

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, SEPTEMBER 10, 2018  
7:00 P.M.  
ROCKPORT OPERA HOUSE  
GEOFFREY C. PARKER COMMUNITY MEETING ROOM**

**Note: The Select Board will be recessed at 7:30 p.m. to hold the continuation of the August 27<sup>th</sup> Special Town Meeting to consider the proposed TIF amendment and will reconvene at the completion of the Special Town Meeting**

Present: Chair Douglas Cole, Vice Chair Kenneth McKinley, Debra Hall, Jeffrey Hamilton and Mark Kelley. Also present: Richard C. Bates, Town Manager; Bill Najpauer, Community Developer and Planner and members of the public

- I. CALL MEETING TO ORDER – Chair Douglas Cole called the meeting to order at 7:04 p.m.
- II. PUBLIC HEARING –
  - a. An Amendment to the Municipal Tax Increment Financing District known as the “Commercial Street Municipal Development and Tax Increment Financing District” (“Commercial Street TIF District”) and to its Development Program

The public hearing was opened by the chair at 7:05 p.m.

**In favor – None  
Against – None  
Neither for nor against – None**

The public hearing was closed at 7:06 p. m.

- III. MINTUES, MEETINGS AND ANNOUNCEMENTS
  - a. Approval of the minutes of previous meetings: - None this meeting
  - b. Announcements of upcoming Select Board Meeting(s): - See agenda
  - c. Announcements of upcoming Select Board Workshop(s): - See agenda
  - d. Announcement(s) and/or Trainings(s): -

The Clerk’s Office had training on Rapid Renewal for on line vehicle registrations.

- e. Committee Openings: - See agenda
- f. Agenda Changes – None this evening
- g. Public Comment –

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Robert Isberyt, 40 Pleasant Street – wanted to discuss the harbor moorings and shifting of their locations. It has created issues with several boats banging into each other. I realize there is an ordinance that deals with the length of the chain. I don't have a copy of it with me. He would like to talk to the Select Board and Harbor Committee about the length of the rope and the pennant. It is random bumping into each other, but it does need to be looked into.

Jeff – have you already talked to Abbie about it?

Robert – yes

Mark – when?

Robert – about a month and a half ago. There is an excessive amount of chain and rope attached.

Mark – it started last year to when?

Robert – it has been happening for several years.

Mark – last year to when? Recently?

Robert – some moorings have not been moved for years. All that needs to happen is to use the same standards. I just wanted to point it out.

Jeff – have the moorings been moved at the request of the Harbormaster?

Robert – yes. Some of them are embedded so deep into the mud that they can't be moved.

Ken – the Harbor Committee should deal with this issue first before the Select Board?

Doug – I would ask Jeff to talk to the Harbor Committee.

Jeff – Rick should ask Abbie to do so and I will follow up with the Harbor Committee.

IV. TOWN MANAGER'S REPORT – See attached

There was a lot of discussion on the Manager's Report

Rick – under Town Clerk, Rapid Renewal will be implemented this month.

Jeff what is the plan for dog licensing and boat registrations?

Doug – we need to keep moving ahead.

Rick – Linda and I will work on it, okay?

Linda – yes, we can do it, but it has been recommended to do one function at a time.

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Mark – we need to get the bylaws updated and then we should get them to Diane for the October meeting.

At 7:29 p.m. the Select Board Meeting was stopped for the Special Town Meeting. The Select Board reconvened at 7:39 p.m.

V. UNFINISHED BUSINESS

a. Discussion/Vote on Use of Consent Agenda – Debra Hall

**Debra Hall moved that the Board approve the incorporation of a Consent Agenda place in future appropriate agendas going forward. Jeffrey Hamilton seconded the motion. VOTE 3 FOR (COLE, HALL & HAMILTON) – 2 OPPOSED (MCKINLEY & KELLEY)**

b. Follow up on non-voting taxpayer meeting – Debra Hall

Debra Hall noted that she was unable to be at the non-resident taxpayer meeting but she watched the livestream and noted the issue was raised about giving non-residents the right to vote. She stated that it is very clear under Maine law, and you can see this clearly noted on the Secretary of State's website, that a taxpayer can only vote in one place. You cannot, in Maine, have two residences. She also noted that if a homeowner wants to declare a residence in Maine, they open themselves up to state income tax as well. Again, this is clearly stated on the Secretary of State's website. Therefore, the Town cannot grant this right to non-resident taxpayers. Those interests would have to lobby the State Legislature for a change to Maine State law.

This issue is about non-residents not being able to vote. It is very clear from the Secretary of State that only residents can vote. You cannot vote in two places. You only have one voting residence. It is the same with motor vehicle and tax laws. The state law is very clear that there is nothing the Town can do. You would have to lobby the state.

c. Vote to place a recommendation on the Library Bond question for the November 6<sup>th</sup> ballot

**Kenneth McKinley moved to place the proposed bond language articles to construct a new Library, on the warrant for the November 6<sup>th</sup> ballot as presented. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved on the article regarding the library project \$1.5 million bond issue that the Select Board recommend yes to the voters for the November 6, 2018 ballot. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

**Kenneth McKinley moved on the article regarding the library project \$300,000 potential short-term financing that the Select Board recommend yes to voters for the November 6, 2018 ballot. Jeffrey Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

d. Vote to approve the November 6<sup>th</sup> Town Meeting Warrant

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**Kenneth McKinley moved to sign the November 6, 2018 Town Meeting Warrant as presented. Jeffrey Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- e. Vote to place a recommendation on the polystyrene ban on take-out food containers for the November 6<sup>th</sup> ballot

Doug – on the article regarding the proposed Polystyrene Ban-on Take-out Food Containers, we need a recommend for the November 6<sup>th</sup> ballot.

All in favor – Yes.

**VOTE: 5 FOR – 0 OPPOSED**

VI. NEW BUSINESS

- a. Acknowledgement of Gifts to the Town:
  - Flowers planted at the Post Office that were donated from Plants Unlimited

The Board will send a thank you letter to Plants Unlimited and to Mike, Public Works.

- b. Consider a request from the Library foundation to hang a mural on the gable end of the Library

**Debra Hall moved to allow the Library Building at 1 Limerock to be used to hang a mural that is being provided by the Rockport Library Foundation and installed by the Public Works Department. Jeffrey Hamilton seconded the motion.**

John Viehman – The mural will help to educate the public on what they are voting on. It will be vinyl cloth and trimmed to the contours of the roof line. It will be up for a limited period of time. It will help the voters to make an informed decision at the November election. We will need the help of the Public Works Department to install the mural.

Mark – I still think that it is a sign.

Ken – has concerns, but love what they are doing. We have a sign ordinance. We could be setting a precedent.

Debra – I support what the library is doing and believe that we should accept this request. Our code enforcement officer believes that it is a mural. So as long as we have a credible opinion that it is a mural and not a sign, we should support the library.

Rick, Scott and Bill consider it a mural.

Ken – is concerned that we should adhere to the ordinance.

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**VOTE: 5 FOR – 0 OPPOSED**

c. Discuss revision to fee structure to Opera House Livestream Contract – Drew Weber

**Mark Kelley moved to approve the proposed additions to the Opera House rental agreement as presented. Jeffrey Hamilton seconded the motion.**

Drew – I am looking for Select Board approval. I would like to add \$100 for a 4-hour block of time and only with one of our technicians at \$17.00 an hour.

Ken – we need to make sure all the costs are covered

Mark and Jeffrey rescinded their motion and second.

**Jeffrey Hamilton moved to approve the proposed additions to the Opera House rental agreement presented to reflect and to consider the full up cost of the manager and technicians rates. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

d. Presentation MCSW – Jim Guerra & Owen Casas

Owen – Jim’s wife’s birthday is today so he cannot be here.

Planned facility redevelopment is 1. Traffic flow and safety; 2. Single stream – “Way of the future”, the tip rate is comparable to solid waste disposal. The market has shifted.; 3. Ecomaine – trucking fees are up. They are using a larger tractor trailer. “Hauling more weight per load.”

Corporate governance – not a lot of clarity, don’t have job descriptions or job performance evaluations. It appears that the time is spent sorting out paperwork.

Doug – thank you Owen for your work as chairman. You are doing a great job.

Debra – your presentation has been very helpful.

Jeff – I am thankful that you are on that committee.

The Board thanked Owen for his work.

Owen – I will make sure that you get more information now that I am the Committee Chair.

e. Review Harbor Park Usage

Doug – explained that he got some data from Brandy and she summed up nine events of which seven were private ones. We have two options and they are to either discontinue private events or increase the fees. They are out of balance.

Jeff -what is the objective of this discussion?

Events should be held June into October. It is not recommended to change the use of the harbor.

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Mike – it has been seven years since the last time fees were looked at.

Mark – the Parks Rental Committee has never been disbanded. It consisted of Linda, Mark, Tom Ford and Sue Dates.

The Board discussed what size tent should be allowed. The park belongs to the people of Rockport and the events should not hinder them from being able to use it. They discussed whether they should revise the whole policy.

f. Consider Winter Sanding/Plowing Policy

Doug – this item was put on the agenda for me. We are laying down so much sand on the roads that it makes it costly to clean it up in the spring. Is there a policy?

Mike – no there isn't. I have reached out to other Public Works Directors and they don't have one either. No one has a policy for snow. Usually we don't sand during a storm with the exception of hills and at stop signs.

Ken – we want our roads to be safe. We need to leave the decisions to the professionals. They do a terrific job.

Mark – if we eliminate a person, how long would it take for you to get the roads plowed? With budgetary concerns, we will need to look into it.

Doug – some towns have a black road policy. Is there a level when you plow?

Mike – usually when the Police Department calls us on off-hours to say that cars are off the road.

The Board talked about how to handle this item. It might be micromanaging. We owe it to the Town of Rockport residents to have safe roads. We need to leave it up to Steve and Mike.

Ken – how many plow routes do you have?

Mike – 9

Rick – during the storms, they focus on the morning commutes.

g. Review Select Board By-Laws

Doug the By-laws were revised in 2016.

We need to change “Chairman” to “Chair” and “Vice Chairman” to “Vice Chair” throughout the document. In section 2. After organizational meeting add “of the Board”; add a period after “June” and delete “the rest of the sentence.” Next sentence put a period after “proceedings” and delete the rest of the sentence. Section 3 first paragraph, last sentence after Chair add “or at the request of the majority (three)”; add to the sentence “The order of business at regular meetings

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shall be as follows” “unless otherwise amended by the order of the Board or the Chair.” III a. Add “Approval of”; after Town Manager’s Report add “V. Consent Agenda; a. Act on Consent Agenda and b. Act on items removed from Consent Agenda.” Section 7 Delete “Annual” and add “s” to “review.” Second sentence delete “will participate in” and add “shall conduct” and after “completed” add “annually.”

- h. Approve change in Personnel Policies and Procedures

**Jeffrey Hamilton moved to approve the changes in the Town’s Personnel Policies as they relate to the Workplace Smoking Policy as presented. Mark Kelly seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- i. Approve change in Harbor Ordinance

**Jeffrey Hamilton moved to approve the changes to the Harbor Ordinance with the review and approval of the Town Counsel. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- j. Vote to adopt the General Assistance Ordinance

This item was tabled until the next meeting.

- k. Consider the appointment of a Budget Committee member to finish term of June 2019

The Board will fill the unexpired term of the Budget Committee member with a term to expire in June of 2019. We will advertise for applicants.

VII. WASTEWATER COMMISSIONERS – None this meeting.

VIII. LIAISON REPORTS

Jeff – There is a gap at low tide where the new dock for the Heron is and it is a tripping/fall hazard. They will need an extension cord for the ice cream truck. An exception for the boat length has been received via the Harbormaster’s exception request and recommendations.

Mark – I haven’t heard anything regarding CIP meeting.

Debra – the Technology Committee met. Those in attendance were John Viehman, Rick and me. I have spent several days working on Town Policies.

Ken – the Cemetery Committee met at Sea View Cemetery. John Long feels that the columbariums will sell. We will get more information from Collette’s. Their by-laws are done. The ORC has not met. ZBA has not met. Rockport Legacy is looking at the lime kiln restoration. There is nothing yet to report on the Ambulance Review Committee.

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Doug –Keep Rockport Beautiful had a good meeting. It is a clearing house for parks, harbor, Public Works, etc. We get together and plan projects to make Rockport beautiful. We need a meeting to prioritize projects for next summer.

Debra – the Town Office grounds look terrible.

Doug – we need to find a benefactor for projects and are exploring that.

Jeff – the Town Office and the Fire and Police grounds need attention.

Doug – Planning Board and Investment Committee have not met.

Rick- the estimate for the power pedestal is \$1,000.

Ken – ask for the money from Rockport Legacy.

IX. EXECUTIVE SESSION

X. ADJOURNMENT

**Jeffrey Hamilton moved to adjourn the meeting at 9:55 p.m. Kenneth McKinley seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY

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