

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, SEPTEMBER 11, 2017
7:00 P.M.**

**GEOFFREY C. PARKER COMMUNITY MEETING ROOM
ROCKPORT OPERA HOUSE**

Present: Vice-Chair Owen Casas, Douglas Cole, Thomas Gray and Mark G. Kelley.
Absent was Chair Kenneth McKinley. Also present: Richard C. Bates, Town Manager,
Department Head: Megan Brackett, Finance Director; Jason Peasley, Fire Chief; Randy
Gagne, Chief of Police; Stacey Parra, Employee; Louis Bettcher, the press; and members
of the public

- I. CALL MEETING TO ORDER – Owen Casas, Vice-Chair called the meeting to order at 7:00 P.M.

- II. PUBLIC HEARING
 - a. Public Hearing on the warrant articles for the November 7, 2107 Special Town Meeting Warrant

Owen opened the public hearing at 7:02 p.m.

Article 2 - In favor – None
Opposed – None
Neither for nor against – None

Public Hearing closed at 7:05 p.m.

Public Hearing opened at 7:05 p.m.

Article 3 - In favor –

Bill Chapman. – “I heartedly endorse this article.”

Opposed – None
Neither for nor against -

Mark – I need some clarification on whether or not have a three year contract with the auditors.

Public Hearing closed at 7:09 p.m.

Public Hearing opened at 7:09 p.m.

Article 4 - In favor – None

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Opposed – None
Neither for nor against - None

Public Hearing closed at 7:10 p.m.

Public Hearing opened at 7:10 p.m.

Article 5 - In favor –

Patrick Mellor, Attorney at Strout, Payson Law Firm, and representing Kenny Dodge – Kenny is a Commercial Fisherman who is seeking more than fifty feet for his new boat. It is clear to Abbie that it would be problematic. He and Kenny met with the Harbor Committee and felt that the meeting went well. They are asking for a special exception.

Owen –we will discuss that a little later.

Patrick – Kenny and Mr. Whitman, a local Thomaston guy, agree that today's fishing vessels need to be bigger and faster. Rockport does value fishing vessels. Kenny needs to be granted a special exception.

Mr. Whitman – I have been in business for thirty years and the business is changing. We need to diversify our fishing vessels. It is important to maintain the fishing industry (lobster) in Rockport.

Opposed -

Bill Chapman – you are putting the cart before the horse. You should have come to the Board before building and launching the vessel. I was told that the attorney advised Kenny “to go ahead and see what the Town does.” We are breaking the law by changing the ordinance after the fact. The boat is seven feet over what is allowed. When the vessel was launched, the Town should have gone down to the harbor and told them to stop the launching instead of trying to change the ordinance to fit the needs of one individual. He talked about the previous changes that are blue lined. It is time for the Town to enforce the present ordinance.

Owen – there was a recommendation from the Harbor Committee for later.

Neither for nor against –

Jan Rosenbaum – I don't want to get into whether or not we support the fishing industry. We should not set a precedence for other commercial boats coming into the harbor.

Public Hearing closed at 7:27 pm.

III. MINUTES, MEETINGS AND ANNOUNCEMENTS

- a. Approval of the minutes of previous meetings:

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- Monday, August 14, 2017, meeting of the Select Board

Doug Cole moved to approve the minutes of the Monday, August 14, 2017 Select Board Meeting. Mark Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Tuesday, August 15, 2017, special meeting of the Select Board - tabled
- b. Announcements of upcoming Select Board meeting(s):
 - Regular Select Board Meeting and Public Hearing on Dangerous Building on Monday, September 25, 2017, 6:30 p.m. Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
 - Regular Select Board meeting on Tuesday, October 10, 2017, 7:00 p.m., Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- c. Announcements of upcoming Select Board workshop(s) – see agenda
- d. Announcements - see agenda
- e. Committee Openings – see agenda
- f. Agenda Changes –

Owen Casas moved to hear item g before the Town Manager’s Report and item h following Unfinished Business. Doug Cole seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- g. Public Comment – None this meeting

See New Business g as it was presented here.

IV. TOWN MANAGER’S REPORT – see attached

V. UNFINISHED BUSINESS

- a. Appoint a representative to serve on the board of the Midcoast Economic Development District (MCEDD)

Bill Chapman – I am interested in serving on this board and have presented my application. Originally I declined, thinking that it should be one of you or a member of the Planning Board. I will have a different point of view as a citizen representing the Town.

Doug – it would be an honor to have you on this committee.

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Doug Cole move to appoint William Chapman to serve on the board of the Midcoast Economic Development District (MCEDD). Mark Kelly seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- b. Consider a request to accept a donation of a bench in Marine Park

Owen – I feel bad denying this request.

Abbie – I met with David Jackson and we want to get away from granite benches. I do have one more spot next to Andre’ to place a bench. Moving forward we need to have a design for any future request. Wooden benches are a nightmare.

Doug – what about a bench at the Sea View Cemetery?

Abbie – he is a Thomaston resident.

Rick – we should have a policy.

Bill Chapman – we already have a number of benches. We also have several benches at Walker Park. There is one granite bench at the library in memory of Marianne Lehmann.

The Board – before spring we need some good guidance from the Parks Committee

Owen Casas moved to table the request to accept the donation of the bench for Marine Park until a policy can be developed by the Parks Committee and approved by the Board to handle requests like this in the future and to send a letter to Reverend Williams with gratitude for his offer and that we are working on a policy. Mark Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

See New Business h as it was presented here.

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. Committee Presentation(s) - None this meeting.

Break 9:00 – 9:07 p.m.

- e. Vote to place articles on the Special Town Meeting Warrant for the November 7, 2017

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Thomas Gray moved to place article 2 on the ballot as presented. Mark Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Thomas Gray moved to place article 3 on the ballot as presented. Douglas Cole seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Thomas Gray moved to place article 4 on the ballot as presented. Douglas Cole seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Article 5 –

Patrick – Mr. Chapman’s scuttlebutt statement is 100% inaccurate. It would be better if you listened to Mr. Whitman’s statement. He talked about the land use ordinances and special exceptions. One year ago we came before the Harbor Committee. Kenny and Mr. Whitman were interested in the Timberwind. Mr. Whitman was on the agenda for the Harbor Committee last October or November. He was building a boat and wanted to change the ordinance to fit his new boat. He talked about the swing. In the eight to ten weeks that Kenny’s boat has been there, there have not been any problems. They told us that they would move the boat to another mooring. Kenny shortened the chain and there have been “no problems.”

Owen – there is a value in a bit of historical record. We need to recognize where we currently are. It is a beautiful boat although it is in violation.

Mr. Whitman – I offered Kenny to pay for it if he had to change the location.

Owen – we should look at the language.

Patrick – we have been in contact with Abbie Leonard. The modifications on his proposal are red lined. The Harbor recommended not to carry out the ordinance.

Owen – is anyone happy putting this article on the warrant?

Tom – I would like to know why the committee voted unanimously against the change.

Parker Hackett, Harbor Committee Member – they (the Harbor Committee) liked a lot of what it does, but it is too specific and it is only taking care of one problem with the change.

Mark -- why not offer him to stay on the Timberwind’s float? Where did this fall through the cracks?

Rick – we were hoping to get someone to replace the Timberwind. The problem is a challenge. We need to provide some means, so that it can move forward in an appropriate way. Because of the timing, the wording needs to be specific. I think that it is a reasonable solution.

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Kenny – shrimping season these years are so short that I will not be taking my boat out.

Tom – it is important that we are not all driven by the situation created by Mr. Dodge's boat. We should not be reacting out in sympathy or in a way to penalize him.

Mark – is there an opportunity that he use the float previously used by the Timberwind? We could charge him tie up fees.

Rick – the docks have been taken out of the water and they belonged to the Timberwind owners and not the Town.

Owen – we don't want your boat to leave the harbor. We need to see if we can find another place for your boat that is appropriate.

Abbie – I am concerned about using the middle harbor as it is a safety issue. The floats come out in November. There is no discretion or gray area in the rules. It is black and white.

Owen – after we make any motions, certain things will happen. Can you work with Kenny to find a solution?

Rick – technically we have started the clock ticking. It is a complicated situation. We don't want to fine a long time good person. We should have started charging him fines the day he put the vessel in the water.

Tom – it sounds like you put the boat in the water because your boat broke down and you needed to make money.

Mark – what are the fines?

Rick - \$150.00 a day.

Abbie - \$100 - \$2,500 a day.

Owen – this is a difficult position to be in. It is hard to say that we had an ordinance and didn't fine you and then came up with a change to the ordinance to make it right.

Patrick – according to your Comprehensive Plan, commercial fisherman are supposed to be given priority in the harbor. We know that there will be a fine and repercussions, that discretion is given to this Board. We have a solution that make it so that he can at least comply with the ordinance. We ask to have this article placed on the warrant for the November election.

Doug – asked for clarification on which document they should be looking at. There is one red-lined by the attorney and one that is blue-lined by the Harbor Committee.

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Owen – Abbie, have you been thinking about this. Have you thought about a way to keep Kenney’s boat in the harbor so he can keep fishing, as we do what we need to do?

Abbie – since this issue came up, we have been trying to find a solution. We were hoping for a loophole. The boat does fit where it is and I don’t have a safer place for it to be moored.

Rick – if it doesn’t go on the ballot and get accepted, then it will start the action that is necessary to be taken.

Douglas Cole moved to instruct the Town Manager to not take any enforcement action against Kenny Dodge and have something ready for the June ballot. Mark Kelley seconded the motion.

Patrick – we could move the vessel from mid-November to March.

Tom – the biggest problem is that there is not enough time to get this on the ballot. We don’t want you to suffer a consequence.

Bill Chapman – why don’t you put the vessel in the middle harbor as a temporary solution?

Abbie – we need to be careful what we order someone to do.

Doug – we are trying to buy time for Kenney.

Owen – I thought that was what we are doing. It keeps him fishing and keeps daily fines from happening. He could make a charitable contribution to the Town.

Doug – I don’t think that it would be appropriate.

Mark and Tom agreed.

VOTE: 4 FOR – 0 OPPOSED

Owen Casas moved to not place article 5 on the November 7th ballot. Mark Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Owen – would like to see all three components of this issue on the ballot.

The Board had a discussion on breaking the article into three articles and having a moratorium for the time being.

- f. Make recommendation votes for articles placed on the Special Town Meeting Warrant for November 7, 2017

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Thomas Gray moved to recommend article 2 as placed on the ballot. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Thomas Gray moved to recommend article 3 as placed on the ballot. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Thomas Gray moved to recommend article 4 as placed on the ballot. Owen Casas seconded the motion. VOTE: 3 FOR (Douglas Cole, Thomas Gray & Mark Kelley) – 1 OPPOSED (Owen Casas)

- g. Hear a report from the ad hoc committee for the upgrading of the West Rockport Fire Station – this item was presented before the Town Manager’s report.

Chief Jason Peasley, Bill Lane and Brian Austin, architect

Jason - the committee meet in August and then again last Wednesday. With what the needs of the department are, we came up with four options (see attachment.) Option #3 received the most support. Option #1 has a ten foot bump out to accommodate one truck and option #2 has a forty foot bump out to accommodate two trucks. One truck would be in front of the other which is not a safe option. Option # 4 would be a tear down of the old station. No one really wants that to happen.

Currently none of the Rockport trucks will fit in the West Rockport station.

Bill Lane – there is a drop off at the back of the building so we can’t expand there. Option #3 is the best option in my opinion.

Owen – would all of the trucks fit in there with ease? Would the new building serve our needs for the foreseeable future, 30 – 40 years? These are good numbers for us to make a comparison to what option is best. We can make a decision on which one at a later time.

Doug – I need someone to clarify why we need four options. It seems like plan 1 was already approved in theory.

Jason – it was before the truck was ordered, but there is only four feet in the back and four feet in the front for that truck. It would not allow for a new truck.

Doug – what is the cost for option 3?

Bill Lane – considerably more.

Bill Chapman – the infrastructure bond that was approved was for a new roof and to expand the bay, not a major expansion.

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Owen – if we shifted some monies form the Mt, Pleasant project, we would have \$125,000.

Doug – how does this project escape the Capital Improvement Plan?

Rick – there was a snag with the addition. We were negotiating with Linwood Thorndike before he passed away. The Town then was able to purchase that property. Option 3 makes the most sense.

Megan – we have been waiting for further direction from the committee. It will be two weeks before the next CIP meeting will be held. We have eighteen months to spend the money from the General Obligation Bond and if not then it goes back to the Bond Bank.

Tom – this is a critical issue. The truck we have is built to fit the bay today, but what about the next one.

Jason – it would have to be customized to fit.

Tom – to what degree could we go forward without customizing a truck?

Owen – we have a range of options that have opened up with the purchase of that property.

Mark – the committee did want we asked of them and they think that option 3 is the best one. I suggest that we charge the CIP with option 3.

Jason – we have four volunteers from this side of town and thirty-three volunteers, with the majority of them in the West Rockport corridor. Our department has the fastest response in the county when we receive a call.

Rick – we have no idea what it will cost at this point in time.

Bill Lane – Allen will put his pen to his paper and come up with a dollar amount.

Doug – I feel that we should go with plan 1 if we already have the money.

Tom – what about the possibility of selling part of the Thorndike land to the other abutter?

Rick – that would only give us a small amount of money.

Owen – we should explore option 1 and 3 with Allen.

- h. Provide Guidance to the Budget Committee regarding provider agency funding – this item was presented after unfinished business.

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Jan Rosenbaum, Chair of the Budget Committee – the request used to be with the tax bill and last year and was changed back to being part of the budget. The providers needed to fill out an application and were interviewed. # 1 - We need some direction from the Select Board regarding how much money we should use as a “cap.” We will put out ads in the local media asking agencies to apply for money. #2 – we need the blessing of the Board for a process to be followed. #3 – should they fill out a petition like in the past? I feel that the clients will sign the petition and that this will breach their confidentiality. It provides nothing that we need and I am asking for a change from that process. #4 – we also need the Select Board’s assistance, clarification, on what Mark’s role is on the Budget Committee.

Owen – as a point of order #4 is not an agenda item.

Doug – I would like to see the Town got out of the charitable position and for us not decide where residents donate their money. Why should this be part of the tax dollars? What about the people who disagree?

Jan – many town’s give money to these organizations. They can vote it down at town meeting.

Owen – these agencies have to operate in our town and provide a service to our residents.

Jan – one of them provides heating assistance. Another provides nursing assistance if they are not able to go to the Emergency Room.

Owen – I would agree with the removal of the petition process.

Jan – no one on our committee wants to keep it.

Owen – advertising opens it up to more folks. You are not spending money on advertising?

Jan – No,

Tom – do you think that it is time we have to have a concern about where we spend money?

Jan – “no.” We just want to set up some criteria (guidelines).

Doug – plan B could be that the Select Board pick a number and give the money to MidCoast Charities to disburse. This would take a load off the Budget Committee.

Jan – it is valuable that we know where our money is going. It will be simpler if we choose who to give the money to and what services they supply to our residents. I would like to have the five of you think about this and I would like to see some guidelines by November.

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Owen – we will work on a policy and provide you with a first draft. We should ignore doing the petition.

VII. WASTEWATER COMMISSIONERS – None this meeting

VIII. LIAISON REPORTS

Owen – the Pathways Committee, we pushed back the date to November when they will give their presentation. We had the ribbon cutting for the high sidewalk on Pascal Avenue. There will also foot race from Goodie’s beach to Beech Hill. The Recreation Committee has been in hiatus.

The Board – talked about having a business forum. There has been a lot of interest received from the businesses in Town. Doug wondered where this item is on their goals list.

They also discussed the Rockport to Rockport plans. The firefighters will not be paid for their time as they will be volunteering. Jet Blue is giving them free tickets for their trip. The mayor and the fire chief want our guys there, but it is on the back burner for the moment. There will be a fund raiser this weekend to get more money to donate to them.

Tom – the Library Committee met and is was an education of their history on how they are funded. They are hopeful that the survey moves us forward with plans for a new library. The Opera House Committee talked about having a folk festival possibly in June.

Mark – there is a lot of work to be done for the renewal agreement with Northeast Ambulance Services. The Parks Committee will be meeting on September 13th. I missed the last Conservation Meeting. The Capital Improvement Committee will be meeting on the 26th. The Fire Department request have already been heard and they will be covering others items.

Doug – none of my committees have met, so I have nothing to report. We are starting a Steering Committee “Making Rockport Beautiful”. The members will be Maggie Timmerman, Joe Ryan, Gretchen Leone, Steve Smith and Jason Peasley.

IX. ADJOURNMENT

Mark Kelley moved to adjourn the meeting at 11:23 p.m. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY