

- PUBLIC MEETING -
Rockport Select Board
Meeting Minutes

Monday, July 27, 2020 – 5:30 p.m.

Streamed at <https://livestream.com/Rockportmaine>

Present remotely via Zoom: Chair Debra Hall, Vice-Chair Denise Munger, Board Members Mark Kelley (at 5:55 p.m.), Jeffrey Hamilton, Town Manager William Post, Audio/Video Technician, Clare Tully and Jannel Johnson Pendleton, owner of Barefoot in Denim, LLC. Absent: Douglas Cole.

I. Call Meeting to Order – Chair Hall called the meeting to order at 5:30 p.m.

II. Public Hearing

a. Receive Public Comments on the Annual Town Meeting Warrant Articles

Chair Hall opened the Public Hearing at 5:31 p.m.

Chair Hall stated the public hearing was to receive any public comments on the annual town meeting warrant articles, including the citizen petitioned articles, land use ordinance articles, municipal budget, and business articles.

Clare Tully thanked the Select Board for the opportunity to speak. She stated that a number of citizens already spoke at the Planning Board meeting about the petitioned articles. She stated that an anonymous postcard went out earlier this week to mailboxes which made some false statements including that the petitioned articles were done by private petitions. The petitions were not private but were signed by over 325 registered voters in the town of Rockport from all five neighborhoods and from all demographics.

Tully stated that the petition process was about having the proposed hotel be 20 rooms which is what the developer originally proposed, before the ordinance was passed, then unfortunately the size went to 35 rooms and has ramifications in terms of obscuring a scenic view of the harbor that goes back well over a century. She stated the view is protected under Town ordinances and also under the comprehensive plan and it creates other problems as well including nuisances for the rooftop bar. She stated that the citizens group that circulated the petitions is not opposed to the hotel just its current size. She stated that there would be a postcard from the citizens group in the next few days explaining their position on this topic.

Tully stated that the second petition of course deals with requiring an independent traffic study by a qualified third party. She stated that there was overwhelming support for this throughout the town to address the concerns with safety, parking adequacy, pedestrian safety in particular for the hotel development and future development in the downtown. She stated that she has concerns on two of the articles including Article 6 which would increase the amount of ability to do remote parking through transit buses or valet parking services. She stated that the citizens have already spoken out on this and do not want these buses and valets going down residential streets. Tully stated that the citizens group also thinks that the public should get a notice when a road by their houses will be upgraded.

Tully stated that the group also opposes Article 9 because they believe it would place historical buildings at risk by exempting existing structures from parking area requirements. She also stated it would eliminate all landscaping for parking lots and this would result in parking lots in neighborhoods and affect the beauty of the downtown.

She stated that citizens petitions are one of the five freedoms under the 1st amendment as Americans to petition our government. She stated that the group was not opposed to development, but just do not feel it should not be at this size when it was not what was promised.

Chair Hall stated that it was not the act of having a citizen petition that was troubling to her as a board member. She stated that it was true that the brochure sent out that Ms. Tully is referring did quote the Select Board and quoted accurately because some Select Board members did make comments that the petition matters were insulting, offensive and unjust and the reason being was not because of the citizens petition but because of what they substantively provide for. She stated that it was offensive to her that an ordinance amendment can be passed retroactively that would change an approved project after a developer purchases property and goes through the Planning Board and ZBA process for approval.

Vice-Chair Munger stated there were a number of misrepresentations in the brochure/ mailing that Ms. Tully referred to. She stated that the intent of the citizen petition to limit the number of rooms in a hotel in Article 4 would just reduce the number of hotel rooms, it does not reduce the size of the hotel, and would not preserve the harbor view. She stated that it is important for people to understand that it doesn't create the idealized look that was portrayed in the citizen group mailing.

Board Member Hamilton stated that both petitions resulted in Article 3 and 4 being on the town meeting warrant for voter approval or not approval. The process did work, the citizens petition did get the appropriate signatures, it was worded correctly, and those articles are on the town warrant.

Chair Hall stated that it is good to have a citizen's petition process and it is not the act of citizen petition that concerns her, rather it is the substance of these particular petitions.

Chair Hall stated she wanted to clarify for the public that neither the Town nor the Select Board were responsible for preparing and sending out the mailing. She stated that she did not know anything about the mailing until she received it like everyone else.

There were no other Public Comments.

Chair Hall closed the Public Hearing at 5:42 p.m.

III. Town Manager's Report/Update

Town Manager Post presented the Town Manager's report (see attached).

IV. Public Input on Non-agenda Items – None

V. Amendments to the Agenda – None

VI. Consent Agenda

- a. Meeting Minute(s):
 - June 26, 2020 Select Board Executive Session Meeting Minutes
 - June 30, 2020 Select Board Executive Session Meeting Minutes
- b. Harbor Committee Bylaws

Board Member Mark Kelley joined the meeting at this point

Vice-Chair Munger suggested taking the Harbor Committee Bylaws off the Consent Agenda for amendments.

Board Member Hamilton moved to accept the Consent Agenda as recently amended. Vice-Chair Munger seconded the motion. VOTE: 3 FOR – 0 OPPOSED - 1 ABSTAINED (Kelley) (vote by roll call)

Vice-Chair Munger moved to approve the Harbor Committee Bylaws as amended. Board Member Kelley seconded the motion VOTE: 4 FOR - 0 OPPOSED (roll call)

VII. Action Items

- a. Act on Planning, Use and Development Fee Schedule for Building/Land Use Permits

The Town Manager stated that the Planning Use and Development Fee Schedule was last reviewed and approved by the Select Board in April 2016. The Planning & Development Department reviewed the schedule and are suggesting some minor changes.

Board Member Hamilton moved the Board approve the Planning, Use and Development Fee Schedule as amended. Vice-Chair Munger seconded the motion. VOTE: 4 FOR - 0 OPPOSED (roll call)

- b. Act on RES Redevelopment Committee Recommendation

Chair Hall stated that the RES Redevelopment Committee held their first meeting since the pandemic on July 9th. At that meeting, Steve Smith suggested that a Land Use Consultant/Planner, Terry Dewan hold an educational session about the redevelopment and planning process for the committee and Select Board, with no contractual obligation for future engagements. The purpose of the presentation and discussion would be an education and ideas for the Town of any land use planning processes and be inspiration for ideas for generating more interest in the redevelopment of the former RES site. She stated that the Town has received two responses to the Request for Qualifications and before scheduling consultations with each developer the committee sees value in Mr. Dewan's offer for education and ideas. Chair Hall stated that she is the liaison to that committee and was able to attend that meeting.

Board Member Hamilton stated he could understand the value of meeting with the consultant.

Board Member Kelley wanted to clarify that the Town would just be listening to the third party.

Chair Hall stated that it could be a benefit to that committee, as there may be ways more interest in the site can be generated.

No action needed.

- c. Act on Peddlers Permit at Harbor Park - Barefoot in Denim, LLC, Jannel Johnson Pendleton

Jannel Johnson Pendleton, owner of Barefoot in Denim, LLC submitted a Peddler's Permit Application to locate a 6'x10' trailer and pop-up at Marine Park on Thursdays from 12 p.m. – 4 p.m. Barefoot in Denim, LLC was located in Camden for 14 months, but due to COVID-19 she has decided not to reopen her storefront there and has decided to go mobile instead.

Ms. Pendleton provided details about her business. Her application was included in the materials and a map detailing where she proposed to locate the trailer. The trailer would be removed when not open. She has been in contact with Harbormaster Abbie Leonard regarding the location and activity.

Board Member Kelley's only concern is that the Town does not have a policy which governs how many trailers/businesses can be located at the Harbor.

Chair Hall stated it would be up to the Board to place some kind of limits and restrictions. It could be something that the Town could allow this summer in order to help local retailers and businesses, understanding that it would not be permanent.

Board Member Hamilton stated that his concern was about the intent of the marine park. He does not think retail durable goods are in alignment with that intent and he stated that he is concerned that the Town does not have a policy that limits the activity in that area. He stated that he would like the former RES site to be used for this type of activity.

After discussion between the Board members, they agreed by consensus that the former RES site would be a better fit than Marine Park.

Board Member Kelley moved that Barefoot in Denim, LLC operated by Jannel Johnson Pendleton be allowed to operate on the said days and times indicated on the application at the former RES site. Vice-Chair Munger seconded the motion. VOTE: 4 FOR – 0 OPPOSED (roll call)

- d. Act on Ballot for MMA's Legislative Policy Committee

Chair Hall stated recently the Board nominated Town Manager William Post for one of two positions representing Senate District 12 on the Maine Municipal Association's Legislative Policy Committee. The two nominees for the two positions are Jay Feyler of Union and William Post of Rockport.

Board Member Kelley moved the Board vote for Jay Feyler, Town Manager of Union and William Post, Town Manager of Rockport for MMA's Legislative Policy Committee. Member Hamilton seconded the motion. VOTE: 4 FOR – 0 OPPOSED (roll call)

VIII. Discussion Items

- a. Discuss Keep Maine Healthy Grant

Town Manager Post explained the second round of funding for Maine municipalities and Tribal governments under the Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign. Roughly \$4 million is available this round.

This program provides financial assistance for municipalities to conduct public health activities aimed at preventing the spread of COVID-19 during the summer and fall tourist season. The funding period for Round 2 will be Aug. 1 - Oct. 31, 2020. Applications must be submitted to Maine CDC by Friday July 31, 2020.

There are three categories that can be funded through this grant. Public education activities including mailings, additional signage, and staff time on educational pages; physical distancing and public health support including extra cleaning supplies for public space in restroom facilities and local business assistance; designating a local official includes a contact person for CDC, to investigate complaints that Maine CDC deems are valid or need to be investigated about a business not following mask requirements or social distancing. Police Chief Randy Gagne would be the Town of Rockport's contact person.

Board Member Hamilton suggested more signage at the Harbor may be helpful.

Board Member Kelley moved the Board authorize the Manager to apply for the Keep Maine Healthy grant with details to be determined by staff. Board Member Hamilton seconded the motion. VOTE: 4 FOR – 0 OPPOSED (roll call)

b. Discuss Short-Term Rental Options

Chair Hall stated that she was hopeful this might be the last time this topic has to be discussed at a Select Board level before referring it to the Ordinance Review Committee with some direction to start drafting an ordinance. She stated that the Board might benefit at some point from an advisory group to look at this topic and provide guidance. She does not want the Board to be perceived, in anyway, that they are trying to rush through this because it is certainly an important issue. She stated that this board has been talking about this for a couple of years.

She stated that the Board held a workshop last fall, but COVID-19 slowed down progress. The idea of having this on a November 2020 ballot was to make sure that the Town provided certainty one way or the other for property owners of short-term rentals prior to next season. She stated that one option is for a special election between November and June. She asked for the Board's consideration in terms of timing for a vote before getting to actual substance of discussion.

Board Member Kelley stated that he believes that the vote should not be in November, but June so that the meetings could be held in-person instead of ZOOM where more people can attend. He stated that there seems to be a fair amount of interest around the topic. The Board should get more public input, in-person, rather than trying to rush something for November.

Vice-Chair Munger stated that she agreed with the November comments. She stated that the Board has been thinking about this issue and discussing it for a while with a lot of different people but doesn't want the voters to feel that we are rushing something to a vote. She stated that she was hesitant to wait until June because she feels that people should know the state of the regulatory environment for Rockport before next summer. Munger stated that she is interested in exploring the possibilities for a vote in February or March.

Board Member Hamilton stated that he would like to get potential regulations moving and finished so that the Board can move on to other topics, but he was concerned that if it is moved past November the issue will percolate and create drama over the course of time. Having an intermediate special election for a vote on this topic would be difficult because people are

programed to vote in November and June. If a special election is held, the participation that this issue deserves will be small. He said he could support not having an ordinance ready for November because drafting the language together is too much, and the Board needs public input, which in-person versus electronically may be somewhat different. He supported putting off a vote until June.

By consensus the Board agreed target the June ballot for any proposed short-term rental ordinance.

Board Member Kelley left the meeting at this point.

IX. Announce Future Meetings, Office Closures, Etc.

- August 10, 2020 – Regular Select Board Meeting - ROHA
- August 18, 2020 – Elections – Town Office Closed
- August 19, 2020 – Select Board and Organizational Meeting – ROHA
- September 7, 2020 – Town Offices Closed Labor Day
- September 14, 2020 – Regular Select Board Meeting - ROHA

X. Select Board Liaison Reports

Board Member Hamilton stated that the Harbor committee met and reviewed their bylaws.

Vice-Chair Munger stated that Legacy Rockport met and discussed working with Public Works, Rockport Marine, and Rockport Steel, on the restoration of the locomotive at Harbor Park.

Chair Hall stated that MCSWC would be meeting Wednesday for their annual meeting as well as a board meeting. Bylaw changes will be completed to make things more efficient throughout the organization.

XI. Executive Session

- a. Convene in Executive Session pursuant to 1 M.R.S. Section 405(6)(A) to discuss a Personnel Matter

Chair Hall moved to go into Executive Session pursuant to 1 M.R.S. Section 405(6)(A) to discuss a Personnel Matter at 7:51 p.m. Board Member Hamilton seconded the motion.

VOTE: 3 FOR – 0 OPPOSED (roll call) (10-minute recess)

Chair Hall moved to exit executive session at 9:00 p.m. Board Member Hamilton seconded the motion. VOTE: 3 FOR – 0 OPPOSED

XII. Adjourn

Vice-Chair Munger moved to adjourn the meeting at 9:00 p.m. Board Member Hamilton seconded the motion. VOTE: 3 FOR – 0 OPPOSED

Respectfully submitted,

Diane Hamilton
Executive Assistant as Recording Secretary

**Attachment 1
Town Manager's Report & Update
July 23, 2020**

Annual Town Meeting/Municipal Election

Reminder to everyone that this year's annual town meeting will be held on August 18th and will be by referendum (secret ballot) voting only. There will be no open town meeting. This election includes voting for two positions on the Select Board, four positions for the Budget Committee, one position for the Library Committee and one position for MSAD #28/Five Town CSD School Board and all of the municipal budget and business articles that are normally discussed at the open town meeting. Absentee ballots are currently available from the Town Clerk's Office and I encourage everyone to vote absentee.

Infrastructure Projects Update

A Requests for Proposal (RFP) has been made available for the Vehicle Exhaust Removal Systems at the Public Safety Building and the Public Works Garage. The deadline for me to receive these proposals is August 13th.

An RFP for the Public Safety Parking lot repaving has also been made available with a deadline of August 3rd.

The Old Rockland Street Reconstruction Project has also been put out to bid with proposals due on August 11th. Upon engineer Will Gartley's advice, we are bidding that project with an alternate start date of next spring as we are receiving feedback from many contractors that they are currently having difficulty finding labor and finishing current projects. It is expected that the bid prices may be lower if the project is started in the spring of 2021 because of this.

Public Works and contractors continue to prepare roads for paving by replacing cross culverts and ditching. As noted previously, some sections of road have had to be rebuilt because of poor base material. For example, one 325-foot section on Beech Hill, after investigation, only contained about 10 inches of gravel and then clay which explains why the roadbed was collapsing. All-States Asphalt has reviewed all the roads to be paved and is currently scheduled to start paving the week of August 25th.

Megan Brackett, Mike Young, and I have developed a tracking system to monitor the materials being purchased and used and the contracted services on the infrastructure bond projects to ensure proper billing and budgeting is completed.

Economic Development Specialist

As I mentioned during the budget discussions, the Midcoast Economic Development District (MCEDD) which we contract with for planning services, has agreed to provide an economic development specialist for one day per week as part of our current contract. I expect Brian Dancause to begin sometime during the first two weeks of August. I suggest that he replace Bill Najpauer as a staff member to the RES Redevelopment Committee. Brian served as the Director of Small Business and Entrepreneurship and manager of the small business assistance program with the Maine Department of Economic and Community Development over an 18-year period and worked for the Town of Brunswick as a development and support specialist before working for MCEDD.

State Board of Property Tax Review

Assessor Kerry Leichtman has been appointed to the State Board of Property Tax Review effective July 28, 2020 by Governor Mills. The Board consists of 15 members for terms of three years. The Board hears appeals from denials of tax abatements by assessors or local boards of assessment review regarding non-residential property with a municipal assessed valuation of \$1 million or greater, tree growth, farmland, open space, mine site and working waterfront classified properties as well as municipalities disputing their annual equalized state valuations. This appointment is a well-deserved recognition of Kerry's knowledge and skills.

Wastewater Extension Project

The final plans for the wastewater extension project along Route 1 are nearing completion. The only remaining item for the engineers is to add the water line designs to the plans as Maine Water has officially joined the project. Other than the water line design work, there are two tasks that remain: finalizing the landowner agreements for the locations of the two pump stations, and obtaining the highway opening permit. It is expected that the project will be ready to go out to bid September 1st.

Maine Municipal Association Dividend

The Town received a \$6,465 dividend check from the Maine Municipal Association as a result of its good loss experience and loss prevention programs. Of this amount, \$2,487 was from the workers' compensation fund and \$3,978 from the property and casualty program.

Planning Board Secretary

Fran Hodgkins, a part-time employee at the Library, has been hired as the new Planning Board secretary. She will attend meetings, take notes, and draft minutes of the meetings. This will take the burden off Administrative Assistant Mandy Marriner-Everett as she has been taking on this task along with her regular duties. I appreciate Mandy's help over the last several months.