

**- PUBLIC MEETING -**  
**Rockport Select Board**  
Wednesday, April 22, 2020 – 5:30 p.m.  
Geoffrey C. Parker Room – VIA VIDEOCONFERENCE  
Streamed at <https://livestream.com/Rockportmaine>

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**Please note: Due to the pandemic, the Select Board has been authorized by the state to meet remotely. At this meeting, the Board will be meeting in a videoconference format. Public comments or questions should be sent to the Town Manager at [wpost@rockportmaine.gov](mailto:wpost@rockportmaine.gov) or can be provided remotely through the livestream of the meeting.**

**AGENDA**

**I. Call Meeting to Order**

**II. Town Manager’s Report/Update**

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

Public comment should be directed at issues not under discussion on this evening’s agenda. Comment from the public will be welcome prior to each agenda item. Further comment will be granted only by permission from the Board. All public comment should be brief and to the point.

**IV. Amendments to the Agenda**

**V. Consent Agenda**

- a. Quit Claim Deed
- b. Meeting Minutes
  - March 9, 2020
  - March 23, 2020 Workshop/Regular Meeting
  - April 6, 2020

**VI. Action Items**

- a. Act on Award of Walker Park Seawall Reconstruction
- b. Act on Taxation of Timeshares Ordinance
- c. Act on Creation of and Appointments to Camden/Rockport Broadband Task Force

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

- May 11, 2020 - Regular Select Board Meeting

**VIII. Select Board Liaison Reports**

**IX. Adjournment**



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## 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

**William S. Post, Town Manager**  
Email: [wpost@rockportmaine.gov](mailto:wpost@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 April 8, 2020

#### Payments in Lieu of Taxes

- Maine Coast Heritage Trust made a Payment in Lieu of Taxes in the amount of \$5,600 for the Aldermere Farm, Beech Hill Connector and Erickson Field properties.
- Coastal Mountains Land Trust made a Payment in Lieu of Taxes in the amount of \$750 for the Beech Nut property on the Beech Hill Preserve.

#### Fire Department Grant

I am pleased to report that Fire Chief Peasley received a grant from Walmart in the amount of \$1,500 to purchase smoke detectors for the community.

#### Heating Oil Bid Award

Due to the pandemic and resulting chaos on the stock market and oil prices, we decided to put the fuel oil bid for next fiscal year out immediately. The Town received three bids for fuel oil for the period July 1, 2020 – June 30, 2021. I awarded the bid to the low bidder which was Dead River Company for \$1.5578 per gallon for up to 15,000 gallons. The current year price per gallon is \$2.316.

#### Maine Municipal Association Intern Grant

I applied for a grant from MMA to help pay the cost of this summer's intern through the Margaret Chase Smith Policy Center. On March 26<sup>th</sup>, Rockport was selected for a \$2,000 grant award which will be presented to the Town at the conclusion of the summer internship program in August. In addition, our summer intern has been in contact with me and is excited to begin. The exact start date is to be determined depending on the pandemic but is usually scheduled for the day after Memorial Day.

#### Central Maine Power Streetlight Refund

The Town has received the refund from CMP for the streetlights that were not repaired. The refund amounted to \$7,089.92 and was credited to the streetlight invoice.

#### Rotary Club Efforts

An effort started by Richard Anderson and others, including Camden and Rockport's Town Managers, has led to a website to promote and facilitate financial and volunteer support for

individuals and entities in Knox and Waldo counties. The effort grew to include rotary clubs in Belfast, Camden, Rockland, and Unity. The website is [www.rotariansserving.org](http://www.rotariansserving.org) and it contains links for individuals and entities that need assistance being adversely impacted by the current pandemic. The link to the website is on the Town's website as well as Village Soup and PenBay Pilot.

### **Revenue Collections**

Excise tax collections were down about 10.39% in March, or about \$6,700 from the same month last year. This is not a sharp decrease, so I am cautiously optimistic about this revenue. I will have information about tax collections at the meeting on Monday and will provide that detail, although tax payments have been steady over the last two weeks or more.

## **Consent Agenda**

- a. Quit Claim Deed
- b. Meeting Minutes
  - March 9, 2020
  - March 23, 2020 – Workshop
  - April 6, 2020

### ***Suggested Motion:***

**I move the Board approve the consent calendar as presented. (or amended after any discussion/changes**

Municipal  
QUITCLAIM DEED

(Maine Statutory Short Form)

The Inhabitants of the Municipality of Rockport, a body  
corporate and politic, located at Knox County,  
Maine, for consideration paid, release to Patterson Mobile Hm Pk LLC  
of 1091 Commercial Street Knox County,  
Rockport, Maine 04856  
the land in Rockport Knox County,

Maine: (here insert Description, and Encumbrances if any)  
Being the Premises described as Map 001 Lot 030-922 of the Tax Maps of the  
Town of Rockport.

The purpose of this deed is to release any interest the Town  
of Rockport may have acquired by reason of the following liens for unpaid taxes,  
recorded at the Knox County Registry of Deeds:

2010 Tax Lien, Book 4317 Page 198

The said Inhabitants of the Municipality of Rockport  
have caused this instrument to be signed in its corporate name by Debra Hall, Denise Munger,  
Douglas Cole, Jeffrey Hamilton and Mark Kelley  
, its duly authorized, this  
13<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Debra Hall, Chair

\_\_\_\_\_  
Denise Munger, Vice-Chair

\_\_\_\_\_  
Douglas Cole

\_\_\_\_\_  
Jeffrey Hamilton

\_\_\_\_\_  
Mark Kelley

State of Maine

County of Knox, ss April 13, 2020.

Then personally appeared the above named Debra Hall, Denise Munger, Douglas Cole, Jeffrey  
Hamilton and Mark Kelley of said body corporate and politic, and acknowledged the foregoing  
instrument to be their free act and deed in their said capacity and free act and deed of said body  
corporate and politic.

Before me,

\_\_\_\_\_  
Notary Public  
Linda M. Greenlaw  
Printed Name

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, MARCH 9, 2020  
6:30 P.M.  
GEOFFREY C. PARKER COMMUNITY MEETING ROOM  
ROCKPORT OPERA HOUSE**

Present: Chair Debra Hall, Vice Chair Denise Munger, Douglas Cole, Jeffrey Hamilton and Mark Kelley. Also, present: William Post, Town Manager, Linda M. Greenlaw, Town Clerk; Michael Young, Public Works Director, Lynda Clancy, the press and members of the public.

**I. CALL MEETING TO ORDER – Chair Hall called the meeting to order at 6:30 p.m.**

**II. TOWN MANAGER’S REPORT/UPDATE**

Town Manager Post stated that the new LED streetlights have been ordered and will be installed in April or May. Two citizen’s petitions to amend the Land Use Ordinance have been circulating and if they receive the required number of signatures, the Board will need to place the articles on the town meeting warrant and the Planning Board would need to hold a public hearing. That public hearing could be scheduled for April 2<sup>nd</sup>. The Town has received an estimate from Tree Works regarding trimming trees at the Marge Jones Recreation Fields to remove the brown tail moth nests. The house on Sea Street by Walker Park has demolished as the contractors prepare to repair the private section of the seawall. The Budget Meeting will be held tomorrow night at 5:30 p.m. in the Richardson Room at the Town Office. It will not be livestreamed.

Chair Hall read a statement, regarding the hotel being proposed for downtown, that she had prepared and stated that it was on her behalf and not that of the Select Board.

**III. PUBLIC INPUT ON NON-AGENDA ITEMS**

Lynda Clancy, Legacy Rockport Committee member and part of the planning committee for the Maine Bicentennial reported on the events scheduled for Sunday, March 15<sup>th</sup>. The day will start with a walk to the Beech Hut, then a luncheon at the Masonic Lodge sponsored by the Simonton Corner ,association ending with a supper at the Opera House catered by Café Miranda, music by Miner’s Creek and the High School Brass Ensemble. Kerry Hardy will speak about ancient Indians regarding Rockport history and Ed Sheridan will speak about the lime kilns. Tickets are available at the Rockport Town Office.

Board Member Cole spoke about the coronavirus. The area hospital, PBMC is ready to care for our residents. There are two great doctors that live in Rockport, Dr Liechty and Dr Eggena, both of whom specialize in infectious disease control. The best advice is to wash your hands, cough in your elbow, if you are sick stay home and if you have a fever, cough or difficulty breathing call your primary physician or the emergency department.

Chair Hall stated the there is a PAWS Clinic providing a wellness clinic for pets free of charge for those in need.

#### **IV. AMENDMENTS TO THE AGENDA –**

Board member Cole asked that a donation for the Memorial Park be added under action items.

#### **V. CONSENT AGENDA**

- a. Committee Bylaws:
  - Zoning Board of Appeals
  - Board of Assessment Review
  - Investment Committee
  - Capital Improvement Committee
- b. Committee Resignation(s)
  - Stephanie Kimble – Budget Committee
  - Richard Lermond – Rockport Parks and Beautification
- c. Meeting Minutes
  - February 10, 2020

**Board Member Kelley moved that the Board approve the consent agenda as presented. Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED**

#### **VI. ACTION ITEMS**

##### **a. Act on Committee Application(s)**

It was reported that Heidi Baker would not be attending the meeting as she has sick children at home.

**Board Member Cole moved that the Board appoint Heidi Baker to the Camden-Rockport Pathways Committee for a term ending June 30, 2023. Vice Chair Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

**Vice Chair Munger moved that the Board appoint Laurie Smith to the Parks and Beautification Committee for a term ending June 30, 2022 and Janice Baldwin for a term ending June 30, 2023. Board Member Kelley seconded the motion.**

Janice Baldwin stated that Board Member Cole asked her to put in her application. She said that she loves plants, gardening and landscape design.

Laurie Smith also stated the Board Member Cole asked her to put in her application. She stated that she has lived in Rockport for forty years and likes the progress that has been completed by the committee and wants to give back to the town.

Chair Wallace of the committee stated that if they are willing to roll up their sleeves and dig some holes the committee would be pleased to have them as members.

**VOTE: 5 FOR – 0 OPPOSED**

**b. Act on Contracts Between the Town and Phi Builders and Architects for Intersection Improvements, Parking and Lower Level Upgrade**

**Vice Chair Munger moved that the Board approve the contracts by and between the Town and Phi Builders and Architects for the Intersection Improvements, Parking and Lower Level Upgrade as presented. Board Member Kelley seconded the motion.**

Town Manager Post reported that the first contracts should have been acted on a long time ago. The contracts have been reviewed by several attorneys.

Board Member Cole stated that he had mixed feelings and assumed that we have talked about any changes that are in the contracts.

Town Manager Post stated that the contracts were based on the stream rehabilitation contracts that was previously approved by the Board. The cost of the parking project is included in the library construction contract. The intersection is a separate item.

Chair Hall stated that she agreed and that any funds left over should go towards the parking.

**VOTE: 5 FOR – 0 OPPOSED**

**c. Act on Use of Opera House Reserve Fund for Fire Alarm System Upgrade**

Town Manager Post stated that a quote was provided in 2018 and the upgrade needs to be completed as recommended by the State Fire Marshall.

**Board Member Hamilton moved that the Board approve the fire alarm system upgrade at the Opera House for the amount of \$18,949.39 with funding from the Opera House Reserve Account. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**d. Act on Use of Town Office Building Reserve Fund for Fire Alarm System Upgrade**

Town Manager Post stated that the system is twenty years old and there haven't been any upgrades just repairs as needed. Quotes were provided in 2018 but the work was never completed. The funding would be from the Town Office Building Reserve Fund. The upgrade is for the safety of the public and employees.

**Board Member Kelley moved that the Board approve the fire alarm system upgrade at the Town Office for the amount of \$5,693.58 with funding from that Town Office Building Reserve Account. Board Member Cole seconded the motion. VOTE: 5 FOR - 0 OPPOSED**



**e. Act on Addendum to Agreement by and Between the Town and Northeast Mobile Health Services**

Town Manager Post stated that the addendum to the contract extends the contract one year to expire on June 30, 2021. Changes are an increase in the contract amount to a 3% cap and the response time to be defined as the total time from when calls are dispatched to the time the ambulance arrives at the scene and increasing the response time by two minutes.

**Board Member Hamilton moved that the Board approve the Addendum to the Agreement by and between the Town and Northeast Mobile Health Services as presented. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**f. Act on Approval of Lease/Purchase Agreement for Streetlight Project**

Town Manager Post stated that the motion needs be read and approved as provided by counsel.

Board Member Cole asked if #3 could be changed.

Town Manager Post stated that it could not be changed as we are already locked in.

**Board Member Kelley moved that the Board find:**

- 1. That a Capital Acquisition Project (the “Project”) consisting of the Lease Purchase of new streetlights and related equipment, is hereby approved; and**
- 2. That the financing for the Project in the principal amount of \$300,000 is awarded to Androscoggin Bank at an interest rate of 2.98%; and**
- 3. That the Town Manager is hereby authorized to execute a Lease Purchase Agreement for the Project, and all other documents reasonably necessary to accomplish the purpose of this vote in his capacity as Town Manager or in his capacity as Town Treasurer, as the documents may require; and**
- 4. That the Select Board hereby confirms its determination that the term of the Lease does not exceed 120% of the economic life of the Project; and**
- 5. That said Lease is hereby designated a “bank qualified tax-exempt obligation” of the Town for the 2020 calendar year under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. Board Member Cole seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**g. Act on Acceptance of Donation for Memorial Park**

Board Member Cole reported that a donation of \$10,000 had been made to the Town for Memorial Park. He stated that he had been worried about the funding for the project. He hopes that this will stimulate others to donate money towards the project.

**Board member Cole moved that the Select Board accept the anonymous donation of \$10,000 to the Parks and Beautification Reserve Fund. Vice Chair Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

## **VII. DISCUSSION ITEMS**

### **a. Discuss Infrastructure Bond Project Schedule and Timeline**

Town Manager Post handed out documents that described the projects showing a timeline and the order of priorities. Please see attached Infrastructure Bond Project List and Timeline.

Some of the road work will be handled by the Town's Public Works Department and other work will be done by contractors. For road work the following was reviewed:

Project #1 (Old Rockland Road) will be bid out as it needs engineering and includes a complete reconstruction of the road. Last October there was discussion about the sidewalk by the church in Rockville. It was determined that the sidewalk would be rebuilt from the church to Gurney Street. Depending on cost, the sidewalk may be a regular asphalt curb, raised sidewalk or it may be a paved shoulder that will be marked as a bike/ped lane. The Town of Rockport will send out letters to the neighboring residents when the work is to be done.

Project # 5 (Gurney Street/Mill Street), the Town is hoping to be working on Mill Street with Rockland where there is a section of the road near the intersection of the Bog Road that is located in Rockland

Project #6 (Camden Street), the Town will be checking with Camden to see if they will be willing to pave their section of Camden Street when Rockport's part of the street is paved.

Board Member Cole stated that he felt that it is very exciting for the Town to be able to get a huge part of the Town roads paved.

Board Member Hamilton stated that he would also like to thank the Capital Improvement Committee and the Pathways Committee for their part in the project.

Town Manager Post then reviewed the other infrastructure projects to be done.

Priority #1 (Town Pier) will take some engineering work and may be started in the late fall.

Priority #2 (Public Safety Building Parking Lot Paving) is more involved than simply repaving as the base near the bay doors at the Public Safety Building is rutted and cracked. It needs placement of under drainage to connect the building downspouts. The driveway will be re-paved.

Priority #3 includes the exhaust removal system at the Public Safety Building and Public Works Building and that will be completed in 2020.

Priority #4, the fire suppression system for the Town Office Vault will also be completed in 2020.

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Priority #5, the harbor paving project involves correcting drainage issues and realigning the parking area in front of the building and then repaving, and another power pedestal will be placed where a pad will be constructed for a food truck.

Priority #6, regarding sidewalks will be done next year.

Board Member Cole stated he is disappointed that this project is being kicked down the road. "Can we fast track the Main Street project?"

Town Manager Post responded that it might be possible. Engineers are working on the possibility of construction of the sidewalk from Summer Street to the Fire Station and then to the Town Office.

Priority #7 (Town Office Parking Lot Paving) will be done in 2021.

Board Member Kelley stated that he appreciates the ability of the Town Manager and Public Works Director Young to pull the projects all together.

Public Works Director Young remarked that the weather has been good, and the crew has been able to get an early start by clearing brush and trimming trees along the road projects.

**b. Discuss Fireworks Draft Ordinance**

Chair Hall talked about the petition that the Town received in regard to banning fireworks. There were not enough certified signatures or proper wording to place the item on a ballot. The Board tasked the Town Manager with drafting an ordinance and that is what he did.

Vice Chair Munger stated that it looks like the Board is recommending an ordinance.

Board Member Hamilton stated that the Board asked the Town Manager to draft an ordinance. He stated that he does not like the part of the ordinance that states that the Board determined that fireworks pose a threat to the public health, safety and welfare. The Manager stated that the state law dictates that language if the Board is to draft an ordinance banning fireworks.

The Board discussed what they wanted to see about a ban on fireworks.

Board Member Hamilton stated that the Town Manager had delivered what the Board had asked for.

Board Member Cole asked if they should do a straw poll.

Town Manager Post stated that it is possible to have a non-binding question on the ballot.

Board Member Kelley stated that it might be better to have the question on the November ballot as there will be a higher turnout.

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Town Manager Post stated that he could draft a non-binding referendum question and have the Town Attorney review it and then have the Board discuss it.

The Board agreed to a non-binding question on the ballot regarding fireworks in Rockport.

**VIII. ANNOUNCE FUTURE MEETINGS, OFFICE CLOSURES, ETC.**

- March 10, 2020 Budget Review Meeting - 5:30 p.m. (RR) SB invited
- March 18, 2020 Select Board Budget Workshop 5:30 (GCPR)
- March 23, 2020 Regular Select Board Meeting (GCPR)
- March 24, 2020 Budget Committee Meeting 5:30 p.m. (GCPR) Consensus Votes
- April 10, 2020 Candidate Nomination Papers Deadline

**IX. SELECT BOARD LIAISON REPORTS**

Board Member Cole stated that he did not attend the Library Committee meeting. The Investment Committee report is history now. The Parks and Beautification Committee will be meeting on Wednesday with the landscape architect for discussion of landscaping of the library grounds. The Parking Working Group will be meeting on Friday the 13<sup>th</sup> at 10 a.m. The traffic at the intersection by the Library has been rerouted.

Vice-Chair Munger stated that the Opera House Committee met on Thursday. Legacy Rockport will meet next Monday, and the Board already had a report on the Maine Bicentennial Celebration from Lynda Clancy. The Zoning Board Appeals did not meet. The Ordinance Review Committee met last Wednesday and will send their recommendations to the Planning Board and then to the Select Board. The Land Use Ordinance needs work, so the committee will continue working through the summer.

Board Member Kelley stated that the Parks Committee is getting ready to go out to bid for plants and flowers. The Conservation Commission will meet later this month regarding pesticides.

Board Member Hamilton stated that the Capital Improvement Plan Committee will meet in April and the Comprehensive Plan Committee will meet on Wednesday. The Harbor Committee met last week. The Recreation Committee is still trying to generate interest in that committee and to involve new members.

Chair Hall report that the facility manager at Midcoast Solid Waste had resigned. The job has been reposted. The Committee has received two, maybe three good candidates. The deadline will end soon. Operations are running fairly well. David St Laurent is the intern manager. He worked in Rockland at their transfer station and is presently Camden's Public Works Director. MCSW employee Jim Annis is still in rehab recovering from his injuries and the Board wishes him well.

She thanked Stevie Kumble, Budget Committee and Richard Lermond, Parks Committee for their service on their respective committees.

**XI. ADJOURNMENT**

**At 8:08 p.m., Vice Chair Munger moved to adjourn the meeting. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, MARCH 23, 2020  
SELECT BOARD WORKSHOP - 5:30 P.M.  
REGULAR SELECT BOARD MEETING IMMEDIATELY FOLLOWING WORKSHOP  
GEOFFREY C. PARKER COMMUNITY MEETING ROOM  
ROCKPORT OPERA HOUSE**

**Please note: Due to pandemic, the Select Board has been authorized by the state to meet remotely. At this meeting, a conference line has been set up and can/will be used by members that wish to call in and participate. Public comments or questions should be sent to the Town Manager at [wpost@rockportmaine.gov](mailto:wpost@rockportmaine.gov) or can be provided remotely through the livestream of the meeting.**

**WORKSHOP**

Present: Chair Debra Hall, Vice Chair Denise Munger, Douglas Cole, Mark Kelley and Jeffrey Hamilton (remotely). Also, present: William Post, Town Manager and the camera person.

- I. CALL MEETING TO ORDER – Chair Hall called the meeting to order at 5:30 p.m.**
- II. REVIEW RECOMMENDATION FROM THE BUDGET COMMITTEE**

Town Manager Post reported on the two recommendations received from the Budget Committee. The Manager recommended that the Committee reduce the amount for the Walker Park Seawall Project in the Parks budget by \$15,000 as he has received advice from the engineer that the lowest bidder for the Project could be accepted. The Budget Committee accepted this recommendation. The Budget Committee also recommended that the Select Board reduce the use the Unassigned Fund Balance to \$15,000 from \$30,000 to offset the reduction in the Parks Budget, line 7347. The net budget remains the same.

Board Member Cole suggested that the Select Board also leave in the \$15,000 that the Board had already approved and use it for the Memorial Park.

Chair Hall stated that the Board had previously agreed that the funds for Memorial Park should be raised by donations. She stated that she did not want to speak for other members.

Board Member Hamilton stated that he recommends staying with the \$15,000 from the Unassigned Fund Balance as a savings during these difficult times we are experiencing.

Vice Chair Munger stated that she is torn and felt that this is something that the Board had already decided on.

Board Member Cole stated that it seems like that the Board wants to save money and that he is okay with the decision.

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Town Manager Post stated that they should begin on page 4, Article 17 of the proposed Town Meeting Warrant Articles.

Board member Kelley arrived at the meeting.

Chair Hall briefly explained to Board member Kelley what had been discussed.

Board member Kelley stated that the townspeople have been tapped a lot for the library project and wondered if some of the landscaping could be put off for a year or so.

Board Member Cole explained that the Parks and Beautification Committee will be discussing their landscaping plans. There is a plan for several gardens around the memorials.

Vice Chair Munger stated that the Rockport Garden Club will help with the flowers for the gardens.

Board Member Cole stated that with volunteers and donations the funding is 85% of the way there. He stated that he can live without the extra \$15,000 in the budget for landscaping for the Memorial Park.

The Board and Town Manager discussed their concerns about the collection of excise tax and the number that they recommended for the coming year for collection of the excise tax. People are not buying new cars and registrations are presently on hold by state authority.

Board Member Hamilton offered to reduce expenses at this point in time would be the best thing to do. He stated that he may be overly frugal at this time and that we may not be where we should be with excise tax.

Town Manager Post stated that excise tax will be delayed for this year's budget. He believes that the pandemic will have a negative effect on the current year's budget more than next year's budget. By next fiscal year's budget, residents will register their vehicles with expired registration creating an increase in excise tax. It is all an unknown. Real estate tax payments are coming in and some people are buying new cars. Some dealers are offering 0% interest rates with 84 months to pay.

The Board then reviewed the Annual Town Meeting Warrant articles regarding the budget.

**Chair Hall moved that the Select Board recommend the approval of Article 17 for General Government Expenditures of \$1,498,594. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Vice Chair Munger moved that the Select Board recommend approval of Article 18 for expenditures for Public Assistance for \$26,990. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Board Member Cole moved that the Select Board recommend approval of Article 19 to see if the Town will vote to raise and appropriate the following for Public Safety for the 2020/2021 fiscal year in the amount of \$1,790,009. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Board Member Kelley moved that the Select Board recommend approval of Article 20 to see if the Town raise and appropriate the following for Public Works for the 2020/2021 fiscal year for \$1,907,503. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Chair Hall moved to recommend that the Select Board recommend approval of Article 21 to see if the Town will raise and appropriate the designated amounts for Culture and Recreation for 2020/2021 fiscal year with the change in the Parks budget from \$115,390 to \$100,390 for a total expenditure of \$788,462. Board Member Kelley seconded the motion. VOTE: 5 FOR- 0 OPPOSED**

**Board Member Hamilton moved that the Select Board recommend approval of Article 22 to see if the Town will vote to raise and appropriate the following for Long Term Debt for the 2020/2021 fiscal year for debt being \$284,606 for the total being \$284,606. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Vice Chair Munger moved that the Select Board recommend approval of Article 23 to see if the Town will vote to raise and appropriate the following for County Fees for the 2020/2021 fiscal year in the amount of \$110,018. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Board Member Cole moved that the Select Board recommend approval of Article 24 to see if the Town will vote to raise and appropriate the following for Cemeteries and Special Assessments for the 2020/2021 fiscal year in the total amount of \$70,325. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Chair Hall moved that the Select Board recommend approval of Article 25 to see if the Town will vote to raise and appropriate the Revenues from the sources indicated in our agenda items reducing the property tax assessment for the 2020/2021 fiscal year as designated here with the exception of the Unassigned Fund Balance being reduced from \$30,000 to \$15,000 for a total of \$2,237,047. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Town Manager Post stated that the Board needs to ratify these votes when they get to the action items in the meeting for the Select Board immediately following this workshop.

The workshop was adjourned at 5:57 p.m.

Respectfully submitted,



ROCKPORT Select Board Budget Workshop Meeting  
Monday, March 23, 2020

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, APRIL 6, 2020  
10:00 A.M.  
RICHARDSON ROOM & VIDEO-CONFERENCE  
ROCKPORT TOWN OFFICE**

Present remotely: Chair Debra Hall, Vice Chair Denise Munger, Douglas Cole, Jeffrey Hamilton; Mark Kelley joined at 10:24 a.m. Also present remotely: William Post, Town Manager, Randy Gagne, Police Chief and Philip Saucier, Town attorney.

**I. CALL MEETING TO ORDER – Chair Hall called the meeting to order at 10:04 a.m.**

**II. Executive Session**

**a. Discussion of a legal matter pursuant to 1 M.R.S. Section 405(6)(E)**

**At 10:04 a.m., Board member Hamilton moved that the Board enter executive session to discuss a legal matter pursuant to 1 M.R.S. Section 405(6)(E). Board member Cole seconded the motion. VOTE: 4 FOR – 0 OPPOSED 1 – ABSENT (vote by roll call)**

**At 11:06 a.m. Board member Cole moved that the Board exit executive session. Board member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

**Board member Cole moved that the Board authorize the Tax Collector to waive interest on real estate and personal property taxes for 30 days and authorize additional 30-day waivers as deemed appropriate by the Town Manager until July 15<sup>th</sup>. Board member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (vote by roll call)**

**III. ADJOURNMENT**

**At 11:09 a.m., Vice Chair Munger moved to adjourn the meeting. Board Member Cole seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

Respectfully submitted,

WILLIAM S. POST  
TOWN MANAGER

## **Action Items**

- a. Act on Award of Walker Park Seawall Reconstruction

### **Manager's Comments: Action item**

The Town received five bids for the Walker Park Seawall Reconstruction Project. The project was bid with three options:

#1: if constructed in conjunction with the neighboring property in winter/spring of 2020

#2: if constructed independently of the neighboring property's project in winter/spring 2020

#3: if constructed independently of the neighboring property's project in fall 2020/winter 2021

As detailed in the bid tabulation prepared by Gartley & Dorsky, the two lowest bidders for the project provided the same bid price for each scenario. Because of budgeting purposes, I chose to select completion in the fall of this year or winter of 2021. After a thorough review of references and projects of the lowest bidder by Gartley & Dorsky, we recommend that the Board award the project to L.G. Whitcomb Landscaping, LLC of Morrill for \$39,000. Funding for this project is included in the proposed FY21 budget in the Parks Account.

### ***Suggested Motion:***

**I move the Board award the Walker Park Seawall Reconstruction Project to L.G. Whitcomb Landscaping, LLC for the amount of \$39,000 contingent on funding approval.**

**BID RESULTS**

**Project:** Town of Rockport, Walker Park Shoreline Stabilization

**Location:** Sea Street Rockport, ME

**Date:** 2/7/2020

**Issued By:** William Gartley

**Project No.:** 19-163

**Base Bid #1.** The following Bid Results are tabulated below with respect to the Walker Park project and Ruffin/Boyd projects happening simultaneously and are both awarded to the same contractor and with construction starting on or about February 17, 2020 and being completed by March 13, 2020 and loam, seed, and mulch substantially completed by May 8, 2020.

Bid Alternate 1 for this project includes constructing new granite steps and handrail.

<b>BIDDER</b>	<b>BASE BID 1</b>	<b>BID ALTERNATE 1</b>	<b>Total</b>
Ford Enterprises	\$56,400.00	\$18,100.00	\$74,500.00
George C. Hall & Sons, Inc.	\$60,000.00	\$10,000.00	\$70,000.00
Farley, Inc.	\$41,725.00	\$11,314.00	\$53,039.00
Jake Barbour, Inc.	\$45,300.00	\$8,850.00	\$54,150.00
L.G. Whitcomb Landscaping, LLC	\$32,000.00	\$7,000.00	\$39,000.00

**Base Bid #2.** The following Bid Results are tabulated below with respect to the Walker Park project if it is completed independently and with construction starting on or about February 17, 2020 and being completed by March 13, 2020 with loam, seed, and mulch substantially completed by May 8, 2020.

Bid Alternate 1 for this project includes constructing new granite steps and handrail.

<b>BIDDER</b>	<b>BASE BID 2</b>	<b>BID ALTERNATE 1</b>	<b>Total</b>
Ford Enterprises	\$58,400.00	\$18,500.00	\$76,900.00
George C. Hall & Sons, Inc.	\$60,000.00	\$10,000.00	\$70,000.00
Farley, Inc.	\$42,920.00	\$11,314.00	\$54,234.00
Jake Barbour, Inc.	\$45,300.00	\$8,850.00	\$54,150.00
L.G. Whitcomb Landscaping, LLC	\$34,000.00	\$7,000.00	\$41,000.00

**Base Bid #3.** The following Bid Results are tabulated below with respect to the Walker Park project if it is completed independently of the Ruffin/Boyd project and completed in the Fall 2020/Winter 2021, exact dates to be negotiated.

Bid Alternate 1 for this project includes constructing new granite steps and handrail.

<b>BIDDER</b>	<b>BASE BID 3</b>	<b>BID ALTERNATE 1</b>	<b>Total</b>
Ford Enterprises	\$56,400.00	\$18,100.00	\$74,500.00
George C. Hall & Sons, Inc.	\$60,000.00	\$10,000.00	\$70,000.00
Farley, Inc.	\$49,412.00	\$12,445.00	\$61,857.00
Jake Barbour, Inc.	\$45,300.00	\$8,850.00	\$54,150.00
L.G. Whitcomb Landscaping, LLC	\$32,000.00	\$7,000.00	\$39,000.00

## **Action Items**

- b. Act on Taxation of Timeshares Ordinance

### **Manager's Comments: Action item**

Included in your materials are a memo from Assessor Kerry Leichtman and the draft ordinance. This ordinance is modeled from state law as well as the Town of Ogunquit's and Bar Harbor's ordinances. This is one of the few ordinances that the Select Board can adopt without town meeting approval. I highly recommend this ordinance be adopted as this will save costs with issuing 3600 tax bills for timeshares and will most likely reduce time in the Tax Collector's Office dealing with liens.

### ***Suggested motion:***

**I move the Board approve the Taxation of Timeshares Ordinance as presented (or amended).**

# memo

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## Town of Rockport

To: Rockport Select Board  
From: Kerry Leichtman, Assessor  
CC: Bill Post, Town Manager  
Date: 12/23/2019  
Re: Timeshare tax bill ordinance

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I researched the issue of sending a single tax bill to the Samoset Resort Timeshare Estates Association of Unit Owners, rather than a separate tax bill to each individual owner, and found 33 M.R.S. §593.4, which states in part:

“The managing entity may collect and receive money from time-share estate owners for the purpose of paying taxes assessed on time-share estates.

“If required by an ordinance enacted by the municipal officers, the managing entity shall [emphasis added] collect and receive money from time-share estate owners for the purpose of paying taxes assessed on time-share estates. The ordinance must also require that the municipality send the managing entity a tax bill and information necessary to identify the assessed value of each time-share unit. Nothing in this subsection prevents a municipality from sending separate tax bills to each time-share owner.”

The managing entity in this case would be Samoset Resort Timeshare Estates Association of Unit Owners.

I located a file in my office which detailed the difficulties the town had when the timeshares were first built in 1983. The Town and Samoset management were at odds over how to value the units and how to bill the unit owners. Timeshares were a new type of real estate in 1983 and precedent was scarce.

Rockport’s assessor at the time, Mel Foley, was prescient in anticipating the bureaucratic problems associated with the town having to administer tax billing, and in placing liens and foreclosures on the units. It is precisely those issues we are attempting to address with this ordinance.

I can understand the Samoset’s objection when the timeshares were first built and sold in 1983, but I think advances in computer technology negate much of what they probably found objectionable almost 40 years ago.

Fast forward to 2020: Rockport has 2,600 “normal” real estate accounts and 3,600 timeshare accounts. The Town Clerk department spends a considerable

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amount of time and expense chasing delinquent tax bill accounts and on foreclosures.

Many timeshare tax bills are quite small. During the most recent billing cycle 735 timeshare tax bills were for \$11.94. 58% of the tax bills we print and mail are timeshare accounts.

I presented these findings to the Town Manager April 2019. Although well received, it didn't advance. Under Bill's direction, however, the initiative to transfer tax billing responsibilities to the Samoset has moved along at a brisk pace.

Bill and I met with Samoset Resort General Manager, Connie Russell, last month. Once presented with our ask, Connie immediately understood how simple this would be for the Samoset to take on and agreed to move it forward.

Connie said they have a new comptroller who is all about leveraging technology to make systems more efficient. He thought she'd be able to work with us to create a system that suited both the Town and Samoset.

I called colleagues in Ogunquit and Bar Harbor and received copies of their timeshare ordinance. Both strictly follow the statute's wording.

After studying the two ordinances and discussing their slight differences with Bill, I edited Ogunquit's ordinance into what has been presented to you.



**ROCKPORT MUNICIPAL CODE  
TAXATION OF TIMESHARES ORDINANCE**

**SECTION 100 – TITLE:** This ordinance shall be known and may be cited as the “Taxation of Timeshares Ordinance” of the Town of Rockport, Maine.

**SECTION 200 – AUTHORITY:** This Ordinance is adopted pursuant to the Maine Constitution - Article VIII, Maine Statutes Title 30-A, M.R.S. § 3001, and Title 33, M.R.S. § 593, Chapter 4.

**SECTION 300 – PURPOSE:** The purpose of this Ordinance is to facilitate the collection and payment of property taxes on timeshare estates.

**SECTION 400 – DEFINITIONS:** As used in this Ordinance, the following terms shall have the meanings indicated:

**401 - Escrow Account:** An account established and maintained by the managing entity in accordance with 33 M.R.S.A. §593 (5).

**402 - Managing Entity:** The Timeshare association responsible for management of timeshare estates or if the association has designated an agent responsible for the obligations imposed by this section, such agent.

**403 - Timeshare Estates:** Any interest in a unit or any of several units under which the exclusive right of use, possession or occupancy of the unit circulates among the various owners of the unit in accordance with a fixed time schedule on a periodically recurring basis for periods of time established by the schedule, couple with a freehold estate of an estate for years in timeshare property or a specified portion thereof.

**404 - Timeshare Owner:** A person or entity who is an owner or co-owner of a timeshare estate other than as security for an obligation.

**SECTION 500 – TAX BILL AND COLLECTION OF FUNDS**

**501 – Tax Bill:** The Town of Rockport shall send the managing entity a tax bill for the timeshare project, which shall include the information necessary to identify the assessed value of and the amount of tax owing for each timeshare unit.

**502 – Collection of Funds:** The managing entity shall collect and receive funds from timeshare estate owners for the purpose of paying the real estate taxes assessed on each timeshare estate.

## TAXATION OF TIMESHARES ORDINANCE

### SECTION 600 – ESCROW ACCOUNT

**601 – Escrow Account:** The managing entity shall establish and maintain an escrow account with a financial institution licensed by the state and deposit money collected or received for taxes in the escrow account within 10 days after collection or receipt. The escrow account shall be established in the name of both the managing entity and the Town of Rockport.

**602 – Withdrawal of Funds:** No withdrawal may be made from the escrow account without the written agreement of the Town of Rockport.

**603 – Payment of Taxes:** Prior to the delinquency date established by the Town of Rockport at its Annual Town Meeting, the managing entity shall pay to the Rockport Tax Collector all money deposited in the escrow account for the purpose of tax payment.

If the amount paid from the escrow account is not sufficient to discharge all taxes and tax-related costs due and owing, the managing entity shall place a lien on those time share estates whose owners have not contributed to the escrow account as provided in 33 M.R.S. §594, and pay the outstanding amount no later than 30 days after the date it has collected the taxes and costs from the delinquent owner or has foreclosed the lien and sold the timeshare estate requested to new owner or 10 months from the date of commitment, whichever is earlier.

If requested by the Town of Rockport, the managing entity shall provide a list of identifying those owners and their interests, including the period of ownership, to the Rockport Tax Collector, who may then, if he or she elects, proceed to collect the taxes on those interests as allowed by law.

**604 – Alternate Lien Procedure:** If the Rockport Tax Collector and Treasurer use the lien procedure described in 36 M.R.S.A. §942, 942A and 943 to collect delinquent taxes on timeshare estates, whatever notice is called for in §942, 942A and 943 shall be sent to the owner of the timeshare estate as required by law.

The Rockport Tax Collector and Treasurer shall also give to the managing entity or leave at the managing entity's last and usual place of abode or send to the managing entity by certified mail return receipt requesting either a copy of the notice sent to the timeshare estate owner or a notice that lists all the timeshare estate owners to whom notices have been delivered.

### SECTION 700 – VIOLATIONS & PENALTIES

**701 – Violations:** When a violation of any provision of this section shall be found the Rockport Tax Collector shall inform the managing entity, the municipal officers and the

**TAXATION OF TIMESHARES ORDINANCE**

Town Manager of the violation. If the notice does not result in the correction of the violation, the Select Board may institute any and all actions and proceedings, either legal or equitable including seeking to enjoin the violation and the imposition of civil penalties, that may be appropriate or necessary to enforce this section.

**702 – Penalties:** Any managing entity that fails to comply with the provisions of this section shall be punished by a civil penalty of at least \$100 and not more than \$200 per day payable to the Town of Rockport and for court costs and reasonable attorney fees incurred by the Town of Rockport. Each day the violation continues after the Town of Rockport gives notice thereof shall constitute a separate violation.

**SECTION 800 – EFFECTIVE DATE:** This Ordinance shall become effective seven (7) days after enactment for taxes assessed and billed in the Fiscal Year 2020-2021, which commences July 1,2020.

Dated at Rockport, Maine: \_\_\_\_\_

\_\_\_\_\_  
Debra Hall, Chair

\_\_\_\_\_  
Denise Munger, Vice-Chair

\_\_\_\_\_  
Douglas Cole

\_\_\_\_\_  
Jeffrey Hamilton

\_\_\_\_\_  
Mark Kelly

Town of Rockport Select Board

## **Action Items**

- c. Act on Creation of and Appoints of Camden/Rockport Broadband Task Force

### **Manager's Comments: Action item**

Board Chair Hall is recommending that the Technology Committee be disbanded, and a new joint Camden/Rockport Broadband Task Force be created. This task force will undertake and expand the work that has been started by the current ad hoc committee consisting of a few Rockport and Camden citizens.

Chair Hall recommends that John Veihman, Joe Sternowski and she be appointed to this new task force. Chair Hall will provide additional details.

### ***Suggested Motion:***

**I move the Board create with the Town of Camden, the Camden/Rockport Broadband Task Force and appoint Debra Hall, John Viehman and Joe Sternowski to the task force.**