

- PUBLIC MEETING -
Rockport Select Board via Zoom
Monday, September 28, 2020 – 5:30 p.m.
Streamed at <https://livestream.com/Rockportmaine>

Remotely Present: Board members - Chair Debra Hall, Vice-Chair Denise Munger, D. Michelle Hannan, Mark Kelley, and Jeffrey Hamilton. Also present were Terry DeWan, Economic development Specialist Brian Dancause, Stephen Smith, David Pio, Amanda Dwelling, Planner Bill Najpauer, Janet Hall, Carter Skemp, Eric Boucher, Jeffrey Runge and Town Manager William Post

Workshop with Terry DeWan started at 5:30 p.m.

Chair Hall stated that Planning Consultant Terry DeWan will share his thoughts regarding the RES Redevelopment.

Terry DeWan reviewed the master planning process, visioning process and discussed the Site Inventory and Analysis with the Select Board and the RES Redevelopment Task Force.

I. Call Meeting to Order – Chair Hall called the meeting to order at 6:33 p.m.

Board Member Hamilton moved to amend the Agenda to review committee applications first. Board Member Kelley seconded the motion VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

II. Select Board Statement Regarding the Erroneous School Assessment Allocation

Town Manager Post read the Select Board Statement regarding the Erroneous School Assessment Allocation:

On August 28, 2020, the Town of Rockport filed a lawsuit against MSAD #28 and the Town of Camden seeking damages, interest, and attorneys' fees for multiple-year overpayments made by Rockport to the school district. These overpayments reflect amounts that should have been paid by Camden taxpayers and were charged to Rockport taxpayers in error. Although Rockport hopes to work with Camden and the school district to resolve this dispute amicably, Rockport acted prudently to take the action it did, when it did, in order to fully protect the town's rights and avoid any suggestion its claims were not brought in a timely fashion, which might have affected Rockport's ability to recover the full amount owed to it from the school district's erroneous assessment.

The formula applied to determine each town's share of the school district assessment is established by State law and, while complex, it should be well understood by the school district officials whose job it is to apply that formula. It was the school district's responsibility to know that property valuation is a key component in that formula, as acknowledged in a July 29, 2020 letter from the school district's attorney, William Stockmeyer, to superintendent Maria Libby. That letter clearly set forth what we all now know for certain – that the overall property valuations of the Towns of Rockport and Camden must be taken into account in determining the annual amounts owed by Rockport and Camden, not just the number of pupils.

The superintendent has recently stated that Rockport taxpayers have been overpaying their school obligation dating back to at least 2009. Although the school district has suggested that we should only fix the problem going forward, Rockport disagrees. It is the responsibility of the Rockport Select Board to recover the full amount of overpayment that Rockport taxpayers have made plus interest. (The corrected error for the coming year alone will result in Rockport paying \$490,580 less than the school district's business manager advised Rockport in June that it would owe.) This error on the part of the school district, by their acknowledgement, made for more than a decade, has caused Rockport's mil rate to be higher than it should have been, has inhibited various Rockport Select Boards from making infrastructure maintenance and upgrades, and has overall added stress on a budget for which more than 65% goes to the school district even without overpayment.

Although the superintendent has credited the school district's new business manager and herself with finding the error this summer, the facts reveal that the superintendent was aware of concerns several years ago but disregarded them. In fact, the school district misrepresented to Rockport the requirements of State law and the proper factors to be applied to the assessment allocation to Rockport and Camden as demonstrated below:

- In January 2017 correspondence, the Rockport / Camden town assessor questioned the school district's business manager as to why spreadsheets were showing the cost of bonds for the new middle school as a 50/50 split between Rockport and Camden, placing a higher proportional cost on Rockport taxpayers despite its lower population and asking whether anticipated changes in the towns' valuations would impact their respective contributions. The school district's business manager advised the assessor that for MSAD#28 "allocations between towns are based on sending students."
- In January 2019, the towns' assessor inquired of the now chair of the school board and school superintendent, when the two towns' property valuation changes were going to be reflected in the school assessment allocation of the two towns. The assessor pointed out that Rockport's valuation decreased in 2015 and Camden's valuation increased in 2017. The school district did not respond.
- Finally, in June 2019, after Rockport staff followed up, the school superintendent incorrectly stated in an email "[t]he answer is actually very simple but will not offer much satisfaction. Rockport's valuation is irrelevant in our school funding formula. We are a minimum receiver (Camden and Rockport) and the share of the budget for each town is based solely on student numbers."

Rockport relied on these and other statements of the school district as the agency charged with administering the assessment formula.

In the view of the Rockport Select Board, this repeated error should never have been made. It is the legal responsibility of the school district to properly assess the taxpayers who provide the funding for their operations and pay the significant debt service on new school construction. And when concerns were raised by the Rockport / Camden assessor, it was incumbent upon the school board and the superintendent to have reviewed and verified their understanding of State law and its application. This was not a math error – it was a failure by the school district to understand the fundamentals of how the school district assessment formula works under State law. It was a failure to carry out the school district's most basic operational functions for which

they must be held accountable to Rockport taxpayers who overpaid significant funds, and to Camden taxpayers who will be responsible for repaying those funds going forward. Rockport Select Board dated September 22, 2020.

III. Town Manager's Report/Update

Town Manager Post read his Town Manager's report (attached) and included that the statue of Andre the Seal has been repaired again by the sculptor and a different compound was used to repair it.

IV. Public Input on Non-agenda Items – None

V. Amendments to the Agenda – As above

VI. Consent Agenda

- a. Meeting Minute(s):
 - September 22, 2020 Special Meeting
- b. Committee Resignation(s):
 - Chris Christie - Recreation Committee
 - Paul Charbonneau – Comprehensive Plan

Board Member Hamilton thanked both resigning committee members for their service.

Vice-Chair Munger moved the Board approve the Consent Agenda as presented. Board Member Kelley seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

VII. Action Items

- a. Act on Committee Application(s):
 - Carter Skemp – Planning Board Alternate

Carter Skemp introduced himself and gave the Board some background. Carter Skemp will be a Planning Board Alternate.

Board Member Hannan moved the Board appoint Carter Skemp to the Planning Board as an Alternate with a term ending June 2023. Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- Mark Haley, Planning Board Alternate to Regular Member
- Mark Haley - ORC as Planning Board Representative

Board Member Hannan moved the Board appoint Mark Haley to the Planning Board as a Regular Member with a term ending June 2023 and to the Ordinance Review Committee as one Planning Board Representative. Board Member Kelley seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- Jeff Runge – Conservation Commission Associate Member

Jeff Runge introduced himself and his background.

Board Member Hannan moved the Board appoint Jeff Runge to the Conservation Committee as an Associate Member. Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- David Pio – Economic Development Committee

David Pio introduced himself and described his background and experience.

Board Member Kelley moved the Board appoint David Pio to the Economic Development Committee for a term ending June 2023. Vice-Chair Munger seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- b. Act on Acceptance of Criminal Forfeiture of Assets

The manager stated that the Rockport Police Department participated in an investigation in a criminal case in which a criminal forfeiture of funds occurred. The Maine Attorney General's Office authorized the sum of \$2,991.00 be transferred to the Town of Rockport Police Department for their assistance.

Vice-Chair Munger moved the Board approve the transfer of the Defendant in Rem #1 (\$2,991.00 U.S. Currency), or any portion thereof, pursuant to 15 M.R.S Section 5824(3) and section 5826(6). Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- c. Act on Donation from Seaview Cemetery Association for Columbarium Fund

The Manager stated that the Seaview Cemetery Association disbanded their Association, so they donated \$13,000.01 to the Town to go towards the new Columbarium.

Board Member Hamilton moved the Board accept the donation of \$13,000.01 from the Seaview Cemetery Association for the Columbarium Fund with appreciation. Board Member Kelley seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- d. Review Parking Lot Concept and Act on Engineering Proposal

Town Manager Post gave a statement regarding the conceptual parking lot and Bill Lane from Gartley and Dorsky Engineers presented the conceptual plan.

Bill Lane prepared a schematic design for a parking lot that can be constructed on the hill on the north side of the Harbor near the current wastewater pump station location, utilizing the same entrance as the pump station off Main Street. Two different sizes for the potential parking lot were suggested, one with 17 parking spaces and one with 28 parking spaces.

Gartley & Dorsky prepared a proposal for further engineering and design for the potential parking lot for the Board to review and act on if desired.

The cost for the engineering work and bid administration is \$10,500 with an estimate and recommendation for geotechnical services in the amount of \$6,500 for a total of \$17,000. Funding for this additional design and engineering work can be allocated from the Public Works budget and/or the Downtown TIF account.

Chair Hall thanked Bill Lane and the Parking Task Force.

On motion of Munger/Hamilton, the Board voted to accept the engineering proposal from Gartley & Dorsky as submitted. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

VIII. Discussion Items

- a. Discuss Goal Setting Workshop

Chair Hall lead this discussion and received input from other Board members.

IX. Select Board Liaison Reports

Vice-Chair Munger stated that the ZBA is trying to schedule a meeting for the hotel appeal. The Opera House Committee did not meet.

Board Member Kelley stated the Conservation Commission will meet on October 8th. The Parks and Beautification Committee met on October 9th and talked about plantings and Maggie Timmermann talked about road clean up.

Board Member Hannan stated there was a Planning Board site walk but no other meetings.

Board Member Hamilton stated that the CR Pathways Committee met with the Land Trust at the Snowbowl looking at trails.

X. Adjourn

Vice-Chair Munger moved to adjourn the meeting at 8:09 p.m. Board Member Hannan seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

Future Meetings, Office Closures, Etc.

- Tuesday, October 13, 2020 – Select Board Meeting
- Monday, October 26, 2020 – Select Board Meeting
- Tuesday, November 3, 2020 – Election Day, Town Office Closed
- Monday, November 9, 2020 – Select Board Meeting
- Wednesday, November 11, 2020 – Town Offices Closed for Veterans' Day

Respectfully submitted,

Diane Hamilton
Executive Assistant as Recording Secretary