

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY JULY 9, 2018  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair Douglas Cole, Vice Chair Kenneth McKinley, Mark Kelley, Debra Hall and Jeffrey Hamilton. Also present: Richard C. Bates, Town Manager, Department Head: Megan Brackett, Finance Director, and members of the public

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

The Book Sale will be this Friday and Saturday.

Mark asked about any feedback from the letters sent to non-resident taxpayers.

Doug – they were sent by snail mail and we haven't had any responses. We have also put an ad in the newspaper and it is posted on our web site.

- II. PUBLIC HEARING

- a. None this meeting

- III. MINUTES, MEETINGS and ANNOUNCEMENTS

Doug – explained that in their packets they would find comments with suggested motions by the Town Manager.

- a. Approval of the minutes of previous meetings:

- Monday, June 26, 2018, meeting of the Select Board

Jeffrey – wanted to take care of these minutes tonight as they should be ready for approval at the next scheduled meeting.

Doug – we didn't get them until 3:30 today and that was too late to have time to review them before the meeting.

- b. Announcements of upcoming regular Select Board Meeting(s) – See Agenda
- c. Announcements of upcoming non-budget Select Board workshop(s): - See agenda

The meeting for the Select Board Goals Workshop is scheduled for later than he wanted it, but there has been a scheduling conflict.

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- d. Announcements: - See Agenda
- e. Committee Openings: - See Agenda
- f. Agenda Changes – None this meeting
- g. Public Comment -

Carl Kaler of Clam Cove Drive – He has been trying to get town owned property moved from in front of his house. It has been there for at least three weeks and it is an eyesore. He has called Public Works and they acknowledged his call saying that the equipment would stay where it is last used until next time it is needed somewhere else.

Doug and Mark – we do not own that piece of equipment.

Doug – I don't think that it is ours, but will get it moved.

Carl – I know where there is a piece of property, 2/10 of a mile away, where it could be moved to.

The Board and Town Manager will look into it.

IV. TOWN MANAGER'S REPORT – See attached

Jeff – page 2, street lights. I would like to have a review provided to us.

Rick – CMP will be doing the ones on Pascal, Central and Russell on the 4<sup>th</sup> of next month.

Debra – can't we make CMP accountable for them and get them working again?

Jeff – do we know what ones are out?

Mark – usually a check is done on the first of the month.

The Board – discussed the mowing equipment. The tractor, we own one third of with Camden. We do not own the mower. When and how do we get the mowing done?

Rick – Camden cannot get to it until October.

Jeff – asked for an update on the new fire truck and when the Oshkosh would be repaired and returned to Rockport.

Rick – there will be a tour of the new truck with the department heads and the Select Board tomorrow morning at 10:00. It is not in service yet as it needs to be tested first.

Jeff – questioned why the E dock was pulled for a stage for the summer harbor event.

Rick – we used three docks.

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Jeff – isn't there a better way to make a stage than pulling the docks in the middle of the summer.

Rick – it only took one hour according to Mike.

Debra – I have received a lot of complaints that no Select Board members were present at the Harbor Celebration. It was originally scheduled for Thursday and because of weather it was changed to Saturday. Some of us had other plans for that day and couldn't make it due to previous obligations.

Jeff – you say that finances are in good shape. Can you quantify what good numbers are?

Megan – we will not have a good number until the last bills are paid.

Doug – I hope that the credit card problems are fixed soon. We are in the twenty first century.

There was discussion of the fog lines and the generator.

Jeff - would like to have Rick go through the list of the things that need to be done and the time frame when that will happen.

V. UNFINISHED BUSINESS – None this meeting

VI. NEW BUSINESS

a. Acknowledgment of Gifts to the Town:

- Maine Heritage Trust in lieu of taxes of \$5,600 for Aldermere Farms and Erickson Fields
- Mid-Coast Solid Waste in lieu of taxes of \$6,000

**Mark Kelley moved to accept the payment in lieu of taxes received from Aldermere Farms and Erickson Fiends in the amount of \$5,600, as well as the Maine Coast Solid Waste in the amount of \$6,000 and to send them a letter of appreciation for their contribution. Jeffrey Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Mark – can these monies be put into a reserve for the pathways or the UFB?

**VOTE: 5 FOR – 0 OPPOSED**

b. Committee Resignation(s):

- Debra Hall – Ad Hoc Technology Committee

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- Jan Rosenbaum – Budget Committee

**Jeffrey Hamilton moved to accept the resignations of Debra Hall from the Ad Hoc Technology Committee and Jan Rosenbaum from the Budget Committee. Mark Kelley seconded the motion with sending a letter of thanks to them for their service. VOTE: 5 FOP – 0 OPPOSED**

c. Committee Application(s):

- Tracy Murphy – Planning Board
- Joe Sternowski – Planning Board
- Tom Laurent – Planning Board

Ken - we have a vacancy for a regular member and two alternates.

Tracy – I applied for the Planning as I did serve for two years in the past on the Board. I left when I was elected to the Select Board. I have a background in the ordinances and I will make sure that the applicant gets what they want. I prefer the regular opening.

Joe – I was on the Ad Hoc Library Committee for 4 ½ years and I was on the Technology Committee. My single focus is Route 1, 17 and 90. They are the gateway roads to Rockport. I have an Engineering Degree in Strategic Planning.

Ken – where was you on the Planning Board before?

Joe – Ramsay, New Jersey

Debra – I served on the Technology Committee with him and he was an excellent contributor.

Ken – you did really good work on the Library Ad Hoc Committee.

Doug – your application is very impressive.

Tom – John Alexander encouraged me to apply for the Planning Board. I was on Camden’s ZBA and Assessment Review Board. I have my Certified Maine Assessor Certification. I am now a Rockport resident and want to give to my town. I would like to apply for both The Planning Board and BAR. I was disappointed with the Villages at Rockport and I have lived there. I am interested in either the regular member or the alternate.

The Board discussed the applicants and which one should be the regular member and which ones for the alternate openings.

d. Committee Presentation(s); None this meeting

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- e. Board and Committee appointments – Action
  - i. Planning Board Appointment – One Vacancy

**Debra Hall moved to appoint Joe Sternowski to the Planning Board for a term to expire June 30, 2021. Mark Kelley seconded the motion.**

Ken – I cannot support this motion. I value Tracy’s experience.

**VOTE: 4 FOR – 1 OPPOSED (McKinley)**

**Kenneth McKinley moved to appoint Tom Laurent as an alternate to the Planning Board for a term to expire June 30, 2021. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

The Board offered the other alternate opening to Tracy.

Tracy – no thank you! I am disappointed you did not accept my experience!

- ii. Harbor Committee – one vacancy – Approve Scott Whitman – Harbor Committee to move from alternate to permanent member

**Jeffrey Hamilton moved to appoint Scott Whitman to the Harbor Committee to fill the recent vacancy. Mark Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- iii. Reappoint committee who have terms expiring on June 30, 2018, who have agreed to serve another 3-year term (expiring June 30, 2021)

**Kenneth McKinley move to reappoint all Board and Committee members to the various committees shown on the list as presented for a three year term. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- iv. Reappoint two committee members who have a term expiring on June 30, 2018, who have agreed to serve 1-year terms:
  - Alex Armentrout (expiring June 30, 2019) to the Ordinance Review Committee
  - Dave Jackson (expiring June 30, 2019) to the Opera House Committee and Parks Committee

**Kenneth McKinley moved to reappoint Alex Armentrout to the Ordinance Review Committee for a term to expire June 30, 2019. Jeffrey Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

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**Jeffrey Hamilton moved to reappoint Dave Jackson to the Opera House and Parks Committee for a term to expire June 30, 2019. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- f. Proposed Smoking Policy (Molly Stone from Knox County Community Health Coalition, Tobacco/Nicotine Prevention Coordinator)

Rick's concern was does the Board have the right to do this. Counsel has said yes they do, but you should take it to the voters to be memorialized.

**Kenneth McKinley moved to amend the relative section of the employee personnel policy as presented. Debra Hall seconded the motion.**

Molly Stone – In Maine the number one cause of preventable deaths is caused by smoking. Eight to ten towns have adopted this policy in the last two months. The new law is that unless you are twenty-one, you cannot buy tobacco. I have free signs for you. We can put your town logo on them, but it will take two more weeks to get them to you. This policy will also help with the littering of cigarette butts.

Mark – what are the penalties? How does it work for non-employees?

Jeff – you should include chewing tobacco.

The Board had a discussion on procedure and whether or not to have fines.

Molly – has a template for ordinances as well.

Ken – have you provided the employees with notice of the change?

We should revise the amendment to make sure that we give appropriate time to the employees before we implement this policy. We should set the time to September 1<sup>st</sup>.

**VOTE: 5 FOR – 0 OPPOSED**

Megan – we have to notify all employees of the change.

- g. Discussion of Vote Weighting Option Mid-Coast Solid Waste

Doug – explained about the weighted vote used for MCSW Board. Camden has 41%, Rockport 38%, Hope 7 or 9% and Lincolnville has the balance.

Rick - explained that if one member of a town is absent, the other one gets the full vote.

Doug – our town is special as the dump is in our town and the other towns use our roads and fire department if there are any fires at the dump.

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Ken – it is based on population

Mark – how do the other towns feel?

Ken – we only know how Hope feels.

Discussion on the benefits for Camden with the weighted vote. Owen has expressed his feelings on a new policy to do away with weighted votes.

Debra – I am uncomfortable with changing it as I am not familiar with the process.

Mark – I am happy staying the same as we are at the present.

Board discussion on money and what to do with it (MRC refund) and how to handle it.

Ken – can present Board commit future Board to a policy on how to use the closure money.

h. Discussion of Consent Agenda

Debra – it will make the meetings more efficient.

Jeff – if you follow rules as defined it will work. It is really important that it is presented well in advance to review, at least one week. It will give us an opportunity to take an item off the agenda.

Debra – it is up to the Chair and the Town Manger to set the agenda.

Mark – at the last meeting there was a lot of discussion. One hour and forty-five minutes and this evening there was two hours. I am not in favor of it.

Ken – we are a governmental body which is different. Other meetings are not required to vote, but we do have to vote according to the charter. Has a low threshold to do this. Has concerns. What about public comment?

Debra – it is not unusual for a consent agenda. You do it as an aggregate. In respect to the public, they can speak.

Mark – I just had a comment for a member of the public to keep public business public. It is a slippery slope.

Debra – donations, appointments and resignation can be lumped together. The chair determines if they are controversial or not.

Doug – suggest that since the Board is split, I will talk to Rick and bring it back next month.

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i. Review Municipal Vehicle Operation Policy

Jeff – I am sympathetic to looking at the policy. There is a lot of overkill.

Ken – I thought that we was going to do this the same night as the Internal Control Policy.

Doug – what about storage after hours?

Mark – what about idling, the IRS issues on coming and going to work allowed or not?

Ken – there is a policy on alcohol and drugs, but what about prescription drugs?

Jeff – I believe that it is the sole responsibility of the Town Manager and not a designee.

VII. Wastewater Commissioners

**Kenneth McKinley moved to go into session as Wastewater Commissioners and to leave as Select Board. Mark Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

a. Sewer Abatement Request

We did a dye test and it didn't show up in the system.

Jeff – how about a camera?

Megan – Scott has several concerns.

Ken – has anyone contacted George Haselton, he was the contractor?

Megan – she did all the usage charges back to 2014 and Scott's was to 2007. This was never done before. The fee comes to \$1,666.39.

There was much discussion on whether or not he is connected to the sewer.

Jeff – the burden of proof should fall on the person asking for the abatement.

Megan – if he isn't connected Scott is recommending that he do it now.

Board – we need to know if it is connected or not. Is there a stub present?

Megan –they have a sewer easement.



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Jeff – look at the facts, the paperwork supports the town.

The Board agreed to table this item to next month.

**Kenneth McKinley moved to exit as Wastewater Commissioners and to reenter as Select Board. Jeffrey Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

VIII. LIAISON REPORTS

Mark – Parks has not meet. The Conservation Committee is reviewing more testing from Bob Kennedy.

Ken – Legacy Rockport finished the Andre’ project. More money than it cost for the repair was raised.

Doug – the Planning Board Meeting elected Warren Erickson as the new chair. John Alexander’s term is up. The Investment Committee continues to be a problem. The Market is doing fine.

Jeff – the Harbor Committee meets tomorrow at 5:15 p.m. Pathways meets on Wednesday. The other two committees I am getting caught up on.

Debra – Rick, John Viehman and I met for the tech committee. We need to take a hard look at getting new members.

Doug – Linda, you need to adjust the minutes for the last meeting regarding the Opera House liaison. You should keep the minutes and report back to us until we appoint someone to that Committee.

Rick – “Mike is out painting the fog lines.”

IX. EXECUTIVE SESSION

- a. None this meeting

X ADJOURNMENT

**Kenneth McKinley moved to adjourn the meeting at 9:23 p.m. Mark Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW

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TOWN CLERK as RECORDING SECRETARY