

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY APRIL 10, 2017
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-Chair Kenneth McKinley, Geoffrey Parker, Owen Casas and Brendan Riordan. Also present: Richard C. Bates, Town Manager; Michael Young, Public Works Director, James Francomano, Planner & Community Development Director; Abbie Leonard, Harbormaster; Megan Brackett, Finance Director; Shay Ames, Assistant Town Clerk; and members of the public

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

II. PUBLIC HEARING

a. 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
- Monday, March 13, 2017 meeting of the Select Board
- Wednesday, March 15, 2017, special budget meeting of the Select Board

Kenneth McKinley moved to approve as written the minutes of the Wednesday, March 15, 2017 special budget meeting of the Select Board. Brendan Riordan seconded the motion. VOTE: 3 FOR – 0 OPPOSED – 2 ABSTAINED (Parker & Casas as they were not present at that meeting.

- Monday, March 27, 2017 meeting of the Select Board
- Monday, April 3, 2017 special meeting of the Select Board

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

c. Announcements regarding FY 17-18 (July 1, 2017 to June 30, 2018) – 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 –

Kenneth McKinley moved to hear b. & c. of Unfinished Business at the conclusion of the New Business items. Brendan seconded the motion. VOTE: 5 FOR – 0 OPPOSED

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

h. Public Comment –

Rob Phiefer and Dave Oaks talked about the dangers of plastic to the environment.

Rob – it doesn't look very good seeing plastic bags in the trees. We need to “do something for the children.” The average life of a plastic bag is twelve minutes; that doesn't go away and is still in the environment 100 years later. He showed a three-minute video of the effects of plastics on the environment. We need to carry a canvas bag to put our items in. There are 117 particles in a one liter plastic bottle. Plastic contaminates the ocean and gets into our seafood. We have to have a uniform way of getting rid of plastic bags. Ten municipalities have taken a stand against plastic. They are Portland and South Portland, Freeport and Falmouth, Brunswick and Topsham, Belfast and Saco.

Dave – why aren't we banning plastic across the United States? It is hazardous to sea birds and it doesn't break down. I have three children and I want them to have a healthy environment. Our oceans are declining. There is a moral issue here.

Owen – this is a universal plan. Belfast and Camden are also discussing this issue. What do you advocate for making it better?

Rob – the most extreme way of dealing with it is not shifting to paper as it doesn't work. There is a big plastic lobby in this state. “We need uniformity.”

Marci Casas – are we just talking about supermarkets and convenience stores only?

Rob – you have to ban the produce bags as well.

Rick – do you want to see this move forward? We should get the Conservation Commission involved.

Ken – thinks that having the Conservation Commission involved would be his suggestion.

Brendan – suggested that because of Marci that maybe it would be a good thought to go through the Waste Watch group.

Geoff – are you looking at meeting with both Rockport and Camden?

Bill – we could have this as an agenda item at our next dual meeting with Camden. It is too late to have an ordinance on the ballot for June. We need to bring this to the voters.

Rob – we have taken two polls and found that 70% want a ban on plastic.

The Board thanked Rob and Dave for their presentation.

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

Marci – I am disappointed that on March 29th no one from the Select Board attended the school budget meeting.

IV. TOWN MANAGER'S REPORT – See attached

Rick – recognized Assistant Town Clerk Shay Ames and Public Works Director Mike Young for their 5 years of service to the Town. They add a lot to their respective offices. Shay greets the residents with a smile. Mike is everywhere.

He also recognized Craig Cooley for his twenty years of service to the Town. Craig was not present at the meeting.

Owen – we need to get something for Dana for his years of service in the Police Department and wish him well in his new endeavor. Dana has resigned.

Rick – Yes, we will. The audit should be here by the end of the week. Lastly, there will be an open house on May 10th, 4-6 p.m. for the solar panels and how they work.

Ken – Dana didn't get noticed a lot while working here and if there is a send-off I would like to attend it.

V. UNFINISHED BUSINESS

- a. Consideration of cost allocation to perform remediation work on Mt. Pleasant St.

Rick - the project for the first phase will be \$243,000. We have \$65,365 left in the road reconstruction line from this year that we can use. There should be about \$23,000 left from the bond approved last year.

Mike – we are working on a plan for the streets that are really bad and need attention. The ones I am considering are Rockport Woods, Vinal Street, Ministerial, Old Rockland Street, Brandy Brook and Mill Street (it is bumpy for 3,100 feet). This will roughly cost \$282,000. The pavement is getting really bad and we are at the point of losing them if they don't get some attention.

Rick – we have enough road work already and are short \$154,000 from where we need to be.

Geoff – you are also protecting the other roads?

Rick – the question is how to make this happen.

Brendan – last time we had a group of engineers look at Mt Pleasant Street, so what happened and why are we in a different place now?

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

Mike – the sand we put on the roads in the winter breaks the dirt road down even more.

Brendan – do you feel that the work would not be a risk if we don't pave it this winter?

Mike – “no.”

Bill – asked if there was any public comment. There wasn't any.

Brendan – why have a separate warrant article?

Ken –it should be in a regular article. If residents say no then we will need to make that decision to use all of the monies for Mt. Pleasant and let the other work go.

Geoff – I remember that some people didn't want it paved. It has changed dramatically and now they want it done. I feel that it is okay to have a separate article.

Brendan – why if it is important, not do the whole job at one time?

Ken – Will said that it can be done over a 2-3-year period.

Molly Sholes – thanks to the weather, for a month or so I couldn't get out of the house. I was the one that was against having the road paved, “but now it ain't so.” You could do it in sections doing the worst portion first.

Linda Kapp – last time we were here I left feeling that the Select Board was going to take action this year. You said that \$207,000 will get us through and you would pave some of it next year.

Brendan – my concern is going back to the voters twice for the same issue.

Rick – the timing for bonding is too late and we cannot do it this summer.

The Board discussed about taking out a bond.

Ken – we need to do something this summer. Once paved how long will it last?

Mike – eight to ten years.

Brendan – why use a catch-up bond versus having it in the CIP Plan?

Bill – we also have other roads to pave. It bothers me that we still do not have an audit report! What do we have left?

The Board had a discussion about adding money to the budget.

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

Megan – it should be put in the Mt Pleasant line where there is already \$50,000 for engineering.

Brendan – it is troubling to me that if we ignore it long enough, it becomes a priority? Why do we ignore it and then decide that it is an emergency? We should let Mike decide what needs to be done and then fund it. We need to take responsibility and explain it to the voters.

Ken – I don't like a separate warrant article.

Bill – we don't need to take action tonight, but will need to put something on the agenda for the meeting on the 18th.

The Board discussed having the Budget Committee meet on the 19th to give their recommendation on any money changes in the budget.

Ken – Mike, you have \$200,000 in the budget but you need \$282,000 if we don't want to have some roads that will fail because of a lack of attention.

Mike – if I don't have enough money, I will need to cut some of the short roads off the work schedule.

- b. Update regarding commercial marijuana establishments
- c. Consideration of joining Mid-Coast Regional Planning Commission (MCRPC); appointment of two people to be representatives of the Town of Rockport to MCRPC

V. NEW BUSINESS

- a. Acknowledgment of Gifts to the Town:
 - Payment in Lieu of Taxes in the amount of \$700.00 from Coastal Mountains Land Trust

Bill – we should acknowledge the payment and thank them.

Kenneth McKinley moved to accept the payment in lieu of taxes in the amount of \$700.00 from Coastal Mountains Land Trust. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Committee Resignation(s): None this meeting
- c. Committee Application(s)
 - Marci Annis Casas – Conservation Commission

Bill – this will be as a regular member.

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

Brendan – she has been attending the meetings and I believe that she would be a great addition to the Commission.

Owen – since there is no money involved, I believe that I can vote on this item.

The Board agreed that he does not need to recuse himself. It is okay for Owen to vote on this item.

Marci – we need to bump our presentation scheduled for tonight to another time.

Kenneth McKinley moved to appoint Marci Annis Casas to the Conservation Commission with a term expiration of June 30, 2017. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

d. Parks Committee presentation

David Jackson – the committee has five members. I am the chair and we have Noni Ames, vice chair, Linda Posson, secretary, Sani Fogel, Jim Sady and Ames Curtis as an alternate. Bill is the liaison. We met on Wednesday and have done our annual report. We have on the agenda to change the bylaws to have seven members with four as a quorum. The biggest program we are having is to get a quorum to attend the meetings. I would like to upgrade Ames and to get one more member. Regarding the traffic island on Pascal Avenue we will plant and maintain it. Farley can do the watering at 4:00 o'clock in the a.m. The Garden Club will be helping with the cleanup coming up at Mary Lea Park. We also revisited the plantings at Andre's garden. We want to see what we can do about the exposed power tower. We want to do a pea stone path at Mary Lea Park and will also put down fabric from down below and come up the path. We need to plan a tour of all the parks and see what needs to be done. We are determined to get rid of that damn wooden fence (penalty box). The concept is fine but we want something more user friendly and attractive.

Owen – why is it that you dislike it so much?

David – it is like a wart on your nose.

Ken – alternates are necessary on some committees. They should attend the meetings and be able to vote if you need to use them to make up a quorum.

Bill – you will need to bring your bylaws back to us to vote on any changes.

David – I will talk to Farley's and try to negotiate with them to water the plants for free.

e. Conservation Commission presentation

This item was tabled.

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

- f. Consideration of a request of Fox on the Run to continue their operation in Harbor Park this summer

Lauren Jellison - this is our fourth summer. There has been an issue with where we park. I am flexible to park wherever I need to be.

Mike – we are going to put in another pedestal. It will take a little bit of time to get it done, but it will happen this summer.

David Barry – is very much in favor of moving the truck. It was a bad move to place it by Andre'. Families often take pictures with their children with Andre'. We don't want anything near Andre'. The pedestal is unsightly and dangerous.

Penny, past president of the Rockport Garden Club - she is very happy that the Board is moving the red food truck. It will be out of sight of Andre' so we will be able to take care of our plants. The electrical pedestal is unsightly. We want to hide it with a mature plant.

Rick – we are not good at picking out plantings so I am glad that you are going to do that.

Penny – we can help with it. It needs to be tall and wide enough to obscure it.

Bonnie Gibbons – I love having the food truck there. I am glad that the Select Board agrees with what Penny said. You can reconsider if you need to have it by Andre'.

Gretchen Leone – what happens this summer? She will stay there all summer.

Mike – it will be a couple of months before he gets to it and will get it done as soon as possible.

Geoff – I have a quick question for Abbie; when do you distribute power?

Abbie – will add it for the food truck and for other events at the park. I am against having tents. It ruins the pavement.

Geoff – where will the pedestal be?

Abbie – it is in the vicinity where it needs to be. Planting will help to hide it. There needs to be a box there. We can build something around it and make it look good.

Geoff – kids need to be able to climb on Andre'.

Abbie – his face is already falling off and needs to be repaired.

Geoffrey Parker moved to approve the request for the renewal of the Peddler's Permit requested by Lauren Jellison for Fox on the Run. Owen Casas seconded the motion. VOTE: 5 – FOR – 0 OPPOSED

Ken – I would like to add that we had have a few complaints about the truck, but several positive comments on the food.

BREAK 9:00 to 9:05 p.m.

- g. Consideration of the FY 18 Budget Changes recommended by the Budget Committee

Bill – no discussion is needed.

Ken – it is in the minutes that we mostly voted unanimous on the budget. We worked hard to keep the numbers down. I have no problem with the \$1,500 for the first two items. We need a short conversation about the other two,

Brendan – I think the \$5,000 for the library is appropriate.

Geoff – agreed.

Brendan – agreed with the \$5,000 for the parks and recreation budget.

The Board - this is small potatoes with what we will do with the Public Works budget next week.

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

Kenneth McKinley moved to approve the Maine Department of Transportation (MDOT) request for permission to move overweight vehicles and equipment over Town-owned roads in conjunction with project #21984.00 for Rt. 17 paving. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- i. Consideration of taking action to authorize the Town Manager to approve future MDOT requests of this nature

Bill – this is a different project number.

Owen – sometimes having more eyeballs, you can catch something they may be trying to sneak in.

Kenneth McKinley moved to authorize the Town Manager/Road Commissioner to approve Maine Department of Transportation (MDOT) requests for permission to

move overweight vehicles and equipment over Town-owned roads that are for normal maintenance operation for the 2017 road construction season. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

V. Back to Unfinished Business

b. Update regarding commercial marijuana establishments

Rick – Jamie and I have spent a good deal of time on where we go from here. We don't know how the residents feel about retail sales. The vote in November on marijuana was 50.2% to 49.8%. We have talked about testing facilities.

Geoff – local or statewide?

Rick – I think that the Town could decide.

Jamie – there is a lot more to be said about it. If we don't define it in the land use ordinance then we need to at least define uses.

Rick – the state is still working on rule making.

Owen – I have attended three work sessions on where it is going. The state is working very hard but not much is happening as far as forward progress. They are broken into two separate camps.

Rick – they should have something done in February of 2018. We need to use our time wisely. If not we will find ourselves up against a wall. It is very complicated. It will be a huge new industry of \$250 million dollars a year. We need to be prepared. There are only eight states that have approved the use of marijuana.

Ken – is it possible that the state will rule and then towns can't say no?

Geoff – we are hinting at a lot of information.

Bill – do we want to put a non-binding article on the June ballot?

Brendan- why would we do that before the ORC has reviewed it.

Rick – we can 1) do nothing, 2) ask the voters to prohibit it, or 3) ask the voters what they are thinking?

Owen – would this be a secret ballot question?

Rick and Bill – yes.

Owen – a proposed article, does it cover retail sales, etc.?

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

Jamie – no. The attorney suggested what he presented.

Ken – at some point we will need to have a vote.

Jamie – I would recommend making defined terms in an ordinance.

Rick – we will come back with a fairly close vote. There is a lot of work to be done.

Ken – we need to give them guidance on either an outright prohibition or only to be allowed in certain zones to sell retail sales. We need to have the ORC look at it.

Geoff – a non-binding questions submits to a lot of unknowns. We need to educate ourselves to be able to educate the public. We should have at least one workshop. What does a testing facility mean? What direction can one go in sales? We need to do this in a workshop and not at 10:00 o'clock at night.

The Board had more discussion.

Geoff – I would like it if we hosted a forum.

Brendan- could we do it with other towns?

More discussion by the Board.

Ken – we need something on the ballot in November to have it in our ordinance.

Jamie – what about a moratorium?

Ken – we need a non-binding article in June. It will be a piece of information for us to use.

Geoff – I would love to say no to it.

More discussion.

Owen – we could do it in May or around the 1st of June. We need to make it not too complicated for the voters or they will reject it.

Brendan – I agree with you. We should direct the Town Manager to check with town managers around to see if there is any interest with having a forum.

Ken – do you want a non-binding question on the ballot?

Owen - I well get three people who know the rules on marijuana.

Kenneth McKinley moved to put a non-detailed opinion poll on the June ballot. Geoffrey seconded the motion. VOTE – 4 FOR – 1 OPPOSED (Riordan)

- c. Consideration of joining Mid-Coast Regional Planning Commission (MCRPC); appointment of two people to be representatives of the Town of Rockport to MCRPC

Kenneth McKinley moved to nominated Jamie Francomano and Bill Chapman to serve as the representatives of the Town of Rockport on the MCRPC. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

VII. WASTEWATER COMMISSIONERS

Kenneth McKinley moved to leave as Select Board and enter as Wastewater Commissioners. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- a. Commitment of Sewer User Rate for the period of January 2017

Kenneth McKinley moved to commit the January 2017 Wastewater User/Debt Fees totaling \$25,280.23 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Commitment of the Sewer User Rate for the period of February 2017

Kenneth McKinley moved to commit the February 2017 Wastewater User/Debt Fees totaling \$24,645.33 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- c. Vote to approve the expenditure of up to \$232,827.50 for the construction of the Commercial St. sewer extension (Should be \$256,110.20)

Kenneth McKinley moved to authorize the funding of the Commercial Street Sewer Extension project in the amount of \$256,110.20 with money from the Investment Accounts held with The First and Bar Harbor Trust Services. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Rick – it has already been done essentially.

VIII. LIAISON REPORTS

Bill – the Library Director reported that the stats are up 11%, 25% for adults and children down 11% for young adults. They have received donations of \$1,155.65. The Investment Committee will be meeting later.

SELECT BOARD MEETING MINUTES, APRIL 10, 2017

Brendan – there wasn't any Harbor Meeting and the Conservation Commission will be meeting later.

Owen – I did not attend the Pathways meeting. Next month Ron Howard will talk about Beech Hill. \$10,000 is needed to be raised for the Maine Coast Heritage Trust. They support the Round the Mountain Trail. MCSW didn't have a meeting. The Waste Watch Committee is spending time at the Swap Shop. I didn't attend the Recreation Committee meeting.

Ken – the Ambulance Review Committee needs to schedule a meeting. No meeting for the Cemetery Committee. The ORC work is done for the season.

Geoff – the Planning Board met and voted to recommend all but one of the articles, the one regarding Rockport Granite.

IX. EXECUTIVE SESSION

- a. None this month

X. ADJOURNMENT

Kenneth McKinley moved to adjourn the meeting at 10:38 p.m. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY