

MEETING MINUTES
TUESDAY, MAY 26, 2020 AT 5:30 P.M.
VIA VIDEOCONFERENCE
Streamed at: <https://livestream.com.Rockportmaine>

Please note: Due to pandemic, the Select Board has been authorized by the state to meet remotely. At this meeting, the Board used Zoom to meet in a videoconference format. The public was informed that public comments or questions could be sent to the Town Manager at wpost@rockportmaine.gov or provided remotely through the livestream of the meeting.

Remotely present: Chair Debra Hall, Vice Chair Denise Munger, Douglas Cole, Mark Kelley (5:39 p.m.) and Jeffrey Hamilton and Linda M. Greenlaw, Town Clerk. Present at Opera House: William Post, Town Manager, and the audio/visual technician.

I. CALL MEETING TO ORDER – Chair Hall called the meeting to order at 5:31 p.m.

II. TOWN MANAGER’S REPORT/UPDATE

Town Manager Post stated that Olivia, the summer intern started work that day. Board Member Cole asked what her tasks will be. Town Manager Post replied that he has twelve projects listed, which include the following items: assisting with the parking study, the wage survey, and the job descriptions; digitizing the old personnel files; working on the Town website and the Opera House website; mapping Sea View Cemetery and other projects.

The Manager thanked Treeworks for injecting the trees at Walker Park to protect again brown tail moths for no charge. A school district employee was utilized to inject trees at Marge Jones Recreation Field and performed 500 injections in several trees at the Sea View Cemetery.

The work that was done on Andre the Seal sculpture a few years ago failed and his face fell off. The individual who did the work repaired the statue at no cost.

Vice Chair Munger asked if the Town will be reimbursed for some of the costs associated with the pandemic. Town Manager Post replied that the Town should and that is why he is tracking his time and the costs associated with the pandemic. The Finance Director and Fire Chief are keeping track of costs and, when allowed, the Town will send the records to FEMA and MEMA for reimbursement.

Chair Hall stated that she knew that the staff was hoping, with the office being closed to the public, that they could make some headway on issues that needed attention but that this has not been the case due to additional demands on the staff time.. Town Manager Post agreed stating that unfortunately he feels like he is gotten further behind because of all the worked that has been created as a result of COVID 19. The Assessor has caught up on his filing, but other staff also feel that they were so busy when working that they mostly could only tend to the daily routines. There were and still are many phone calls with questions.

III. PUBLIC INPUT ON NON-AGENDA ITEMS

Town Manager Post stated that there is nothing on the livestream or by email at this point. Earlier in the week he stated that he had received several positive comments on the CIFF drive-in project at the former RES site.

IV. AMENDMENTS TO THE AGENDA – None at this meeting

V. CONSENT AGENDA

- a. Committee Resignation(s):
 - Rockport Parks and Beautification Committee – Laurie Smith
- b. Meeting Minutes
 - May 11, 2020 Regular Meeting

The Board agreed to take the minutes off the consent agenda.

Vice Chair Munger moved that the Board approve the consent agenda as modified. Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED (Vote by roll call)

Chair Hall asked what corrections needed to be made to the minutes of May 11th.

Board Member Cole stated the following changes on page 6 of 9, under b, second paragraph delete “has no idea” to “had once asked” and paragraph four, first sentence, add after the word “questions” “he would like asked of the Select Board.”

Vice Chair Munger stated the following changes on page 3 of 9, correct who made the motion to approve the minutes of March 23 Workshop by deleting “Member Cole” and correct “scribner’s” to “scribener’s” and on page 4 of 9 fourth paragraph delete “when” to “how to get a copy of “ and on page 6 of 9 second paragraph change it to “is a creative positive idea and a good counter balance to the many cancellations of summer events and thank the proponents for their thoughtful work and approach to something fun for the community.”

Board Member Cole moved to approve the minutes of the May 11th Select Meeting as amended. Board Member Kelley seconded the motion. VOTE: 5 FOR - 0 OPPOSED (Vote by roll call)

VII. ACTION ITEMS

a. Act on Use of RES Site by Camden International Film Festival (CIFF)

Town Manager Post turned the discussion over to Ben Fowlie and Emily Peckham. He stated that they have addressed the concerns that were raised by the Select Board at their last meeting.

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Ben Fowlie talked about the proposal and the resurgence of drive-in movie theaters that are happening all over the state. He reported that he had a visit at the site with the Fire Chief, Police Chief, and the Code Enforcement Officer.

Fowlie discussed how the structure would be constructed and that his staff will be practicing social distancing. They have their own procedures and staff and intend to hire police detail for each event. Their goal is to make the events safe and exciting. *Penbay Pilot* and *Bangor Daily News* have contacted him for an interview because of their presentation last month to the Select Board. CIFF is in the process of notifying the neighbors and have had some positive feedback. There will be 2-3 events per month from July to October starting the second week in July. Fowlie stated that they would also like the potential for renewal of the use of the site for 2021.

Fowlie has been in communications with some food trucks and the Town of Rockport is listed as an additional insured. To help get the project started, CIFF would ask that the use of RES be free of charge.

Vice-Chair Munger stated that the plans look good and well thought out. She is very supportive of the plan.

Board Member Cole moved that the Board approve the use of the RES site by Points North Institute for a temporary drive-in theater with full details to be approved by the appropriate Town staff including the Code Enforcement Officer and Town Manager. Vice-Chair Munger seconded the motion.

Board Member Kelley asked if they had anticipated the need for more than one restroom facility. Fowlie responded that they had and depending on the usage at the events they would make more portable toilets available, if necessary.

Board Member Kelley thanked Ben Fowlie and Emily Peckham and stated that he is looking forward to it.

Chair Hall stated that there have been a lot of positive comments from members of the public.

Board Member Kelley asked what the capacity of the lot is. Fowlie stated that the capacity is somewhere around eighty cars.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

The Board all wished them luck with the project.

b. Act on Planning Board Bylaws (as amended)

Vice-Chair Munger moved that the Board approve the Planning Board Bylaws as amended. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

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c. Act on Memorial Park Plan

Board Member Cole presented this item. There are several items on the conceptual plans that were detailed in the Board's materials. These include plantings for Memorial Park, a list of plants to be in the buffer garden bed and the minutes of the May 13th meeting of the Rockport Parks and Beautification Committee.

Board member Cole stated that the orientation on the diagram may be a little off and it is not to scale. The pin oaks will not be transferred because they attract brown tail moths. The purpose of the buffer garden is to buffer the neighbors from the lights, and the Parks and Beautification Committee is trying to protect Beth Davis from the headlights. The sketch does not appear to contain much green space in the park, but there is, as the plan is not drawn to scale. A bike rack will also be located in the park, close to Limerock Street.

Board Member Kelley moved that the Board approve the Memorial Park landscaping plan as amended without the transplanted pin oaks. Vice-Chair Munger seconded the motion.

Board Member Hamilton asked if there was any thought about the bike rack in another space. Board Member Cole stated that he would take it back to the committee for discussion.

Chair Hall stated that the Board is not approving the financing of the landscape improvements at Memorial Park. Board Member Cole agreed and noted that the Town has received \$10,000 for the landscaping in the Park and only have spent \$4,600.

Board Member Hamilton stated that they are being asked to approve the conceptual plan.

Board Member Cole stated that they wanted to start the landscaping soon but was told that they need to wait until September. He remarked that it might be a good thing as the local nurseries will be trying to sell off their excess stock and so the prices may be better.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

d. Act on Worker's Compensation Safety Incentive Program

Town Manager Post stated that MMA developed the Workers Compensation Safety Incentive Program and brought it to us through our Safety Officer Diane Hamilton. Because the Town is a SHAPE-compliant employer, the Town automatically fulfills the first two tiers of the program and receives a 7.5% deduction on our workers compensation insurance. The next step is to develop a Wellness Plan and after that the Town will receive a 10% deduction in our insurance cost.

Board Member Hamilton moved that the Board approve the MMA Workers' Compensation Safety Incentive Program Resolve as submitted. Board Member Cole seconded the motion.

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Board Member Kelly asked when the Town would see the 10% reduction. Town Manager Post stated that this year it will be 7.5% and when the third tier is complete it will be 10%.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

Board Member Cole thanked Diane Hamilton for her hard work to accomplish this.

e. Vote to Sign the Budget Validation Referendum – MSAD #28 and Five Town CSD Warrant and Notice of Election for Tuesday, July 14, 2020

Town Manager Post stated all the Board is doing is signing the warrants so the election can be held. You are not approving the budget as submitted.

Board Member Cole moved that the Board sign the Budget Validation Referendum for MSAD #28 and Five Town CSD Warrant and Notice of Election for Tuesday, July 14, 2020. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

f. Act on Audit Bid Award

Town Manager Post stated that the Town extended the bid deadline for audit proposals by two weeks. The Town received two proposals, one from Smith & Associates, and the other from the Town's current auditor. Because the current auditor has been significantly delinquent in delivering the 2019 final audit report (the audit for FY19 was due by December 31, 2019 and the Town still has not received the final audit report). Town Manager Post recommended that the Town accept the proposal from Smith & Associates. The Smith & Associates proposal was included in the Board's materials. Town Manager Post recommended that the Town accept the bid for a three-year term from Smith & Associates of Yarmouth. He has worked with Smith & Associates in another municipality and knows their work and their personnel. He also stated that it is good practice to periodically change auditors.

Board Member Kelley asked if there is a need for a penalty phrase in the contract for when the audit is not done by the deadline. Town Manager Post stated that sometimes the auditors are waiting for town staff for information and that could interfere with making a deadline.

Board Member Kelley stated that he is just trying to prevent the situation from happening again. Town Manager Post stated that there will be an out clause in the contract. He has worked with Smith & Associates for seven years of the last eight years.

Vice-Chair Munger stated that the Town is not getting a good performance from the current auditor and supported the Town Manager's recommendation to change auditors.

Chair Hall called the question.

Board Member Cole moved that the Board accept the auditing services bid of Smith & Associates for a three-year contract in the amount of \$37,800. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

g. Act on Budget Adjustments for FYE 202 Budget

Town Manager Post referred to the summary that he had provided and stated that he had been working with Finance Director Megan Brackett and the Department Heads for the last few weeks. He suggested that the revenues will be \$159,000 less than anticipated. This is a reduction of 38%, mostly because of the expected reduction in excise tax collections.

The general rule is that 15 to 17% of the vehicle registered are new vehicles each year. He stated that he has noticed a huge number of temporary plates on vehicles on the roads and the car companies are offering strong incentives. However, he has requested a reduction in anticipated excise tax by \$85,000. He also stated that he has reduced expenses by \$234,960, which are mostly capital expenses and \$100,000 from roads and construction. This brings the Town's proposed budget to an increase of 3.7%, a reduction from the original increase of 5.7%.

Board Member Cole commended the Town Manager on the new proposed budget and the work involved. He stated that he understands reducing the reserve accounts but worries about cutting funding for the roads.

Town Manager Post stated that he does not like reducing the road construction budget as that is deferring maintenance. The reduction is more noticeable because \$100,000 is a large number. The Town has the bond money to spend on road construction, but next year the road construction budget will have to be increased to \$400,000 to make up the difference.

Board Member Cole asked the Manager about keeping the road construction budget as is, with no \$100,000 reduction.

Town Manager Post stated that he is trying to limit the impact on the taxpayers in these trying times. With the bond the Town will be getting a lot of paving and road work done. It is important to think about the businesses that are closed and people being unemployed.

Vice Chair Munger moved that the Board approve the budget adjustments for FY21 as submitted. Board Member Cole seconded the motion.

Board Member Cole asked if the interest on the bond funding for the Library could be used. Town Manager Post stated that the money earned on the Library Bond must be used on the Library project.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

Board Member Kelley thanked Bill and Megan for their work on the budget.

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h. Act on Revised Town Meeting Schedule and Method

Town Manager Post stated that he and Chair Hall went over the process quite a bit. He explained that the municipal officers being the Select Board have the authority by charter and state law to have all the town meeting articles be voted on by secret ballots, also called a referendum. He explained a referendum vote and the necessary public hearings. The Board can choose to have the Town Meeting on August 18th with a secret ballot for municipal offices and Land Use Ordinances and then on August 19th hold the open meeting section of the warrant articles or the Board could choose to have all of the warrant articles voted on by secret ballot on Tuesday, August 18th. He provided the Board with a schedule detailing the timing on the various activities that must occur for a referendum-style town meeting.

Board Member Hamilton asked what day the referendum vote would take place. Town Manager Post stated that it could be either Tuesday, August 18th or Wednesday, August 19th. Elections are typically held on a Tuesday.

Board Member Hamilton stated that since there will be a public hearing where the Board can hear the resident's concerns, he is leaning toward the referendum election.

Town Manager Post stated that the benefit for an open town meeting is that the voters can ask to have numbers decreased for a warrant article but are not able to do that at a referendum election. The question is how many meetings the Board wants to have and how to keep the public safe.

Board Member Cole stated that he has given this a lot of thought. The New England idea of a town meeting indoors can be quite a long process and we need to think about people in his age group.

Chair Hall stated that additionally it is unknown what will happen by August regarding the pandemic.

Board Member Kelley asked how the public hearings will work with the Planning Board. Town Manager Post responded that the hearings will be held in the auditorium of the Opera House, with only 50 people being allowed to attend which will include ten members of town staff. This will leave space for only forty residents. Overflow could be accommodated downstairs in the meeting room. There will be monitors and microphones available. This will add an additional space for twenty to thirty members of the public.

Chair Hall moved that the Board schedule the annual town meeting on August 18th using a referendum method only. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

VII. DISCUSSION ITEMS

a. Discuss Select Board Meeting Schedule and Start Time

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Chair Hall stated that the Board needs to decide the start time for future Board meetings and if the Board wants to meet in person at the Opera House. She proposed to keep the start time at 5:30 to make it convenient for the staff.

Board Member Cole asked that if someone is uncomfortable could they still join the meeting using videoconferencing. He stated that he is not uncomfortable meeting at the Opera House

Town Manager Post stated that he would stay away from a hybrid meeting version.

Chair Hall stated that if they make the videoconference invite public, then there is a risk of “zoom bombing”. The Board can try holding the meetings in-person at the Opera House

The Board agreed on 5:30 p.m. as the start time with in person meetings.

Board Member Hamilton asked if the Board could still hold meetings remotely if they preferred. Town Manager Post stated that legally the Board could hold remote meetings for up to thirty days after the emergency order has expired. (and it has not expired)

Board Member Kelley asked if the Town still has the capability for using Zoom videoconferencing. Town Manager Post answered that the Board still can use Zoom videoconferencing.

Board Member Hamilton asked if the meetings would still be closed to the public. Town Manager Post stated that by law up to 50 people could be at gatherings.

Board Member Hamilton stated that if the meeting is public, he would not be comfortable being present.

Vice-Chair Munger stated that she would also be uncomfortable being present at a meeting with general members of the public attending.

The Board’s consensus is to meet as a group at the Opera House without the public’s presence and if not legally allowed, they would continue to meet remotely.

VIII. ANNOUNCE FUTURE MEETINGS, OFFICE CLOSURE, ETC.

- June 8, 2020 – Regular Select Board Meeting
- June 22, 2020 – Regular Select Board Meeting
- June 30, 2020 – Town Office Closed for end of Fiscal Year Processing
- July 3, 2020 – Tow Offices Closed in Observance of Independence Day
- July 13, 2020 - Regular Board Meeting
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IX. SELECT BOARD LIAISON REPORTS –

Vice Chair Munger stated the Library Committee will be meeting at 10:00 a.m. tomorrow.

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Board Member Cole reported that the Planning Board will be meeting about solar farm applications.

Board Member Kelley asked about assistants at the harbor. Town Manager Post stated that two assistants are employed for the Harbor while the Harbormaster is out on maternity leave.

X. ADJOURNMENT

At 7:23 p.m., Vice Chair Munger moved to adjourn the meeting. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY