

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY JULY 10, 2017  
7:00 P.M.  
ROCKPORT OPERA HOUSE**

Present: Chair Kenneth McKinley, Vice-Chair Owen Casas, Doug Cole, Thomas Gray and Mark Kelley. Also present: Richard C. Bates, Town Manager, Department Heads: Jamie Francomano, Director of Community Development and Planner and Randy Gagne, Chief of Police and members of the Rockport Police Department and members of the public

- I. CALL MEETING TO ORDER – Kenneth McKinley, Chair called the meeting to order at 7:03 p.m.
- II. PUBLIC HEARING
  - a. None this meeting
- III. MINUTES, MEETINGS and ANNOUNCEMENTS
  - a. Approval of the minutes of previous meetings:
    - Monday, June 26, 2017, meeting of the Select Board

**Doug Cole moved to approve the minutes of the Monday, June 26, 2017, meeting of the Select Board. Mark Kelley seconded the motion. VOTE 3 FOR – 0 OPPOSED**

- b. Announcements of upcoming regular Select Board Meeting(s) – See Agenda
- c. Announcements of upcoming non-budget Select Board workshop(s): - See agenda
- d. Announcements: - See Agenda
- e. Committee Openings: - See Agenda
- f. Agenda Changes – None this meeting
- g. Public Comment -

Terri Lea Smith, Manager Opera House – on August the 12<sup>th</sup> there will be a party in honor of this very building. Ben, from the library will have a Virtual Reality Demonstration, Earl Shettleworth, local Historian will have a lecture of the history of the Opera House and there will be a dance with Creatures of Habit. If you want to volunteer, please let me know.

- IV. TOWN MANAGER’S REPORT – See attached

Lindsay, wife of Antonio Del Vecchio, our newest officer pinned him with his badge. His parents were also present for the ceremony. They travelled from Middlebury,

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Connecticut. Randy, the Police Chief and several members of the police department also attended the pinning.

Rick then read his report. There is a lot of work going on in the Barbara Jackson building. A new coffee shop will be opening in mid to late August.

Jacob, the owner of the coffee shop is grateful and thrilled to be here. It is an extraordinary space. I feel blessed. It is an amazing place and creates a “bubble of goodness.”

Rick - the railing on the sidewalk on Summer Street will be replaced this week. The drainage issue will be worked on the 19<sup>th</sup> of July.

Doug – asked about the projected numbers to make the repairs. Shouldn't this go to the CIP Committee?

Rick – it will go to the Board first and then to the CIP Committee.

Ken – we can put it in the budget if we choose.

Rick – you need to set up a committee.

They talked about LED lighting in town.

Rick – Jan Rosenbaum, who has been involved with this project has a lot more questions.

Doug – where in Rockland do they have the LED lights?

Rick – they are in the business district. In two and a half years, using the LED lights will pay back the cost of installation.

V. UNFINISHED BUSINESS

a. Committee Application:

- Clark Doran – Planning Board

Clark – I had a career of planning in the private sector. I have a master's degree in Regional Planning. I am now retired and want to give back to the community.

Doug – your resume is very impressive and I realize that Clark has a lot to offer the Town.

Ken – I feel that he will be a great addition to the board.

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**Doug Cole moved to approve the appointment of Clark Doran to the Planning Board with a term expiration of June 30, 2020. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

VI. NEW BUSINESS

a. Acknowledgment of Gifts to the Town:

- Payment in Lieu of Taxes received from Maine Coast Heritage Trust in the amount of \$5,600.

Mark – Portland sends a letter to non-profits asking for a payment in lieu of taxes. We have \$114,000 in non-taxable property in Rockport. Can we send out letters?

Ken – I don't think that we will ever see anything from Pen Bay Medical Center. We have had some pleasant success in the past with Maine Coast Heritage Trust, Coastal Opportunities, The Center for Furniture Craftsmanship and Coastal Mountains Land Trust.

Mark – where do the funds for in lieu of taxes go?

Rick – in the general fund.

Doug – I would ask that we direct the Town Manager to draft a letter to send to the non-profits.

**Doug Cole moved to accept the payment in lieu of taxes received from the Maine Coast Heritage Trust in the amount of \$5,600 and to send them a letter of thank you. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

b. Committee Resignation(s): - None this meeting

c. Committee Application(s):

- See Unfinished Business
- Jeff Charland – Capital Improvement Committee
- Terri Mackenzie – Zoning Board of Appeals

Jeff – I live at 20 Forest Glen Drive. I have worked to develop capital improvement plans. One of the plans was for the campus at the Farnsworth Art Museum. I have the experience and want to help my community.

**Doug Cole moved to approve Jeff Charland to the Capital Improvement Committee with a term expiration of June 30, 2018. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

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Terri – I have experience as a real estate appraiser. I have served three terms on the Planning Board. I am intensely interested in zoning. I hope that you will allow me to serve on this committee.

Ken – Terri has a long history being on the Planning Board.

Doug – I went to the last Planning Board meeting and was impressed by her knowledge.

**Doug Cole moved to approve appointing Terri Mackenzie to the Zoning Board of Appeals with a term expiration of June 30, 2019. Mark Kelley seconded the motion.  
VOTE: 3 FOR – 0 OPPOSED**

- d. Discussion and vote regarding developing ordinance changes to prohibit retail marijuana establishments and social marijuana clubs in Rockport to be placed on November ballot

Ken – we put a question on the ballot in June to see what the town’s people wanted and it was clear that they do not want social clubs in town. This will make it easy to do the ordinance.

Rick – we should put a prohibition on everything as it would be easy to change on cultivation.

Doug – it is splitting hairs if you leave out retail establishments, as the voters spoke pretty clear that they do not want it.

**Mark Kelley moved to direct the Town Manager to proceed with having the Planning and Community Development Director develop language to bring to the voters on the November ballot that would amend the land use ordinance and restrict commercial marijuana activities in Rockport. Doug Cole seconded the motion.  
VOTE: 3 FOR – 0 OPPOSED**

- e. Discuss schedule for Capital Improvement Committee Workshop(s)

Ken – perhaps we need more than one workshop.

Mark – I spoke to Alan about the possibility of asking Richard Lane to be on that committee.

Rick – they have not had a meeting yet.

Mark – I would like it if we had a meeting in October.

Ken – we should let them meet first and then meet with us, with October as a timeframe.

Doug – is the hold up because they did not have enough members on the committee?

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Ken – we have just added one more member tonight. There will still be one more vacancy.

Rick – they will need to meet formally.

Ken – we should pass the information on to Megan to be ready for an October meeting date so that they will be ready for budget time.

The Board discussed when and how often (at least twice a year) they should meet. They work separately from the budget process.

f. Discuss process for updating Comprehensive Plan

Ken – both Mark and Doug have talked about their thoughts on the Comprehensive Plan.

Jamie – the Comp Plan is very well planned. The document is not stale by statute, but it does need work on it. The State Planning Commission had been abolished. Last time the plan was two years in the making. The CIP and the Comp Plan meshed well. We should reconstitute the Comp Planning Commission. I have detailed an outline for you (see attached).

Ken – what are the statutory requirements?

Jamie – the commission is to be appointed by the Select Board.

Ken – last time it was well done. The task is not as daunting this time.

Jamie– they will need to read the plan, gather input and report back their findings. Important issues are calming traffic and quality control.

Ken – Camden had their Pathways Committee help with a portion of the plan. We will also need input from the Harbor Committee.

Doug – the timeline is great, it has wonderful timing. The first three bullets need some clarification. When will you put all of this together?

Jamie – I would like to do it right away.

Ken – I will put this on the agenda for the next Select Board meeting.

Doug – I would like to be on that committee. I have spoken to Anastasia Fischer and she would also like to be on the committee.

Mark – in one year and eleven months, you can have this plan back and ready to go?

Jamie – yes, at the end of 2018 and ready for a vote in June 2019.

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Doug – regarding the estimate for Comprehensive Plan services, we will need \$20,000? Would we be obligated to pay this if we do a lot of the work?

Jamie – the Select Board can appoint two members to the Comp Plan. In the spring of 2018, we would hand off the product to an expert (outside support).

The Board had more discussion on the subject.

Rick – this is only a potential listing and cost schedule (see attached).

Ken – last time we had a great group of residents that wrote the plan.

Jamie – this time I am hoping for a leaner and meaner Comp Plan.

Ken – again I will put an item on the August agenda.

Doug – asked about having someone contact the previous members and ask if they would be interested in being on the committee.

Ken – I will talk to Richard Remsen. Mark could talk to Lynda Clancy and ask her if she would be interested.

Doug – do you think that eight to ten people would be a good number to have on the committee?

Ken – sevenish.

- g. Consideration of revisions to the Policy on Alternate Members to Appointed Boards, Commissions and Committee

Ken – this will help them have a quorum available at their meetings. They will be able to gather knowledge by attending and listening.

Jamie – it is clear that it was approved to bail out a committee, i.e. the Harbor Committee that had a problem getting a quorum to attend their meetings.

There was a discussion on Section 6, B 6 of the bylaws of the Planning Board. The question was whether or not it is a conflict and according to the town attorney the answer is no.

Ken – I am concerned regarding alternates being able to vote.

Jamie – section 6 B 4 addresses that issue.

Ken – the question is, do we want to require an alternate to be able to vote or not?

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John Alexander, Chair Planning Board – I do not want to change anything in the bylaws. I think that it should stay the same. I have been on the Planning Board for seven years and had been chair for the last five years and have never had a problem with having a quorum attend the meetings. The Select Board decided to add two alternates to their board. His thought is that they should give them a chance to make a comment even if they never have to vote. You need to have them involved or why would they want to be on the board. I don't mind what the number is as long as they are smart and read their material that has been provided to them. They have never been a problem.

Ken – would you be uncomfortable be uncomfortable choosing one alternate over another?

John- not at all.

Ken – if we do choose one over another is there any possibility of a legal issue?

Jamie – doesn't feel that it would be so.

Terri Mackenzie – is supportive and sympathetic of John's point of view. I think that there is a pretty simple solution. Seven members is a pretty large board. Perhaps having two alternates is too much and maybe we should only have one alternate. Seven is a large board and maybe it is one too many.

Jamie – okay then it is my understanding that nothing needs to be fixed.

The Board had a discussion and decided to let it ride.

- h. Abatement of Personal Property Taxes for the year 2015 for TD Bank Insurance

**Doug Cole moved to approve the personal property abatement for TD Bank Insurance, account #0320PP, in the amount of \$882.34 plus interest for the 2015 tax year. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

- i. Appointment to the Maine Municipal Association Legislative Policy Committee

**Doug Cole moved to appoint Rick Bates to the Maine Municipal Association's Legislative Policy to fulfil the remainder of William Chapman's term. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

- j. Appointment to the Midcoast Economic Development Committee (MCEDD)

The Board discussed who wanted to be on this Committee.

Doug – do they just sit around and talk?

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Jamie – well.

Doug – I am losing interest.

Jamie – I don't think that it would be very rewarding.

Doug – I think that it would be good if we ask our chair to talk to Bill Chapman and ask him if he would be interested in continuing on the committee as a special representative.

The decision was to table the appointment until the next meeting.

- k. Appointment of Tom Gray as one of Rockport's representatives to the Mid-Coast Solid Waste Board of Directors

**Doug Cole moved to appoint Thomas Gray to the Mid-Coast Solid Waste Board of Directors with a term expiring June 30, 2020. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

- l. Correction of a term expiration for Richard Remsen on the Ordinance Review Committee

**Doug Cole moved to correct a committee term expiration for Richard Remsen of the Ordinance Review Committee back to June 30, 2019. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

VII. Wastewater Commissioners

**Doug Cole moved to go into session as Wastewater Commissioners and to leave as Select Board. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

- a. Discuss scheduling of Wastewater Visioning Workshop and possible agenda items

Ken – will we be ready?

Jamie – yes.

Ken – shall we do the TIF workshop at the same time?

All agreed that yes they should. They decided on Tuesday August the 8<sup>th</sup> at 4:00 p.m.

**Mark Kelley moved to exit as Wastewater Commissioners and to enter as Select Board. Doug Cole seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

VIII. LIAISON REPORTS



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Doug – I went to a Planning Board Meeting and want to report that it was an interesting experience. The Ledges is planning on constructing a small building between their motel and the neighboring one. It will have a cafeteria and office space.

Ken – I attended the Library Committee Meeting and they are looking to find a viable path forward. All that they want is a new library. The Zoning Board of Appeals will meet in two weeks.

Mark – I have a meeting tomorrow. I am waiting on when the Ambulance Committee will meet. I have had a conversation with those that work there.

IX. EXECUTIVE SESSION

- a. None this meeting

X ADJOURNMENT

**Douglas Cole moved to adjourn the meeting at 8:54 p.m. Mark Kelley seconded the motion. VOTE: 3 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY