

NAME	ATTEND
Michelle Hannan, Chair	
Mark Kelley, Vice-Chair	
Eric Boucher	
Jim Annis	
Jonathan Duke, Town Manager	
Rockport AV Staff	
General Public	



July 11, 2022 – 6:00 p.m.

Geoffrey C. Parker Room – Rockport Opera House

**Rockport Select Board
Workshop 5:00
RES Redevelopment Task Force and Economic Development Committee**

**- PUBLIC MEETING -
Rockport Select Board
Monday, July 11, 2022
Geoffrey C. Parker Meeting Room, 6:00 p.m.
Streamed at vimeo.com/rockportmaine**

AGENDA

- I. Call Meeting to Order**
- II. Town Manager’s Report/Update**
- III. Public Input on Non Agenda Items**
- IV. Amendments to the Agenda**
- V. Consent Agenda**
 - a. Approve Meeting Minute(s):
 - June 27, 2022 – Executive Session
 - June 27, 2022 – Regular Meeting
- VI. Action Items**
 - a. Act on Committee Application(s): Village Improvement Plan Task Force
 - Douglas Cole
 - Michelle Gallant
 - Denise Munger
 - Mary Jane Young
 - Clare Tully
 - b. Approve Community Resilience Partnership Resolution – Bill Bow
 - c. Approve Town Manager Contract Amendment
 - d. Approve use of Road Construction Reserve for Annual Maintenance Paving
- VII. Discussion Items**
 - a. Legislative Update – LD 290 – Kerry Leichtman

VIII. Select Board Liaison Reports

IX. Adjourn

Future Meetings, Office Closures, Etc.

Monday, August 8, 2022 – Select Board Meeting

Tuesday, August 30, 2022 – Special Election 12-8 – Lobby Closed

Monday, September 5, 2022 – Town Offices Closed Labor Day

Monday, September 12, 2022 – Select Board Meeting



Town of Rockport, Maine

Town Manager's Office

Town Office
101 Main Street
Rockport, Maine 04856
Telephone: 207-236-0806 x3
Fax: 207-230-0112

Jonathan Duke, Town Manager

Email: jduke@rockportmaine.gov

Diane Hamilton, Executive Assistant and General Assistance Administrator

Email: dhamilton@rockportmaine.gov

Town Manager's Report & Update July 11, 2022

Town Clerk:

As of Tuesday, July 5th, there are three prospective candidates who have taken out papers for the Select Board special election on August 30th: Dana Jackson, Denise Munger, and Ralph "Doc" Wallace. Papers are due back at the Town Office on or by July 22nd.

Assessing:

Assessor Kerry Leichtman will be working this this week on completing his tax commitment for the coming year. I would expect residents will receive their tax bills by the end of this month.

Fire Department:

With the increased number of visitors to our area every summer, an increasing number of car accidents seems to come in stride. Many residents perhaps do not realize the nature of the fire service has changed greatly. Thankfully, the number of structure fires has decreased over the last few decades, but responsibilities placed on our fire fighters to respond to other life-threatening circumstances has risen. From carbon monoxide to propane to flooded basements; fire fighters are asked to do so much outside the norm. Rockport has a disproportionate number of motor vehicle accidents compared to our neighbors in the midcoast, this is largely due to the presence of three major routes: Route 1, Route 90, and Route 17. While Maine DOT is responsible for the care and upkeep of these roads and intersections, it is our fire department that responds when trouble strikes.

Harbor:

The roof of the largest of the lime kilns was replaced late last week and the framing was re-stained. Thanks to the numerous maintenance projects tackled down at the harbor over the past few months, we are as ready for the summer crowd as we ever have been.

With the return of so many visitors to the area, do not forget all parking at the Marine Park is 2-hour parking (with the exception of the trailer parking). These parking limits will be enforced. For those who require a longer visit at the harbor, parking on the north side of Goose River or in Cramer Park should provide ample parking options.

Library:

The library has dozens of events scheduled for the remainder this month and this summer. Those on the internet can go to the library's calendar for more information at <https://www.rockport.lib.me.us/events2.aspx>

Opera House:

The Mary Lea Music in The Park summer concert series continues this summer on Sundays from 4-5pm. The schedule for the remainder of the summer includes:

July 10: Katzenjammer

July 17: Kaylee Kazadi and Bella Barnes

July 24: Grace Kemberling

August 7: Cedar Callahan

August 28: Beleza

September 4: Bills Group

On Sunday July 31st, the Happenings on the Harbor Summer Concert Series welcomes The Right Track. Bring a chair and enjoy some fantastic music and several food truck vendors.

Planning:

The Town will be adding to our Planning Department with the addition of Fire Chief Jason Peasley as an alternate code enforcement officer and local plumbing inspector. Jason's responsibilities will allow Code Officer Scott Bickford to focus on the most important and notable matters when both are available, but Jason will allow the Town to have someone to fill in when Scott is unavailable.

Police Department:

The police department has been quite busy enforcing speed related concerns and gauging speed issues in various neighborhoods around town. Park Street, Pascal Avenue, and Union Street all saw speed studies conducted over the past four to six weeks to judge if motorists are traveling within an acceptable range in those locations. Often the studies are followed by increased enforcement by our officers if an issue is apparent from these studies. Many thanks to those who drive around Rockport and treat every neighborhood like it is their own.

The challenges in the supply chain remain an issue for Rockport as our new cruisers will be delayed in their arrival until September. We had high hopes that we would be able to get at least one of these cruisers on the road this summer, but unfortunately that appears impossible at the moment.

Recreation:

Little league, softball, and Babe Ruth teams are nearing the end of their seasons. Many thanks to Five Town Little League and Five Town Babe Ruth for their efforts in improving our fields this year.

Consent Agenda

- a. Minute(s):
June 27, 2022 – Executive Session
June 27, 2022 – Regular Meeting

Suggested Motion:

I move the Board Approve the Consent Agenda as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						

Select Board Executive Session Minutes

June 27, 2022 – 4:30 p.m.

NAME	ATTEND
Michelle Hannan, Chair	✓
Mark Kelley, Vice-Chair	✓
Eric Boucher	✓
Jim Annis	✓
Jonathan Duke, Town Manager	✓

Vicechair Kelley

~~Chair Hannan~~ call meeting to order at 4:30 p.m.

Motion to enter executive session to discuss with Town Counsel pursuant to 1 M.R.S. Section 405(6)(E)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair	✓			✓		
Eric Boucher		✓		✓		
Jim Annis				✓		

Adjourn

I move the Board adjourn the meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:23
Mark Kelley, Vice-Chair	✓			✓		
Eric Boucher		✓		✓		
Jim Annis						

NAME	ATTEND
Michelle Hannan, Chair	✓
Mark Kelley, Vice-Chair	✓
Eric Boucher	✓
Jim Annis	✓
Jonathan Duke, Town Manager	✓
Rockport AV Staff	✓
General Public	✓



June 27, 2022 – 6:30 p.m.

Geoffrey C. Parker Room – Rockport Opera House

Wastewater Commissioners

- a. Approve FY 2023 Wastewater Budget

Managers Comments:

At the time of the completing this packet, we still lack adequate reports from Maine Water to provide final numbers for the draft budget. So supporting information will be forthcoming in a separate package.

Suggested Motion:

I move the Board convene as Wastewater Commissioners..

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:33
Mark Kelley, Vice-Chair	✓			✓		
Eric Boucher		✓		✓		
Jim Annis				✓		

Suggested Motion:

I move the Board approve the Wastewater FY 2023 Budget.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:35
Mark Kelley, Vice-Chair	✓			✓		
Eric Boucher		✓		✓		
Jim Annis				✓		

Suggested Motion:

I move the Board exit the Wastewater commissioners meeting back to regular meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:35
Mark Kelley, Vice-Chair		✓		✓		
Eric Boucher	✓			✓		
Jim Annis				✓		

Consent Agenda

- a. Committee Resignation(s):
- Ruben Brown – Board of Assessment Review
 - Ryan Gates – Conservation Commission

Managers Comments:

After many years of service to the Board of Assessment Review, Ruben has elected to step aside. Ryan Gates will be removed from the Conservation Commission due to lack of attendance, per language in their bylaws.

Suggested Motion:

I move the Board Approve the Consent Agenda as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair	✓			✓		
Eric Boucher		✓		✓		
Jim Annis		✓	X	✓		

Approve Meeting Minutes

b. Approve Meeting Minute(s):

May 16, 2022 Meeting Minutes

Suggested Motion:

I move the board approve the minutes from May 16, 2022, Meeting

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair		✓		✓		
Eric Boucher	✓	✓		✓		
Jim Annis			X			

June 6, 2022, Executive Session Minutes

Suggested Motion:

I move the board approve the minutes from June 6, 2022, Executive Session Meeting

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair		✓		✓		
Eric Boucher	✓			✓		
Jim Annis			X			

June 15, 2022, Organizational Meeting

Suggested Motion:

I move the board approve the minutes from June 15, 2022, Organizational Meeting

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair				✓		
Eric Boucher	✓			✓		
Jim Annis		✓		✓		

Action Item

- a. Act on Liquor License for Seafolk, LLC (d/b/a A Small Good):

Manager's Comments: Action Item

Seafolk is pursuing a liquor license to augment the offerings available for their customers. A representative will be present for the public hearing and this vote.

Suggested Motion:

I move the Board approve the Liquor License for Seafolk, LLC (d/b/a A Small Good)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair				✓		
Eric Boucher	✓			✓		
Jim Annis		✓		✓		

Additional Comments:

Action Item

b. Act on Committee Application(s):

Manager's Comments: Action Item

John Viehman –

Jeffrey Leclair –

Harold McWilliams will be here to answer any questions you may have.

Amber Kennedy will not be able to attend the meeting.

Bill Freeman will be here to answer any questions you may have.

Tricia Dixon will be here to answer any questions you may have.

(Recommendation from Doug attached)

- John Viehman – Planning Board Alternate – Term Ending 2025
- Jeffrey Leclair – Planning Board – Term Ending 2025
- Harold McWilliams – Conservation Commission – Term Ending June 2025
- Amber Kennedy – CR Pathways Committee - Term Ending June 2025
- Bill Freeman – Zoning Board of Appeals – Term Ending June 2025
- Tricia Dixon – Rockport Parks and Beautification Alternate – Term Ending June 2025

Suggested Motion: (separate all motions???)

I move the Board approve the committee applications as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:57
Mark Kelley, Vice-Chair		✓		✓		
Eric Boucher	✓			✓		
Jim Annis				✓		

Additional Comments:

Action Item

- c. Act on Re-appointments to Committees for three-year terms

Manager's Comments: Action item

Included in your packet is a list of all board and committee members who have agreed to serve another term on their respective boards and committees.

The terms will be for three years, ending June 30, 2025.

Thank you, letters will be sent to the committee members, who are not renewing their terms.

Suggested Motion:

I move the Board reappoint all the board and committee members as presented for three-year terms ending June 30, 2025.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		6:50
Mark Kelley, Vice-Chair		✓		✓		
Eric Boucher	✓			✓		
Jim Annis				✓		

Additional Comments:

Action Item

d. Act on Re-appointments of committee members for the ZBA for two-year term to stagger terms.

Manager's Comments: Action item

Included in your packet is a list of ZBA Members who have agreed to serve another term on their respective boards and committees.

The terms will be for two years, ending June 30, 2024, to stagger terms.

Suggested Motion:

I move the Board reappoint two ZBA members as presented for two-year terms ending June 30, 2024.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		10:59
Mark Kelley, Vice-Chair				✓		
Eric Boucher	✓			✓		
Jim Annis		✓		✓		

Additional Comments:

Action Item

e. Act on Re-appointment of Town Officials for Fiscal Year 2022-2023

Manager's Comments: Action item

Included in your packet is a list of all Rockport Town Officials for re-appointment for the 2022-2023 Fiscal Year. These are Annual appointments as required by the Town of Rockport Charter, Section IV, Part A, Section 1.

Suggested Motion:

I move the Board re-appoint the Town Officials as presented for the fiscal year beginning July 1, 2022, ending June 30, 2023.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair				✓		
Eric Boucher	✓			✓		
Jim Annis		✓		✓		

Action Item

f. Act on Select Board Bylaws (distributed at the Organizational Meeting)

Manager's Comments: Action item

The Select Board Bylaws were distributed at the Organizational Meeting for review.

Suggested Motion:

I move the Board approve the Select Board Bylaws as presented (or amended after any discussion/changes).

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair	✓			✓		
Eric Boucher				✓		
Jim Annis		✓	✗	✓		

Additional Comments:

Section A change
Change to "Select Board" throughout document

Action Item

g. Discuss and Act on Select Board Liaisons (distributed at the Organizational Meeting)

Manager's Comments: Action item

Some may be temporary assignments till another SB members is elected.

Suggested Motion:

I move the Board approve the Select Board Liaisons as discussed and amended.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						

Additional Comments:

Will revisit in July + August after Special election

Action Item

h. Act on Addendum to Personnel Policy to reflect Budget changes

Manager's Comments: Action item

The approved budget requires changes to the Personnel Policy to reflect the budget approved at the annual town meeting. The changes include moving the Town funded portion of health insurance premiums to at least 90% and establishes a Flexible Spending Account (FSA) which employees can use pay for items of a medical nature. I worked with the attorneys at Bernstein Shur to ensure these amendments are compliant with IRS rules, though they do appear rather confusing in written form. In any event, this proposed addendum will accomplish all the FY '23 budget proposed to do.

Suggested Motion:

I move the Board approve the Personnel Policy as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair				✓		
Eric Boucher	✓			✓		
Jim Annis		✓		✓		

Additional Comments:

Discussion Item

- a. Discuss Special Elections Dates

Manager's Comments:

Linda will send this information to the Board.

Additional Comments: (Time:)

Nomination Papers June 29 th ; Due July 22 nd
election Aug 30 th

Shortening process to

Motion - Hannan

Second - Annis

In favor - All in favor

Adjourn

Suggested Motion:

I move the Board adjourn the meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				✓		
Mark Kelley, Vice-Chair				✓		
Eric Boucher	✓			✓		
Jim Annis		✓		✓		

Workshop w/ RES on July 11th @ 5 p.m.

Action Item

- a. Act on Committee Application(s):
 Village Improvement Plan Task Force:
 Douglas Cole
 Michelle Gallant
 Denise Munger
 Mary Jane Young
 Clare Tully

Manager’s Comments: Action Item

We have received five applications from residents who wish to participate on the Village Improvement Plan Task Force the Board created in May. The Task Force’s responsibility is to establish a plan that integrates needs throughout the village including parking, utility burial, pedestrian and bike improvements, and other items of critical importance to the vitality of Rockport Village. Simultaneously this group will serve as the Bridge Advisory Committee and assist in the improvements to the Goose River Bridge which Maine DOT plans to undertake in the near future.

When the Board discussed this Task Force in May, it was suggested the committee should be no larger than 9 people and staff for this committee should include the Public Works Director, the Planning and Community Development Director and potentially the Police Chief and Town Manager. If three staff members are chosen, and all of those who applied to participate are chosen, that would put the total membership on the committee at 8.

Suggested Motion:

I move the Board approve the committee applications as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						

Additional Comments:

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: Douglas Cole

Home Address: 103 Russell Ave Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) 207 975-2780 (Work) _____

E-mail Address: dspcole@gmail.com

Committee you wish to serve on: Village Partnership Initiative

Why do you want to serve on this committee?

I believe there is still plenty of opportunity to bring vibrancy and opportunity to the village area, much as it was in "the old days". Sure, I want the village to be an area that attracts tourists and their dollars during the summer, but I also want it to be a place where Rockport residents can come for a cup of coffee or to hear a concert in the park, or enjoy the library. The goal should be to have an active village year round

Do you have any background that would be helpful to this committee?

I have served, and currently serve, the town in several capacities so I am familiar with town operations. As a member of the Rockport Parks and Beautification Committee we have worked to optimize our unusually abundant parks presence in the village. I have been working with private citizens, business leaders, the town manager, and our State representative to begin investigating the possibility of relocating the overhead utility lines on Cetral St. to an underground location. There is much more that can be done.

Land Use philosophy: (if applicable)

I believe the Village area has historically been a financial engine for the entire town and I believe that it can be again, along with our rte 90 and Commercial St. corridors. As noted above we are very fortunate to have Goodridge Park, Mary Lear Park, Memorial Park, Harbor Park, Walker Park, and Cramer Park all within walking distance of our restaurants, hotel, library, galleries, boatyards, and harbor.

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

I would like to see improvements to the Goose River Bridge and approaches,

the pathways from Pacal Ave down to the harbor, and the burying of utility wires. I would continue to look to

the select board to provide guidance regarding the parking problems that have existed for so long in our town.

The MDOT should consider traffic patterns on Pascal, Central, Union, and Russell St as part of the project.

Are you interested in serving on other committees?

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE
Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: _____

Home Address: _____ Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) _____ (Work) _____

E-mail Address: _____

Committee you wish to serve on: _____

Why do you want to serve on this committee?

Do you have any background that would be helpful to this committee?

Land Use philosophy: (if applicable)

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

Are you interested in serving on other committees?

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE
Town of Rockport \$ 101 Main Street \$ Rockport, ME 04856

Name: Denise Munger

Home Address: 2 Harborview Dr Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) 303-668-7528 (Work) _____

E-mail Address: dkennedy@hollandhart.com

Committee you wish to serve on: Village partnership initiative task force

Why do you want to serve on this committee?

I have worked on issues related to the bridge and how to improve its

its appearance, safety and function, and with its probable replacement, what

opportunities there might be to improve this part of Rockport. The new DOT

program that might allow us to integrate the new bridge with other improvements

in the sidewalk access and parking for downtown is exciting to consider and explore.

Do you have any background that would be helpful to this committee?

I have worked with government agencies on getting programs implemented, understanding

regulations and working with regulators to find common ground and achieve shared goals.

I think this will potentially require help from political contacts, which I have experience working

with. It will be important for the committee to work together and develop a shared

vision that we then lobby for. I look forward to working with others on these shared goals.

Land Use philosophy: (if applicable)

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

see above

Are you interested in serving on other committees?

I would like to be an alternate on the Parks Committee to continue
my work with this committee, but the VPI is my primary interest.

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: Mary Jane Young

Home Address: 86 Pascal Ave Work Address: same

Mailing Address (if different): _____

Phone Number: (Home) (207) 350-9809 (Work) _____

E-mail Address: mjyoung12990@gmail.com; maryjane@pascalhall.com

Committee you wish to serve on: Village Improvement Task Force

Why do you want to serve on this committee?

I think representation by younger people in town matters
is important given the changing demographics of the population.

I moved to Rockport when I was 8, grew up here, left for college and to start a career,
and moved back in 2020. I'm glad to be home and have no plans to leave. To that end,

I'd like to be more involved in what happens in our town.

Do you have any background that would be helpful to this committee?

I was a high end residential construction PM for nearly ten years in NYC and am now the Director of Windrush Group

(which owns 86 Pascal and 166 Russell Ave in the village); I don't have direct experience related to this type of committee

but have started to become involved in some town matters in my current job (RES site, Goose River Bridge...).

Despite my lack of experience, I'm very eager to learn about how to make a difference in our town!

Land Use philosophy: (if applicable)

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

No specific agenda at this time.

Are you interested in serving on other committees?

Not at this time.

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE
Town of Rockport \$ 101 Main Street \$ Rockport, ME 04856

Name: Clare Tully

Home Address: 31 Main Street, Rockport Work Address: _____

Mailing Address (if different): PO Box 732, Rockport, ME 04856

Phone Number: (Home) (207)664-8888 (Work) _____

E-mail Address: claretully@hotmail.com

Committee you wish to serve on: Village Improvement Planning Task Force

Why do you want to serve on this committee?

I understand that the Task Force will work toward creating a plan for the Village a

Do you have any background that would be helpful to this committee?

I spent a decade of my career at NBC supporting the launch of new channels and

Land Use philosophy: (if applicable)

I favor the revitalization of the Village in a manner which is consistent with private

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

I hope the Village Improvement Planning Task Force will succeed in developing a

Are you interested in serving on other committees?

Not at this time.

Interview comments:

Appointment Date: _____

Action Item

- b. Approve Community Resilience Partnership Resolution – Bill Bow

Manager's Comments: Action Item

The Conservation Commission headlined a working group of residents who have compiled the attached resolution for potential adoption by the Board. The resolution comes after a public process was undertaken to gather comments from the community. Adopting this resolution allows the Town to apply for a \$50,000 grant which can be used to assist our community by solving issues which are or could be impacted by a changing climate.

Suggested Motion:

I move the Board approve the Community Resilience Partnership Resolution as presented.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						

Additional Comments:

d

RESOLUTION
COMMUNITY RESILIENCE PARTNERSHIP

Town of Rockport, Maine
June 27, 2022

WHEREAS, the Town is prepared to demonstrate leadership in reducing energy use and greenhouse gas emissions, and increasing the resilience of its residents, infrastructure, and businesses;

WHEREAS, the State of Maine's four-year climate action plan, *Maine Won't Wait*, seeks to put Maine on a trajectory to decrease greenhouse gas emissions 45% by 2030 and 80% by 2050, and achieve carbon neutrality by 2045;

WHEREAS, addressing climate resilience will present economic opportunities for the Town as well as opportunities to invest in the public good and cost-saving practices;

WHEREAS, planning for community and infrastructure resilience will protect people, preserve businesses and the local economy, and reduce the impact and costs of natural disasters;

WHEREAS, shifting seasonal temperature and precipitation patterns threaten local natural ecosystems (including our valuable water resources), economic activity such as food production and tourism, and public health;

WHEREAS, the Community Resilience Partnership provides grants to municipalities and Tribal Governments for activities that lower energy expenses, reduce greenhouse gas emissions, and increase community resilience in alignment with the state's climate action plan and goals;

WHEREAS, the Town of Rockport has completed the Community Resilience Partnership's Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on June 7, 2022, which prioritized the following action areas:

- Offsetting municipal energy use with alternative energy sources;
- Improvement in stormwater management, particularly regarding adverse impacts to lakes/ponds, river/streams, and the harbor;
- Understanding the risks to our public and private drinking water sources;
- Identifying the risks of sea level rise to Marine Park and other assets on the Harbor, Glen Cove, and within the Town's shoreline;
- Documentation, communication, and protection of the Town's biodiversity and ecosystems;
- Improvement in public transportation and bike paths/trails, especially out Route 90 and on Route 1; and
- Strategies to promote and distribute local food products.

RESOLUTION, con't
COMMUNITY RESILIENCE PARTNERSHIP

Town of Rockport, Maine
June 27, 2022

BE IT RESOLVED, the Town of Rockport commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts;

BE IT FURTHER RESOLVED, the Town of Rockport designates the Rockport Conservation Commission to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

Signed....

Action Item

- c. Act on Town Manager Contract Amendment

Manager's Comments: Action item

This contract amendment was due to be on your agenda in June, but somehow missed out with the vast number of items on that agenda. These changes correspond to recommendations from the Town Attorney and the Finance Director to ensure the contract complies with Personnel Policy.

Suggested Motion:

I move the approve the amended Town Manager contract as presented.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						

Additional Comments:

EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this 20th day of May 2021 and amended on this 14th day of February 2022, between the TOWN OF ROCKPORT, Maine, with a mailing address of 101 Maine Street, Rockport, ME 04856-0010, (hereinafter called the TOWN) and Jonathan R. Duke, whose address is 17 Hawthorne Dr. Rockport, ME 04856 (hereinafter sometimes called the EMPLOYEE) pursuant to these terms and conditions:

Formatted: Superscript

- A. WHEREAS, the TOWN wishes to employ the services of Jonathan R. Duke as Town Manager of the Town of Rockport commencing the 6th day of July; and
- B. WHEREAS, the TOWN and the EMPLOYEE desire to provide for certain procedures, benefits, and requirements regarding the employment of the EMPLOYEE by the TOWN; and
- C. WHEREAS, said Jonathan R. Duke wishes to accept employment as Town Manager of said Town under the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and intending to be legally bound hereby, the TOWN and the EMPLOYEE agree to the following:

1. DUTIES – The TOWN agrees to employ Jonathan R. Duke as the Town Manager of the Town of Rockport to perform all duties as specified by law, Town Charter, and ordinance, and to perform such other proper duties as assigned by the Select Board.

2. COMPENSATION

~~a.~~ The TOWN agrees to pay the EMPLOYEE a starting annual salary of one hundred one thousand and nine hundred seventy dollars (\$101,970) payable in such installments as the TOWN may from time to time determine for all management employees. If the EMPLOYEE'S performance is determined by the Select Board to be satisfactory, the EMPLOYEE'S salary shall be reviewed 6 months after the July 6, 2021 start date for a raise to \$104,000. If the EMPLOYEE'S performance is determined by the Select Board to be satisfactory, the EMPLOYEE'S salary shall be annually raised at the start of the TOWN's fiscal year at the same rate as that of the majority of non-union employees of the TOWN. The EMPLOYEE'S salary may be subject to additional adjustments as the Select Board shall determine based upon an annual performance evaluation of the EMPLOYEE.

a.

~~b.~~ The TOWN agrees to pay the EMPLOYEE an additional \$23,252 annually (on a payment schedule determined by the TOWN payroll policy) as a transition accommodation and

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EMPLOYMENT AGREEMENT

this accommodation shall be subject to an annual increase commensurate with the rate of increase indicated in section 2a above. Should the EMPLOYEE seek enrollment in the TOWN's health insurance plan, that amount shall be deducted from transition accommodation noted in this section.

b.

3. TERMS OF EMPLOYMENT

- a. The first six (6) months of employment shall serve as a probationary period. The EMPLOYEE or the TOWN may decide to terminate this Agreement at their discretion during this period upon reasonable notice to the other party.
- b. The term of this Agreement shall be for three (3) years commencing on July 6, 2021, and concluding on June 30, 2024, subject to the conditions contained herein.
- c. The Select Board shall on an annual basis conduct an evaluation of the EMPLOYEE'S performance. This evaluation will help define goals and performance objectives for the proper operation of the TOWN government and help to set in place objectives for the future. Any funds for the attainment of these goals shall be provided for in the TOWN budget.
- d. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Select Board to terminate the services of the EMPLOYEE at any time for cause, following the procedures in Article III, Section 4 of the Rockport Town Charter.
- e. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the EMPLOYEE to resign at any time from his/her position with the TOWN, subject only to the provisions set forth in Section 4.a. of this Agreement.
- f. EMPLOYEE'S employment shall be subject to the Town of Rockport Personnel Policy and Procedures (hereinafter referred to as "TOWN's Personnel Policy") except where the TOWN's Personnel Policy differs with this agreement, in which case the specific provisions of this agreement shall apply.
- g. The EMPLOYEE shall not, during the term of this Agreement, directly or indirectly engage in any business, either as an employee, corporation, principal, corporate officer, or in any other capacity, whether or not compensated, without the prior consent of the Select Board.

4. TERMINATION

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Commented [MB1]: I know this amount is the benefit that would have been paid on behalf of the employee if said employee decided to take the health insurance. There should be two things included here. 1. A provision for increase, I don't believe that we can tie it directly to the Health Insurance, which is why it was done this way, but you could stipulate an annual increase of a certain percentage. 2. That this payment stop to the employee, should the employee decide to take the health insurance offered by the Town.

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EMPLOYMENT AGREEMENT

- a. The EMPLOYEE may voluntarily resign his/her position at any time upon forty-five (45) days written notice to the TOWN.
 - b. As set forth in Section 3.a. above, during the first six months of employment, either party may decide to terminate this Agreement at their discretion. Thereafter, any termination of the EMPLOYEE by the TOWN shall be pursuant to the Town Charter at Article 3, Section 4.
5. RETIREMENT PLAN – The EMPLOYEE will be eligible to receive retirement benefits as described in the TOWN’s Personnel Policy. In addition, the TOWN shall pay the EMPLOYEE the sum of \$2,650 per year (on a payment schedule determined by the TOWN payroll policy) as a transition accommodation to the EMPLOYEE.
6. INSURANCE COVERAGE
- a. The TOWN shall provide the EMPLOYEE with life insurance in the amount equal to the EMPLOYEE’S annual salary per the TOWN Personnel Policy.
 - b. The EMPLOYEE shall be eligible for all other Employee Benefits specified in the TOWN’s Personnel Policy, including but not limited to additional life insurance, group dental and vision insurance, and income protection. The EMPLOYEE’S share of the cost of such benefits shall be made by payroll deduction.
 - c. The TOWN shall defend, hold harmless and indemnify the EMPLOYEE against any tort, professional liability claims or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the EMPLOYEE’S duties as Town Manager. The TOWN will defend, compromise, or settle as appropriate any such claim or suit and pay the amount of any settlement or judgment. This section does not apply to any claims resulting from the EMPLOYEE’S willful or intentional misconduct or for claims arising outside of the EMPLOYEE’S duties as Town Manager.
7. VACATION AND SICK LEAVE
- a. The EMPLOYEE shall receive four (4) weeks of paid vacation starting in year one and shall ~~then accumulate vacation time at the rate prescribed by the TOWN’s Personnel Policy~~continue to accumulate four (4) weeks a year for each pursuant year. The EMPLOYEE shall follow the TOWN’s Personnel Policy in regards to the accumulation of paid vacation.
 - b. The EMPLOYEE shall earn and accumulate sick leave as described in the TOWN’S Personnel Policy.

EMPLOYMENT AGREEMENT

- c. Upon termination, whether voluntary or involuntary, the TOWN shall compensate the EMPLOYEE for all accrued vacation and sick leave as outlined in the TOWN's Personnel Policy. Said compensation shall be based upon the EMPLOYEE'S salary as of the date of employment termination.
8. BUSINESS EXPENSES – The TOWN shall reimburse the EMPLOYEE for all business-related expenses per the Town Personnel Policy.
9. GENERAL BENEFITS - In addition to the benefits cited herein, the TOWN shall provide the EMPLOYEE with any and all benefits that apply to other Administrative employees.
10. CONFLICT OF INTEREST --EMPLOYEE'S father, Robert Duke, is currently running for Select Board in the TOWN. EMPLOYEE and TOWN recognize that it would be a conflict of interest under state law for Robert Duke to serve on the Select Board if his son is the Town Manager. Therefore, this Agreement is contingent on Robert Duke either withdrawing from the Select Board election before the election on June 8, 2021, or if he does not withdraw and wins in the election, he must not accept the position and cannot be sworn in. Should Robert Duke be sworn in as a member of the Select Board as a result of the June 8, 2021 election, this contract shall be immediately null and void.
11. GENERAL PROVISIONS
 - a. This Agreement shall become effective as of the date above written.
 - b. If any provision, or portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement shall not be affected and shall remain in full force and effect.
 - c. No term or provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and signed by the party making the waiver.
 - d. This Agreement may be amended at any time only by a writing duly executed by both parties.
 - e. The subject headings of the Sections of this Agreement are included for the purpose of convenience only and shall in no way affect the meaning, construction, or interpretation of any provision of this Agreement.

EMPLOYMENT AGREEMENT

- f. Any dispute over the interpretation or performance of this Agreement shall be governed by Maine Law.

EMPLOYMENT AGREEMENT

IN WITNESS WHEREOF, and intending to be legally bound, the parties have, in good faith, executed this Agreement the day and year above written.

WITNESS: Jonathan R. Duke

WITNESS:

TOWN OF ROCKPORT
BY ITS SELECT BOARD

Delores M. Hannan, Chair

Mark Kelley, Vice-Chair

Eric Boucher, Member

James Annis, Member

Action Item

- d. Approve use of Road Construction Reserve for Annual Maintenance Paving

Manager's Comments: Action item

On Tuesday, I opened paving bids for this summer, and I was pleasantly surprised to see the bids well within our budget for work to be completed this fiscal year. With this spring's increase in oil prices, I was deeply concerned we would be unable to begin our robust plan to get back on schedule with our road maintenance. We received two bids, one from Northeast Paving at \$136/ton and \$155/ton and another from Performance Paving at \$99/ton and \$155/ton for 12.5mm and 9.5mm, respectively. Given this pricing, I feel it is prudent to push forth on our paving and not delay further.

NAME / AREA	SQUARE FEET	Estimated Costs
Camden St (Main St. to town line) 3268' x 21'	Shim: 3268' x 21' x 0.75" Overlay: 3268' x 21' x 1.50"	837.261T \$86,237.88
Park St. Full depth reclaim 8100' x 20'	Binder: 8100' x 20' x 2" Overlay: 8100' x 20' x 1.50"	Reclaim \$75,600 Binder: 1976.4T \$195,663.6
Hope St 3062' x 21'	Shim: 3062' x 21' x 0.75" Overlay: 3062' x 21' x 1.50"	784.484 T \$80,801.89
Ledgewood Dr 2904' x 19'	Shim: 2904' x 19' x 0.75" Overlay: 2904' x 19' x 1.5"	673.147T \$69,334.14
Loop portion of Rockville 1200' x 21'	Shim: 1200' x 21' x 0.75" Overlay: 1200' x 21' x 1.50"	307.44T \$31,666.32
Alexander Dr 2428' x 18'	Shim: 2428' x 18' x 0.75" Overlay: 2428' x 18' x 1.25"	133.297T \$13,729.59
Bonny St 1689' x 21'	Shim: 1689' x 21' x 0.75" Overlay: 1689' x 21' x 1.25"	108.180T \$11,142.54
Homestead Ln 897' x 18'	Shim: 897' x 18' x 0.75" Overlay: 897' x 18' x 1.25"	196.981T \$20,288.94
Kathy's Ln 1320' x 21'	Shim: 1320' x 21' x 0.75" Overlay: 1320' x 21' x 1.25"	338.184T \$34,832.95

The most costly of the proposed repairs concerns Park Street. The decline seen on Park Street from the beginning of our capital planning process last fall to this spring was deeply troubling. A contractor who did not bid on our paving, due to having more work elsewhere, prescribed a repair which involves reclaiming the road (where the pavement is ground up and mixed with the upper foot of gravel beneath – thus creating a better base) and then paving on top of the

reclaimed base. This repair will consume almost a third of the funds available but whereas Park Street is among the busiest of Town roads, it appears bold action must be taken immediately.

The remainder of the roads are largely side streets, but given the extensive preparation needed in the Alexander Drive/Ledgewood Drive neighborhood, we must tackle these lighter travel roads sooner than we have or we will be forced to rebuild roads all over town.

If the Board approves the work proposed, \$169,152 would remain in the reserve for road construction. I am only seeking approval for the projects currently ready for pavement or are projected to be ready over the next month. Using the full budgeted amount of \$788,450 puts the Town back on its 10-year paving cycle and as I mentioned numerous times through the budget process, even completing all of this work will not dig us out of the hole we are in. My hope is in using the full \$788,450 is that we do not fall further behind.

Suggested Motion:

I move the Board authorize spending \$619,297.85 from the Road Reconstruction Reserve for the purpose of paving roads.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						

Additional Comments:

Discussion Item

- a. Discuss Legislative Update – LD 290 – Kerry Leichtman

Manager's Comments:

As part of this packet, I have attached a copy of an email shared by Kerry to Camden and Rockport with his concerns relating to a recently adopted law which governs values for those who have resided in their homes over a decade and are over 65 years of age. This law is incredibly challenging to manage, particularly in a community with an extensive share of our population in that age group. Effectively, it allows the municipality to be reimbursed for property taxes those eligible would have otherwise received from the applicants who are eligible. In theory, it sounds like a wonderful program, but I have to share my skepticism that such a program will work as intended. Not to mention there is a long line of instances where state government has backed away from financial obligations to municipalities... leaving towns like Rockport hanging.

For example, if the state were to change the percentage they would reimburse to the towns, not unlike as we have seen from the Homestead Exemption in years past, all Rockport taxpayers would unexpectedly be asked to cover that difference. Perhaps that is a cynical way of viewing this legislation, but sadly this is the type of experience has caused mistrust between the state and municipalities. Let us hope our residents who qualify for a program like this are not used as pawns.

Additional Comments: (Time:)

Subject: LD 290

Date: Thursday, June 30, 2022 at 9:27:48 AM Eastern Daylight Time

From: Kerry Leichtman

To: Jodi Hanson, Katrina Oakes, Megan Brackett, Linda Greenlaw, Jeanne Hollingsworth

CC: Audra Caler, Janice Esancy, Jonathan Duke

Good morning,

You are, no doubt, beginning to get questions from taxpayers about a new tax program for senior citizens. The law is LD 290 legislature.maine.gov/bills/getPDF.asp?paper=SP0126&item=5&num=130 Here are the highlights:

- Applicants must be 65 or older and have owned their homestead at least 10 years. Whether that means they must have had a homestead exemption or just owned the property is unclear at this time.
- The property tax bills for people in the program will be frozen (stabilized) at the level of tax for the year they enrolled on this program.
- It will stay at that level as long as they are in the program **BUT** they must reapply each year.
- Their property value will not be frozen, just the tax they must pay.
- The enrollment period will be August to December 1. The application has not yet been created but Maine Revenue is working on it now.

According to the law, we (the municipalities) will be reimbursed at 100% of the difference between what the taxpayer is billed and what they should have been billed. There are many logistical hurdles to accomplishing all of this that the law doesn't address. I suggested to the Governor, through one of her senior policy advisors, that she assemble a group to figure all of this out. She agreed and I was asked to recommend three assessors to participate. I am one of the three. So we will know how this will all work at the earliest possible time.

For now, I would recommend taking names, addresses, phone numbers and email addresses of anyone making an inquiry. We can contact them as soon as an application is available.

Thanks.

Kerry

Kerry Leichtman, CMA

Assessor

Towns of Camden and Rockport

kleichtman@camdenmaine.gov 207.236.3353 ext 7106

assessor@rockportmaine.gov 207.236.6758 ext 5

<http://camdenmaine.gov>

<http://rockportmaine.gov>

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STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 126 - L.D. 290

**An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older
Who Own a Homestead for at Least 10 Years**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA c. 908-B is enacted to read:

CHAPTER 908-B

PROPERTY TAX STABILIZATION FOR SENIOR CITIZENS

§6281. Stabilization of property taxes on homesteads of individuals 65 years of age or older

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible homestead" means a homestead occupied by an eligible individual who is eligible for a homestead exemption under chapter 105, subchapter 4-B for the property tax year during which an application for stabilization is made.

B. "Eligible individual" means an individual who:

(1) Is 65 years of age or older; and

(2) Is a permanent resident of the State as defined in section 681, subsection 4 who has owned a homestead in the State for at least 10 years.

C. "Homestead" has the same meaning as under section 681, subsection 2.

D. "Stabilize" means to maintain the property tax billed to an eligible individual for the individual's eligible homestead at the amount billed for that homestead for the property tax year preceding the date of application for stabilization.

2. Application for stabilization. An individual may apply by December 1st to the municipality in which the individual's homestead is located requesting that the municipality stabilize the property tax assessed on that individual's homestead for the property tax year beginning on April 1st following the submission of the application. A new application is required for each year for which stabilization is requested.

3. Stabilization for eligible individual. If a municipality determines that an applicant for stabilization under subsection 2 is an eligible individual and that the individual's homestead is an eligible homestead, the municipality shall stabilize the property tax on the individual's homestead billed for the property tax year for which stabilization was requested.

4. Transfer of eligibility. If an eligible individual has been eligible for stabilization under this section and establishes a new homestead in the State, the individual continues to be eligible for stabilization. If an eligible individual establishes a new homestead in a different municipality, at the request of the eligible individual, the municipality where eligibility was first established shall notify the new municipality of the eligible individual's previous eligibility and the amount at which the property taxes were stabilized. The new municipality shall bill the eligible individual at the stabilized amount and is eligible for state compensation under subsection 5.

5. State compensation. A municipality that has stabilized property tax for an eligible individual under this chapter may recover from the State 100% of the amount by which the property tax assessed on the homestead of an eligible individual in the usual manner exceeds the stabilized amount of property tax billed under subsection 3. A municipality claiming compensation under this subsection shall submit a claim to the bureau by November 1st of the year in which the property tax was stabilized. The bureau shall review claims and determine the total amount to be paid to each municipality. The bureau shall certify and the Treasurer of State shall pay the amount due to each municipality by January 15th of the year following the year in which the claim for compensation was submitted.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides funding for one property appraiser, one half-time, temporary property appraiser, mandate reimbursement costs and All Other costs to process and audit applications.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.000	1.500
Personal Services	\$0	\$107,624
All Other	\$0	\$207,618
GENERAL FUND TOTAL	\$0	\$315,242

Adjourn

Suggested Motion:

I move the Board adjourn the meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						