

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY JUNE 20, 2016  
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: Town Manager Richard C. Bates, Finance Director Megan Brackett, Planner and Community Development Director James Francomano, Dwight Collins, press and members of the public

I. CALL MEETING TO ORDER – Bill Chapman, Chair called the meeting to order at 7:00 p.m.

a. Approval of the minutes of the

- Friday, April 1, 2016, special meeting of the Select Board

**Geoffrey Parker moved to table the minutes of the April 1, 2016 Special Select Board Meeting. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN, NOT PRESENT)**

- Monday, April 11, 2016, meeting of the Select Board

**Geoffrey Parker moved to approve the minutes of the April 11, 2016 meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN, NOT PRESENT)**

- Monday, May 9, 2016, meeting of the Select Board

**Geoffrey Parker moved to table the minutes of the May 9, 2016 meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN, NOT PRESENT)**

- Monday, May 23, 2016, Executive Session of the Select Board

**Kenneth McKinley moved to approve the minutes, as written of the May 23, 2016 Executive Session of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (BRENDAN RIORDAN, NOT PRESENT)**

- Thursday, June 2, 2016, Executive Session of the Select Board

**Kenneth McKinley moved to table the minutes of the June 2, 2016 Executive Session of the Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN, NOT PRESENT)**

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- Monday, June 6, 2016, joint meeting with the Camden Select Board

**Geoffrey Parker moved to approve the minutes of the June 6, 2016 joint meeting with the Camden Select Board. The minutes were recorded by Camden. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN, NOT PRESENT)**

- Monday, June 6, 2016, Executive Session of the Select Board

**Geoffrey Parker moved to approve the minutes of the June 6, 2016 Executive Session of the Select Board. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN, NOT PRESENT)**

- Wednesday, June 15, 2016, organizational meeting of the Select Board

**Geoffrey moved to table the minutes of the June 15, 2016 organizational meeting of the Select Board. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

b. Next Regular Select Board Meeting on Monday, July 11, 2016, 7:00 p.m., Rockport Opera House, Channel 22 and streamed on the Internet

c. Announcements: - See agenda

d. Upcoming Ad Hoc Library Planning Committee meetings: - See agenda

e. Upcoming Workshops: See agenda

f. Upcoming 125<sup>th</sup> Anniversary Events (mark your calendars NOW!): See agenda

g. Committee Openings – See agenda

h. Agenda Changes –

**Bill Chapman moved to have the Friends of the Library to make their presentation after public comment. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

i. Public Comment

Helen Shaw – gave the Board and the Clerk a copy of the information that she had researched at the Registry of Deeds regarding the property that was given to the Town by Mary Curtis Bok Zimbalist for use of a library. (See attached report and copies of the deed.) The research took her twenty-six hours at a cost of \$1,950,

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which she considers a gift to the town. She researched four generations. Stormy Bok and other family members urge that the town get a clear title to the property.

Geoff – this item should be on the placed on agenda and we should discuss getting a clear title.

Helen – The local heirs are willing to sign off on the property.

Owen – it would be worth the resources to make that property ours.

Brendan – according to the agreement that is only as long as there is a library on that site.

Ken – stated that he also would like to see this on the agenda.

N.B. e: Presentation by the Friends of the Rockport Public Library

Pat Messler, President of the Friends – their mission is to support the library through good work such as the annual book sale. It will be on July 14<sup>th</sup> to July 17<sup>th</sup> at the Midcoast Recreation Center. You can drop off books at the library on Tuesday and Friday. We have received over 2,500 books this year. We have met twice a week to price and sort all of them for the sale. We have five storage units. We have had a children's collection donated to us. We also have several special books such as Truman Capote's first book.

Ken – on July 23<sup>rd</sup>, the Jazz Band will be at the Opera House for a concert to benefit the Library and tickets will be available at the book sale.

## II. TOWN MANAGER'S REPORT – See attached

There was a discussion on the agreement with Camden regarding the police chief. It is based on the Bar Harbor model.

Rick – has had a conversation with Randy about what our goals are in the agreement. We already have mutual aid between the departments and we should come up with a broader one. It has mostly to do with supervision. In both towns the officers will be sworn in for liability purposes.

Brendan – what about the review period?

Rick – that is what Pat, Camden Town Manager is working on.

Bill – in November or December, we should have a special meeting to see how it is going with the chief sharing duties in both towns. He will pencil it into the meeting schedule.

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Discussion – on how the community feels about the sharing of service and the need to notify them of what is going on. A few people do not want to see us merge services. They do not want to see us rush into anything.

Owen – we should make sure that there is plenty of time for public comment.

Brendan – why? So few people attend these meetings. You may get two or three residents to attend.

Ken and Bill – we would like to hear any public comments. We should advertise a meeting in advance so that the residents can attend.

### III. UNFINISHED BUSINESS

a. None this meeting.

### IV. PUBLIC HEARING

a. A new Malt, Spirituous and Vinous Liquor License for A.P. Duffy Corp, d/b/a 18 Central Oyster Bar and Grill (Patrick & Jessica Duffy) at 18 Central Street, Rockport, Maine 04856

Bill opened the public hearing on the liquor license at 7:51 p.m.

In favor –

Jessica & Patrick, the owners of the new restaurant. We have been in business for twenty plus years. We want to be a part of the community. Patrick ran the kitchen there for four years when it was Shepherd Pie. Their restaurant will have good local seafood.

Stuart Smith - purchased the building and spoke highly of the Duffys. He has known them for five years.

In opposition – none

Neither for or against – none.

Bill – hearing none I will close this portion of the public hearing at 7:57 p.m.

Bill opened the public hearing on the Special Amusement Permit at 7:58 p.m.

In favor –

Jessica – we have applied for the special amusement permit so that we can occasionally have music and/or singing. We want to make sure that we follow all the ordinances of the Town.

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In opposition – none  
Neither for or against – none

Bill – hearing none I will close this portion of the public hearing at 8:00 p.m.

V. NEW BUSINESS

- a. Vote to approve a new Malt, Spirituous and Vinous Liquor License for A.P. Duffy Corp, d/b/a 18 Central Oyster Bar and Grill (Patrick & Jessica Duffy) at 18 Central Street, Rockport, Maine 04856

Geoff – asked about having a restaurant with drinking available. I noticed that you had an OUI, nine years ago.

Jessica – our circumstances have changed since then. We now have children and drinking is no longer a part of our lives. I will assure you that we are dedicated to not over serve alcohol to anyone. Drinking is not an important part of my life now.

Owen – had questions on street level versus ground level. Stuart explained the 1<sup>st</sup> floor is the lowest point and has an entrance in the back of the building. Central Street is actually on the 2nd floor and that space is shared with Maine Media College.

Brennan – do the emergency service people know about the different levels of the building?

Kim Graffam – oh yes, they do as there was a fire there a few years ago.

**Kenneth McKinley moved to approve a new Malt, Spirituous and Vinous Liquor License for A.P. Duffy Corp, d/b/a/ 18 Central Oyster Bar and Grill (Patrick & Jessica Duffy) at 18 Central Street, Rockport, Maine. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to approve the Special Amusement Permit for music only for A.P. Duffy Corp, d/b/a/ 18 Central Oyster Bar and Grill (Patrick & Jessica Duffy) at 18 Central Street, Rockport, Maine. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- b. Acknowledgment of Gifts to the Town:

- \$10,000 donation to the Library from an anonymous donor to the Library (\$8,000 stipulated for the new building fund and the other \$2,000 for general use).
- \$1,500 donation from an anonymous donor to the Library for Children's and Teen's items and programming.

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- \$972 from an anonymous donor to the Library for the new sign.

**Brendan Riordan moved to approve the above anonymous donations to the Library and to thank the donors for their generosity. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- \$1,000 donation from Johanson Boatworks to the Harbor

**Brendan Riordan moved to approve a donation from Johanson Boatworks to the Harbor and to send a letter of thanks. Geoffrey Parker seconded the motion. VOTE: 5 – FOR – 0 OPPOSED**

c. Committee Resignation(s) - None this month

Bill – talked about Stephanie Lash had resigned from the Library Committee and we need to think if we can appoint someone to that vacancy per the Charter. We need to give this some serious thought. There was discussion by the Board and it was agreed to not rush into it.

d. Committee Application(s):

- Lora Laffan – Conservation Commission
- Sarah Shepherd – Rockport 125<sup>th</sup> Anniversary Committee
- Kimberlee S. Graffam – Zoning Board of Appeals
- Allen Mitchell – Zoning Board of Appeals
- Margaret Carleton - Cemetery Committee

**Kenneth McKinley moved to appoint Lora Laffan to the Conservation Commission with a term expiration of June 30, 2019. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Geoffrey Parker moved to approve the appointment of Sarah Shepherd to the Rockport 125<sup>th</sup> Anniversary Committee. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Geoffrey Parker moved to approve the appointment of Kimberlee S. Graffam to the Zoning Board of Appeals with a term expiration of June 30, 2019. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to approve the appointment of Allen Mitchell to the Zoning Board of Appeals with a term expiration of June 30, 2019. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved to approve the appointment of Margaret Carleton to the Cemetery Committee with a term expiration of June 30, 2018. Brendan Riordan seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

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Owen – we have a person who is interested in being on the Recreation Committee. Her name is Suzanne Johndro. She has three sons and is very involved with their sports and is vigorous and enthusiastic. I would highly recommend that we appoint her to the Recreation Committee.

**Kenneth McKinley moved to approve the appointment of Suzanne Johndro to the Recreation Committee with a term expiration of June 30, 2019. Brendan Riordan seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- e. Presentation by the Friends of the Rockport Public Library – See above after public comment.
- f. Request to confirm the Town Manager’s approval of purchasing a used 2014 Doosan DX63-3 Excavator for the Public Works Department out of the FY 15-16 budget

Mike – the cost will be \$55,000. We will be able to do more ditching with it and it will be safer and faster than a backhoe.

Rick – it will be money well spent and will push off the replacement of the backhoe for two years.

Ken – what is the expected life?

Mike - thirty years. It has only been used for 1000 hours and still has one year and three months left on the warranty.

Brendan – how will the purchase be made?

Rick – it was not in the budget, but we have money left in the Public Works budget.

Megan – We would pay \$12,000 for rental for a year normally. In five years it will pay for itself. Mike’s budget is good and he has the money.

Ken – is there any value in purchasing sand and salt in this year’s budget?

Rick – if there is enough money left in the end in his budget.

Mike – I will not be taking anything from other lines.

Ken – that answers all of my questions. “We should strike while the iron is hot.”

**Kenneth McKinley moved to confirm the Town Manager’s approval of purchasing a used 2014 Doosan DX63-3 Excavator for the Public Works**

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**Department out of the FY 15-16 budget. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

g. Review and approval of the Planning Board By-Laws

Jamie – explained the bylaws. They have taken out the interference between the ordinance and the bylaws on how to conduct a meeting. He wants to have alternates on the committee in case they don't have a quorum.

Owen – asked a question about Section 4.h. regarding the town having a secretary.

Rick – the minutes become the record and are very important.

**Geoffrey Parker moved to approve the Planning By-Laws. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

h. Appoint William (Bill) Wasson as backup CEO/LPI when neither Scott Bickford (Town CEO/LOI) nor Dave Studer (backup Town CEO/LPI) are available

Ken – asked Jamie if he is certified as a CEO/LPI yet?

Jamie – as a CEO the answer is yes.

There was discussion on whether Bill was to be appointed as just LPI or both CEO and LPI. It was stated that there is an error on the agenda and that it should have been just as LPI.

**Kenneth McKinley moved to appoint William (Bill) Wasson as backup LPI when neither Scott Bickford nor David Studer are available. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

i. Approval Ordinance Review Committee's summer work plan

Ken – the committee has a lot of work to do on the Road, Sidewalk and Hotel Ordinance.

Jamie – I have given you a memo outlining our summer session. We will add hotels in the Section 913 Downtown Zoning District. We will work on the Road Ordinance and the Sidewalk Ordinance.

Bill – we need to find a way that Hawthorne Drive can be approved as a Town road.

Ken – that is the one that will take some time.

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Geoff – rewriting the ordinance will only affect one road?

Ken – no, we don't want something for just one road.

Brendan – I would like to be brought up to speed at some point.

**Kenneth McKinley moved to approve the Ordinance Review Committee's summer work plan as presented by Planner and Community Development Director James Francomano. Geoffrey Parker seconded the motion.**

**VOTE: 5 FOR – 0 OPPOSED**

j. Confirm committee liaison assignments

Bill – we need someone to take Tracy's place on the MCSW Board.

After discussion, the Select Board chose what committees they would like to be liaisons for. See attached list.

k. Reappoint Committee members who have terms expiring on June 30, 2016, who have agreed to serve another 3-year term (expiring June 30, 2019)

**Kenneth McKinley moved to approve the committee members as showed in the chart with an x in the yes column for three years – June 30, 2016 through June 30, 2019 and to send a letter of thanks to those who have declined to serve another term. Brendan Riordan seconded the motion. VOTE 5 FOR – 0 OPPOSED**

l. Confirmation of the Town Manager's Appointment of Megan Brackett as Finance Director effective through June 30, 2016

**Kenneth McKinley moved to confirm the Town Manager's appointment of Megan Brackett as Finance Director effective through June 30, 2016. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

m. Reappoint Town Officers effective July 1, 2016 through June 30, 2017

**Kenneth McKinley moved to reappoint the Town Officers effective July 1, 2016 to June 30, 2017 as shown to include William Wasson as alternate LPI. (List Attached.) Brendan Riordan seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

n. Approval of the Order of Municipal Officers regarding payment of outstanding or delinquent property taxes

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**Kenneth McKinley moved to approve the Order of Municipal Officers regarding payment of outstanding and delinquent taxes for July 1, 2016 through June 30, 2017. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

- o. Nomination for service on the Maine Municipal Association's (MMA) Legislative Policy Committee (LPC).

**Brendan Riordan moved to nominate William Chapman for service on the Maine Municipal Association (MMA) Legislative Policy Committee (LPC). Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Owen – what are you doing about municipal revenue sharing?

Bill – it is unanimous that we need to get back to where we were. We are working through MMA on it. We were at about 5%.

Megan – it is now 2%.

Rick – what is MMA's initiative on revenue sharing?

Bill - neither support for nor against. Basically they have no position on it.

- p. Set or confirm dates and times for the following workshops:

- Wastewater Visioning Workshop
- Listening Tour
- Fiber Optic Development Workshop
- Capital Improvement Plan Workshop
- Pre-Budget Workshop
- ORC Work Plan Formulation Workshop
- TIF Workshop

The Board discussed the various workshops. They also talked about a Freedom of Access Workshop, ORC Workshop, Annual Goals for the Town Manager and the Board, Evaluation on how the Police Department is doing with the sharing of Randy Gagne, Camden's Police Chief.

The Board will start having two meetings a month. Bill will send out a revised calendar tomorrow.

- q. Recommended dates for committees to make their annual report to the Select Board:

- Opera House Committee, Monday, July 11
- Cemetery Committee, Monday, September 12

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- Harbor Committee, Monday, September 12
- Ordinance Review Committee Workshop, Monday, September 26
- Parks Committee, Tuesday, October 11
- Recreation Committee – Tuesday, October 11
- Ad Hoc Water Quality Committee Workshop (if needed): Monday, November 28 (ROH, livestreamed)
- Library Committee, Wednesday, November 30
- Camden-Rockport Pathways Committee, Monday, December 12
- Ad Hoc Technology Committee, Monday, January 9, 2017
- Investment Committee, Monday, February 14, 2017
- Conservation Commission, Monday, March 13, 2017
- Capital Improvement Committee Workshop, waiting on further input from Rick, et. al

Bill – read the list to the Board

- r. Recommend dates for joint workshop with the Camden Select Board

Bill – I haven't heard anything back from the Camden Board. We should hold this meeting at the Wastewater Treatment Plant in Camden.

- s. Set a date for an executive session to set the expectations of the Town Manager for 2016-2017

All set on this item.

VI. Wastewater Commissioners

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

- a. Commitment of Commercial Sewer User Rates for the period of April 2016

**Kenneth McKinley moved to commit the April 2016 Wastewater User/Debt Fees totaling \$23,222.15 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- b. Approval of the FY 16-17 Wastewater Budget

Brendan – I cannot endorse this so I will abstain.

**Geoffrey Parker moved to approve the FY 16-17 Wastewater Budget. Kenneth McKinley seconded the motion. VOTE- 5 FOR – 0 OPPOSED**

Brendan did abstain which according to the Charter means a yes vote.

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- c. Approval of the Order of Wastewater Commissioners regarding payment of outstanding or delinquent wastewater charges

**Kenneth McKinley moved to approve the Order of Wastewater Commissioners regarding the payment of outstanding or delinquent wastewater payments. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

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

VII: LIAISON REPORTS

Owen – The Town is waiting on the American Legion in regard to the moving of the Glen Cove Monument.

Rick – we will move forward on a location.

Owen – we need to set a date as that is what we are waiting for.

Bill – I would suggest November 11<sup>th</sup> Veterans' Day.

Owen – I am the chaplain for the Legion and will be there.

The Board will be serving ice cream after the parade that is part of the 125<sup>th</sup> celebration.

The recreation will be meeting on August the 8<sup>th</sup>.

Bill – The members of the Library Committee will meet on July 14<sup>th</sup>. MCSW cancelled their meeting.

Geoff – what is the public sentiment to reevaluate the disposal of our trash in the future?

Bill – “the voters voted 140-5 no to ecomaine at the June Town Meeting.” Three towns voted a resounding no.

Bill – I will draft a letter to MRC to extend the deadline for signing a contract with Fiber right if the voters chose to sign up with them.

The Cemetery Committee, the ORC and Legacy Rockport have not met. The Conservation Commission did not have a quorum.

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Geoff – the Harbor met but did not have a quorum. They did have some substantial conversations regarding a boat that has been built and is too long for the mooring space according to our Harbor Ordinance. The conversation was curtailed and it was felt that there was no desire to change the ordinance to accommodate the boat. The owner was not present. They also talked about the lack of enough dinghy rack space. The Opera House will meet on Thursday and we will be discussing the air conditioning.

Owen – the Pathways Committee met and talked about the sidewalk planned for Route 1 by Maritime Farms. They have bare bone specs. There is a lot of confusion regarding the use of asphalt. Camden is still working on Route 1 north. The planting pots at the triangle at Route 1 and Pascal Avenue looks gorgeous.

Ken – we should only have to pay for our portion of the sidewalk by Hannaford and we should not have to pay for the sidewalk in Camden.

Owen – it was a grant and is limited to what we can do with the funds. The curbing is not covered and we will need to pay for it.

Ken – we need to get something done before something happens. Don't let it pass us by.

Bill – do you need something from us?

Geoff – this should be an agenda item for the next meeting.

Geoff – introduced Juniper, a new video tech.

VIII. EXECUTIVE SESSION – No executive session

IX ADJOURNMENT

**Geoffrey Parker moved to adjourn the meeting at 10:40 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY