

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY JULY 11, 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: Richard C. Bates, Town Manager, Department Head: Jason Peasley 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:

- Monday, November 9, 2015, meeting of the Select Board – Tabled from January
- Tuesday, November 17, 2015 meeting of the Select Board – Tabled from January
- Friday, April 1, 2016, meeting of the Select Board – Tabled from May 9

**Kenneth McKinley moved to approve the minutes of the Friday, April 1, 2016, meeting of the Select Board. Geoffrey Parker seconded the motion. VOTE 3 FOR – 0 OPPOSED – 2 ABSTAINED (PARKER & RIORDAN AS THEY WERE ABSENT AT THIS MEETING)**

- Monday, May 9, 2016, meeting of the Select Board – Tabled from June 20
- Thursday, June 2, 2016, Executive Session of the Select Board – Tabled from June 20

**Geoffrey Parker moved to approve the minutes of the Thursday, June 2, 2016, Executive Session of the Select Board. Owen Casas seconded the motion. VOTE 3 FOR – 0 OPPOSED – 2 ABSTAINED (PARKER & RIORDAN AS THEY WERE ABSENT AT THIS MEETING)**

- Monday, June 6, 2016, joint meeting with the Camden Select Board – Tabled from June 20

**Kenneth McKinley moved to approve the minutes of the Monday, June 6, 2016, joint with the Camden Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN AS HE WAS ABSENT AT THIS MEETING)**

- Monday, June 6, 2016, executive session of the Select Board

**Select Board Meeting Minutes  
Monday, July 11, 2016**

**Kenneth McKinley moved to approve the minutes of the Monday, June 6, 2016, executive session of Select Board. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (RIORDAN AS HE WAS ABSENT AT THIS MEETING)**

- Wednesday, June 15, 2016, organizational meeting of the Select Board – Tabled from June 20
- Monday, June 20, 2016, meeting of the Select Board
- Monday, June 27, 2016, special meeting of the Select Board
- Thursday, July 7, 2016, executive session of the Select Board

**Kenneth McKinley moved to approve the minutes of the Thursday, July 7 2016, executive session of the Select Board. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- b. Select Board Meetings
  - Special meeting of the Select Board with the Ad Hoc Library Planning Committee, Monday, July 18, 2016, 7:00 p.m., Rockport Opera House Meeting Room
  - Next Regular Select Board Meeting on Monday, July 25, 2016, 7:00 p.m., Rockport Opera House, Channel 22 and streamed at <http://livestream.com/Rockportmaine>
  - Joint Meeting with the Town of Camden, Tuesday, July 26, 2016, 6:30 p.m., Wastewater Treatment Plant, 20 Lion’s Lane, Camden
- c. Announcements: - See agenda
- d. Committee Openings: - See agenda
- e. Agenda Changes

Owen – can we move up the recreation item?

**Geoffrey moved to move item f. to after Unfinished Business a. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- f. Public Comment - None

II. TOWN MANAGER’S REPORT – See attached

III. UNFINISHED BUSINESS

- a. Sign the Tuesday, August 6, 2016, Special Town Meeting Warrant

**Kenneth McKinley moved to approve and sign the Tuesday, August 2, 2016 Special Town Meeting Warrant. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

Item V, f. - Discuss and vote to authorize money from the Recreation Fields Reserve Account to:

- Resurface the tennis courts
- Begin work on repairing the Little League and Babe Ruth League fields

Owen – Chief Peasley and Suzanne Johndro, Chair of the Recreation Committee have been very helpful on the Recreation Committee. The resurfacing shouldn't cost more than \$20,000.

Bill – what will it accomplish?

Owen – resurfacing the tennis court.

Ken – the court has deteriorated to a point where it is not safe to play on.

Rick – we are looking into making repairs for five years to make them safe again. We would need to replace the fencing, do weed removal and patch the fields. We are many years away from getting them done.

Owen – the only budget for the recreation has been \$3,626. \$0 have been put into the reserve account since 2008. The courts and fields are in extremely poor shape. It is imperative to repair them for the safety of anyone using the court or fields.

Discussed that the irrigation system has not been working for 7-8 years.

Rick – by the end of the year there will be \$58,437.10, unaudited balance in the Recreation Department Reserve. We need to get some of the work done now. We will work on the Babe Ruth and Little League fields.

Brendan – where will the money be coming from?

Rick – we have some funds that have been encumbered and some will come out of the reserve fund.

Brendan – I don't object to that, but I object to learning this way about the poor conditions at the recreation park. We are not doing our jobs. What this is, is reactionary. Is it unreasonable to take on this project? Swoop in at the end to fix it and we will rescue you! Putting off routine maintenance is not acceptable to me.

Owen – we found ourselves in a poor spot. We had neglected it. We need to review the policy and see who is responsible for what. We have plenty to catch up on.

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

Ken – agreed with Brendan, but we have to look forward. We will move reserve monies for the field and not for the tennis court.

Brendan – I would like a number before voting on this.

Suzanne - the fields are now dangerous and the teams had to consider moving their games to another location. The fields have been neglected for many years. It will cost \$15,000 to repair the infield and the outfield.

Jason – you have young kids playing on those fields with the sprinkler heads exposed and the bases that are uneven. I saw a kid going to the ER by getting hit in the head with a ball. The kids also play soccer on those fields. The fence is held together with duct tape. There are electrical problems as well. There should be funding to maintain those fields. We could make a deal with Little League, Babe Ruth and Soccer Leagues. The Little League is doing a lot of fund raising for the fields.

Bill – the Recreation Committee needs to develop an estimate for the upcoming budget year. This needs to be done so we can budget properly for that park. This needs to get corrected and we need to move forward on this project.

Owen – There has been a lack of a Recreation Committee which hasn't helped the situation. Thank God for Suzanne.

Suzanne – as of three years ago, we have changed the way we use the Marge Jones Recreation Facility. The Little League have roughly 65 coaches and have added five towns to the leagues. The Babe Ruth has two teams and six coaches for five towns. They do not have money to put towards the work necessary on the fields.

Jason – we have been working with all of the groups to see what needs to happen. The fields are in deplorable condition.

Ken – we need a strong recommendation from the Recreation Committee on what is needed.

**Kenneth McKinley moved to approve authorizing the use of money from the Recreation Fields Reserve Account in the amount not to exceed \$15,000 to begin work on repairing the Little League and Babe Ruth League fields. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

IV. PUBLIC HEARING – None this meeting

V. NEW BUSINESS

a. Acknowledgment of Gifts to the Town:

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

- A bequest to the Library endowment fund in the amount of \$115,000 has been received from the estate of Margaret B. Oliver

**William Chapman moved to accept the bequest to the Library endowment fund in the amount of \$115,000 received from the estate of Margaret B. Oliver and to send a letter of thanks to the estate for this generous donation. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- b. Committee Resignation(s): - None this meeting
- c. Committee Application(s): - None this meeting
- d. Opera House Committee annual presentation

John Priestley – discussed improvements to the air conditioner and the controls. They need to assess the future of the equipment. Someone needs to take a look at the return air grills on the floor.

Rick – it has already been done. The returns on the ceiling and the ac on the floor were flip flopped.

John – we need it to function at its optimum.

Terri Smith – the building has had more community use and revenues are up. Since the exterior work has been done the building is in excellent shape. The Town is protecting its asset. There is a place to store the genie lift under the stairs when it is not in use. We will be looking into a new lift that will be more efficient. We are also looking into refinishing the floors. We will be studying the lighting outside and inside on the stage. They are looking for a more efficient way to move the chairs when they have events scheduled that require them to be removed from the present setup. She would like to lower the rental rate during November and hopefully this will invite new users to rent the building.

Owen – are we lower than other towns for rental fees?

Terri – the current prices have been in effect for a long time and need to be adjusted.

Geoff – we have made a lot of improvements to the sound system. We are inexpensive and friendly, but are not losing our shirt.

Bill – we need a policy when non-profits come to us for a reduction in rental fees.

Terri – when we sign a contract with a client, we itemize the rates so they know what they are being charged for.

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

Ken – I would like input from the committee if there is anything that would help to make the building more desirable to rent.

John – our priority is to have the Town use this building at a reasonable rate.

Geoff – the bylaws are done and have been approved by the committee.

Bill – you should bring it back to us on July 25<sup>th</sup> for our approval.

Rick – I am hoping that we have enough money in reserve for the lighting and the floors.

Brendan – some improvements such as painting should be a capital improvement item.

Rick – Mike and I have talked about the front of the building which is the easiest project to renovate. We can keep it looking fresh and clean. The sides and back of the building is the hard stuff to do any repairs to. I do have concerns if the air conditioner can keep up with the demand of keeping the building cool in the summer.

e. Discuss and vote to create a Police Training Reserve

Bill – we have a memo from Rick regarding the item.

Rick – we need to create an account for career training. We have monies that have been sitting in an account, so we should create a reserve account and then encumber the funds.

Brendan – is this a normal practice for the Town to do? Do we have a retention problem?

Ken – some officers are looking for an advancement and this will help to achieve it.

Owen – is this for money that we already have?

Rick – yes, it is not a budget item.

Owen – training and education are very important to me and we should definitely offer it to our employees.

**Kenneth McKinley moved to approve to create a Police Department Career Development Reserve Fund (G-3611-00) for the purposes of training all officers, sending new officers to the Maine Criminal Justice Academy,**

**Select Board Meeting Minutes  
Monday, July 11, 2016**

**providing equipment and uniforms to new officers and paying overtime to cover shifts while officers are attending training, and fund it with \$18,145.88 representing reimbursement from the State received in FY 15-16 and transfer \$4,506.90 from the Deferred Revenue account (G1-1620-00) to the Police Department Career Development Reserve fund representing past training reimbursements for a total of \$22,652.78. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

f. Discuss and vote to authorize money from the Recreation Fields Reserve Account to:

- Resurface the tennis courts
- Begin work on repairing the Little League and Babe Ruth League fields

This item was discussed above.

g. Discuss how we want to proceed given the events of the June 30 MCSWC Board of Directors meeting regarding the post-2018 disposal of Rockport's Municipal Solid Waste (MSW)

Bill & Owen – it will cost us \$2.21 per ton and there is not any participation in rebates. They are firm on their deadline for the end of July.

Geoff – has anything been done to remove us from MRC?

Bill – we did not put it on the warrant for the June ballot to send our trash to MRC, only for Fiberight because of the June 30<sup>th</sup> deadline. We are out of MRC, but can reapply if we take a positive vote by August 30<sup>th</sup>. We have to show that we are serious. There will be a MCSWC meeting on July 27<sup>th</sup>.

Ken – my reaction is that I feel like they are putting a gun to our heads. I have some serious concerns about both ecomaine and Fiberight. I would like to look at PERC.

Bill – they will pull the plug if we do that.

Geoff – PERC is dead in the water for me. Fiberight is the right thing to do. I pledge my vote to them. They have the science. I would like to see this Board be unanimous in their decision. Bad decisions were made.

Bill – we have to have a positive vote and prove that we are committed to this process and that we will call a Special Town Meeting to join Fiberight.

The board discussed if that can happen? Each town needs to schedule a meeting and take a vote.

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

Ken – we should not take a vote tonight. The MCSWC Board will be getting more information and recommendations. I want to hear what they have to say.

Bill – we should think about this. I recommend that we take a vote at our next meeting.

The Board recommended doing this by August 10<sup>th</sup> so that they can schedule a Special Town Meeting.

Owen – at Town Meeting the vote was rejected by all of the towns with the exception of Lincolnville. Only one side of the story was presented.

Brendan – you only have control of your own vote and I think that it is dangerous to follow the people in this room. We cannot predict what the Town will vote.

Ken – they voted to not support ecomaine.

Bill – we need to move forward – the Town, the Board and MCSWC by the end of August.

Brendan – it is not a frank conversation if we aspire to support Fiberight. What happens if it fails?

Owen – we have until 2018 to have a decision.

Bill - if a majority pledges to take the trash to MRC, something needs to be created and pretty quickly.

Rick – the questions regarding PERC are in the appeals process.

Bill – an appeal has to be filed by the end of the week.

Owen – the contract terminates in March of 2018.

Bill – what if PERC gets an injunction?

Owen – I am a lot closer to your thinking than you think Ken.

h. Discussion and appointment of Town Attorney

Bill – Bernstein, Shur, Sawyer & Nelson. P.A. has given us a proposal with a fixed rate for services with the exception of what is above and beyond the scope of expenses.

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

Ken – Kerry, Jamie and Rick will have more access and freedom to contact the attorney with questions. I am very impressed with them. There is a depth of talents available to us from them.

**Kenneth McKinley moved to appoint Philip Saucier of Bernstein, Shur, Sawyer and Nelson. P.A. as the lead attorney and legal firm for the Town of Rockport with an annual contract price of \$36,000 and to authorize Rick to hire them. Geoffrey Parker seconded the motion. VOTE 5 FOR - 0 OPPOSED**

Break – 9:30 p.m. to 9:37 p.m.

- i. Discussion and vote to repair or not repair the ability to broadcast meetings in the Opera House Meeting Room on Channel 22, the Town cable television station

Geoff – Owen’s wife wants it back so we will do it. Some pieces need to be fixed. In addition, it will take three or four hours of my time. I am curious who is watching Channel 22 and how many people that involves.

Owen – how do we make it to have scrolling the highlights on this program? What about the calendar?

Bill – Stacey does the website and this is for a later conversation.

Geoff – at some point in the future, this will not be on television. It is relatively easy to fix it this time.

Ken – what is the cost?

Geoff – no cost.

Bill – Geoff does tremendous work and we appreciate what he does.

**Kenneth McKinley moved to approve the repair for the ability to broadcast meetings in the Opera House Meeting Room on Channel 22, the Town cable television station. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- j. Review the dates and milestones leading up to the November election

Geoff – so much depends on how the information is presented for a new library? The question is do we have the vote this fall or wait until next spring?

Brendan – the goal and desire is to have something ready on the November ballot.

**Select Board Meeting Minutes  
Monday, July 11, 2016**

Bill – we gave them this goal to accomplish.

k. Discuss setting the date to meet with the Ad Hoc Technology Committee

The date was set as Thursday, August 11<sup>th</sup> at 4:00 p.m.

Geoff – what have they learned and what will be their approach in the future. We need to look at funding so that it won't cost the Town as much.

l. Discuss and vote to direct the Conservation Commission to serve as the Town's Pesticide Advisory Board

Ken – we were supposed to establish this Board and it was never done.

Bill – it is for the Town's use only and will not include the citizens.

**Brendan Riordan moved to direct the Conservation Commission to serve as the Town's Pesticide Management Advisory Board. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

m. Elect two representatives from State District 22 to serve on the Maine Municipal Association (MMA) Legislative Policy Committee (LPC) for a two-year term

**Kenneth McKinley moved to elect William Chapman and Jay Feyler from District 22 to serve on the Maine Municipal Association (MMA) Legislative Policy Committee (LPC) for a two-year term. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

VI. Wastewater Commissioners

**At 9:58 p.m., Kenneth McKinley moved to leave as Select Board and to enter as Wastewater Commissioners. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

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

**Kenneth McKinley moved to approve the commitment of the May 2016 Wastewater User/Debt Fees totaling \$23,172.07 the Treasurer for collection. Brendan Riordan seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

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

**Select Board Meeting Minutes**  
**Monday, July 11, 2016**

VII. LIAISON REPORTS

Bill – we should think about what we want as a bond for a new library. The Recreation Committee will present to us on August 22<sup>nd</sup>.

Owen – a spot in September would work better.

Bill – we will move it to October. The Library will meet on the 3<sup>rd</sup> Monday of the month at 3:00 p.m. The book sale is this week. The Chamber will have their meeting on the 13<sup>th</sup> at the Bay View Hotel.

Ken – the ORC will meet this Thursday for the first meeting of the season. The Cemetery Committee will be meeting soon. I am selling Jazz Concert tickets to benefit the Library.

Geoff – June 17<sup>th</sup> the Planning Board met to train people how to lead discussions for their meetings. There is a new mandate regarding findings of fact. There are some growing pains on that board. It is a good working board.

Brendan – the Ad Hoc Library Planning committee have been making an earnest effort to incorporate what the focus groups have said that they want in a new library. I am not sure how they were chosen for the focus groups. They have made significant progress.

Owen – CIP nothing, the Recreation Committee and MCSWC we heard about earlier tonight. Pathways have been working on Route 1 North, the Gateway according to the plan. He talked about the river walk in Camden and signage for the Recreation Park. We need new members. Eliza resigned and Camden has lost some members.

VIII. EXECUTIVE SESSION – None this meeting

IX ADJOURNMENT

**Kenneth McKinley moved to adjourn the meeting at 10:20 p.m. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY