

- PUBLIC MEETING -
Rockport Select Board
ROCKPORT OPERA HOUSE AUDITORIUM
Monday, November 9, 2020 – 5:30 p.m.
Streamed at <https://livestream.com/Rockportmaine>

Members of the public are welcome to attend this meeting in person. Those attending must wear face coverings at all times, certify that they have not experienced or displayed any of the COVID-19 symptoms in the last 24 hours including fever or chills, sore throat, cough, shortness of breath, or other respiratory symptoms, muscle aches, severe fatigue, changes in taste or smell, and certify that they have not had close contact with anyone over the last 14 days who is confirmed to have COVID-19. Audience capacity for this meeting is 40 people.

AGENDA

I. Call Meeting to Order

II. Town Manager’s Report/Update

III. Public Input on Non-agenda Items

Public comment should be directed at issues not under discussion on this evening’s agenda. Comment from the public will be welcome at the direction of the Chair for each agenda item. Further comment will be granted only by permission from the Board. All public comment should be brief and to the point.

IV. Amendments to the Agenda

V. Approval of Meeting Minutes

- a. Meeting Minute(s):
 - May 26, 2020
 - October 13, 2020
 - October 27, 2020

VI. Action Items

- a. Act on Committee Application(s):
 - David Kantor – Investment Committee
- b. Act on Harbor Fee Schedule

VII. Discussion Items

- a. Discuss Draft Short-term Rental Ordinance
- b. Discuss Take-aways from Meeting with Rockport School Board Representatives

VIII. Select Board Liaison Reports

IX. Executive Session

- a. Convene in Executive Session Pursuant to 1 M.R.S 406 (6)(E) to discuss a legal matter.
- b. Any Action as a Result of Executive Session
- c. Convene in Executive Session Pursuant to 1 M.R.S. 406 (6)(A) to discuss a personnel matter.

X. Adjourn

Future Meetings, Office Closures, Etc.

Wednesday, November 11, 2020 – Town Offices closed for Veterans' Day

Monday, November 23, 2020 – Regular Select Board Meeting (If needed)

Monday, December 14, 2020 – Regular Select Board Meeting

Monday, December 28, 2020 – No Meeting



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

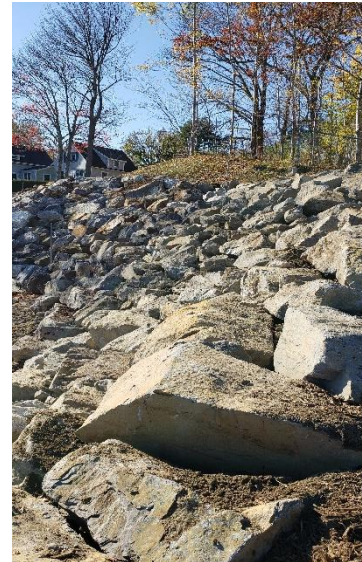
William S. Post, Town Manager
Email: wpost@rockportmaine.gov

**Diane Hamilton, Executive Assistant and
General Assistance Administrator**
Email: dhamilton@rockportmaine.gov

Town Manager's Report & Update November 3, 2020

Walker Park Seawall Project

L.G. Whitcomb Landscaping, LLC finished the Walker Park Seawall reconstruction on Friday, October 30th. This is one week sooner than expected. The work was done very well. The contractor will be back to install the railing on the new granite steps as soon as it is fabricated. See the photos below:



SHAPE Update

The Town's Safety and Health Award for Public Employers (SHAPE) status was set to expire on August 2021. Due to COVID-19, the Maine Department of Labor (MDOL) is unable to conduct any in house inspections and was offering extensions for another year if the Town supplied 2018 and 2019 OSHA 300 and 300A reports for all department to make sure our incidents rates were low, questionnaires completed by each department and an Achievement Action Plan to show we have a Continuous Improvement Plan in place. The MDOL reviewed our documents and I am pleased to announce that the Town SHAPE status has been extended to August 2022.

Selection to the ICMA Regional Vice-President Nominating Committee

As a member of the International City Management Association (ICMA) and a member of the Executive Board of the Maine Town, City and County Management Association (MTCMA), I have been selected to serve on the ICMA Northeast Regional Vice-President Nominating Committee. This committee's purpose is to interview and select one nominee to appear as the Northeast Region's recommended candidate for regional vice president on ICMA's annual election ballot in 2021.

Keep Maine Healthy Grant

Governor Mills recently extended the Keep Maine Healthy Grant through December 11th that were to expire on October 31st. At this point, this mean we have until December 11th to spend any of the grant funds that remain. We are hopeful that there will be additional funding supplied as well. That remains to be seen after all the grant reports are submitted throughout the state on November 15th.

Library Update

Temporary Library: The Town moved completely out of the temporary library building on Commercial Street before the end of October. The building was turned back to the owner and accepted by the owner, so our lease has been fulfilled without any additional payments.

New Library: Work continues on the new library, with work on the exterior lower level and intersection. The intersection will possibly be closed again on November 5th, 6th, 12th, and 13th for road work. Rhino Services, LLC has planted the trees on the stream side as part of the Landscaping Project. I authorized several additional trees be purchased and planted to fortify the buffer between the library and the neighboring property. The original 4' trees were specified by the landscape architect but were simply not enough of a buffer. We may need to add additional buffering in the spring. Rhino Services is to start laying the pavers outside the Marine Room this week. Once again, I appreciate all the efforts of Phi Builders and Architects, Farley, Inc., and Rhinos Services for the collaboration on the site as it nears completion.

I know everyone is anxious for the Town to announce an opening date, but it is simply to soon with a great deal of work still to be done, mostly outside on the site. As soon as we can announce a date we will!

Approval of Meeting Minutes

- a. Meeting Minute(s):
- May 26, 2020
 - October 13, 2020
 - October 27, 2020

Manager's Comments: Action item

I changed the title of this item from "Consent Agenda" to "Approval of Meeting Minutes" as Michelle cannot vote on the May 26th minutes because she was not on the Board at the time, and Jeff cannot vote on the October 13th minutes as he was not at that meeting. Therefore, each set should be approved individually.

Suggested Motions:

I move the Board approve the May 26, 2020 meeting minutes as presented. (or amended after any discussion/changes).

I move the Board approve the October 13, 2020 meeting minutes as presented.

I move the Board approve the October 27, 2020 meeting minutes as presented.

MEETING MINUTES
TUESDAY, MAY 26, 2020 AT 5:30 P.M.
VIA VIDEOCONFERENCE
Streamed at: <https://livestream.com.Rockportmaine>

Please note: Due to pandemic, the Select Board has been authorized by the state to meet remotely. At this meeting, the Board used Zoom to meet in a videoconference format. The public was informed that public comments or questions could be sent to the Town Manager at wpost@rockportmaine.gov or provided remotely through the livestream of the meeting.

Remotely present: Chair Debra Hall, Vice Chair Denise Munger, Douglas Cole, Mark Kelley (5:39 p.m.) and Jeffrey Hamilton and Linda M. Greenlaw, Town Clerk. Present at Opera House: William Post, Town Manager, and the audio/visual technician.

I. CALL MEETING TO ORDER – Chair Hall called the meeting to order at 5:31 p.m.

II. TOWN MANAGER’S REPORT/UPDATE

Town Manager Post stated that Olivia, the summer intern started work that day. Board Member Cole asked what her tasks will be. Town Manager Post replied that he has twelve projects listed, which include the following items: assisting with the parking study, the wage survey, and the job descriptions; digitizing the old personnel files; working on the Town website and the Opera House website; mapping Sea View Cemetery and other projects.

The Manager thanked Treeworks for injecting the trees at Walker Park to protect against brown tail moths for no charge. A school district employee was utilized to inject trees at Marge Jones Recreation Field and performed 500 injections in several trees at the Sea View Cemetery.

The work that was done on Andre the Seal sculpture a few years ago failed and his face fell off. The individual who did the work repaired the statue at no cost.

Vice Chair Munger asked if the Town will be reimbursed for some of the costs associated with the pandemic. Town Manager Post replied that the Town should and that is why he is tracking his time and the costs associated with the pandemic. The Finance Director and Fire Chief are keeping track of costs and, when allowed, the Town will send the records to FEMA and MEMA for reimbursement.

Chair Hall stated that she knew that the staff was hoping, with the office being closed to the public, that they could make some headway on issues that needed attention but that this has not been the case due to additional demands on the staff time.. Town Manager Post agreed stating that unfortunately he feels like he is gotten further behind because of all the work that has been created as a result of COVID 19. The Assessor has caught up on his filing, but other staff also feel that they were so busy when working that they mostly could only tend to the daily routines. There were and still are many phone calls with questions.

III. PUBLIC INPUT ON NON-AGENDA ITEMS

Town Manager Post stated that there is nothing on the livestream or by email at this point. Earlier in the week he stated that he had received several positive comments on the CIFF drive-in project at the former RES site.

IV. AMENDMENTS TO THE AGENDA – None at this meeting

V. CONSENT AGENDA

- a. Committee Resignation(s):
 - Rockport Parks and Beautification Committee – Laurie Smith
- b. Meeting Minutes
 - May 11, 2020 Regular Meeting

The Board agreed to take the minutes off the consent agenda.

Vice Chair Munger moved that the Board approve the consent agenda as modified. Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED (Vote by roll call)

Chair Hall asked what corrections needed to be made to the minutes of May 11th.

Board Member Cole stated the following changes on page 6 of 9, under b, second paragraph delete “has no idea” to “had once asked” and paragraph four, first sentence, add after the word “questions” “he would like asked of the Select Board.”

Vice Chair Munger stated the following changes on page 3 of 9, correct who made the motion to approve the minutes of March 23 Workshop by deleting “Member Cole” and correct “scribner’s” to “scribener’s” and on page 4 of 9 fourth paragraph delete “when” to “how to get a copy of “ and on page 6 of 9 second paragraph change it to “is a creative positive idea and a good counter balance to the many cancellations of summer events and thank the proponents for their thoughtful work and approach to something fun for the community.”

Board Member Cole moved to approve the minutes of the May 11th Select Meeting as amended. Board Member Kelley seconded the motion. VOTE: 5 FOR - 0 OPPOSED (Vote by roll call)

VII. ACTION ITEMS

- a. Act on Use of RES Site by Camden International Film Festival (CIFF)

Town Manager Post turned the discussion over to Ben Fowlie and Emily Peckham. He stated that they have addressed the concerns that were raised by the Select Board at their last meeting.

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Ben Fowlie talked about the proposal and the resurgence of drive-in movie theaters that are happening all over the state. He reported that he had a visit at the site with the Fire Chief, Police Chief, and the Code Enforcement Officer.

Fowlie discussed how the structure would be constructed and that his staff will be practicing social distancing. They have their own procedures and staff and intend to hire police detail for each event. Their goal is to make the events safe and exciting. *Penbay Pilot* and *Bangor Daily News* have contacted him for an interview because of their presentation last month to the Select Board. CIFF is in the process of notifying the neighbors and have had some positive feedback. There will be 2-3 events per month from July to October starting the second week in July. Fowlie stated that they would also like the potential for renewal of the use of the site for 2021.

Fowlie has been in communications with some food trucks and the Town of Rockport is listed as an additional insured. To help get the project started, CIFF would ask that the use of RES be free of charge.

Vice-Chair Munger stated that the plans look good and well thought out. She is very supportive of the plan.

Board Member Cole moved that the Board approve the use of the RES site by Points North Institute for a temporary drive-in theater with full details to be approved by the appropriate Town staff including the Code Enforcement Officer and Town Manager. Vice-Chair Munger seconded the motion.

Board Member Kelley asked if they had anticipated the need for more than one restroom facility. Fowlie responded that they had and depending on the usage at the events they would make more portable toilets available, if necessary.

Board Member Kelley thanked Ben Fowlie and Emily Peckham and stated that he is looking forward to it.

Chair Hall stated that there have been a lot of positive comments from members of the public.

Board Member Kelley asked what the capacity of the lot is. Fowlie stated that the capacity is somewhere around eighty cars.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

The Board all wished them luck with the project.

b. Act on Planning Board Bylaws (as amended)

Vice-Chair Munger moved that the Board approve the Planning Board Bylaws as amended. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

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c. Act on Memorial Park Plan

Board Member Cole presented this item. There are several items on the conceptual plans that were detailed in the Board's materials. These include plantings for Memorial Park, a list of plants to be in the buffer garden bed and the minutes of the May 13th meeting of the Rockport Parks and Beautification Committee.

Board member Cole stated that the orientation on the diagram may be a little off and it is not to scale. The pin oaks will not be transferred because they attract brown tail moths. The purpose of the buffer garden is to buffer the neighbors from the lights, and the Parks and Beautification Committee is trying to protect Beth Davis from the headlights. The sketch does not appear to contain much green space in the park, but there is, as the plan is not drawn to scale. A bike rack will also be located in the park, close to Limerock Street.

Board Member Kelley moved that the Board approve the Memorial Park landscaping plan as amended without the transplanted pin oaks. Vice-Chair Munger seconded the motion.

Board Member Hamilton asked if there was any thought about the bike rack in another space. Board Member Cole stated that he would take it back to the committee for discussion.

Chair Hall stated that the Board is not approving the financing of the landscape improvements at Memorial Park. Board Member Cole agreed and noted that the Town has received \$10,000 for the landscaping in the Park and only have spent \$4,600.

Board Member Hamilton stated that they are being asked to approve the conceptual plan.

Board Member Cole stated that they wanted to start the landscaping soon but was told that they need to wait until September. He remarked that it might be a good thing as the local nurseries will be trying to sell off their excess stock and so the prices may be better.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

d. Act on Worker's Compensation Safety Incentive Program

Town Manager Post stated that MMA developed the Workers Compensation Safety Incentive Program and brought it to us through our Safety Officer Diane Hamilton. Because the Town is a SHAPE-compliant employer, the Town automatically fulfills the first two tiers of the program and receives a 7.5% deduction on our workers compensation insurance. The next step is to develop a Wellness Plan and after that the Town will receive a 10% deduction in our insurance cost.

Board Member Hamilton moved that the Board approve the MMA Workers' Compensation Safety Incentive Program Resolve as submitted. Board Member Cole seconded the motion.

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Board Member Kelly asked when the Town would see the 10% reduction. Town Manager Post stated that this year it will be 7.5% and when the third tier is complete it will be 10%.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

Board Member Cole thanked Diane Hamilton for her hard work to accomplish this.

e. Vote to Sign the Budget Validation Referendum – MSAD #28 and Five Town CSD Warrant and Notice of Election for Tuesday, July 14, 2020

Town Manager Post stated all the Board is doing is signing the warrants so the election can be held. You are not approving the budget as submitted.

Board Member Cole moved that the Board sign the Budget Validation Referendum for MSAD #28 and Five Town CSD Warrant and Notice of Election for Tuesday, July 14, 2020. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

f. Act on Audit Bid Award

Town Manager Post stated that the Town extended the bid deadline for audit proposals by two weeks. The Town received two proposals, one from Smith & Associates, and the other from the Town's current auditor. Because the current auditor has been significantly delinquent in delivering the 2019 final audit report (the audit for FY19 was due by December 31, 2019 and the Town still has not received the final audit report). Town Manager Post recommended that the Town accept the proposal from Smith & Associates. The Smith & Associates proposal was included in the Board's materials. Town Manager Post recommended that the Town accept the bid for a three-year term from Smith & Associates of Yarmouth. He has worked with Smith & Associates in another municipality and knows their work and their personnel. He also stated that it is good practice to periodically change auditors.

Board Member Kelley asked if there is a need for a penalty phrase in the contract for when the audit is not done by the deadline. Town Manager Post stated that sometimes the auditors are waiting for town staff for information and that could interfere with making a deadline.

Board Member Kelley stated that he is just trying to prevent the situation from happening again. Town Manager Post stated that there will be an out clause in the contract. He has worked with Smith & Associates for seven years of the last eight years.

Vice-Chair Munger stated that the Town is not getting a good performance from the current auditor and supported the Town Manager's recommendation to change auditors.

Chair Hall called the question.

Board Member Cole moved that the Board accept the auditing services bid of Smith & Associates for a three-year contract in the amount of \$37,800. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

g. Act on Budget Adjustments for FYE 202 Budget

Town Manager Post referred to the summary that he had provided and stated that he had been working with Finance Director Megan Brackett and the Department Heads for the last few weeks. He suggested that the revenues will be \$159,000 less than anticipated. This is a reduction of 38%, mostly because of the expected reduction in excise tax collections.

The general rule is that 15 to 17% of the vehicle registered are new vehicles each year. He stated that he has noticed a huge number of temporary plates on vehicles on the roads and the car companies are offering strong incentives. However, he has requested a reduction in anticipated excise tax by \$85,000. He also stated that he has reduced expenses by \$234,960, which are mostly capital expenses and \$100,000 from roads and construction. This brings the Town's proposed budget to an increase of 3.7%, a reduction from the original increase of 5.7%.

Board Member Cole commended the Town Manager on the new proposed budget and the work involved. He stated that he understands reducing the reserve accounts but worries about cutting funding for the roads.

Town Manager Post stated that he does not like reducing the road construction budget as that is deferring maintenance. The reduction is more noticeable because \$100,000 is a large number. The Town has the bond money to spend on road construction, but next year the road construction budget will have to be increased to \$400,000 to make up the difference.

Board Member Cole asked the Manager about keeping the road construction budget as is, with no \$100,000 reduction.

Town Manager Post stated that he is trying to limit the impact on the taxpayers in these trying times. With the bond the Town will be getting a lot of paving and road work done. It is important to think about the businesses that are closed and people being unemployed.

Vice Chair Munger moved that the Board approve the budget adjustments for FY21 as submitted. Board Member Cole seconded the motion.

Board Member Cole asked if the interest on the bond funding for the Library could be used. Town Manager Post stated that the money earned on the Library Bond must be used on the Library project.

VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

Board Member Kelley thanked Bill and Megan for their work on the budget.

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h. Act on Revised Town Meeting Schedule and Method

Town Manager Post stated that he and Chair Hall went over the process quite a bit. He explained that the municipal officers being the Select Board have the authority by charter and state law to have all the town meeting articles be voted on by secret ballots, also called a referendum. He explained a referendum vote and the necessary public hearings. The Board can choose to have the Town Meeting on August 18th with a secret ballot for municipal offices and Land Use Ordinances and then on August 19th hold the open meeting section of the warrant articles or the Board could choose to have all of the warrant articles voted on by secret ballot on Tuesday, August 18th. He provided the Board with a schedule detailing the timing on the various activities that must occur for a referendum-style town meeting.

Board Member Hamilton asked what day the referendum vote would take place. Town Manager Post stated that it could be either Tuesday, August 18th or Wednesday, August 19th. Elections are typically held on a Tuesday.

Board Member Hamilton stated that since there will be a public hearing where the Board can hear the resident's concerns, he is leaning toward the referendum election.

Town Manager Post stated that the benefit for an open town meeting is that the voters can ask to have numbers decreased for a warrant article but are not able to do that at a referendum election. The question is how many meetings the Board wants to have and how to keep the public safe.

Board Member Cole stated that he has given this a lot of thought. The New England idea of a town meeting indoors can be quite a long process and we need to think about people in his age group.

Chair Hall stated that additionally it is unknown what will happen by August regarding the pandemic.

Board Member Kelley asked how the public hearings will work with the Planning Board. Town Manager Post responded that the hearings will be held in the auditorium of the Opera House, with only 50 people being allowed to attend which will include ten members of town staff. This will leave space for only forty residents. Overflow could be accommodated downstairs in the meeting room. There will be monitors and microphones available. This will add an additional space for twenty to thirty members of the public.

Chair Hall moved that the Board schedule the annual town meeting on August 18th using a referendum method only. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

VII. DISCUSSION ITEMS

a. Discuss Select Board Meeting Schedule and Start Time

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Chair Hall stated that the Board needs to decide the start time for future Board meetings and if the Board wants to meet in person at the Opera House. She proposed to keep the start time at 5:30 to make it convenient for the staff.

Board Member Cole asked that if someone is uncomfortable could they still join the meeting using videoconferencing. He stated that he is not uncomfortable meeting at the Opera House

Town Manager Post stated that he would stay away from a hybrid meeting version.

Chair Hall stated that if they make the videoconference invite public, then there is a risk of “zoom bombing”. The Board can try holding the meetings in-person at the Opera House

The Board agreed on 5:30 p.m. as the start time with in person meetings.

Board Member Hamilton asked if the Board could still hold meetings remotely if they preferred. Town Manager Post stated that legally the Board could hold remote meetings for up to thirty days after the emergency order has expired. (and it has not expired)

Board Member Kelley asked if the Town still has the capability for using Zoom videoconferencing. Town Manager Post answered that the Board still can use Zoom videoconferencing.

Board Member Hamilton asked if the meetings would still be closed to the public. Town Manager Post stated that by law up to 50 people could be at gatherings.

Board Member Hamilton stated that if the meeting is public, he would not be comfortable being present.

Vice-Chair Munger stated that she would also be uncomfortable being present at a meeting with general members of the public attending.

The Board’s consensus is to meet as a group at the Opera House without the public’s presence and if not legally allowed, they would continue to meet remotely.

VIII. ANNOUNCE FUTURE MEETINGS, OFFICE CLOSURE, ETC.

- June 8, 2020 – Regular Select Board Meeting
- June 22, 2020 – Regular Select Board Meeting
- June 30, 2020 – Town Office Closed for end of Fiscal Year Processing
- July 3, 2020 – Tow Offices Closed in Observance of Independence Day
- July 13, 2020 - Regular Board Meeting
-

IX. SELECT BOARD LIAISON REPORTS –

Vice Chair Munger stated the Library Committee will be meeting at 10:00 a.m. tomorrow.

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Board Member Cole reported that the Planning Board will be meeting about solar farm applications.

Board Member Kelley asked about assistants at the harbor. Town Manager Post stated that two assistants are employed for the Harbor while the Harbormaster is out on maternity leave.

X. ADJOURNMENT

At 7:23 p.m., Vice Chair Munger moved to adjourn the meeting. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED (Vote by roll call)

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY

- PUBLIC MEETING -
Rockport Select Board via Zoom
Meeting Minutes
Tuesday, October 13, 2020 – 5:30 p.m.
Streamed at <https://livestream.com/Rockportmaine>

Remotely Present: Chair Debra Hall, Vice-Chair Denise Munger, Mark Kelley, and D. Michelle Hannan and Richard Anderson. Present at the Opera House: Town Manager William Post and Video Technician. Absent from the Meeting: Jeffrey Hamilton

I. Call Meeting to Order – Chair Hall called the meeting to order at 5:30 p.m.

II. Public Hearing

- a. Public Hearing to give interested members of the public an opportunity to comment on the Amendments to the General Assistance Ordinance Appendices A-H effective October 1, 2020

Chair Hall opened the public hearing at 5:30 p.m. and explained that the purpose of the public hearing was to give members of the public an opportunity to comment on the Amendments to the General Assistance Ordinance Appendices A- H effective October 1, 2020.

Town Manager Post stated that the Department of Health and Human Services in conjunction with the Maine Municipal Association updates the maximum allowed amounts for general assistance. These amounts make up the appendices in the General Assistance Ordinance. The maximum allowed amounts are for basic needs such as housing, heat, electricity, and food. DHHS and MMA do a market review in each area of the state.

Chair Hall asked Town Manager Post if there was public comment. Town Manager Post replied that there were not any comments in email or through the livestream.

Chair Hall closed the public hearing at 5:32 p.m.

III. Town Manager’s Report/Update

Town Manager Post reviewed the Financial Report for the first quarter of Fiscal Year 2021 and reviewed the Town Manager’s Report (see attached).

IV. Public Input on Non-agenda Items – None

V. Amendments to the Agenda – None

VI. Consent Agenda

- a. Meeting Minute(s):
 - September 8, 2020

Vice-Chair Munger moved to approve the amended September 8, 2020 Select Board Meeting Minutes. Board Member Hannan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VII. Action Items

- a. Act on Committee Application(s):
 - Richard Anderson – Economic Development Committee

Richard Anderson stated that he was eager to be a part of the Economic Development Committee and thanked the Board for considering him. He explained that he is active on the Camden Rotary and with their efforts toward regional economic development he is well connected in terms of knowing the region.

Vice Chair Munger moved that the Board appoint Richard Anderson to the Economic Development Committee for a term ending June 30, 2023. Board Member Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Susan Kauck – Rockport Parks and Beautification - Regular to Alternate

Vice-Chair Munger moved that the Board appoint Susan Kauck from Regular Member to Alternate Member of the Rockport Parks and Beautification Committee with the term ending June 30, 2022. Board Member Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- Douglas Cole – Rockport Parks and Beautification Committee – Regular

Vice-Chair Munger moved that the Board appoint Douglas Cole to the Rockport Parks and Beautification Committee Member with the ending June 30, 2023. Board Member Hannan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- b. Act on General Assistance Ordinance Appendices A-H

Board Member Kelley moved that the Board approve the General Assistance Ordinance Appendices A-H as presented. Vice-Chair Munger seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- c. Act on Personal Property Tax Abatement – Mid-Coast Tech

Town Manager Post reported that Mid-Coast Tech formerly was located at 534 West Street in Rockport. This business moved and opened in Belfast in 2018. The current year tax amount was abated by the Assessor. The Board needs to abate the taxes for the 2018 and 2019 tax years. The amounts are \$170.50 plus interest for 2019 and \$164.02 plus interest for 2018. These abatements are for personal property tax only.

Vice-Chair Munger moved that the Board approve the Personal Property Tax Abatements in the amount of \$170.50 plus interest for 2019 and \$164.02 plus interest for 2018. Board Member Hannan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VIII. Discussion Items – None

IX. Select Board Liaison Reports

Board Member Kelley reported the Budget Committee met to elect a Chair and Vice-Chair. Finance Director Megan Brackett was quite instrumental in answering some questions for the committee.

Board Member Hannan reported the West Rockport Fire Station Building Committee met to look at initial drawings. Board Member Hannan reported there is a lot more work to do but it was a great meeting to have and to see some of the initial plans.

Vice-Chair Munger reported the Opera House Committee met last week and the Committee is working together with Opera House Manager Drew Weber and Town Manager Post on a reopening plan. Vice-Chair Munger stated that there are still some safety precautions that must happen in the building such as installation of plexiglass at the box office, but the Town is looking at the possibility of having one to three performers on stage with a socially distanced audience.

Town Manager Post also added that the Town will be setting up an electronic ticketing connection for the Opera House so that that electronic tickets can be purchased online and then the tickets will be scanned when audience members go to a performance.

Chair Hall reported the RES Redevelopment Task Force met and the Task Force debriefed on Terry Dewan's presentation to the Select Board. Chair Hall stated that in regard to the RES request for qualifications some members suggested that it may need more details. Other members suggested a master plan might be developed. Chair Hall also mentioned that it was observed by real estate agent Martin Cates that the most frequently asked question from people coming to the area right now is, "what are the broadband capabilities."

X. Executive Session

- a. Convene in Executive Session for Discussion of a Personnel Matter pursuant to 1 M.R.S. Section 405 (6) (A)

At 6:29 p.m. Board Member Kelley moved to enter Executive Session for Discussion of a Personnel Matter pursuant to 1 M.R.S. Section 405 (6) (A). Board Member Hannan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

At 6:52 p.m., Vice-Chair Munger moved to exit the Executive Session and go into Regular Session. Board Member Hannan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

XI. Adjourn

Vice-Chair Munger moved to adjourn the meeting at 6:53 p.m. Board Member Hannan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

Diane Hamilton
Executive Assistant as Recording Secretary

- PUBLIC MEETING -
Rockport Select Board - Videoconferencing
Meeting Minutes

Tuesday, October 27, 2020 – 5:30 p.m.
Streamed at <https://livestream.com/Rockportmaine>

Please note: Due to the pandemic, the Select Board has been authorized by the state to meet remotely or in-person without the public present as long as the public can view and hear the meeting and provide comments. Public comments or questions should be sent to the Town Manager at wpost@rockportmaine.gov or can be provided remotely through the livestream of the meeting.

Please note: This meeting was postponed from October 26, 2020 because of technical difficulties.

Remotely Present: Chair Debra Hall, Vice-Chair Denise Munger, Mark Kelley, Jeffrey Hamilton, and D. Michelle Hannan. Present at the Opera House: Town Manager William Post and Video Technician.

I. Call Meeting to Order – Chair Hall called the meeting to order at 5:30 p.m.

II. Public Hearing

Chair Hall opened the public hearing at 5:30 p.m. and explained that the purpose of the hearing was to receive public comments on the Special Town Meeting Warrant Articles to be voted on by referendum on November 3, 2020.

- a. Receive public comments on the Special Town Meeting warrant articles to be voted on by referendum on November 3, 2020.
 - Article 3: Shall an Ordinance entitled “Town of Rockport Ordinance to Regulate the Use of Consumer Fireworks” be enacted?
 - Article 4: Shall an Ordinance entitled “Town of Rockport Solar Farm Ordinance” be enacted?

Town Manager Post explained that the Ordinance to Regulate Consumer Fireworks if adopted will result in a ban on the use of consumer fireworks in Rockport based on the state definition of those fireworks. It would not affect commercial displays by state licensed fireworks displays.

The Solar Farm Ordinance would adopt standards for solar farms to be developed in Rockport as there are no specific standards in the Land Use Ordinance currently. This proposed ordinance was developed by the Ordinance Review Committee and reviewed by the Planning Board and the Select Board as a solution to provide some regulations to protect abutting properties to these potential solar farms as well as to provide guidance for the clean-up at the end-of-life of those solar farms.

Town Manager Post made another note that there have been some questions as to why the Board is holding a public hearing when some people have already voted on these ordinances by absentee ballot. He stated that the Town is required to have a public hearing for any item that is voted on by referendum style voting. No changes can be made to the ordinances.

There were no comments from the Public on the Livestream chat or email.

Chair Hall closed the public hearing at 5:33 p.m.

III. Town Manager's Report/Update:

Town Manager Post reviewed the Town Manager's Report:

November 3rd Election Update/Plan

The Town Office will be closed to all other business on November 3rd so that voters can use the front/main entrance and be inside the building while waiting in line. In addition, at least six members of the staff will be working the election to limit the use of volunteers. Voters will enter the front entrance and be socially distanced by markings on the floor as well as outside the building on the walkway. Elections staff will also monitor to ensure social distancing. The Fire Department has offered the use of two canopies outside the main entrance to shelter voters from inclement weather.

As of October 21st, the Town Clerk reports that approximately 1,865 absentee ballots have been issued and 1,433 have been returned. Rockport has approximately 3,000 registered voters.

It has been non-stop at the Town Office and The Manager suggested mailing in absentee ballots as soon as possible because they must arrive by 8:00 p.m. on Election Day.

The state has provided a secure drop-box for absentee ballots that has been installed on the side of the building facing the parking lot, next to the side door to use for voters to drop their completed ballots in so they do not have to stand in line. The envelope needs to be sealed and signed in the appropriate space before placing it in the box. The Election Clerks are checking the box two and three times a day and will check again at 8:00 p.m. on the election night.

The Town Clerk's Office will be open October 27th and 29th until 6:30 p.m. to allow for in-person absentee voting and voter registration as required by law.

The Manager thanked the Town Clerk, Deputy Clerk, and the Assistant Clerk for their work during this busy election season. He also thanked the Finance Director and Payroll Clerk for helping the Clerk's Office during this extremely busy period. The Town is seeing unprecedented absentee ballot requests while the first half of property tax payments were due (October 15th).

Walker Park Seawall Project

Walker Park will be closed starting Monday, October 26th for approximately two weeks for reconstruction of the Seawall. Weather permitting it should be done in about two weeks.

Wastewater Update:

Town staff continue to work diligently with Maine Water and Woodard and Curran, wastewater engineers, to determine the issue of the difference between what is being billed for wastewater to users and what is flowing into Camden and Rockland for treatment. There is a difference, and it was thought to be an inflow/infiltration (I/I) problem. At this point, the Town is waiting for additional information from Maine Water to determine if it is in fact an I/I problem, a different issue, or a combination. Updates will be provided as the situation develops.

Opera House Re-Opening

The Manager announced that he has delayed re-opening the Opera House because of the recent increases in the number of COVID-19 cases reported by the Maine CDC in Knox County and the State of Maine. In the meantime, Opera House Manager Drew Weber is continuing to work towards re-opening by contacting performers so that we have a schedule prepared.

Memorial Park

Several trees and shrubs have been planted at the Memorial Park. The Manager thanked Haunani Wallace and Doug Cole and the public works crew for planting. There are seven more red cedar trees that will be planted tomorrow, and it will help block the lights to the abutters home.

Library Update

The Library project initial punch list was completed on the main floor of the building earlier this week. The building is 98% done except for the storefront on the lower level. The end caps and top caps to the shelving are supposed to be installed next week. The intersection will be paved in the next week or so, weather permitting. The landscaping company started work yesterday putting conduit in for the light poles.

Hotel Permitting Questions

The Manager stated that Town staff have received several questions regarding the excavation work at 20 Central Street.

The proposed hotel to be constructed at 20 Central Street was approved by the Planning Board. There is a pending appeal of the Planning Board's approval of the hotel project which will be heard by the Zoning Board of Appeals on November 17th. The Town's Code Office issued a permit for filling and excavation at 20 Central Street on September 23rd.

The Town is not allowing construction of a hotel to start on this site at this time, as no building permit has been applied for at the site, and this would be a requirement. It is obvious that this is the site for the proposed and Planning Board approved hotel. When an application is filed for a building permit at that site, the Code Officer will apply the current Land Use Ordinance and state laws in deciding whether to issue a building permit or not.

No building permit application has been filed, so there has been no decision made about how the Land Use Ordinance changes approved on August 18th will affect a theoretical building permit application.

Board Member Kelley asked how the Maine Water work on Elm Street and Sea Street is progressing and when the road be paved. Town Manager Post said Maine Water is checking the connections for leaks over the next couple weeks, then a 2" binder layer of pavement will be put in place for the winter. Next year, the final surface layer of pavement will be completed.

IV. Other Business

Chair Hall stated that she wanted to do discuss future meetings. On November 3rd the Board will have a workshop by Zoom videoconferencing with the engineers from Woodard and Curran to discuss wastewater. Those folks who are particularly interested in this topic can watch this meeting by livestream.

She stated that there is an in-person Select Board meeting scheduled for November 9th and one of the major topics on the agenda is to present the board a draft short-term rental ordinance. She stated that this is a first draft and will be the first time the Board members see it.

Chair Hall proposed changing the meeting from in-person to a Zoom videoconference because of the recent increase in the number of COVID-19 cases and because the board and the public will be seeing this draft next week for the first time. She stated that maybe it would be better to present it to the Board on November 9th and have the Board react to it generally and then follow up with an in-person meeting with the public to hear their comments a couple weeks later. Her stated goal was to be efficient and hold the public in-person meeting after the Board and the public had a better opportunity to review and consider the draft. Chair Hall noted that the public will have many opportunities to weigh in on the draft, including November 9th regardless of the type of forum, the future ORC consideration of the draft and potentially other committee reviews of the draft.

After discussion, the Board's consensus was to keep the November 9th meeting as scheduled with an in-person meeting with the public present.

V. Adjourn

Vice-Chair Munger moved to adjourn the meeting at 6:20 p.m. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Future Meetings, Office Closures, Etc.

Tuesday, November 3, 2020 – Election Day – Town Office Closed

Tuesday, November 3, 2020 Select Board Workshop – Wastewater 5:30 Zoom Videoconference

Monday, November 9, 2020 – Select Board Meeting – 5:30 in person

Wednesday, November 11, 2020 – Town Offices Closed for Veterans' Day

Respectfully submitted,

Diane Hamilton
Executive Assistant as Recording Secretary

Action Items

- a. Act on Committee Application(s):
 - David Kantor – Investment Committee

Manager's Comments: Action item

Investment Committee: David Kantor has submitted an application to be a regular member of the Investment Committee. He is highly recommended by Chair Mark Schwarzmann.

David Kantor will be at the meeting.

Suggested Motion:

- **I move the Board appoint David Kantor to the Investment Committee with a term ending June 2023.**

APPLICATION FOR COMMITTEE SERVICE

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

Name: David Kantor

Home Address: 32 Main St Work Address: Same

Mailing Address (if different): P.O. Box 464

Phone Number: (Home) _____ (Work) 410-903-4500

E-mail Address: dkantor@msn.com

Committee you wish to serve on: Investment

Why do you want to serve on this committee?

I would like to contribute to the success of
Rockport by making sure that the town's funds
are being invested efficiently and effectively.

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

I have been a registered investment adviser since
1998 and am a partner in two successful investment
advisory firms.

Land Use philosophy: (if applicable)

MA

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

Are you interested in serving on other committees?

No

Interview comments:

Appointment Date: _____

Action Items

- b. Act on Harbor Fee Schedule

Manager's Comments: Action item

Harbormaster Abbie Leonard reviewed the proposed fee schedule with the Harbor Committee on October 20th. Please see her memo for explanations on the proposed changes. Abbie will be available for questions as well.

Suggested Motion:

I move the Board approve the 2021 Marine Park/Harbor Fee Schedule as presented.

Memo

To: Rockport Select Board
From: Abbie Leonard, Harbormaster
Date: 10/21/2020
Re: Harbor Fee for 2021 recommendation

Given the current situation due to the pandemic and after comparison with the fees of our neighbors to the north and south; it is my recommendation that Harbor Fees remain the same for the 2021 season.

We remain in between Camden and Rockland- both geographically 😊 and as far as Harbor fees are concerned. Camden's rates are a bit higher than ours and Rockland is a bit lower. As far as overnight dockage rates: we are right on par with Rockland and a little bit cheaper than in Camden but with the amenities we have to offer and our desire to attract more overnight dockage costumers, it is my recommendation that we keep the rates the same as last year with two additions.

As much as I would like to see the fees remain the same, I would also like the opportunity to increase revenue where we are able. I recommend implementing a \$5 per hour fee for dockage for any boat that is on the dock longer than the courtesy hour we currently offer. We see a lot of traffic in the spring and fall from boats from surrounding harbors looking for place to rig/de-rig their boats. Rockport has a top-notch launch ramp and dockage to do so. It is my hope that this fee will work to compensate the Town, even nominally, for the service without being draconian and too difficult an addition to swallow for local folks. I presented this idea to the Harbor Committee in their October 20 meeting and they were unanimously in favor (4-0).

The Harbor Committee has suggested implementing a maximum number (7) of consecutive days that an overnight dockage customer can stay on the dock during the shoulder season (Memorial Day to Labor Day). In the past I have allowed several large boats to remain on the dock for longer periods in an effort to raise dockage revenue. This type of use competes with recreational comings and goings and the Committee feels that we should be catering to the use of the floats for recreational boaters and not larger boats for extended stays. I understand their stance and am offering up to the \$5/hr. dockage rate to help off-set any loss in revenue we may see from the change. The Harbor Committee mode a motion to approve this and was unanimously in favor (4-0)

With these additions, it is my recommendation that the Board accept the fee schedule as presented for the 2021 season.

I will be available for any questions or comments at the Board meeting.

Respectfully Submitted,
Abbie Leonard, Harbormaster

Marine Park/Harbor Fees: Effective 01-01-21 to 12-31-21		
	Base Fee	Per Foot
Moorings		
Residents (property tax payer)	\$ 100.00	\$2.00/ft
Rental	\$ 175.00	
Non-resident	\$ 225.00	\$2.00/ft
Inner Harbor Commercial	\$ 170.00	\$2.00/ft
Inner Harbor Resident	\$ 200.00	\$2.00/ft
Inner Harbor Non-resident	\$ 300.00	\$2.00/ft
Commercial Float, Parking and Skiff	\$ 300.00	
Commercial Boat Operator Permit	\$ 300.00	
Commercial Marine Service Permit	\$850.00 or \$40.00/per use	
Private Float		
Goose River	\$ 400.00	
Tie-Offs		
Residents	\$ 175.00	
Non-Resident	\$ 250.00	
River dinghy location- resident/non-resident	\$125/ 200	
Rack Space (includes season launch pass)	\$ 100.00	
Boat Ramp		
Self Propelled Vessel- Resident	\$ 1.00	
Self Propelled Vessel-Non- Resident	\$ 2.00	
Res/use	\$ 4.00	
Res/season	\$ 25.00	
NR/use	\$ 5.00	
NR/season	\$ 50.00	
CH/use	\$ 40.00	
CH/season	\$ 750.00	
Season Guide	\$ 400.00	
Winter Storage		\$2.00/s.f.
Length x Beam except for trimaran: average of the 3 hulls x beam		
Dockage- \$5 per hour after 1st courtesy hour		
Overnight Dockage		
LF/night <50'		\$2.50/ft
LF/night >50'		\$3.50/ft
Rockport Residents and/or mooring holders after 5:00 when space allows		\$1.50/ft
Commercial Passenger Vessels	\$40.00	
Maximum stay on the floats from Memorial Day to Labor Day shall not exceed 7 consecutive days		
Cancellation Fee: Vessels 50' < A minimum charge of one night shall be imposed for any reservation not cancelled with in 72 Hours		
Parking		
Overnight per night	\$ 8.00	
Power		
50 AMP	\$20.00/night	
30 AMP	\$10.00/night	
Select Board Approved 10/15/19		

Discussion Items

- a. Discuss Short-term Rental Regulations

Manager's Comments: Discussion item

This first draft of the Short-term Rental Ordinance was developed after listening to Select board member comments and concerns as well as the various concerns and comments from citizens in the fall 2019 workshop, the spring 2020 workshop and email comments received previously. It is important to note that this is the first draft, and the Select Board and public will be seeing this work product for the first time. This document was drafted by Ordinance Review Committee (ORC) member Bob Hall, the ORC's Select Board liaison Denise Munger with assistance from Select Board Chair Debra Hall; each of these individuals are attorneys with expertise in drafting regulations and laws.

At the November 9th Select Board meeting, the draft will be presented to the Select Board for discussion. The public has been invited to attend this meeting in person so that they can easily hear the Board members comments on the draft and potentially offer comments as well. It is expected that there will be future meetings and/or workshops to continue to refine this document. This is by no means a final document, but a good starting point that has attempted to weigh all of the various comments and concerns on the subject of short-term rentals in Rockport.

Overview 11-1-20 Draft Short-Term Rental Ordinance Rockport, Maine

Definitions

1. Short-term Rental (STR) is defined as the rental of the premises for less than 30 days 3 times or more in a calendar year. This is intended to exclude the occasional rental of one's property for less than 30 days but include those instances in which owners are engaging in STR as a business.
2. Rentals of 30 days or more are not impacted or regulated in any way.

Purposes

1. The STR draft is intended to respond directly to the concerns expressed by residents who both favor and oppose STRs and to the goals of the Select Board. For example: (a) there are complaints with respect to non-owner occupied STRs and this draft focuses primarily on those uses; (b) current STR owners have invested in and relied upon current income so they are grandfathered uses; (c) there is a lack of long-term rental available in Rockport so there is a limit on the number of non-owner occupied STRs, particularly for investment purposes, but additional ones are permitted for residents or non-residents who contribute to increasing Rockport's long-term rental market.
2. While complaints about non-owner occupied STRs have been conveyed to the Select Board, and this draft would grandfather existing ones, future STRs must be addressed by the Planning Board if they are a Conditional Use (in more concentrated zoning districts), providing opportunity for neighbors to support or object to further concentration of STRs in their neighborhood. In other zoning districts not likely to affect neighbors, future STRs are Permitted Uses.
3. In all cases, off-street parking must be provided for STRs. They are businesses and should be treated as such consistent with other business parking requirements.
4. In those cases where homeowners are violating existing covenants and restrictions which prohibit business activity but for traditional "home occupations," the draft makes clear that STR is a business/commercial use and a registration will not be issued by the Code Enforcement Officer where covenants and restrictions prohibit such uses.

Middle Ground

Although the Select Board has received requests from residents to prohibit non-owner occupied STRs, and the Select Board has discussed all options including bans, limitations on number of rental days, and imposing restrictions on current STRs – this draft takes a decidedly more "middle ground" approach aiming not to impinge on existing STRs (except where they do not provide off-street parking or violate neighborhood covenants/restrictions) but taking a measured approach to new STRs in more densely populated zoning districts so that any further impact on neighborhoods is considered carefully and intentionally.

November 1, 2020 Draft

Town of Rockport Short-Term Rental Ordinance

Synopsis: This proposed Ordinance affirms the Town of Rockport's application of standards of habitability and life safety to residential rental units and allowing Short-Term Rentals subject to provisions designed to: (1) protect renters; (2) preserve long-term rentals; (3) grandfather certain existing Short-Term rentals; and (4) maintain the quiet enjoyment of residences in Rockport's neighborhoods.

Section 1. Title

This Ordinance shall be known and may be cited as the Short-Term Rental Ordinance

Section 2. Purpose

The Select Board believes it is in the best interests of the Town to put to the voters' consideration an Ordinance that would provide parameters around the continued use of Short-Term Rentals in Rockport. What was historically a practice of renting homes in the summer for periods of a week or longer has become, with the proliferation of online aggregators such as Airbnb and VRBO, a commercial activity similar to that of other lodging businesses. This practice has: (a) caused concern and complaints by residents about introducing commercial activity into residential neighborhoods; (b) affected the availability of long-term rentals for those who would provide year-round commercial and civic activity to the Town; and (c) brought about inequity in the way in which businesses are treated and regulated – with those engaging in the Short-Term Rental business not subject to the same requirements as other lodging businesses.

Notwithstanding these concerns, the Select Board recognizes that those currently engaging in this business practice have invested in their properties for this purpose and may have come to rely on the income that it produces. For this reason, the Select Board recommends that certain existing Short-Term Rental Properties be grandfathered as set forth herein.

Because many of the concerns expressed about Short-Term Rentals arose from Non-Owner-Occupied Short-Term Rentals, those are the primary focus of this Ordinance; the Ordinance does, however, provide for registration and health/safety requirements for Owner-Occupied Short-Term Rentals.

The Select Board believes that it is in the best interests of the Town to address the fundamental issue of whether its primary objective is to be a tourist Town or one that places priority on long-term residents and those who need attainable housing to support that long-term residence objective.

Section 3. Changes to Existing Ordinances

1. The following shall be added at the end of the current definition of **Commercial Use** in Section 302 of the Rockport Land Use Ordinance:

Notwithstanding the above, **Commercial Use** shall include the activity of Short-Term **Rental**.

2. The following shall be added to the Section 604.1 of the Rockport Land Use Ordinance dealing with **Inspection of Rental Dwelling Units(s)**:

In addition, the Code Enforcement Officer, Fire Chief or their designee shall have the authority to inspect any **Non-Owner Occupied Short-Term Rental Property**.

3. Section 917 C. of the Rockport Land Use Ordinance shall be amended to add **Non-Owner Occupied STR** as a Commercial Use, with Conditional Use in Districts 901, 904 and 913 and Permitted Use in other Districts.
4. Section 919 of the Rockport Land Use Ordinance shall be amended to add the following paragraph:

The Planning Board shall not approve a Conditional Use to a **Non-Owner Occupied STR** if it does not comply with the Parking Rules in Section 1.11 or if the **Non-Owner Occupied Short-Term Rental Property** is subject to a restrictive covenant prohibiting business or Commercial Uses or otherwise prohibiting **Short-Term Rentals** on the parcel. Among other factors the Planning Board shall consider for approval of a Conditional Use: (a) the number of **STRs** in the district; (b) the concentration of **STRs** in the neighborhood or on a particular street; (c) the impact of more **STRs** on abutting properties and other neighbors; (d) the testimony or statements of neighbors in support of or against further **STRs**; and (e) the impact of more **STRs** on the availability of long-term rentals in Rockport generally.

Section 4. Additional Definitions

1. **Owner Occupied Short-Term Rental (STR) Property:** A **Dwelling Unit(s)** or **Residential Structure** which at the time of the Short-Term Rental, is occupied by the owner or the owner occupies another Building on the same or **Abutting Property**.
2. **Non-Owner-Occupied Short-Term Rental (STR) Property:** A **Short-Term Rental** of a **Dwelling Unit(s)** or **Residential Structure** which is not an **Owner Occupied Short-Term Rental Property**.
3. **Rockport Resident:** For purposes of this Short-Term Rental Ordinance, the owner of a **STR Property** who declares Rockport as their primary domicile for voting and income tax purposes.
4. **Short-Term Rental (STR)** means the rental of a **Dwelling Unit(s)** or **Residential Structure** three (3) or more times in a calendar year with a rental duration of less than thirty (30) for each such rental.
5. **Short-Term Rental (STR) Property:** Includes **Owner Occupied STR Property** and **Non-Owner Occupied STR Property**.

New Ordinance

1. Regulation of Short-Term Rentals

1.1 Registration of Owner Occupied STRs

Effective _____, no person or entity shall operate an **Owner Occupied STR** in Rockport without registering as specified below and obtaining a registration from the Code Enforcement Officer. The registration shall include, but not be limited to:

- A. A completed registration form that includes the following information:
 - 1. Number of units available for **STR**;
 - 2. Policy number, insurer and limits of liability available to protect **STR** renters; Name and complete contact information for the owner;
 - 3. If located in a subdivision with recorded covenants and restrictions, evidence through a deed or otherwise that the **STR Property** is not burdened by a covenant restricting or prohibiting a business or Commercial Use or otherwise prohibiting **STRs** on the parcel;
- B. A non-refundable \$50 fee;¹ and
- C. A self-compliance affidavit, on a form provided by the Town, signed by the owner under penalty of perjury, that the **STR Property** complies with state and local building codes, zoning, and habitability and life safety requirements for rental properties as set forth in §604.2 of the Rockport Land Use Ordinance.

Unless the Code Enforcement Officer finds that the requirements of A through C, above are not met, the Code Enforcement Officer shall, within twenty (20) business days of receiving all required information, issue the registration. If the Code Enforcement Officer does not approve or deny the registration within thirty (30) business days of receiving all the required information, the registration shall be deemed approved.²

1.2 Registration of Non-Owner Occupied STRs

Effective _____, no person or entity shall operate a **Non-Owner Occupied STR** in Rockport without registering as specified below and obtaining a registration from the Code Enforcement Officer. Subject to § 1.17, the registration shall include, but not be limited to:

- A. A completed registration form that includes the following information:
 - 1. Number of units available for **STR**;
 - 2. Policy number, insurer and limits of liability available to protect **STR** renters;

¹ The registration fee should be based in the cost to the Town for processing the registration. This is a placeholder but presumed to be a minimal amount.

² The 30-day period is a “deemer provision” to ensure that if the CEO does not act promptly, the owner-occupied STR use can proceed.

3. Name and complete contact information, including a 24-hour available telephone number for a responsible agent, as described in §1.6 below;
 4. The months available for **STR**, number of nights of rental of **STR** in the prior calendar year, gross income therefrom and a copy of the Maine State Lodging Tax Return for the two prior calendar years;
 5. If located in a subdivision with recorded covenants and restrictions, evidence through a deed or otherwise that the **Non-Owner Occupied STR Property** is not burdened by a covenant restricting or prohibiting a business or Commercial Use or otherwise prohibiting **STRs** on the parcel;
- B. A non-refundable \$ _____ fee;³ and
- C. A self-compliance affidavit, on a form provided by the Town, signed by the owner under penalty of perjury, that the **STR Property** complies with state and local building codes, zoning, and habitability and life safety requirements for rental properties as set forth in §604.2 of the Rockport Land Use Ordinance.

1.3 Number of Registrations

Rockport Residents may register no more than three (3) **STR Properties** and non-**Rockport Residents** may register no more than one (1) **STR Property** in any one calendar year. In addition, **Rockport Residents** and non-**Rockport Residents** may register an additional **STR Property** for every three (3) non-**STR Dwelling Unit(s)** or Residential Structures that said person or entity offers for residential lease in Rockport.

1.4 Display of Registration Number

STR registration cards with a registration number shall be issued by the Code Enforcement Officer upon approval of the **STR** registration for each approved **STR Property**. All **STRs** shall: (a) display the registration card in a prominent place on the **STR Property**; and (b) include the registration number in all advertising of the **STR Property**, including but not limited to website, emails, print media, television and radio.

1.5 Transfer of Registrations

Registrations shall not be transferable. If an owner dies or sells the **STR Property**, the new owner must reapply for a registration to engage in further **Short-Term Rental** activity.

1.6 Responsible Agent

- A. Each owner of a **Non-Owner Occupied STR Property** shall designate a person or entity to serve as the responsible agent. The owner of an **Owner-Occupied STR Property** shall serve as the **responsible agent** unless another **responsible agent** is designated.
- B. The **responsible agent** shall have access and authority to assume management of the **STR Property** and take remedial measures, as necessary. The responsible agent shall be available twenty-four (24) hours a day, seven (7) days a week to respond to complaints

³ This fee is intended to reflect the Town's costs in this registration process. An appropriate fee for Non-Owner occupied STR is likely going to be higher than for an owner-occupied STR as the review is more involved.

from neighbors, the Police Department or the Code Enforcement Officer with respect to the **STR Property** and violations related to this Ordinance that affects a neighbor's quiet enjoyment of their property.⁴

1.7 Inspections

The Code Enforcement Officer has the right to inspect any **STR Property** with respect to whether:

- A. The number of bedrooms declared in advertising, or are otherwise available for use, is greater than that listed on the registration card issued by the Code Enforcement Officer;
- B. The number of bedrooms advertised, or otherwise available for use, is greater than the on-site wastewater system or sewer system permitted for that property; or
- C. Information on the relevant registration application has been falsified.

Any person may file a complaint with the Code Enforcement Officer who shall maintain a log of all complaints for each **STR Property**. The Code Enforcement Officer shall seek correction of all substantiated complaints.

1.8 Number of STR Rentals for Non-Owner Occupied STRs

Each **Non-Owner Occupied STR** shall be for a minimum of at least seven (7) consecutive nights. Guests may stay for less than the minimum stay provided that such **STR Property** remains vacant until the end of the minimum stay period.⁵

1.9 Signage

Notwithstanding §1101 of the Rockport Land Use Ordinance, yard **Signs** or **Wall Signs** related to an **STR Property** are limited to one (1) sign in the yard or on the **Building** identifying the property no less than ten (10) feet from the edge of the **Street**. Such sign shall be no larger than 20" by 30".

1.10 Occupancy Limits

- A. Each **STR Property** shall have a maximum capacity per bedroom of two (2) adults plus two (2) children under the age of twelve (12);
- B. The number of bedrooms declared on the **STR Property** registration pursuant to §1.1 and §1.2 shall not exceed the number listed on the building permit issued by the Town; and
- C. The number of bedrooms for any **STR Property** shall not exceed that approved by the Code Enforcement Officer for compliance with the approved septic or sewer plan for that property.

⁴ Address how the neighbors obtain the information for the responsible agent as they are the ones most likely to need it.

⁵ Consider whether to add a provision limiting the annual total of Short-Term rentals *e.g.* " **Non-Owner Occupied STRs** are limited to a total of ___ nights of **STR** in any calendar year."

1.11 Parking Rules

No registration for a **STR Property** shall be issued unless off-street parking is provided. Each **STR Property** shall have one (1) off-street parking space, plus one (1) additional off-street parking space for each Dwelling Unit. Parking is prohibited if it blocks egress from adjacent resident driveways, sidewalks, alleys or mailboxes or blocks fire rescue from accessing adjacent properties. Violations of this provision are subject to immediate removal of the offending vehicle and further penalties against the **STR** owner as described in § 1.19.

1.12 General Rules

- A. All fire pits, including but not limited to metal open pit fireplaces and brick fireplaces, shall be located not less than thirty (30) feet from all neighbors' property line and all structures. The **STR** owner shall ensure that an active water hose with length sufficient to reach the fire pit is available and is in good working order;
- B. The **STR** shall insure that all garbage is removed from the **STR Property** within twenty-four (24) hours after each renter leaves; and
- C. If pets are allowed, renters shall be informed of the requirement to control pets on leash when outside, that pet waste is to be picked up and disposed of immediately and barking should not disturb neighbors.

1.13 Information from Rental Agencies

Rental agencies doing business in the Town of Rockport by placing renters with Rockport **STR Properties** shall include the registration number of each **STR Property** in all its advertisements related thereto and shall provide to the Code Enforcement Officer information on the address and owner of each **STR Property**, the number and duration of rentals and the gross annual income for each such **STR Property**.

1.14 Prohibited Activities

- A. Offering for rent an **STR Property** prior to the issuance of a registration pursuant to 1.1 and 1.2;
- B. Providing false information on a **STR** registration application;
- C. Offering **STR** in a structure not permitted by Rockport Ordinances for human habitation;
- D. Attempting to transfer a registration to a new owner without approval of the Code Enforcement Officer; and
- E. A guest or Non-Owner attempting to sublease or assign any portion of a **STR Property** to another person during the rental period.

1.15 Noise and Other Complaints

Complaints about noise, parking, traffic and rowdy behavior related to a **STR** shall be

directed to the Code Enforcement Officer or Police Department which shall notify the owner and responsible agent of the **STR Property**. Complaints directed to the Police Department shall be conveyed to the Code Enforcement Officer who shall consider complaints in assessing fines pursuant to §1.19 and/or suspending, revoking and non-renewing the registration for the **STR Property**.

1.16 Denial, Suspension or Revocation of Registration

- A. The Code Enforcement Officer may suspend, decline to issue or renew any registration for any **STR Property** upon failure of the applicant to meet all the requirements of this or any other relevant Ordinance. In such event, the Code Enforcement Officer shall notify the owner of the **STR Property** in writing by email and letter within two (2) business days of such decision;
- B. If a **STR Property** is the subject of two (2) or more substantiated violations of any state or local law or ordinance, the Code Enforcement Officer may suspend or revoke the registration for the **STR Property**. In such event, the Code Enforcement Officer shall notify the owner of the **STR Property** of such revocation or suspension in writing by email and letter within two (2) business days of the decision; and
- C. It shall be the responsibility of the owner of the **STR Property** to advise renters and any rental agencies, that the **STR Property** will not be available for rental until the registration is reinstated.

1.17 Temporary Moratorium on Addition Registrations

Upon adoption of this Ordinance, there shall be a two (2) year moratorium on the acceptance of additional registrations for **Non-Owner Occupied STRs** pursuant to §1.2 to allow the Town to study the information received through the registration process and consider what, if any, additional or different regulation may be appropriate. If no additional or different regulation is enacted, the registration process described in this Ordinance shall recommence.

1.18 Limited Grandfather Rights for Non-Owner Occupied STRs⁶

Non-Owner Occupied STRs which were in operation at any time two (2) years before the effective date of this Ordinance, as evidenced by payment of the Maine Lodging Tax for any of the prior two (2) years, are hereby grandfathered for a continued use as a **STR Property** without the need to apply to the Planning Board for a Conditional Use Permit pursuant to §919 of the Rockport Land Use Ordinance if: (a) the **STR Property** is in compliance with the parking requirement of §1.11; and (b) if located in a subdivision with recorded covenants and restrictions, the owner provides the Code Enforcement Officer with evidence through deed or otherwise that the **STR Property** is not burdened by a covenant restricting or prohibiting business or Commercial Use or otherwise prohibiting **STR** activity. Such grandfathered status does not relieve the owner from having to apply annually for registration for **STR** use. This grandfathered status is not transferable to a new owner.

⁶ Note: There is no moratorium on owner-occupied STRs so no need for grandfathering.

1.19 Violations and Penalties

- A. For operating an **STR** without a registration pursuant to this Ordinance, the owner of the **STR Property** shall be penalized \$100 per day for the first offense and \$150 a day for any additional offense for each **STR Property** which is operated without a registration;
- B. For violation of occupancy limits, the owner of a **STR Property** shall be fined \$100 per day for the first offense and \$150 per day for any additional offense for each **STR Property** that exceeds the occupancy limits;
- C. For providing false information in the application for **STR** Registration, the owner of the **STR Property** shall be fined \$1000; and
- D. For failure to comply with any other section of this Ordinance, the owner of the **STR Property** shall be fined \$100 per day which fine shall be in addition to any applicable fine above.

Discussion Items

- b. Discuss Take-aways from Meeting with Rockport School Board Representatives

Manager's Comments: Discussion item

This is a time for the Board to discuss any take-aways from the discussion with the Rockport School Board representatives held on October 26th. I believe that it makes sense to meet with the school board representatives on a fairly regular schedule – perhaps quarterly, or at times during the year that are important, such as pre-budget and during budget discussions.

Executive Session

- a. Convene in Executive Session Pursuant to 1 M.R.S 406 (6)(E) to discuss a legal matter.

Suggested Motions:

I move the Board convene in Executive Session pursuant to 1 M.R.S 406 (6)(E) to discuss a legal matter.

I move the Board convene in regular session.

Executive Session

- b. Convene in Executive Session Pursuant to 1 M.R.S 406 (6)(A) to discuss a personnel matter.

Suggested Motions:

I move the Board convene in Executive Session pursuant to 1 M.R.S 406 (6)(A) to discuss a personnel matter.

I move the Board convene in regular session.