

NAME	ATTEND
Denise Munger, Chair	
Michelle Hannan, Vice-Chair	
Kim Graffam	
Michael Thompson	
John Viehman	
Jonathan Duke, Town Manager	
Rockport AV Staff	
General Public	



September 9, 2024 – 6:00 p.m.

GCPR – Opera House

- PUBLIC MEETING -
Rockport Select Board
Monday, September 9, 2024
GCPR – Opera House - 6:00 p.m.

AGENDA

I. Call Meeting to Order

II. Amendments to the Agenda

III. Public Comment on Non-Agenda Items

IV. Town Manager’s Report/Updates

V. Consent Agenda

- a. Approve Meeting Minute(s):
 - August 19, 2024

VI. Action Items

- a. Act on Committee Application(s)
 - Bill Bow – Harbor Strategic Plan Task Force
 - Bob Kollmar – Harbor Strategic Plan Task Force
 - Josh Gerritsen – Harbor Strategic Plan Task Force
 - Doug Cole – Harbor Strategic Plan Task Force
- b. Act on Special Town Meeting Referendum – November 5, 2024
- c. Act on Condemnation Order – Robinson Drive Entrance
- d. Act on Special Town Meeting – September 17, 2024
- e. Act on Committee Workplans
 - Library Committee

VII. Discussion Items

VIII. Select Board Liaison Reports

IX. Adjourn

Future Meetings, Office Closures, Etc.

Tuesday, September 17, 2024 – Special Town Meeting (Tentative)
Monday, October 14, 2024 – Town Offices closed Indigenous Peoples’ Day
**Tuesday, October 15, 2024 – Select Board Meeting
Tuesday, November 5, 2024 – Town Offices closed for Election Day
Monday, November 11, 2024 – Town Offices closed Veterans’ Day
**Tuesday, November 12, 2024, 2024

Town of Rockport, Maine



Town Manager's Office

Town Office
101 Main Street
Rockport, Maine 04856
Telephone: 207-236-0806 x3
Fax: 207-230-0112

Jonathan Duke, Town Manager

Email: jduke@rockportmaine.gov

Diane Hamilton, Executive Assistant and General Assistance Administrator

Email: dhamilton@rockportmaine.gov

Town Manager's Report & Update September 9, 2024

Public Works:

Project Updates.

Main Street - The section between Route 1 and the Goose River Bridge, contractors from Farley Inc. have started their work on the stormwater improvements and the installation of a sidewalk from the end of Summer Street, concluding at the Town Office. The basins and piping have been delivered and installation has begun. Due to a number of lateral connections on the street, there may be times where the road will be closed to traffic. Once complete, a new sidewalk will run from the bottom of Summer Street, along Main Street and completing at the Town Office. We will also pave this section of Main Street to Route 1 before the construction season ends.

Main Street - The section between Route 1 Simonton's Corner had the first coat of asphalt placed last week. We have not yet paved the distance between the Masonic Hall and Park Street as we will be making some drainage improvements prior to paving. We hope to have our drainage efforts completed by the end of the month, so those who would wish to avoid a dirt road should seek other routes. As with all roads fully reclaimed, this section of Main Street will be paved a second time next summer, which should account for any settling of the road base this winter.

The Robinson Drive stream crossing project is proceeding ahead with Farley Inc. beginning work earlier this week. We may have momentary need to close the entrance to complete this project from time to time and we urge all residents to sign up for the Town's Civic Ready alert system so we can text and email updates on this project or other town road projects.

Bay Ridge - We have completed substantial drainage improvements to Wellington Drive which has been inundated with water issues for years. Our paving contractor, Performance Paving, completed paving on Terrier Circle and Wellington Drive. We will have a contractor return to shoulder the road and shore up any areas requiring loam and grass seed. The other roads in Bay Ridge will be looked at in the coming year for culvert replacements prior to paving.

Police Dept:

Training: Our officers will be tackling a number of mandatory upcoming training sessions in the coming months including a planned joint training in Rockland with the State Police Tactic Team and our annual training at the rifle range.

Cruiser: New replacement police cruiser has been purchased to keep on a rotation schedule of vehicle purchases after bypassing our purchase of a cruiser last year. The use of a steady

replacement schedule allows us to ensure our vehicles remain on the road instead of in the repair bay.

Town Clerk:

Elections:

Absentee Ballots will be available in early October, but you can request your ballot now and you will have plenty of time to make your choice. In addition, absentee voters can cast their ballot in person at the Town Office during normal business hours once the ballots are available. To request an absentee ballot online go to the Maine Secretary of State's website for absentee balloting: apps.web.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl

If you are not yet registered to vote, the process is very easy and can be handled in our office or online. Go to registertovote.sos.maine.gov for online registration.

There have been latest news stories about security regarding the upcoming election, not only political violence against voters but concerns relating to the ability for voters to cast their ballot and know their voice is registered appropriately. Maine's Secretary of State's office is taking unprecedented steps to collaborate with town clerks all over Maine to ensure all of us can do our civic duty safely and free from interference of any type. Thankfully, Rockport is still a small town that can often avoid the issues seen elsewhere but ensuring a fair and free election is the most important responsibility we undertake, and this responsibility is not taken lightly. We plan to provide even more parking throughout the Village to make it as easy as possible for residents to easily park and vote, but for those concerned with access on Election Day, the absentee ballot process is one that is very simple and convenient.

Tax Bills:

The first payment for property taxes is due on October 15th. Online tax payments can be made at any time via the Town's website or with the QR code that is on your tax bill.

Harbor:

The Watts Hall Band on Sunday, September 1st was our final concert of the summer season, we had a huge turn out and we thank everyone involved that made the summer series events happen.

If you wish to participate in helping make these shows part of our summer in 2025, please visit RockportOperaHouse.org/Sponsorship to learn more.

Marge Jones Fields:

Facility Improvements.

Our new court reservations policy is now in effect to make sure all users can use this new space for tennis and/or pickleball!

If you want to schedule the use of a field for this year, email rockportrec@rockportmaine.gov.

Fire Department:

EMS:

After reviewing nineteen EMT/Firefighter and paramedic applications, we have conducted several interviews and are nearing the point of offering positions to prospective employees. We were very impressed with those who expressed interest and believe our residents will be excited to meet our new paramedics and firefighters.

West Rockport Fire Station Updates:

Progress on the new West Rockport Fire Station has been under cover for many months as the building has been constructed behind the existing fire station. The old building was torn down, so that Maine Coast Construction could move this project into a new phase, toward the anticipated completion date of November 1st.

Calls:

The fire department has had three hundred calls as of the end of August.

Volunteers:

For those interested in learning more about joining the fire department, please contact Chief Peasley at jpeasley@rockportmaine.gov

Burn Permits.

By definition, a “recreational campfire” means an outdoor fire that is used for cooking, personal warmth, and light or ceremonial or aesthetic purposes that is not a part of debris disposal (AKA burning brush). In addition, a new law for 2024 clarifies a fire pit may not exceed three feet in height or width. ALL other fires are required to obtain a daily permit online at Wardensreport.com. It is free and easy so there are no excuses why everyone cannot get a permit when needed!

Planning and Community Development:

Comprehensive Plan Update: The plan is in its final draft stages and will be on the June Ballot. The Comprehensive Plan Committee will be meeting individually with town boards and committees to gauge their membership’s impressions of the latest plan draft. Following the committee reviews, a broader public outreach will occur this winter.

Assessing:

Revaluation:

Representatives from KRT Appraisal have been circulating around Rockport through the summer visiting various neighborhoods to gather data concerning each property in our town. The data from each property is crucial to provide as clear a representation as possible as to the assessed value of each property. This process can seem intrusive for property owners, but a full property revaluation requires all data involved to be as accurate as possible. Neither the Town, nor the contractors employed by the Town, wish to provide an inaccurate value to any property owner which could easily be resolved if the revaluation company is able to gather an accurate read on a given property. Obviously, the sales of properties in Rockport in recent months will set a stage to understand the impact of the market value, but we all need each property owner’s help in providing that data through these visits to improve the accuracy of the entire effort. Rockport has not had a full property reevaluation since 2005 and while our assessing department works diligently to gather information each year, the best method to level set all properties is a full property reevaluation. We appreciate your assistance through this process.

Library:

The Interlibrary Loan Program resumed on September 3rd after a lengthy delay. Many thanks to all our patrons for being patient as the state worked through the legal challenges.

The Friends of the Library are putting a Temporary Pause on accepting book donations as they prepare for their upcoming book sale on September 13th and 14th. They will resume accepting book donations again in late September.

Upcoming Programs: There are many activities and reading programs happening - Check out the library website at <https://www.rockport.lib.me.us/>

Opera House: Check out the Opera House calendar at rockportmaine.gov/operahousecalendar.

If you wish to participate in helping make these shows part of our calendar in 2025, please visit RockportOperaHouse.org/Sponsorship to learn more.

Employment Opportunities:

We have several job openings with the Town of Rockport, stop by the Town Office for an application or call and we can email you an application.

The Town of Rockport is an Equal Opportunity Employer.

Job applications are available on our town website, along with a detailed job description and pay/benefits. <https://rockportmaine.gov/jobs>

Patrol Officer:

The Police Department is conducting a search for a full-time Police Officer. Applicants must have completed the Alert test and the Pre-Service training course of the Maine Criminal Justice Academy (MCJA). Preference may be given to applicants who have graduated from the MCJA or hold a degree in criminal justice or law enforcement. Applicants must meet age requirements as established by the Maine Criminal Justice Academy and successfully pass a physical agility test (MCJA standards), oral board, background investigation, psychological, polygraph and medical examinations.

The Town of Rockport offers a competitive wage and benefit package. Currently they have set working schedules, working four days on and three days off. Officers with Full-time certification and 5- years' experience may qualify for a Fifteen-thousand-dollar sign on bonus, and lateral entry year for year pay and benefits.

Heavy Equipment Operator:

The Public Works Department is currently accepting applications for **two** Heavy Equipment Operators.

This position involves manual work in road construction, repair, and maintenance, snow and ice removal, and other seasonal public works projects. The salary range for this position is \$25.00 - \$27.00 per hour, dependent on experience and training. Those with a CDL are preferred. Training is available for the right candidate to assist in gaining their CDL License. The person in this position will work under the direction of the Public Works Director.

Civic Ready:

We encourage all residents to sign up for this, if you are interested in knowing what is happening in the Town of Rockport. What is great about this system is that you decide which types of information you receive whether it is a reminder when property taxes are due to information on an upcoming event at the library, opera house or when a public works project is happening in your neighborhood; Civic Alert can keep you informed. Those interested can also sign up for alerts on our website at <https://rockportmaine.gov/civicready>

Maine Water Assistance Program:

Is a federally funded program to help support eligible households in having access to drinking water and wastewater utility services. Households will be required to have water liability to be eligible for the drinking water/wastewater program. To receive an application, you can call 888-623-6762 or email water@mainehousing.org.

Rockport Resource Newsletter:

If you would like to receive the Rockport Resource Newsletter via email you can sign up through our website.

Consent Agenda

- a. Approve Meeting Minutes
 - August 19, 2024

Suggested Motion:

I move to approve Consent Agenda as presented.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						

Additional Comments:

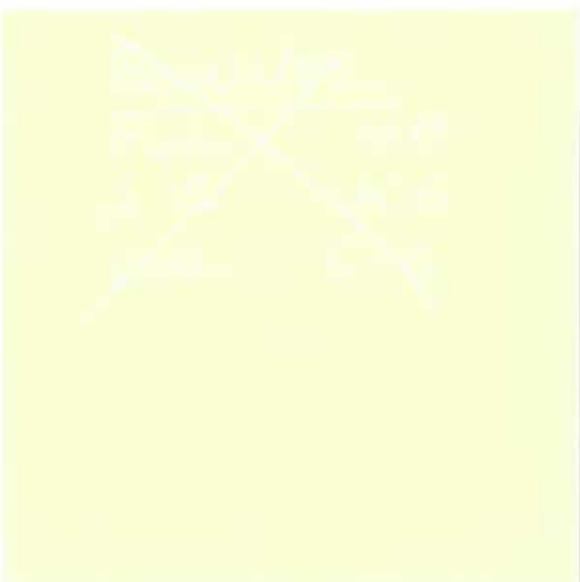
Minutes

NAME	ATTEND
Denise Munger, Chair	✓
Michelle Hannan, Vice-Chair	✓
Kim Graffam	✓
Michael Thompson	✓
John Viehman	✓
Jonathan Duke, Town Manager	✓
Rockport AV Staff	✓
General Public	✓



August 19, 2024 – 6:00 p.m.

GCPR – Opera House



Consent Agenda

- a. Approve Meeting Minutes
 - July 8, 2024
 - July 23, 2024

Manager's Comments: Action item

Suggested Motion:

I move to approve Consent Agenda as presented.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair	✓					
Kim Graffam		✓				
Michael Thompson						
John Viehman						

Additional Comments:

PROPOSED VOTE

VOTED by the Select Board for the Town of Rockport, Maine as follows:

- VOTED: (1) That a Capital Acquisition Project (the "Project") consisting of the Lease of a Takeuchi TB2150 Excavator with related equipment, is hereby approved; and
- (2) That the financing for the Project in the principal amount of \$239,269 is awarded to Androscoggin Bank at an interest rate of 6.49%; and
- (3) That the Town Manager is hereby authorized to execute a Municipal Lease Purchase Agreement, and all other documents reasonably necessary to accomplish the purpose of this vote; and
- (4) That the Select Board hereby confirms its determination that the term of the Lease does not exceed 120% of the economic life of the Project.
- (5) That said Lease is hereby designated a "bank qualified tax-exempt obligation" of the Town for the 2024 calendar year under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Motion: M Hannan
2nd K Graffam
Vote: unanimous
in favor
DMurger
M Hannan
K Graffam
M Thompson
JViehman

Action Item

- a. Act on Order Special Town Meeting Warrant Articles to be Drafted – November 5, 2024

Manager's Comments: Action item

This memo is the first step toward creation of ballot questions to be potentially considered by voters at the November election. This list should be inclusive and broad enough to provide the clerk the areas needed for article creation but a final decision on these topics inclusion is made at the Board's meeting in September when the warrant will be set. Comments on each of these items suggested are below.

1. The clean-up of items in chapters 300, 500, 600 and 1300 is related to a variety of smaller issues and edits.
2. The addition of a fire prevention and protection section provides several changes to the existing ordinance to clarify the roles of our public safety officials in managing existing life safety responsibilities.
3. In conjunction with the fire prevention and protection section, these edits add licensing requirements for those operating lodging and restaurants in Rockport. Unfortunately, our fire and police departments have encountered an increasing number of circumstances in their roles of finding code deficiencies which impact the health and safety of employees and patrons of those establishments. This section will also provide greater clarity to the itinerant peddler licensing.
4. ~~The Board last spring discussed the goal of seeing the Comprehensive Plan on the ballot in November. The Comprehensive Plan committee is nearly complete with their revisions on the draft compiled by Orion and will be present at Monday's meeting to discuss their progress with you. They have devised a public engagement process through this fall/winter if the Board agrees to wait on a vote.~~
5. As discussed in last spring's budget process, the Town has a long list of critical stream crossings which require replacement and often enlargement to meet current Maine DEP or Army Corps of Engineers standards. I've attached a list of these critical crossings updated since the budget process to include the Main Street – Miller Farm crossing which has recently come to light as needing immediate attention. We are currently seeking grant funding on each of these crossings but we have not yet received an answer on the status of those applications. Given our experiences with the Robinson Drive matter, we must begin our process on these crossings as soon as possible with hopes we could hit the tight construction window for projects such as these between July 15 and September 30th. We are also working with MCOG who is working regionally on these issues and should have additional avenues for funding. With Robinson Drive soon off the table, and including all projects rated Critical, Poor, and Below Average, the total cost without any grant support

Possible
June
2025
ballot →

is \$3,814,000. We are also seeking updated numbers from Gartley and Dorsky to ensure their estimates are as accurate as possible before voters might consider this package.

6. Lastly, there are a number of sewer line “in-fill” extension projects which could be completed to promote housing developments in Town. The Town received a grant in the amount of \$1 million from the Northern Borders Regional Commission to support these efforts this summer and they are eager to support these housing needs in Rockport. This article would authorize voter to approve \$2 million to add smaller sewer extensions which could connect housing projects to the existing sewer system.

7. Pole ordinance as reviewed at July 8, 2024 select Board meeting.

Suggested Motion:

I move to authorize the Town Clerk to draft articles for the November 5, 2024 Special Town Meeting referendum election as proposed from the memo as presented (or as amended).

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair	✓					
Kim Graffam						
Michael Thompson		✓				
John Viehman						

Additional Comments:

Action Item

- b. Act on Harbor Strategic Plan Task Force

Manager's Comments: Action item

As discussed through this last budget process, there is an overdue need for an extensive review of Rockport Harbor. Between the impacts of climate change battering the infrastructure to new and exciting uses within the harbor, a comprehensive review of the harbor and its stakeholders can greatly help improve planning for capital expenditures and ensure Rockport Harbor remains the jewel it has been for decades.

The attached task force mission will provide the background for this effort. I would hope at the Board's next meeting on September 9th a broad base of stake holders can be appointed to begin work on finalizing the RFP so that the contractor can begin work later this fall.

Suggested Motion:

I move to approve the Harbor Strategic Plan Task Force as ~~presented~~ (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair	✓					
Kim Graffam		✓				
Michael Thompson						
John Viehman						

Additional Comments:

Action Item

a. Act on Committee Application(s):

- Bill Bow – Harbor Strategic Plan Task Force
- Bob Kollmar – Harbor Strategic Plan Task Force
- Josh Gerritsen – Harbor Strategic Plan Task Force
- Doug Cole – Harbor Strategic Plan Task Force

Manager’s Comments: Action item

We have received a handful of applications for the Harbor Strategic Plan Task Force. While the Board has not set a limit on the number of participants and there is no shortage of stakeholders who should be involved in this effort, I would hope we would have a fairly large group to ensure maximum involvement by a wide range of interests.

Suggested Motion:

I move to approve committee applications as presented. (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						

Additional Comments:

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: Bill Bow

Home Address: 11 Maple Street Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) 630-660-9622 (Work) _____

E-mail Address: WABOW212@gmail.com

Committee you wish to serve on: Harbor Strategic Plan Task Force

Why do you want to serve on this committee?

I have a technical and educational background
in this area and I would like to help the
Town address this very important issue.

Do you have any background that would be helpful to this committee?

Retired environmental consultant with experience
managing similar projects. Education as a
glaciologist, with technical background related
to sea level rise.

Land Use philosophy: (if applicable)

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

While I have my own opinions, one goal of this Task Force is to solicit public input on the future use of the harbor, so I come at the project with a completely open mind.

Are you interested in serving on other committees?

N/A

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE
Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: _____

Home Address: _____ Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) _____ (Work) _____

E-mail Address: _____

Committee you wish to serve on: _____

Why do you want to serve on this committee?

Do you have any background that would be helpful to this committee?

Land Use philosophy: (if applicable)

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

Are you interested in serving on other committees?

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: Josh Gerritsen

Home Address: 127 Vinal St, Rockport Work Address: _____

Mailing Address (if different): _____

Phone Number: (Home) 518-368-9434 (Work) _____

E-mail Address: josh.gerritsen@gmail.com

Committee you wish to serve on: Harbor Strategic Plan Task Force

Why do you want to serve on this committee?

As a person who grew up in our community, lives in Rockport, and plans to be here for decades with my family, I want to help our town adapt to the effects of sea level rise and climate change. I was a former member of the Lincolnville Select Board and saw the

effects of sea level rise firsthand. We had many board discussions about how to deal with it.

I feel that my time on that board and others gives me a helpful base of knowledge and experience to contribute to this task force.

Do you have any background that would be helpful to this committee?

Bachelors Degree in Environmental Studies from Skidmore College

Served for six years on the Lincolnville Select Board

Served for six years on Waldo County Budget Committee, three as chair

Served for two years on Mid-coast Solid Waste Board of Directors

Served for two years as chair on Lincolnville Boardband Committee

Land Use philosophy: (if applicable)

N/A

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

I wish to see the task force come up with a harbor resiliency plan that gives Rockport a blueprint for how to protect our harbor against the impacts of climate change and sea level rise for the next few decades. It is imperative that the task force is guided by science while also listening carefully to all of the harbor stakeholders involved.

Are you interested in serving on other committees?

No, just the Harbor Strategic Plan Task Force

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: DOUGLAS ODLE

Home Address: _____ Work Address: _____

Mailing Address (if different): _____

Phone Number: ~~(Home)~~ cell 807 975-8780 (Work) _____

E-mail Address: dspode @ gmail.com

Committee you wish to serve on: Harbor - Resiliency

Why do you want to serve on this committee?

I am on the Parks Committee and a member of the Boat club so I am acutely aware of the issues we face

Do you have any background that would be helpful to this committee?

My background is science based so I am comfortable with data analysis.

Land Use philosophy: (if applicable)

The climate is changing whether we like it or not...

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

Development of a plan that will ensure
a viable harbor-front for all members of
our community.

Are you interested in serving on other committees?

Is this a trick question?

Interview comments:

Appointment Date: _____

Action Item

b. Act on Special Town Meeting Referendum – November 5, 2024

Manager's Comments: Action item

As discussed at the Board's last meeting, there was a list of nine items that the Board agreed to have drafted as articles for inclusion on a warrant to be decided at this meeting. The first six articles have been reviewed by the Planning Board at their meeting in August. Planning Board Chair Jeff Leclair will be present at the meeting Monday to answer any questions concerning their recommendations on these items. The split vote on the amendment to section 600 concerns the addition of including the state energy code as one that is enforced by the Town. If we were to have a population of 600 more residents, the energy code would be required to be enforced but at this point it is up to the citizens if they wish to include this in our community.

Article 8 is the pole ordinance which was discussed by the Board in its July meeting. Again, this ordinance is crafted from a similar effort undertaken by the City of Lewiston to place rules around utility poles in the public right of way.

Lastly, article 9 considers the design, construction and bonding for the replacement and improvement of seven failed water crossings on Gurney Street, Main Street, Warrenton Street, Meadow Street, Chris' Road, Porter Street and Mt. Pleasant. Due to increasing strong rain storms our existing stream crossings in these areas are under siege and while many lack the isolation of those living on Robinson Drive, the condition of each of these crossings is such that ignoring the problem each of these areas provide places us all at greater risk in the years to come. The Town has already garnered \$125,000 in grant funding to reduce the amount required to replace these stream crossings, but we expect funding at the federal and state level to increase to meet the needs so many communities like Rockport face to deal with a rapidly changing climate.

Suggested Motion:

I move to approve the Special Town Meeting Referendum as presented. (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						

Additional Comments:

TOWN OF ROCKPORT

ANNUAL TOWN MEETING WARRANT

Tuesday, November 5, 2024

To: Randy Gagne, Constable of the Town of Rockport, in the County of Knox, State of Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Rockport in said County, qualified by law to vote in Town affairs, to meet at the Rockport Public Library, of the said Town of Rockport, on Tuesday, the 5th day of November, 2024 at 8:00am to 8:00pm to vote on Articles 2 through 9, at which time the meeting will adjourn.

Article 1. To elect a moderator to preside at said meeting.

Article 2. Shall the Town adopt the amendments to the Rockport Land Use Ordinance regarding Chapter 300 Definitions.

Note: A copy of the proposed amendments is available on the Town website and at the Town Office.

Planning Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 3. Shall the Town adopt the amendments to the Rockport Land Use Ordinance regarding Chapter 500 Nonconformance.

Note: A copy of the proposed amendments is available on the Town website and at the Town Office.

Planning Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 4. Shall the Town adopt the amendments to the Rockport Land Use Ordinance regarding Chapter 600 Administration.

Note: A copy of the proposed amendments is available on the Town website and at the Town Office.

Planning Board Votes: 3 For, 2 Against, 0 Abstain RECOMMEND

Article 5. Shall the Town adopt the amendments to the Rockport Land Use Ordinance regarding Chapter 1300 Site Plan Review.

Note: A copy of the proposed amendments is available on the Town website and at the Town Office.

Planning Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

2024 Annual Town Meeting Warrant – continued

Article 6. Shall the Town adopt amendments to the Rockport Land Use Ordinance to place Fire Prevention and Protection Ordinance within, and to be known as Section 609 Fire Prevention and Protection, and with proposed amendments to definitions accompanying Fire Prevention and Protection.

Note: A copy of the proposed amendments is available on the Town website and at the Town Office.

Planning Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 7. Shall the Town adopt an ordinance to be known as Licensing – Business and Others.

Note: A copy of the proposed ordinance is available on the Town website and at the Town Office.

Planning Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 8. Shall the Town adopt an ordinance to be known as the Rockport Pole Ordinance.

Note: A copy of the proposed ordinance is available on the Town website and at the Town Office.

Article 9. Shall the Town:

(1) Approve the design, planning, preparation, permitting, construction, equipping, purchase, and/or acquisition, including all expenses reasonably related thereto, of the following types of projects located throughout the Town of Rockport, Maine:

(a) roadway water crossing rehab, repair, replacement, and/or improvements to the following water crossing areas, West Street Extension, Gurney Street, Main Street, Warrenton Street, Meadow Street, Chris’ Road, Porter Street, and Mt. Pleasant Street;

(b) cover our share of the costs associated to storm damage we suffered in October 2021 related to Robinson Drive and other damages; (c) should excess funding be available, allow the Select Board to allocate funding to other necessary infrastructure projects; (collectively, the “Projects”);

(2) Appropriate a sum not to exceed \$3,400,000, plus any additional premium, for the Projects; and

(3) To fund the appropriation, authorize the Treasurer and Chair of the Select Board to issue, at one time or from time to time, general obligation securities of the Town of Rockport, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$3,400,000, plus any additional premium, with the discretion to fix the date(s), maturity(ies),

2024 Annual Town Meeting Warrant – continued

denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption(s), form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chair of the Select Board.

FINANCIAL STATEMENT

Total Town Indebtedness:

A. Bonds outstanding and unpaid:	\$ 6,228,570
B. Bonds authorized and unissued:	\$ 8,258,675
C. Bonds to be issued if this Article is approved:	<u>\$ 3,400,00</u>
Total	\$ 17,887,245

Costs:

At an estimated interest rate of 3.76% for an estimated 15-year maturity, the estimated costs of this bond issue will be:

Principal:	\$ 3,400,000
Interest:	<u>\$ 1,050,577</u>
Total Debt Service:	\$ 4,450,577

Validity: The validity of the bonds and the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ _____, Town Treasurer

Select Board Votes: 0 For, 0 Against, 0 Abstain **RECOMMEND**

Date: September 9, 2024

Denise Munger, Chair

Michelle Hannan, Vice-Chair

Kimberlee Graffam

Michael Thompson

John Viehman

ROCKPORT SELECT BOARD

Attest:

Elizabeth M. Lowe, Town Clerk

Chapter 300 Definitions

Definitions to amend –

Automobile Sales, Both New and Used Cars and Trucks: A business that sells new or used automobiles or trucks. (~~See requirements under section 1004.1(5)~~)

Basement (Cellar): Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Cellar: See definition for Basement.

Conditional Use: A conditional use ~~or conditional use~~ is a use that is permitted in a zoning district conditioned upon review by the Planning Board and approval that the use conforms to the criteria established in Section 919 of the Rockport Land Use Ordinance.

Commercial Greenhouse: A ~~greenhouse engaged in the raising for sale~~ structure dedicated to the cultivation of plants: (flowers, vegetables, trees and shrubs) that will be sold for commercial consumption. This activity includes plant stock grown outdoors and incidental sale of related goods and materials used for plant care, feeding and similar items.

Outdoor Boat Sales and Storage: A lot or lots used for the display and sale of boats and ships not associated with the manufacturing, fabricating or repair thereof. (See requirements under section 1004.1~~(6)~~.)

Definitions to add -

Crawl Space: Any portion of a structure with a floor-to-ceiling height of less than 6 feet.

Certificate of Occupancy: a certificate provided after the inspection of a structure by the CEO, LPI, and the Fire Chief or their designee for habitation of living space or dwelling.

Greenhouse: A structure dedicated to the cultivation of plants (flowers, vegetables, trees and shrubs).

License: A license issued pursuant to any chapter in this Land Use Ordinance.

Licensee: Any person who maintains an unexpired license pursuant to this Land Use Ordinance.

Victualers: Any person who serves food or drink of any kind prepared for consumption on the premises by the public.

505. Changes in Nonconforming Lots, Structures and/or Uses

Projects not within the scope of Section 502 may be approved by the Zoning Board of Appeals under the following conditions. A nonconforming aspect of a lot, structure or use may be changed such that it is less nonconforming or no more nonconforming than the existing situation. In making its determination, the Board of Appeals shall apply the standards of Section 703 (4) – (6) and, if applicable, Sections ~~1416.4~~ and ~~1416.5~~. [1412](#).

Chapter 600

To remove the following:

NOTE: The Town of Rockport has adopted the Maine Uniform Building Code (but not the Energy Code), effective July 1, 2016. All required plans, inspections and certifications shall be in conformance with the version of the applicable code in effect at the time of application for Building Permit, as per the Maine Department of Economic Development.¹

¹ MUBC includes the following codes and standards, as amended:

International Residential Code (IRC).

International Building Code (IBC).

International Existing Building Code (IEBC).

The American Society of Heating, Refrigerating and Air Conditioning, Engineers, Standards (ASHRAE). Section 62.1-2007 & 62.2-2007 Ventilation for Acceptable Indoor Air Quality).

E1465-2006, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings. The inspection process shall conform to 25 M.R.S.A, § 2351- 2361 as applicable.

This listing is for information purposes only. The codes and standards included in MUBC and in effect at the time a building permit is issued shall be applied.

To amend:

603. Certificates of Occupancy

All residential and non-residential structures that require a building permit shall require a Certificate of Occupancy. The Certificate of Occupancy shall be based on inspections by the Code Officer or Third-Party Inspector, Plumbing Inspector, and Fire Chief [or their designee](#), to ensure that the structure conforms with the Plumbing Code, National Fire Protection Life Safety Code, [the Maine Uniform Building and Energy Code \(MUBEC\)](#), and the Rockport Land Use Ordinance. It shall be a violation of this Ordinance to use or occupy any structure until the Planning Office has issued a Certificate of Occupancy.

604.2. Standards of habitability and life safety shall include, but not be limited to: ~~;~~ properly functioning potable water and wastewater systems; ~~;~~ a functioning heating system; ~~;~~ and life safety code standards including proper egress and smoke detectors. See NFPA 101- Life Safety, NFPA 31 – Oil Burner and Solid Fuel, State of Maine 144 CMR 241- Subsurface Wastewater Disposal, and the State of Maine Uniform Plumbing Code, ~~2009~~.

604.3. The Code [Enforcement](#) Officer will communicate with the owner, property manager, ~~;~~ or complainant to arrange an inspection.

605. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the Town of Rockport to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct ~~it~~them. He/she shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, ~~and~~and shall take any other action authorized by this Ordinance to ~~insure~~ensure compliance with or to prevent violation of its provisions.

Upon appointment by the Select Board, the Alternate Code Enforcement Officer shall have all the duties, responsibilities, and authority of the Code Enforcement Officer.

To add:

Before section 601:

The Town of Rockport enforces the Maine Uniform Building and Energy Code ("MUBEC") pursuant to 10 M.R.S. § 9724. The Code Enforcement Officer of the Town of Rockport shall serve as the building official as defined in 25 M.R.S.A. § 2373 and is responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time by the Maine Bureau of Building Codes and Standards. Administration and enforcement of MUBEC, including permits, fees, violations, penalties and appeals, shall be in accordance with the provisions of this Land Use Ordinance.

609 Fee Schedule

Fees for all applications and penalties shall be set by the Select Board and found in the Fee Schedule, which may be amended from time to time.

Section 1304 Site Plan Content~~n~~

To amend:

Revisions to approved Site Plans

1. Applicants proposing revisions to an existing site plan should submit ~~fifteen~~ two (2) hard copies ~~(15) and one (1) digital copy~~ of the revision application to the Planning Office ~~fifteen (15)~~ calendar days prior to the Planning Board meeting at which the applicant wishes to be heard.

~~Add to Chapter 600, or create a whole new chapter in LUO..... Not sure.~~

Fire Prevention and Protection

Purpose

This chapter is intended to provide the Town or Rockport with rules and regulations to enhance public safety by promoting the control of fire hazards; regulating the use of structures, premises, and open area; providing for the abatement of fire hazards; and setting forth the standards for compliance and achievement of these objectives.

Fire prevention and building codes.

1. The Fire Chief shall have authority, along with the Code Enforcement Officer, to inspect premises related to compliance with fire prevention and protection codes adopted by the State Commissioner of Public Safety and/or incorporated into the Maine Uniform Building and Energy Code (MUBEC). All decisions related to license or permits applied for under Chapter 600 shall be made by the Code Enforcement Officer and may be appealed in accordance with the Town of Rockport Land Use Ordinance.
2. The Fire Chief shall have authority, along with the Code Enforcement Officer, to enforce state fire protection rules in accordance with 25 M.R.S.A. § 2361.

Inspections

1. Application to the municipality for licenses and permits requiring inspection provided by the Rockport Fire Department and Code Enforcement, which shall include but not be limited to liquor licenses, victualer licenses, and lodging licenses, shall include the Fire Department's complete review of the application and its required approval.
2. The Fire Chief or their designee shall have the authority to require an inspection of any activity on site prior to approval of an application.
3. Any application for, or acceptance of, any license or permit requested or issued pursuant to this chapter shall constitute agreement and consent by the person making the application or accepting the license to allow the Fire Chief or their designee to enter the premises at any reasonable time after licensee receives notice to conduct such inspections as required by the ordinance.

Administration

1. This chapter shall be administered and enforced by the Fire Chief or their designee. It shall be the duty of the Fire Chief and their designee to enforce all laws and ordinances of the Town of Rockport covering the following:
 - a. Extinguish fires and save life and property therefrom;

Commented [JL1]: ???

Commented [OT2R1]: thanks. added "on" after activity.

- b. Demolish or pull down any building which may be on fire, or which may be deemed necessary to remove in order to prevent the spread of fire or the increase of danger to life or property;
 - c. The prevention of fires;
 - d. The storage and use of explosives and flammables;
 - e. The maintenance and regulation of fire escapes;
 - f. The means and adequacy of exit in case of fire, all places in which numbers of persons work, live, or congregate, from time to time, for any purpose;
 - g. The investigation of the cause, origin, and circumstances of the fires;
 - h. The maintenance of fire cause and loss records.
2. The Fire Chief of the Town of Rockport may delegate any of their powers or duties under this article to any such member of the Town of Rockport Fire Department, or designee, as deemed appropriate.
 3. It shall be the duty of the Fire Chief of the Town of Rockport Fire Department to investigate and to recommend to the Town Manager and Select Board such additional ordinances, or amendments to existing ordinances, as may be deemed necessary for safeguarding life and property against fire.

Commented [JL3]: Or other designee as allowed above?

Commented [OT4R3]: I see where you are coming from. The thought was to keep it in the Fire Department. but adding Designee isn't bad.

False Alarms

Any alarm system that causes the transmittal of a nonemergency alarm more than three times in any calendar year, after a thirty-day start-up period for new installations, shall pay a penalty of **\$100** for each subsequent instance of a nonemergency alarm in excess of that number, upon demand by the Fire Chief or their designee. The Fire Chief or designee shall give suitable written warning to any license or permit holder, or to their designee, whose alarm system sends a third nonemergency alarm in any calendar year. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control, no fee shall be imposed.

Conflict with other provisions

Whenever the requirements of this chapter are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the more restrictive requirements shall govern.

Licensing – Business and Others

Move 814 Itinerant Peddler into this Ordinance. Place Itinerant Peddler in sub section with License Types.

1. Purpose and intent.

In order to promote the health, safety and general welfare of the members of the public, this chapter is enacted by the Town of Rockport to control the licensing and regulation of certain businesses and other uses as may be required by this chapter.

2. General enactment authority

This chapter expressly applies to licenses and permits requiring Select Board approval.

3. Delegation of authority

A. The Town Manager and/or their designee is hereby authorized and directed to:

1. Draft applications ~~and submittal requirements for each license forms.~~
2. Receive applications required by this chapter.
3. Distribute applications to appropriate department heads for their inspection(s) and written report, as required in this chapter or in state law.
4. When required, set a public hearing for Select Board action.
5. To the extent authorized by the law, the Town Manager is authorized to approve renewals of existing licenses after inspections and approvals to ensure compliance with this ordinance; and
6. Issue licenses.

B. As agents of the Town and the Select Boad, when and where required by this chapter, the Fire Chief, Police Chief, and Code Enforcement Officer, are hereby authorized, as required, to inspect ~~and issue their recommendation whether to and~~ approve ~~or deny of~~ the ~~licensed facilities~~ application prior to Select Board action on the license.

4. Complying with rules and regulations, paying fee, obtaining license prerequisite to doing business.

Except as otherwise provided, no person shall engage in any business or activity, nor maintain any equipment or device, for which a license or municipal approval is required in this chapter, without having first complied with all applicable rules and regulations and having paid the proper fee and obtained a license therefore.

5. License for each location required.

A license is required for each place or premises where a business regulated by this chapter, or any part thereof, including storage, is conducted. No licensee shall engage in such business in any manner at any place without first obtaining such license.

6. Application requirements.

Any person required by this chapter to obtain a license from the Town shall make application upon a form provided by the Town ~~and shall state facts~~ provide information as may be required. Only complete applications as determined by the ~~Fire Chief and Code Enforcement Officer~~ Town Manager will be accepted. Application(s) must be accompanied by the requisite fee as established in the Fee Schedule and submitted at time of application. The Town Manager, or their designee, is responsible for obtaining written recommendations of approvals from applicable departments, including but not limited to: Fire Chief, Police Chief, Planning and Codes, and Public Works. Said approvals shall be based upon criteria set forth in this chapter, on the application(s), and applicable municipal regulations and state law for the safe operation of the licensed facility, including but not limited to applicable building, plumbing and life safety codes. Those that require a license or approval by the State of Maine must provide evidence of the license or approval.

7. Application criteria and inspections

When required, the Fire Chief or their designee and the Code Enforcement Officer shall conduct an inspection and provide a written report to the Select Board verifying that the premises to be used by the proposed activity in the application is either in compliance or not in compliance with the following:

- A. Chapter 900, Zoning Districts
- B. Current Life Safety Code, as adopted by the State of Maine
- C. Fire Prevention and Protection
- D. Maine Uniform Building Code, as adopted by the State of Maine
- E. National Electrical Code, as adopted by the State of Maine.
- F. Maine Uniform Plumbing Code and Subsurface Wastewater Disposal Rules
- G. Sewer Ordinance
- H. As a condition of approval, Police and/or Fire personnel be present before, during, or after the event, at the applicant's expense.
- I. Applicable State of Maine requirements for the use.

8. Public notice, meeting and hearing

Upon receipt of a completed application and all required supporting documentation, the Town Manager and/or their designee, when required, shall cause notice of said application to appear ~~for at least two consecutive weeks in one published notice~~ before the date of the hearing in a local newspaper, the fee to be paid for by the applicant. See Fee Schedule.

All licenses, new and renewals, requiring public hearings shall be acted upon by the Select Board. The Town Manager and/or their designee shall act upon all licenses, new and renewals, not requiring public hearings.

- A. Renewals for Victualers and Lodging licenses, the Select Board shall meet annually at their regularly scheduled meeting during the month of May.

9. Select Board action

Upon referral by the Town Manager or their designee of a completed application in accordance with this chapter, the Select Board shall hold a public hearing, when required, to consider the license application. In its consideration to approve or deny said request, the Select Board shall determine that the applicant has:

- A. Obtained [recommendations for](#) approvals and inspections in accordance with this chapter.
- B. Is in compliance with any requirements for obtaining the license pursuant to this chapter or any other municipal code or regulation, as well as any state or federal law.
- C. If the Select Board determines that the applicant has met these requirements, then they shall approve the license. If the Select Board determines the applicant has not met these requirements, then they shall deny the license.
- D. The Select Board may approve and issue the license under any restrictions, regulations and/or any conditions that it considers necessary, in order to protect the public health and welfare.

10. Duration of license; expiration date

All licenses issued under this chapter, except when otherwise provided, shall expire one year after the date of issuance unless revoked or suspended prior to expiration in accordance with the provisions of this chapter.

11. Display of licenses

Any license issued under this chapter shall be displayed prominently at the place of business of the licensee named in the license.

12. Denial, suspension and revocation

- A. The Town may deny a license if the applicant fails to comply with the requirements of this chapter. A license issued under the provisions of this chapter may be revoked by the Town Manager as authorized above, [after notice and a hearing](#), for any of the following reasons:
 - 1. If the licensee violates any condition or requirement of licensing under state or federal law or local ordinance;
 - 2. If there is fraud, misrepresentation, or false statement made in the course of applying for a permit, or judicial finding of fraud, misrepresentation, or false statement made to the Town in the course of operating the business;
 - 3. If there is judicial finding that the licensee conducted business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or welfare of the public;
 - 4. For failure to comply with terms or conditions of approval as specified in the permit application, such as but not limited to, building permit, sign permits, and development permit;
 - 5. For failure to abide by conditions imposed by Code Enforcement Officer, Police, and Fire Departments, in connection with a business license involving a special event; or

6. If it is determined that the licensee is unfit to hold a license.
- B. Revocation hearing
1. A license may not be revoked or suspended under this section until after investigation and hearing. The Select Board shall serve notice of the hearing on the licensee or leave it at the licensed premises at least three days before the time set for the hearing. At the hearing, the licensee must be given an opportunity to:
 - i. Hear the evidence in support of the charge against the licensee; and
 - ii. Be heard in the licensee's own defense.
- C. Failure of an establishment to obtain a license when deemed necessary by this chapter shall be ~~enforced as in violation and subject to the provision of Subsection 16, and dealt with in the same manner as a denial, suspension, or revocation. If an applicant or a licensee has not complied with any of the requirements listed above, or if, through a routine criminal background investigation it is discovered that an applicant or a licensee has a criminal background and that background may jeopardize the welfare and safety of the community, the Town may immediately refuse to grant a license or revoke an existing license. The applicant or licensee shall receive notice by personal service or if personal service cannot be affected, by certified mail of the refusal or revocation. The notice shall contain a statement of the reason(s) for the refusal or revocation.~~ Violation, suspension or revocation shall also be subject to the following:
1. Upon receipt by the Code Enforcement Officer of a report from any department head or Municipal, State or Federal employee or agent charged with issuing, supervising, monitoring, inspecting or otherwise regulating any licensee, that the licensee is violating any law or ordinance respecting such license, the Code Enforcement Officer shall give notice to the licensee of the alleged violation. ~~The notice of violation from the Code Enforcement Officer shall be delivered to the licensee by a person authorized to serve process under the laws of the State of Maine.~~ The notice shall state the nature of the alleged violation and the date it was allegedly observed.

13. Appeals

An aggrieved party may appeal any decision of the Select Board or the Town Manager to approve, approve with conditions, deny, or revoke a license or suspend a license to the Superior Court within 30 days of the written decision. In all instances the Select Board or Town Manager shall issue a written decision and such decision shall be sent to the applicant or licensee.

14. Non-transferability

Any license issued by the Town shall not be transferable, nor assignable.

15. Ongoing compliance required

All business and facilities that are issued licenses under this chapter shall remain in compliance with any and all applicable municipal and state laws and regulations, or conditions of approval that pertain to the licensed premises.

16. Violations; penalty.

Each day that any person engages in any business or activity without a valid license as required in this ordinance, shall constitute a separate offense of this ordinance. Each day that a person continues to operate a business in violation of any of the provisions of this ordinance shall constitute a separate offense of this ordinance. In addition, if any licensed facility that operates in violation of their license or the requirements and/or conditions of their license shall constitute a separate offense of this ordinance.

Violators may have their licenses suspended or revoked after hearing. Any person, firm, or corporation violating any provision of this chapter shall be subject to the following:

The monetary civil penalties for violations of any ordinance of the Town of Rockport, which does not already specifically include a monetary penalty for violations therein, shall be as follows:

- A. For violations of the terms and conditions of any such ordinance there shall be a \$100 minimum penalty and the maximum penalty shall be \$2,500, with each day being a separate and distinct violation. Penalties shall accrue commencing three days after the date of issuance of a notice of violation from the office of the Code Enforcement Officer. Said notice shall be sent by regular mail at the last known address of the offender on file with the Town of Rockport, or in hand, or by certified mail, return receipt requested.
- B. In addition to the penalties provided herein, the Town of Rockport, through its duly appointed representative and/or the Town Attorney, may bring an action in the Superior Court or the District Court to enjoin violations of all ordinances of the Town of Rockport, for collection of penalties, and for such other relief as may be provided by law, including Title 30-A § 4452, as amended from time to time.
- C. As an alternative, in part or in whole, to the penalty provisions as described in Subsection A, the Town and violator may negotiate a community service penalty and request the Court to issue an order of community service after agreement of the parties.

17. Exemption.

Notwithstanding the provisions of this chapter, any nonprofit organization, for charitable causes, shall be exempt from the requirements of this chapter, except as otherwise stated in this section, to the extent that such organization offers food or drink for consumption by the public, for charitable causes on no more than twelve (12) occasions during each license year. For nonprofit organizations within the means of this exemption, the license fee shall be waived.

18. Conflict with other provisions

Whenever the requirements of this chapter are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the more restrictive requirements shall govern.

19. License Types

A. Lodging

1. Lodging License Process and Requirements

- There is no formal charging instrument now pending against the operator in the State of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the operator with the use of a dangerous weapon or of an offense involving use of a firearm against another person.
- The operator has not had three or more convictions for crimes punishable by less than one year imprisonment within five years of the date of the application.
- An inspection per "*Application criteria and inspections required-general*" shall be conducted by the Fire Chief or their designee and the Code Enforcement Officer prior to issuance of the license.

2. License Update.

It shall be the responsibility of every licensee who intends to increase the number of rooms rented to the public during the term of an unexpired license to file an application for said increase no later than 30 days prior to offering the additional room(s) for rent. If the increase in rooms to be offered results in an increased fee of the initial license fee, the licensee shall submit a fee for the balance. No reimbursement shall be provided when the number of rooms available for rent is reduced during the term of the license. It shall be the responsibility of every licensee to continue to conform to the approval criteria set for in "*Lodging License Process and Requirements*" during the term of the license, and the licensee shall report any change of circumstances pertinent to the approval criteria during the term of the license within 10 days of any such change.

B. Peddling

1. **Peddler's license process and requirements**

- It shall be unlawful for any person, firm or corporation to engage in the business of peddling of any food, drink, merchandise, article or thing without first having secured a vendor's license from the Town of Rockport.
- No license shall be issued proposing to do business in a public way or public place until the Police Chief has determined that the proposed location is safe for the operation of a transient peddler's business. from a vehicle.
- In addition to the application and supporting documentation, the applicant for a licensee shall provide the following information with their application:
 - A description of the goods or products to be sold.
 - A site sketch of the proposed location where the licensee intends to operate.
 - A copy of the registration of the vehicle from which the goods or products will be peddling, if applicable.
 - A copy of the driver's license of the peddler or other valid identification.
 - A copy of a letter of permission from the property owner.
 - Payment of the appropriate fee.

Commented [JL1]: What if there is no vehicle?

Commented [OT2R1]: Good point. In either situation, vehicle or no vehicle, the requirement stays the same. Proposing now to remove "from a vehicle".

Commented [JL3]: What if there is no motor vehicle?

Commented [OT4R3]: ' or other valid identification' is intended to cover this scenario. Reword this section if needed.

2. **Performance Standards**

- The licensee must comply with the following performance standards to operate in the Town of Rockport.
 - Location of Operation: The licensee shall only occupy the location specified on the license.
 - Duration of Operation: The licensee shall only operate during the calendar dates specified on the license.
 - Hours of Operation: The licensee shall only conduct business during the hours specified on the license.
 - Vehicular and Pedestrian Safety: The licensee shall ensure that the operation is conducted in a safe and responsible manner for vehicular and pedestrian safety.
 - Signage: The licensee shall display all signage for goods and products on or adjacent to the location indicated on the license. The total area of all signage shall not exceed fifty (50) square feet. All signage shall be removed at the close of business each day.
 - Closure at the End of the Business Day: The licensee shall remove from the location indicated on the license at the close of business each day; any vehicles, all signage, and any other indicators of the peddling operation.

- Site Appearance: The licensee shall ensure that the site is kept neat and clean and that no offensive noise, vibration smoke, dust, glare, traffic or parking problem is created because of the licensee's operation.

C. Victualers

1. Victualers license process and requirements

- There is no formal charging instrument now pending against the operator in the State of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the operator with the use of a dangerous weapon or of an offense involving use of a firearm against another person.
- The operator has not had three or more convictions for crimes punishable by less than one year imprisonment within five years of the date of the application.
- The applicant shall submit a copy of their current license issued by the Department of Human Services of the State of Maine for the provision of food or drink prepared for consumption on the premises by the public.
- The applicant shall demonstrate adequate provisions for storage and disposal of waste and garbage generated on the applicant's premises. Containers for the storage of garbage shall be covered. Such containers shall be located in a separate room or, if stored outside the applicant's premises, those containers shall be stored on a concrete or macadam base, or on a surface which is readily washable. Any containers located outside the applicant's premises shall have an enclosure around the containers which is no less than three feet in height.
- All applicants operating establishments which cook food on the premises shall have a vent from the cooking area to the outside of the applicants premises, unless not required by Maine Uniform Building and Energy Code (MUBEC). The location of vent shall not cause an unreasonable nuisance to any abutting property owner or to the public in consequence of fumes, grease, odor, smoke, or noise.
- Approval process and inspections by the Fire Chief or their designee and the Code Enforcement Officer.

ROCKPORT POLE ORDINANCE

Adopting a new Ordinance Regulating Utility Poles in the Public Right-of-Way.

THE TOWN OF ROCKPORT HEREBY adopts this ordinance in its entirety as follows:

This Ordinance is adopted pursuant to and in accordance with the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions 30-A M.R.S. § 3001, (Ordinance Power), the provisions of the Planning and Land Use Regulation laws, 30-A M.R.S. § 4301 *et seq.*, and 35-A M.R.S. § 2501 *et seq.* (Regulation of Facilities in the Public Way)

UTILITY POLES IN THE RIGHT OF WAY

Sec. 1. Scope, Authority to Regulate, and Utility Poles in Town Right of Way

The Town of Rockport's street rights-of-way are a critical Town asset serving many purposes including vehicular traffic, bicycle traffic, pedestrian traffic, hosting utilities, and providing an aesthetic to the Town. It is in the Town's interest to manage these rights-of-way to balance these uses in a manner that best serves its citizens, their safety, wellbeing, and prosperity. The purpose of this Ordinance is to manage above ground utility poles in a manner that achieves this balance in accordance with State and Federal law for utility accommodation and Americans With Disabilities Act (ADA) requirements.

Sec. 2. Definitions.

"Make-ready work" means the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced, or any other changes required to make space available for an additional attachment to a shared-use pole. 35-A M.R.S. § 2524(1)(A).

Sec. 3. Permitting New Poles.

Permitting new poles shall be done through the Town Clerk in accordance with 35-A M.R.S. § 2501 *et seq.*. Applications must include:

- Name and address of the applicant,
- Purpose and use of the new installation,
- Co-located utilities anticipated
- Location sketch of the new installation with field-measured distances to key features such as curbs, catch basins, underground utilities, trees, buildings and sidewalk features, where applicable,
- Minimum height of wires and other fixtures
- Proposed guy wires or anchors including their proposed location.
- Acknowledgment that the proposed location has been marked in the field for review,
- Proposed date of installation, and
- Other site-specific pertinent and reasonable information requested by the Public Works Director.

The application shall include payment for a review fee established by policy adopted by the Select Board. The Town Clerk will coordinate a review of such applications with the Director of Public Works and other Departments, as appropriate, and will issue a written permit or denial within 30 days of receiving a complete application.

Sec. 4. Sidewalks and ADA.

Poles associated with public utilities may only be placed within a sidewalk if such placement maintains a minimum 60 inches of unobstructed sidewalk width and is not inconsistent with the Federal American with Disabilities Act design features.

An applicant for a pole permit may seek a waiver from this requirement upon a showing to the satisfaction of the Public Works Director that there exists no practicable alternative that would allow for maintaining utility services to adjacent properties. Upon such a showing, the Director may reduce the minimum width of unobstructed sidewalk to no less than 54 inches at locations where no other structures or obstructions are present that would otherwise limit the ability to plow town sidewalks and no less than 48 inches where other existing obstructions exist that prohibit sidewalk plowing. Any guy wires or other appurtenances associated with utility poles and extending over any sidewalk must provide for a minimum 9 feet of clearance above the sidewalk.

A violation of this section shall be subject to a minimum fine as established by policy adopted by the Select Board. Additionally, the Utility will be required to relocate any object violating these standards and repair any damage done to the sidewalk or maintained lawn as a result of such work.

Sec. 5. Replacement Poles and Unsafe Conditions.

Replacement poles do not require a new permit under most circumstances. To maintain the right-of way for all allowed uses, including the free flow of pedestrian and vehicular traffic, the replacement pole must not infringe on other uses of the right of way. Replacement poles must meet the requirements in Section 4. If a replacement pole is proposed that will further infringe on the standards above, then a New Pole Permit will be required per Section 3. In no case shall a new or replacement pole restrict access to less than ADA design standards. Replaced poles must be removed from the right of way and sidewalk and lawn repairs made within 180 days of placement of the replacement pole. All coordination with collocated utilities is the responsibility of the pole Owner.

If the Public Works Director identifies a potentially unsafe condition related to a pole installation, guy wire or anchor, the pole Owner will be notified in writing. The pole Owner shall respond to the Public Works Director within 30 days of such notice with their plans to mitigate the potential safety condition. After an acceptable plan is approved by the Public Works Director, the work must be completed within thirty days unless the Public Works Director grants an extension related to winter conditions. Prior to correction, the Owner is required to take the

necessary steps to provide such temporary measures as are necessary to ensure public safety. A violation of this section shall be subject to a minimum fine as established by policy adopted by the Select Board and in accordance with 35-A M.R.S. §2501 *et seq.*

Sec. 7. Municipal Access to Poles.

In accordance 35-A M.R.S. § 2524 and other applicable State law, space shall be made available on each pole, below the electric power company’s wires and above the telephone and or cable television company’s lines or cables to accommodate the attachment of the Town’s facilities to that shared-use pole. This space shall be reserved on all poles planted within the Town Right of Way.. In order to safeguard access to infrastructure essential to public health, safety and welfare, an Owner of a shared-use pole and each entity attaching to that pole is responsible for that Owner’s or entity’s own expenses for make-ready work to accommodate the Town attaching its facilities to that shared-use pole. This space shall be available to the Town for municipal purposes, free of charge including no make-ready fees.

Until October 1, 2028, the pole Owner of a shared-use pole may require a municipality to purchase and maintain a general liability insurance policy meeting the pole Owner’s insurance requirement in accordance with 35-A M.R.S. § 2524(3).

Sec 8. Permit Revocations – Highway and Sidewalk Projects.

The Town of Rockport will notify Utilities owning poles, guy wires and anchors within the Town’s right-of-way of the need to relocate their facilities due to a town road or sidewalk construction project, in writing no less than 180 days prior to commencement of construction. Town Engineers will work with the Utility as the project is designed. It is the pole Owner’s responsibility to coordinate with all co-located utilities. All costs for the pole, guy wire or anchor relocation shall be the responsibility of the pole Owner and collocated utilities. If the poles are not moved within the 180 days or a date agreed to in writing between the Owner and Director of Public Works, the Town Clerk may revoke the pole permits for the subject poles and may assess the pole Owner a daily fine established by policy adopted by the Select Board.

Sec. 9 Removal of Replaced Poles

In many locations, Rockport has double utility poles (original and replacement), further impeding sidewalks and Town rights of way. These double poles are the result of installation of replacement poles without removal of the replaced poles. In many cases, not all of the utility lines on the replaced poles were moved to the replacement pole. For those existing double poles, the pole Owner shall remove such replaced poles from the right of way and sidewalk and make necessary lawn repairs made within 180 days of notification to the Utility of the existence of double poles by the Town.It is the pole Owner’s responsibility to coordinate with all co-located utilities to relocate any remaining utilities to the replacement pole. All costs for the relocation, attachments, pole, guy wire or anchor removal shall be the responsibility of the pole Owner and co-located utilities.

Fiscal Year 2023-2024 Water Crossing Replacement Plan

Road Name	Cost to replace/ upgrade	Grant/ FEMA Funding off- set	Need for Replacement	Reccomended Replacement Year		
Robinson Drive	\$ 678,000	\$ 678,000	Pending	2024		
West Street Extension	\$ 473,000	\$ 125,000	Critical	2024		
Gurney Street	\$ 350,000		Critical	2024	Rating	Life expectancy
Main Street - Miller Farm	\$ 400,000		Critical	2024	Critical	<1 year
Warrenton Street	\$ 96,392		Critical	2024	Poor	1-2 Years
Meadow Street	\$ 400,000		Poor	2025	Below Average	2-4 years
Chris' Road	\$ 441,000		Poor	2025	Average	5-10 Years
Porter Street	\$ 650,000		Below Average	2026	Good	10-15 Years
Mt. Pleasant	\$ 450,000		Below Average	2026		
S. Hope Road	\$ 450,000		Average	2030		
Bonnie Street	\$ 325,000		Average	2030		
Annis Lane	\$ 450,000		Good	2035		
Main Street	\$ 800,000		Good	2035		
Park Street	\$ 475,000		Good	2035		
Park Street	\$ 475,000		Good	2035		
Hope Street	\$ 480,000		Good	2035		
Totals	\$7,393,392	\$803,000				

**Value of Culverts rated under Average:
\$3,260,392**

Action Item

- c. Act on Condemnation Order – Robinson Drive Entrance

Manager's Comments: Action item

The Board is asked with this order to take the unusual step to acquiring via a process not unlike the eminent domain procedure. However, in this instance the Town and the owners of the property are in complete agreement as to the next phase in this process. The voters approved purchasing this property last spring, but due to the passing of one of the family members involved, we have to take a different approach in finalizing this property acquisition. Neither the price, nor the terms, have changed in this situation. I have worked closely with Jason Robinson, the son of the owners of this property, and he and his family support the Town's actions.

Suggested Motion:

I move to approve the Condemnation Order – Robinson Drive Entrance as presented. (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						

Additional Comments:

TOWN OF ROCKPORT

NOTICE OF HEARING

The Municipal Officers of the Town of Rockport hereby give notice of their intention to meet on September 9, 2024 at 6:00 p.m. at the Rockport Opera House to consider the taking of certain property for public purposes pursuant to 30-A M.R.S. § 3101 and 23 M.R.S. § 3023, at which all persons interested therein may be present.

The property to be taken consists of a portion of the real property interests in a certain parcel of land located at 0 Robinson Drive, Rockport, Maine (Tax Map 16, Lot 65), and being more particularly described as follows:

Lot #13 depicted on proposed Subdivision Plan of Basil W. Robinson, West Rockport, Maine, prepared by J.S. McCormick & Associates, Inc., dated March, 1975 and recorded in the Knox County Registry of Deeds in Plan Book 1, Page 192.

Dated at Rockport, Maine this 29th day of August, 2024.

Elizabeth M. Lowe
Town Clerk

**TOWN OF ROCKPORT
CONDEMNATION ORDER AND RETURN
OF THE MUNICIPAL OFFICERS**

The Municipal Officers of the Town of Rockport Maine hereby issue this Condemnation Order and make return of their proceedings under 30-A M.R.S.A. §3101 and 23 M.R.S.A. §3023 in regard to the taking of a certain parcel of land located in the Town of Rockport for the purposes of constructing and maintaining a drainage culvert and road entrance (the “Project”) upon that certain parcel of land, as follows:

1. This condemnation is for a public purpose and a public use, namely to acquire a certain parcel of land further described below along with all incidental and related uses.

2. The Municipal Officers of the Town of Rockport have determined that public exigency requires the immediate taking of the property interests described herein for the purposes of constructing and maintaining a drainage culvert and road entrance.

3. Said Municipal Officers have determined that the property to be taken (the “Property”) consists of a portion of a certain parcel of land located at 0 Robinson Drive in the Town of Rockport, Maine (Tax Map 16, Lot 65), and being more particularly described as follows:

Lot #13 depicted on proposed Subdivision Plan of Basil W. Robinson, West Rockport, Maine, prepared by J.S. McCormick & Associates, Inc., dated March 1975 and recorded in the Knox County Registry of Deeds in Plan Book 1, Page 192.

4. Said Municipal Officers have determined that the record owners of the Property, so far as they can be reasonably determined, are as follows:

The Estate of Basil W. Robinson

5. The proposed date of taking possession of the property is the date this Condemnation Order and the accompanying Certificate of the Clerk of the Town of Rockport are recorded in the Knox County Registry of Deeds following the approval of this Order by a Town Meeting vote.

6. Said Municipal Officers gave due and legal notice to all parties interested in their intention take said Property by posting a Notice of Hearing thereon at least seven (7) days previous to the date of said hearing, said postings being on August 30, 2024, in four public places within the Town of Rockport, including two public places in the immediate vicinity of the Property to be taken, all as set forth on the Return filed with the Town Clerk.

7. Said Municipal Officers met at the time and place designated in said notice, to-wit: on the 9th day of September 2024 at 6:00 p.m., at the Rockport Opera House and heard all parties interested in the laying out and taking of said Property.

WHEREUPON, IT IS ORDERED, AS FOLLOWS:

- A. That the Municipal Officers do hereby take and condemn the aforementioned Property for public purposes pursuant to 30-A M.R.S.A. §3101 and 23 M.R.S.A. §3023.
- B. Said Municipal Officers do hereby determine that the amount of damages to be paid to the owner(s) of record as just compensation therefor, as follows: **\$28,500.00**.
- C. That the original of this order shall be filed with the Town Clerk who shall thereupon cause an attested copy of this Order to served on the aforementioned record owner(s) of said Property.
- D. The Town Clerk is further ordered to prepare the certificate required by 23 M.R. S.A. §3024 and record said Certificate in the Knox County Registry of Deeds.

Dated at Rockport, Maine, this 9th day of September 2024.

Municipal Officers

Denise Munger, Chair

Michelle Hannan, Vice-Chair

Kimberlee Graffam

Michael Thompson

John Viehman

CERTIFICATE OF TAKING
PURSUANT TO 30-A M.R.S. § 3101 and 23 M.R.S. §§ 3023 and 3024

I, Elizabeth M. Lowe, Town Clerk of Rockport, Maine, do hereby certify as follows:

1. That this Certificate is filed pursuant to 30-A M.R.S. § 3101 and 23 M.R.S. §§ 3023 and 3024 in regard to the taking of certain land located in the Town of Rockport, Knox County, Maine (the “Property”) for public purposes.

2. That the attached Condemnation Order and Return of the Municipal Officers is a true copy of the original and more particularly describes the Property taken and the amount of damages to be paid to the owner(s) of record as compensation therefor.

3. That a public hearing and meeting of the Rockport Board of Selectmen was held on September 9, 2024, at 6:00 p.m. pursuant to a duly posted public notice, at which time the Rockport Board of Selectmen, on a motion duly made and seconded, voted to issue the attached Condemnation Order and Return of the Municipal Officers for the subject eminent domain proceeding.

4. That a special town meeting was held on **September 17, 2024, at 5:00 p.m.** pursuant to a duly posted warrant, at which time the town meeting, on a motion duly made and seconded, voted to ratify and approve the attached Condemnation Order and Return of the Municipal Officers.

5. That a copy of the Order was duly served on the owner(s) of record.

[Remainder of Page Intentionally Left Blank]

Dated at Rockport, Maine this _____ day of _____ 2024.

Attest:

Elizabeth M. Lowe
Town Clerk, Town of Rockport

ACKNOWLEDGMENT

STATE OF MAINE

COUNTY OF _____, ss _____, 2024

Personally appeared the above-named Elizabeth M. Lowe, Town Clerk of the Town of Rockport, Maine, and acknowledged the foregoing instrument to be her free act and deed in her capacity.

Before me,

Notary Public/Attorney at Law
Commission Expires:
Print Name:

Action Item

d. Act on Special Town Meeting on September 17, 2024

Manager's Comments: Action item

Following the Board's approval of a condemnation order for the Robinson Drive property, the Board must set a special town meeting for the Town to action on the condemnation of the property so the property acquisition can be closed.

Further, I have mentioned frequently the need for the Town to hold a special town meeting to consider the change to the updated format of our retirement system. This is the appropriate timing for this effort before many of our new staff are hired. The language provided by Maine PERS is not the friendliest to work with in a warrant format, however.

Suggested Motion:

I move to approve the Special Town Meeting on September 17, 2024, as presented. (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						

Additional Comments:

TOWN OF ROCKPORT

SPECIAL TOWN MEETING WARRANT

Tuesday, September 17, 2024

To: Randy Gagne, Constable of the Town of Rockport, in the County of Knox, State of Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Rockport in said County, qualified by law to vote in Town affairs, to meet at the Rockport Opera House, of the said Town of Rockport, on Tuesday, the 17th day of September, 2024 at 5:45 p.m. to vote on Articles 1 through 2 at which time the meeting will adjourn.

Article 1. To elect a moderator to preside at said meeting.

Article 2. To see if the Town will vote to approve the taking of certain property in the Town for the purposes of constructing and maintaining a drainage culvert and road entrance as described in an Order of Condemnation issued by the Municipal Officers dated September 9, 2024 and filed with the Town Clerk, as follows:

Lot #13 depicted on proposed Subdivision Plan of Basil W. Robinson, West Rockport, Maine, prepared by J.S. McCormick & Associates, Inc., dated March, 1975 and recorded in the Knox County Registry of Deeds in Plan Book 1, Page 192.

and to appropriate the amount of damages to be paid to the owner of record as just compensation therefore, as determined in the Order, as follows:

\$28,500.00 to The Estate of Basil W. Robinson

Article 3. To see if the Town will vote to amend the retirement plan for its firefighters, emergency medical service employees and police officers effective December 1, 2024 for future service only and authorize the Town Manager to sign an Amended Agreement reflecting such a change with the Maine Public Employees Retirement System. Town personnel impacted by this amendment would allow the adoption of Special Plan 3C for its full-time firefighters, emergency medical services employees and police officers who work 52 weeks per year and who are not part-time, seasonal or temporary for service rendered after November 30, 2023. Service rendered by police officers rendered between January 1, 2021 and November 30, 2024 remains under Special Plan 2C and service rendered by police officers before January 1, 2021 remains under Regular Plan AN. Service rendered by firefighters and emergency medical services employees before December 1, 2024 remains under Regular Plan AN.

2022 Annual Town Meeting Warrant – *continued*

Date: September 9, 2024

Denise Munger, Chair

Michelle Hannan, Vice-Chair

Kimberlee Graffam

Michael Thompson

John Viehman

ROCKPORT SELECT BOARD

Attest:

Elizabeth Lowe, Town Clerk

Action Item

- e. Act on Committee Workplans
 - Library Committee

Suggested Motion:

I move to approve the Library Committee Workplan as presented. (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						

Additional Comments:

Yearly Work Plan – Library Committee 2024/2025

Voted and Approved on August 15th 2024 by the Library Committee

On a continuing bases the Library Committee shall be responsible to the residents of the Town of Rockport to:

- 1) Monitor investments, and administer the Library Trust Fund.
- 2) Review annually the long-range fiscal and funding needs of the Library.
- 3) Maintain receipts, record keeping, depositor, deposits or investment of monies from gifts, contributions or legacies.
- 4) Maintain proper care, use, or disposition of gifts of other kinds.
- 5) Review on a regular basis various physical and building needs to see that they meet the requirements of the total library program.
- 6) Consult and review with the Library Director policies governing, acquisition, organization, and use of the Library's books, non-print materials, and equipment; as well as the disposition of material no longer needed and the acceptance or refusal of large gifts.

Adjourn

Suggested Motion:

I move the Board adjourn the meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Michelle Hannan, Vice-Chair						
Kim Graffam						
Michael Thompson						
John Viehman						