

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, AUGUST 22, 2016
7:00 P.M.
ROCKPORT OPERA HOUSE
MEETING ROOM**

Present: Chair William Chapman, Vice-Chair Kenneth McKinley, Geoffrey Parker and Brendan Riordan. Absent: Owen Casas. Also present: Richard C. Bates, Town Manager; Department Heads: Jamie Francomano, Director of Community Development & Planning and Megan Brackett, Finance Director and members of the public

- I. CALL MEETING TO ORDER – Vice- Chair Kenneth McKinley called the meeting to order at 7:13 P.M.
- II. PUBLIC HEARING – None this meeting
- III. MINUTES, MEETINGS AND ANNOUNCEMENTS
 - a. Approval of the minutes of the:
 - Monday, November 9, 2015, meeting of the Select Board
 - Tuesday, November 17, 2015 meeting of the Select Board
 - Monday, May 9, 2016, meeting of the Select Board
 - Wednesday, June 15, 2016, organizational meeting of the Select Board
 - Monday, June 20, 2016 meeting of the Select Board
 - Monday, June 27, 2016, special meeting of the Select Board
 - Monday, July 11, 2016, meeting of the Select Board
 - Monday, August 8, 2016, meeting of the Select Board
 - Thursday, August 11, 2016, special meeting of the Select Board

Discussed minutes for August 11, 2016. Brendan said that there are some significant omissions in the minutes. One being Owen’s carrot and stick analogy.

William Chapman moved to table the minutes of the August 11th meeting until the September 12th meeting. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Board discussed having just the motions and votes recorded to get these minutes off my plate.

- b. Regular Select Board Meeting on Monday, September 12, 2016, 7:00 p.m., Rockport Opera House Meeting Room, to be streamed at <http://livestream.com/Rockportmaine>,

Rockport Select Board Minutes
Monday, August 22, 2016

A Public Hearing on the proposed November 8, 2016, Special Town Meeting warrant articles will be held on Thursday, September 8, 2016, 7:00 p.m., Rockport Opera House Meeting Room, to be streamed at <http://livestream.com/Rockportmaine>

- c. Announcements – See agenda
- d. Committee Openings: – See agenda
- e. Agenda Changes – None this meeting
- f. Public Comments

Maggie Timmermann read the following: I appreciate the decision by the Rockport Select Board not to hold a Special Town Meeting in August to allow Rockport citizens the opportunity to vote for Fiberight prior to the August 31 deadline because a successful vote would have basically meant we would have to separate from Midcoast Solid Waste Corporation and go out on our own and I realize that comes with a lot of risks.

However, I would like to encourage the Rockport Select Board to require an in-depth review of the Midcoast Solid Waste Corporation bylaws and specifically address the fact that one town – Camden – owns more than 40% of the entire vote so that Rockport, Hope and Lincolnville are at the mercy of Camden's vote. When only one Camden Board member is at a vote, the entire vote is controlled by one person which makes absolutely no sense.

Also, it's apparent that a public vote that requires a unanimous decision by all four towns is not always feasible, and therefore, we need to establish a majority voting system so that we don't find ourselves in this same predicament in the future. If a majority public voting process was in place in June, ecomaine may have been permanently voted down which was what the majority of the collective four towns intended. Because of the current process, we will go back out to the voters in November with ecomaine.

Please require that our continued participation in Midcoast Solid Waste Corporation is dependent on updating these antiquated rules. Thank you!

IV. TOWN MANAGER'S REPORT – See attached

Bill – the Marine room at the library has been redesigned.

Jamie – it is now being used for public meetings.

Discussed that there is an issue with the power on the dock at the harbor. The light keeps shutting off.

Rick - the issue is because of water getting into it, but today is a low tide so it should be okay.

Rockport Select Board Minutes
Monday, August 22, 2016

Ken – when will School and Summer Streets construction be finished?

Rick - there is no end date yet. They are starting putting in curbs on Summer Street. I don't know how much damage was done by the rain storm. They have almost completed the work in the vestibule. They have to place the glass in the windows and it is taking a little longer because they had to order tempered glass.

Geoff – can we ask for School Street to be completed soon?

Rick – we are working with two different contractors on those streets.

Maggie – there has been an increased level of police control on her street. Almost every day I see someone patrolling there. Thank you!

V. UNFINISHED BUSINESS

a. Discuss how to fill the Library vacancy

The Library Committee have not been able to meet. We would like their input before making a decision.

Ken – if we fill the position by appointment it would be for her entire term.

William Chapman moved to table this item until the September meeting. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

b. Review the Reserve Accounts Policy

We have a memo from the Town Manager.

Ken – maybe we should do this at a workshop.

Brendan – I will defer on this as I believe that it would be nice to have some justification or explanation on this policy.

Ken – there are a lot of suggested changes. What are the limits for each account?

Bill – I would be happy to have a workshop on this topic.

Geoff - maybe you should denote the overall changes and explain how we get the funds for these accounts.

Rick – I will ask Megan to explain it to you. The ball field maintenance and the tennis court repairs have been separated.

Ken – I am uncomfortable with the columbarium funding for the cemetery.

Rockport Select Board Minutes
Monday, August 22, 2016

Bill – this is not urgent at this point.

Ken – should we piggy back this item with another workshop?

Geoff – this doesn't seem to be time sensitive.

Geoffrey Parker moved to table the policy and to discuss it at a workshop in September. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

V. NEW BUSINESS

- a. Acknowledgement of Gifts to the Town: - None this meeting
- b. Committee Resignation(s): - None this meeting
- c. Committee Application(s): - None this meeting
- d. Ordinance Review Committee presents their recommended ordinance changes for the November Special Town Meeting Warrant

Jamie – explained that the Road Acceptance Ordinance being proposed is a different solution than the one that failed the last time it was brought before the Board. Last time it was too tailored to one project. It was explained about the 50% rule where the development must be developed before the Town will accept the road.

Brendan – what justification should we use?

Jamie – continuity makes the best sense. The recommended changes will make a better ordinance in general instead of to a specific subdivision.

Ken – it will allow for a better connection to connecting streets.

Jamie – it states in section 403 the very fact that it must be the connection between two municipal roads. An example is Shibles Lane that is not connected with a Town road, so there isn't any way to get there except over a private way. He talked about the process to get anything put on the town meeting ballot.

The Board discussed how to make a request and not use the petition method. They talked about section 505 and section 507.

Jamie – will put the question before the Planning Board at their next meeting.

Ken – moving on to the Sidewalk Ordinance, it is the suggestion of the ORC to repeal it. It is badly out of date. The sidewalk master plan does not belong in an ordinance.

Rockport Select Board Minutes
Monday, August 22, 2016

Geoff - where will this leave us if we do get that ordinance repealed?

Ken – importantly the site plan review division of the ordinance does not fit. Snow removal from the sidewalks is a budget issue. It is badly out of date. The Pathways Committee is now doing a lot of what this ordinance covers.

Jamie – we have ordinance fatigue.

William Chapman moved to place the Road Acceptance Ordinance and the Sidewalk Ordinance on the Public Hearing Notice for September 8, 2016. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

e. Discussion of the wording of the Library Warrant Article

Rick – explained the two options being presented for the library article. Option #1 is the one that he prefers. It has been cleaned up some and the language for required fund raising is in place. The road and intersection construction piece has been left in. Will Gartley is coming up with a price. More than likely the cost will be \$150,000 - \$200,000 and we will be put it in as a budget item.

Geoff – we should leave the cost in the article.

Ken – it is independent of each other and should not be included in the article.

Brendan – there is a need for transparency for the cost with the Library Committee and is a concern for them. You should put a number in the article and not buried in the budget.

Geoff – if it takes two years to raise the \$2 million from fund raising, we could have the road reconstruction done first.

Rick – tying the two together will be more confusing for DOT and make it more difficult to get the money that they will put into the project.

Geoff – this Board should lead the charge and say that this is two different projects.

Ken – we need to educate the public about the costs.

Brendan – feels that we are playing fast and loose with the facts.

The Board agreed that they take out the intersection costs.

Bill – we need to inform and not educate the public.

Rick – option 1 does not have 4 million, but only 2 million. Town Counsel agrees that option 1 is just fine.

Rockport Select Board Minutes
Monday, August 22, 2016

Board – the motion needs some work on the wording. We should delete the highlighted wording.

William Chapman moved to approve the wording of option #1 with the changes already noted for the public hearing notice for the November 8, 2016, Special Town Meeting Warrant to be held on Thursday, September 8, 2016 at 7:00 p.m., in the Rockport Opera House Meeting Room to be livestreamed at <http://livestream.com/Rockportmaine>. (See attached) Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

f. Vote to approve the wording of the articles for the public hearing notice for the November 8, 2016, Special Town Meeting Warrant to be held on Thursday, September 8, 2016, at 7:00 p.m. in the Rockport Opera House Meeting Room to be livestreamed at <http://livestream.com/Rockportmaine>

This item is not necessary as it was voted for in the previous item.

g. Confirm Thursday, September 15, 2016, at 5:00 p.m., as the date for the fall Ordinance Review Committee agenda formulation workshop

William Chapman moved to confirm the date and time as presented. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED.

h. Review and Approval of the Encumbrances

Ken – I have a few concerns with one of them being #11 library furniture and fixtures.

Megan – I agree with Ken, but since it was not used I left it there for your discussion.

The Board talked about lapsing to surplus. The Board went through the items one by one.

Jamie – item #4, code enforcement software is not necessary to keep.

Ken – I have a problem with the wording of “a possible offset.”

Bill – item #6, we should go with what we have budgeted for this year and not rely on monies left over from previous budgets.

Geoff – opera house manager line has been expended this year. Terri’s capabilities give us flexibility. She has September and October booked up for Opera House usage.

Ken – it is okay this time, but not next year.

Geoffrey Parker moved to approve the Encumbrances as amended to only numbers 3,5,6,8,9,13,14 and 15 as presented in August 8th memo (see attached) from Megan

Rockport Select Board Minutes
Monday, August 22, 2016

Brackett, Finance Director. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- i. Discussion and approval of a policy allowing alternate members on certain Select Board appointed town committees.

Geoff – the Boards (Planning and Zoning Board of Appeals) that need them most are exempt from having alternates.

Ken – explained the reasons why it is necessary.

Brendan – feels that this might be abused when someone is absent and then the alternate would attend and vote on the item not having the benefit of any past history.

Geoff – we have had alternates in the past.

Jamie – it is in their bylaws for both Boards that they are allowed to have alternates.

The Board tabled this item.

- j. Approval of the revised Select Board Bylaws

The Board discussed this item. It was mentioned that when presenting something for approval, it should state that it is pending and not already approved by the Board.

Geoffrey Parker moved to approve the revised Select Board Bylaws as presented. William Chapman seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VII. WASTEWATER COMMISSIONERS

William Chapman moved to leave as Select Board and enter as Wastewater Commissioners. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- a. Commitment of Sewer User Rates for the period of June 2016

Bill Chapman moved to commit the June 2016 Wastewater User/Debt Fees totaling \$200,115.15 to the Treasurer for collection. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED

William Chapman moved to rescind his previous motion. Geoffrey Parker seconded the motion. VOTE: 4 – FOR 0 OPPOSED

William Chapman moved to commit the June 2016 Wastewater User/Debt Fees totaling \$100,115.15 to the Treasurer for collection. Geoffrey Parker seconded the

Rockport Select Board Minutes
Monday, August 22, 2016

motion. VOTE: 4 FOR – 0 OPPOSED

William Chapman moved to exit as Wastewater Commissioners and to reconvene as Select Board at 10:23 p.m. Brendan Riordan seconded the motion. VOTE: 4 FOR 0 – OPPOSED

VIII. LIAISON REPORTS

Brendan – There wasn't a meeting for the Harbor Committee. The Conservation Commission met with Gartley and Dorsky and they talked us through the plan we are anticipating receiving from them.

Jamie – regarding the water quality at Goodies' Beach, we are expecting a feasibility study this week from Bill Lane, the author, to be provided to us before our September 8th meeting. We will be meeting with Kim Kimball to go over the information that we have received from the DEP. The AHLPC met today. Time was spent on how we should go forward and how to promote a new library for the public. The first plan is to approach the Friends for funding.

Ken – please let them know that the Select Board will participate in that.

The Board discussed hosting small discussion groups.

Bill – Ben has developed a brochure and they are talking about sending it as an every door mailing. They have a new sign and have developed a logo, which is a sail on top of a boat. I am concerned about going forward this election.

Rick – Megan has developed a spreadsheet with what it will cost the taxpayers.

Bill - I am concerned that we are facing the possibility of a new vo-tech school and a new middle school. How do we address it?

Ken – we can show the relative cost. The middle school will have an impact on the voters.

Bill – the library will be having their seafaring series in October. Captain Linda Greenlaw will be one of the presenters. The Investment Committee is changing its philosophy. It does have an active account manager and the funds are doing better than the 500 indexes. The Chamber will be having Business After Hours on September 14th at Phi Designs. We should attend it if possible. It is located on West Street and will be held at 5:00 p.m.

Geoff – Planning Board will be meeting on Wednesday. The Zoning Board of Appeals does not have a meeting this month.

Rockport Select Board Minutes
Monday, August 22, 2016

Ken – you heard from the ORC earlier. The Cemetery will be meeting on the 7th or 8th to discuss their fee structure.

IX. EXECUTIVE SESSION – None this month

X. ADJOURNMENT

William Chapman moved to adjourn the meeting at 9:45 P.M. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY