

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, MAY 22, 2017
7:00 P.M.
ROCKPORT OPERA HOUSE MEETING ROOM**

Present: Chair William (Bill) Chapman, Vice Chair, Kenneth McKinley, Geoffrey Parker and Owen Casas. Also present: Richard C. Bates, Town Manager; Megan Brackett, Finance Director; Randy Gagne, Chief of Police; Jamie Francomano, Planner and Community Development Planner; Mike Young, Public Works Director; Abbie Leonard, Harbormaster; Terri Lea Smith, Opera House Rental Agent & House Manager and members of the public

I. **CALL MEETING TO ORDER** – Bill Chapman, Chair called the meeting to order at 7:02 p.m.

II. **PUBLIC HEARING**

a. Regarding the non-binding marijuana article

“Do you support allowing retail marijuana establishments and retail marijuana social clubs to operate in the Town of Rockport and the development of amendments to the Land Use Ordinance to regulate the location and operation of those uses?”

Explanation: This article is a non-binding advisory question

Bill opened the public hearing at 7:06 p.m.

Anyone in Favor – None

Anyone Opposed – None

Anyone Neither For Nor Against – None

Bill closed the public hearing at 7:07 p.m.

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

Kenneth McKinley moved to approve, as presented, the minutes of the Monday, March 13, 2017, meeting of the Select Board. Owen Casas seconded the motion. VOTE: 2 FOR – 0 – OPPOSED – 2 ABSTAINED (Parker & Casas as both were absent)

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

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Kenneth McKinley moved to approve, as presented, the minutes of the Monday, April 3, 2017, special meeting of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

- Monday, April 10, 2017, meeting of the Select Board

Kenneth McKinley moved to approve, as presented, the minutes, of the Monday, April 10, 2017, meeting of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

- Tuesday, April 11, 2017, special meeting of the Select Board

Kenneth McKinley moved to approve, as presented, the minutes of the Tuesday, April 11, 2017, special meeting of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

- Thursday, April 13, 2017, meeting of the Select Board

Kenneth McKinley moved to approve, as presented, the minutes of the Thursday, April 13, 2017, meeting of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

- Thursday, April 13, 2017, special meeting of the Select Board
- Tuesday, April 18, 2017, public hearing and meeting of the Select Board

Kenneth McKinley moved to approve, as presented, the minutes of the Tuesday, April 18, 2017, public hearing and meeting of the Select Board. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

- Monday, April 24, 2017, special meeting of the Select Board

Kenneth McKinley moved to approve, as presented, the minutes of the Monday, April 24, 2017, special meeting of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

- Monday, May 8, 2017, meeting of the Select Board

Geoffrey Parker moved to approve, as presented, the minutes of the Monday, May 8, 2017, meeting of the Select Board. Owen Casas seconded the motion. VOTE: 3 FOR – 0 OPPOSED - 1 ABSTAINED (McKinley absent)

- Monday, May 15, 2017, executive session of the Select Board

Geoffrey Parker moved to approve, as presented, the minutes of the Monday, May 15, 2017, executive session of the Select Board. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 – OPPOSED

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

Bill – at the organizational meeting following Town Meeting, the new Board can change all of the meeting dates.

- c. Town Meeting: See agenda
- d. Announcement 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 item “g.” of New Business before the Unfinished Business so the police chief can leave early and move the entire Wastewater Commissioners to after item d., so Megan can leave earlier. Owen Casas seconded the motion. VOTE: 4 FOR – 0 Opposed

- h. Public Comment –

Pat Messler – we have two vacancies on the Library Committee, but you only have one listed.

Bill – the reason is because one of the vacancies was caused by a resignation.

Pat – the Friends of the Library will have its annual book sale on July 13th – the 16th. It is our major fundraiser. We expect to raise \$14,000-\$15,000 from the sale plus \$2,000-\$3000 from our annual membership. As a result of these events, we have been able to give \$18,000 to \$20,000 to our public library. I want to thank the Public Works Department without whom we couldn't do it without their help. I would also like to thank all of the volunteers. We do need more help and you can sign up at the library. We have 25,000 items for sale which include books, DVDs, puzzles and various other items. We are grateful that Rockport Steel, for the past 3 years, has provided us with a place to sort and store these items. Starting in August Gregg Haining has donated space for us to use.

Terri Lea Smith/House Manger & Rental Agent - Rockport Opera House – on August the 12th we will be celebrating our 125th year. We will be having live music, food, dancing and Earl Shettleworth will talk to us about the turn of the 20th century regarding the Opera House. He has many interesting stories to tell. We need help if anyone is interested in volunteering. You can contact me at operahouse@town.rockport.me.us, by phone 207-542-3555 and on Facebook.

IV. TOWN MANAGER REPORT

Rick – the new sidewalk on Pascal Avenue is looking good and the railing will be here soon, but has to be custom fabricated. We are still working on a plan for what to do on Summer Street. The sewer extension on Route 1 is done. The Spear Street sewer expansion is basically on hold until the property owner decides what to do. David Barry would like to invite the Select Board to march in the Memorial Day Parade.

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Owen – I will be marching with the Legion.

Bill – I will be flipping burgers at the Masonic Hall.

Ken – I will be out of town.

Geoff – I don't know where I will be.

New Business item g. Approval of the three-year interlocal joint agreement with the Town of Camden for Police Chief services

Rick – the current agreement expires on July 1, so we should memorialize it.

Ken – in the preamble, the third paragraph, we should change it to read “the Town of Rockport has a continued need for police chief services.”

Geoff – page 4 #f delete the date and add “concurrently in force.”

There was discussion that it seems that we are biased to a wonderful person and usually it is for the job and not an individual.

Bill – we are approving a particular person and contracting for his services. We will appoint him and his officers on July 1st.

Ken – we are truly a ways from consolidation.

Owen Casas moved to approve the three-year interlocal agreement with the Town of Camden for Police Chief Services for the period of three years, July 1, 2017 to June 30, 2020 as amended and authorize the Town Manager to sign the agreement. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

V. UNFINISHED BUSINESS

- a. Ames Curtis – Parks Committee (elevation from Alternate to Regular member)

Kenneth McKinley moved to approve the appointment of Ames Curtis from an alternate member to a regular member of the Parks Committee with a term expiration of June 30, 2018. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- b. Consideration of the “Town of Rockport Safety Policy Mission Statement”

Kenneth McKinley moved to approve the Town of Rockport, Safety Policy Mission Statement as presented. Geoffrey Parker seconded the motion.

Ken – his idea was furnishing a safe place is not totally accurate.

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Geoffrey moved to change “safe place” to “safe environment.” Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VOTE ON AMENDED MOTION: 4 FOR – 0 OPPOSED

VI: NEW BUSINESS

a. Acknowledgment of Gifts to the Town:

- Donation of \$2,500 from Camden National Bank to the Rockport Fire Department

Geoffrey Parker moved to accept the donation of \$2,500 from Camden National Bank to Rockport Fire Department with appreciation and send them a letter of gratitude. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Donation of a scoreboard from an anonymous donor for the Babe Ruth Field at the Marge Jones Recreational Facility

Kenneth McKinley moved to accept the donation of a scoreboard from an anonymous donor for the Babe Ruth Field at the Marge Jones Recreational Facility with appreciation and ask the Town Manager to send the donor a letter of thank you on behalf of the Select Board and the Town. Geoffrey Parker seconded the motion.

When building something is there any liability?

Rick – the liability is already there

VOTE: 4 FOR – 0 OPPOSED

Bill – MCSMC also gave us \$6,600 in lieu of taxes.

Bill Chapman moved to thank them and have the Town Manger send them a letter of thanks. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

b. Committee Resignation(s)

- Mario Turi – Harbor Committee

Geoffrey Parker moved to accept the resignation of Mario Turi from the Harbor Committee and to send him a letter thanking him for his outstanding service. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

c. Committee Application(s)

- Jeff Hamilton – Harbor Committee (elevation from Alternate to Regular member)

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Kenneth McKinley moved approve the appointment of Jeff Hamilton from an alternate member to a regular member of the Harbor Committee with a term expiration of June 30, 2019. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- William Freeman - Board of Assessment Review

Kenneth McKinley moved to approve the appointment of William Freeman as a regular member to the Board of Assessment Review with a term expiration of June 30, 2018. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- d. Presentation of the FYE 2015-2016 Audit by the firm of James Wadman, CPA

Moved this item to after the Conservation Commission presentation (New Business e.)

Bill – let's take the Conservation Commission presentation (e) first as we have a young lady here and we need to get her home.

- e. Conservation Commission presentation
 - i. Comments, as requested by the Select Board on a joint request by the Conservation Commission and the Recreation Committee for the management of ticks at the Marge Jones ballfields

Marci Casas – talked about the Marge Jones Recreation Park and that we are having a problem with ticks. We need to explore our options. Does the Pest Management Advisory Committee even exist?

Ken – We tasked that role to the Conservation Commission years ago.

Marci – we are in need to work to get something done in haste in the next two weeks. There are three local companies –Tick Tock, Paul McFarland, sprays the perimeter of the property; Greengrounds uses a natural spray. It cost twice as much and wears off quickly and needs to be done every four weeks; Tick Barrier, uses cedar.

Owen – on page 4 of section VIII address emergency situations and exemptions.

Rick – I would look to the Conservation Commission on this matter.

Marci – option #2 would cost \$4,000-\$5,000. My suggestion is to use Tick Tock. I represent the Conservation Commission. Our hope and goal tonight is to get this done.

Bill – where do they spray?

Marci – the perimeter of the field/grounds.

Geoff – I presume on the inside.

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Marci – no as ticks don't usually like the shorter grass. Time is of the essence.

Maggie Timmermann, Ted Skowronski, Marci – Tick Tock is for a short term.

Marci – it will only be used on our fields at the Recreation Park. The Conservation talked about it at their last meeting.

Mike – we haven't had any luck with natural processes at this time.

Marci – we would have them spray early in the morning before the kids use the field. Lyme disease is prevalent in this area. All of these companies are Rockport based. This needs to be done now. We have some money in our budget.

Bill – I am in agreement that it needs to be done quickly.

Ken – the Town Manager can act on it and should have a recommendation from the Conservation Commission.

Geoff – just a reminder towards using something that is less harmful to the environment and on a short term.

Owen – they need to loop Rick in when they go to a long term.

- ii. Recommendation on Goodies Beach pollution problems, following Gartley and Dorskey's 2016 feasibility study

Kimberly Kimball – talked about the work that they had done. The first thing that they want is “no pets on Goodies Beach.”

Jamie jumped in about Goodies Beach referring to a memo to the Select Board, the Chair of the Conservation Commission, the Harbormaster and Public Works Director. He discussed the three items on it (see attached)

Rick – the first two items on the list, we are already doing.

Marci – the only one that they want is a dog ordinance banning dogs from the beach.

Abbie – talked about the water policy.

Rick – we can do it internally.

Bill – is it necessary to ban dogs in January or only in the summer months? This will take some time to do.

Maggie – it is not logically sensible to have a ban only at certain times of the year.

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Geoff – this item should be on an agenda for discussion.

Ken – we cannot direct staff on what to do, Rick will have to direct them.

Rick – items 1 and 2 we are already doing and I don't want to discuss it again.

Ken – it seems like we can handle this on an administrative level. We can have a friendly “Dog Banned” sign.

Bill – we need to notify the public in advance of posting a ban.

Marci – it is not a danger issue, but it is a pollution issue.

Kim – we would like to try it on a temporary basis.

Ted – we need to educate people on what the intention is by having a notice in the newspaper.

Geoff – does the committee have information that the problem at Goodie's Beach is caused by dogs?

Ted – no, this is not what we are saying.

Rick – we can offer the dog owners to use the boat launch, but not the beach area.

Marci – we want to temporarily ban dogs for this summer.

Kenneth McKinley moved to direct the Town Manger to cause dogs to be banned from Goodie's Beach until November 1, 2018. Geoffrey Parker seconded the motion.

There was more discussion by the Board.

Rick – most public beaches do not allow dogs. I have two dogs and love my dogs, but would not take them to a beach where the public swims.

Bill called for the vote.

VOTE: 3 FOR (Casas, Parker & McKinley) – 1 OPPOSED (Chapman)

iii. General update

Kim – showed a slide of the pipe at Goodie's Beach. We need to divert the runoff to a domestic sewer, extend the pipe at least 80' or treat the runoff with an ultraviolet disinfection.

There was discussion on extending the pipe. We have money that we could use for more testing.

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Mike – we need to figure how far to get the pipe out, what we need from permitting (DEP & USACE) and what the cost will be. I have talked to the engineer and his head almost blew off.

Ken – it is critical for this Commission to finish their work by mid-December. You need to come to a conclusion where we need to go. It is not feasible to put that water into the system in Camden. Their treatment plant cannot handle it.

Rick - Camden will never take our storm water. The lady from Dep was for extending the pipe.

Marci - we need a liaison from the Select Board. We have been in violation since 2014.

Mike – Gartley and Dorsky may have the answer to the questions.

Abbie – we need to educate the boat owners on how to use the Town-owned pump out station. We try to educate anyone who comes into the office. We have material from Healthy Beaches to give them.

Marci – next year with boat registrations, pamphlets will be given out.

Kim –starting next week, we will have more data on water samples. I appreciate your listening and understanding

d. of New Business Presentation of the FYE 2015-2016 Audit by the firm of James Wadman, CPA

James Wadman – Wanese Lynch is here with me and she has done the manager's field work for many years.

Let us start with page 62 of the report. You are in a healthy financial position. Growth is at about 1%. He then talked about pages 8 & 9 about our assets.

Owen – what is the accrued salaries payable on page 10 for? At our budget meetings, we discussed if we would have enough money saved if several of our long-time employees retire.

Jim – it does not include monies for retirement. It is for payroll and benefits. Other employee benefits such as group life insurance will be something new. The movement is to bring more of this into the financial reports.

Next is the Wastewater accounts on pages 14 & 15. He briefly went over them. Pages 17 – 38 are accounting policies. Page 22-24 has to do with being compliance.

Owen – on page 22 why is the Dodge Fund a negative amount?

Wanese explained that there is an offset on the revenue side.

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Jim – page 38 is about the Maine State Retirement Fund (MPERS). Page 39 is the budget versus actuals. The revenues are favorable as well as the expenses being favorable and below budget. Transfer are unfavorable. Page 42 includes library reimbursements. Page 43 expenses are favorable.

Page 42 needs an explanation. Assessing numbers are because of an agreement with Camden and shared services. Page 44, General Assistance is over \$12,237, but you received revenue back from the state. Overall there are some nice favorables.

Page 45 pulls together changes in Unassigned Fund Balance. It has a net increase of \$118,287.

Jim went to the auditors' letter to the Board. Some monies were in wrong accounts and the reconciliation were not done in a timely manner. He talked about having a very small amount of debt.

Bill – asked about the reconciliation issue.

Jim – it is being taken very seriously. It is safe to say that we will not see these next year. They are being worked on.

Owen – on a high level how are we doing?

Jim – you are in great financial shape. There are a couple of management comments and we will see them go away. They are being worked on.

Kenneth McKinley moved to accept the Audit Report for FYE June 30, 2016 as presented by James Wadman, CPA. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VII. WASTERWATER COMMISSIONERS

Kenneth McKinley moved to leave as Select Board and enter as Wastewater Commissioners. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- a. May Commitment of Sewer User/Debt Fees for the period of March 2017

Kenneth McKinley moved to commit the May Commitment of Sewer User/Debt Fees for the period of March 2017 totaling \$101,100.01 to the Treasurer for collection. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED.

- b. Approval of the FYE June 30, 2018 Wastewater Budget

Kenneth McKinley moved to approve the FYE June 2018 Wastewater Budget. Owen Casas seconded the motion.

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Megan – we took \$32,000 from the truck and put it into the CIP Plan. Essentially, we are keeping the \$33,000 in reserve and added \$10,000 to it.

VOTE: 4 FOR – 0 OPPOSED

- c. Consideration of disposition of the unspent portion of the Route 1 Sewer Extension bond

Kenneth McKinley moved to approve the expenditure of \$21,500 to complete survey work and to collect ledge data from the \$24,569.42 left from Route 1 work done (Fresh Off the Farm/Rockville Steel) and apply the remaining balance of \$3,069.42 to the next loan payment. Geoffrey Parker seconded the motion.

Megan – according to Nate, they are funding the remaining \$5,000. He was confident in the \$21,500 figure.

Rick – it is the first step in many. The waste could be sent north or south.

VOTE: 4 FOR – 0 OPPOSED

Kenneth McKinley moved to leave as Wastewater Commissioners and to go back into session as the Select Board. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

BACK TO NEW BUSINESS

- f. Northern Borders Regional Commission grant application for funding a study for expansion of the town-owned FTTP network

Kenneth McKinley moved to authorize the Town Manager to sign an application to the Northern Border Regional Commission for funding assistance to pursue a Network Feasibility Study as described in the attached proposal submitted by Finley Engineering and CCG Consulting, dated January 17, 2017. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Bill Najpauer helped with this grant. We are applying for this grant and it is a more modest proposal than the last one. It will not be available until 2018-19. The feasibility study will be \$55,000 and we will need to raise \$22,500 of it as a match.

John Viehman made the presentation – he told us how we need to move ahead. They will give us a banker ready document.

Jamie – the odds are relatively high that we will get the grant.

John – the fiber will be a great value. We have to apply by June 2nd. We will be dealing with Finlay Engineering & CCG Consulting firms. They are national firms.

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Owen – on page 8 deliverables, my question is if they do the first portion and find that we are not deliverable will they give us money back?

John – their approach is that they will give us a model that will work.

Rick – this is only permission for us to sign on to apply for the grant.

VOTE: 4 FOR – 0 OPPOSED

h. Approval of the Emergency Action Plan (NIMS)

There are several errors.

Kenneth McKinley moved to table the Emergency Operation Plan until the next meeting. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- j. Consideration of next year meeting schedule and briefing by town committees, commissions and boards.
 - Should we consider holding the 2nd meeting of the month on a day of the week other than Monday?

Bill – would you like to change the day of the week that we meet every month? The Charter states that we only have to meet once a month.

The Board – wanted to leave it as it is.

- Schedule committee and commission to present at the 2nd meeting

Bill – I gave you a calendar with the dates. Assuming that we will only have one meeting in December, as Rick is on vacation, we would have to change it for that month. I am just bringing this to your knowledge.

- Proposed committee, commission briefing schedule?

Bill – I have given you a schedule showing when these meetings would be.

Geoff – we need to check with the Harbor Committee and the Opera House Committee

See attached schedule.

- Proposed workshop schedule (obviously with the library workshops):

See attached schedule.

VII. WASTERWATER COMMISSIONERS – this portion of the agenda was done above

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- a. May Commitment of Sewer User/Debt Fees for the period of March 2017
- g. Approval of the FYE June 30, 2018 Wastewater Budget
- h. Consideration of disposition of the unspent portion of the Route 1 Sewer Extension bond

VIII. LIAISON REPORTS

The Board each gave their report of what has happened with their assigned committees.

IX. EXECUTIVE SESSION

- a. None this meeting

There will be an executive session on June 1st and a short meeting prior to it to approve the last few minutes that are due and hear one other item.

X ADJOURNMENT

Kenneth McKinley moved to adjourn the meeting at 10:43 p.m. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY