and we have an annual meeting when we review the budget and the bylaws.

The Board decided to put this on the agenda for April the 10th.

- f. Receive a request by the residents of Mt. Pleasant St. regarding the condition of that town road.

Bill – last Monday Rick and I met with some of the residents from Mt Pleasant Street.

Seth Upham – provided pictures of the current shape of Mt Pleasant Street. He read a petition that the residents have presented for the Board to plea to have the unpaved portion of that road paved this year. The people that live on the unpaved section of Mt Pleasant Street pay \$80,000 a year as a total for real estate taxes. Last year some work was done as shown by the pictures. Will has come up with a plan to fix the road, which is 1.9 miles.

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Mike – it will cost \$550,000 to pave straight through.

Bill – we have a letter dated today from Gartley & Dorsky. I haven't had a chance to review it yet.

Rick – the work could be staggered over 2, 3, 4 or 5 years.

Will Gartley – we have been looking at the road for one and a half months now. We were up there March 24 and again today, March 27. There are ten sections of the road that are impassible and you would not want to pave over it in its present condition. They will need to rebuild it first. Sanding the road is not good for it as it holds water and makes it worse. To rebuild the road, it will cost \$207,700. I recommend doing the geotechnical work which will cost \$7,500.

Jack Lane – My family has been up there for 106 years. It looks like if it was a three-year phase of paving it would cost \$444,000.

Jeff Payson – the bad mud pit has been an issue this year. It is the worst I have seen it. You need to go ahead and pave this road. What about a municipal bond for residents to purchase or maybe a reserve account. People deserve to have an action plan in place.

Ken – other than the purple section, is the rest of the road in reasonable condition?

Will – all ten sections have been impassible at some time. The cost will include some shimming and fine grading.

Ken – what about just the gravel road?

Will – the more time that goes by, the more contaminated it will become.

Owen – if we don't use a 3-5-year plan, would we realize a savings?

Will – this work and this plan is necessary to make it passable. It is more cost effective to do it all at one time. If all the paving were done in one shot, there would be a savings.

Rick – I believe that we have \$90,000 left from the previous project that we could use. We could stagger the project or bond for the whole project.

Ken – how long will it take?

Will – four to six weeks for the whole project.

Geoff – would you entirely bid out or would public works do all the work?

Mike – we could do some of it. The old gravel will need to be trucked out.

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The Board talked about what they should do.

Ken – a bond concerns me as it is only for one section of the Town. I am more inclined to beef up the paving budget. What would the mil rate be on the tax bill if we do the entire package at once?

Geoff - fifty cents to the mil rate. It would be ten cents per hundred thousand.

Rick – we don't know what the budget will end with after year end is done. Can we get enough to get the first step done and then wait until the next year to finish it?

Mike – I need \$6,000 to \$7,000 to finish my projects for this year and this will leave me \$82,000.

Owen – will it cost more if we piece meal it? I think that we should go out for a bond.

Ken – can we get it together for the June ballot?

Geoff – maybe not the repair, but the paving. I urge us that if not in June then we push for November. We could do a 10, 15 or 20-year bond.

The Board had much discussion over this.

Seth – it is a major inconvenience closing for the winter. The school bus has to go all the way around through South Hope. It will also make us reliant on South Hope for first aid.

Rick – we can pull this off. We need \$207,000 if the voters approve the budget for this portion.

Bill – you need to come back to us with a layout for how much we will need and to have on hand for the project.

Owen – it will at least give these residents something in two years and not in five years.

Geoff – we should explore that option.

Rick – it is just paving, it shouldn't be that difficult.

Geoff – is it “just paving?”

Will – we don't know, we need to look at it.

The Board discussed that they will have an increase in the paving line of the budget.

One resident invited the Board to come up and see the road in mud season.

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- g. Consideration of the Maine Department of Transportation (MDOT) request for permission to move overweight vehicles and equipment over town-owned roads

Bill – we have been back and forth on this.

Mike – DOT has a right to go over our posted roads. It is in the fine print.

Ted – looking at the codes, I have a question on overweight vehicles. We don't have anything in our land use ordinances. We should have something.

Ken – the state regulates it.

Kenneth McKinley moved to approve Maine Department of Transportation (MDOT) request for permission to move overweight vehicles and equipment over town-owned roads. Geoffrey Parker the motion. VOTE: 4 FOR – 0 OPPOSED

- h. Consideration of one Quit Claim Deed for a foreclosed property:
 - Ronald A. Johnson, 143 Rockland Street, Map 008, Lot 071

The Board asked if was paying per his agreement.

Linda – yes, he has paid \$1,000 plus \$25.00 per week for two weeks. He has promised to continue paying \$25.00 per week until he is paid up to date.

Kenneth McKinley moved to approve the quit claim deed for the property on Map 008-071 owned by Ronald A. Johnson. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- i. Decide whether or not the public hearing and final votes on the budget and warrant articles can be held on April 10 or should those items be held on another evening

There is not time to post this meeting to have it on April the 10th.

Ken – can we nix one of the other meetings? Can we pare it down from three to two?

The Board discussed this question.

VII. WASTEWATER COMMISSIONERS

- a. Commitment of Sewer User Rate for the period of January 2017 – Not available

VIII. LIAISON REPORTS

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Bill – on April the 10th be ready for pictures. No camo or cargo pants are allowed. We are short a couple of bios for the website. Parks, Conservation and Pesticide Committees will be on the agenda for the 24th. Last Wednesday MCSWC met. We discussed what to do with the money that will be coming back to us that we paid as the initial buy in when we went to PERC. We should put it in for the new contract, but all four towns must do the same. In December, this year we will get \$71,000 from PERC and Rockport's share will be \$30,000. Each town needs to direct it back to MCSW to pay for the closure fee. Later we will have 1.5 million which will be over what we need. What we used to pump out of the quarry and what we will be pumping out will be a big savings. Don White has taken Leonard's place to represent Camden.

Owen – we should invest the funds where the cemetery funds are invested as their interest is more than other accounts.

Bill – because it is invested in Mutual Funds.

Owen – we have received 100 Waste Watch surveys back from the public.

The Library - where are we going with this? Do we want to be more involved? Their (the public) concern is shrinkage (size of the new library).

Owen – April 28th is “Keep Rockport Beautiful Day.” I have not been able to make the Recreation Meetings. A question is what it would look like to have the Marge Jones Park open year-round. We could have an indoor basketball court there. A legislative update is looking to allow hauling bedding over posted roads. I am concerned that I cannot do the CIP justice. I can make most of the meetings, but it may be limited. I am also on the school envisioning committee and cannot do it anymore. If someone wants to volunteer, I would love it.

Ken – the ORC is finishing up their season. Will found an error in the tables and the public hearing is set. We have had a pretty good season. The Cemetery Committee has not met because of the snow and we need to go there for a site visit regarding the proposed columbarium. We have scheduled an ambulance review meeting.

Legacy Rockport met, but they didn't have a quorum. They have received their 501C. They will be meeting the second Thursday of the month at 2:00 p.m. They have two vacancies on that committee.

Geoff – the Opera House Committee met Friday. I was unable to attend as I was on jury duty. The Planning Board and the Zoning Board of Appeals did not meet.

IX. EXECUTIVE SESSION – None this meeting

X. ADJOURN

Owen Casas moved to adjourn the meeting at 9:56 P.M. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY