

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY NOVEMBER 14, 2016
7:00 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair William (Bill) Chapman, Vice-chair Kenneth McKinley, Owen Casas and Brendan Riordan. Absent: Geoffrey Parker. Also present: Richard C. Bates, Town Manager; Department Heads: Mike Young, Public Works Director; Abbie Leonard, Harbormaster; Jamie Francomano, Director of Planning & Community Development and Randy Gagne, Chief of Police, the press Louis Bettcher and several members of the public.

I. CALL MEETING TO ORDER - Bill Chapman, Chair called the meeting to order at 7:01 P.M.

II. PUBLIC HEARING – None this meeting

III. MINUTES, MEETINGS AND ANNOUNCEMENTS

a. Approval of the minutes of previous meetings:

All tabled to December 5 due to the pressures of the November 8 Election

b. Announcement of upcoming regular Select Board meeting(s)

Next Regular Select Board Meeting on Monday, December 5, 2016, 7:00 P.M.

c. Announcements of upcoming Select Board workshop(s): See agenda

d. Announcements: See agenda

e. Committee Openings – See agenda

f. Agenda Changes – None

g. Public Comment –

Joan Welsh – in reference to building a new library being defeated at the polls, I would caution the Board to go slowly on deciding where to go from here and to be transparent. You should look at all of the possibilities. There are three options – 1) renovating the existing building; 2) - a new library at the RES site; and 3) – or a new building at the existing site. What do our good people of the Town want? We have had pledges for \$240,000 for the proposed new library. You could have ranked choice voting on the library by giving the voters three proposals.

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Bill – thank you to the Capital Campaign Committee for all of their hard work.

Joan – I am not sure about the existing library being renovated.

Sally Cook – we never really had a clear vote on that issue. I am not convinced that the old library is not redeemable. Two years ago there was a strong vote against building at the RES site.

Joan – we need to lay it all out on the table.

Ken – agreed that slow is the best approach. He would hesitate to offer a multiple-choice question.

Brendan – we have repeatedly asked complex question of our voters.

IV. TOWN MANAGER’S REPORT – see attached

V. UNFINISHED BUSINESS

a. Approve the Change to the Alternate Committee Member Policy

Kenneth McKinley moved to amend the recently adopted Alternate Committee Member Policy allowing for alternate members to include language for staggered terms in those appointments. Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

VI. NEW BUSINESS

a. Acknowledgment of Gifts to the Town: - None this meeting

b. Committee Resignation(s): None this meeting

c. Committee Application(s): None this meeting

d. Discussion regarding the arrangement with Camden vis-a'-vis the Police Chief

Rick – we haven’t received any complaints. I have only heard positive comments from the officers. This is just a four-month check-in.

Ken – next month we should have an extended conversation on what do our neighbors to the north think about this arrangement.

Randy – I haven’t heard anything negative either. All of the feedback that I have heard has been positive. The officers are getting all of the necessary training as I feel that training is very important. Sgt. Ford and I will do an internal audit to make sure that

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nothing has been missed. Travis and Robbie have both attended a “Crisis Intervention Team” training. It is not mandatory yet, but will be at some point. The training was free except for the overtime. The FBI Leadership Program will cost \$60 and well worth the price. All calls to the hospital we send two officers to. We had a few rough days, when one officer was at training all week, one was on sick leave and I was on bereavement leave. We did have a great day at the training range and Rick also attended it. He actually did quite well.

Brendan – do you have any concerns about processing the budget reviews for two towns?

Randy – not if they are not scheduled on the same evening. I have already sat down and met with Megan. We do need to replace some equipment.

Bill – I have discussed it with John French that we should meet in January.

Owen – I have had a couple of complaints. It was the perception of seeing Camden officers in Rockport. After eight minutes of conversation with them, their understanding was better.

Randy – the departments do have to work together. Anyone is free to contact me with any questions.

Ken – next month we should discuss renewing for another six months. Do you have any changes you want to make?

Randy – I don’t think so. We have a very good product based on the one from Bar Harbor.

e. Presentation by the Harbor Committee

Sam Templeton, Chair Harbor Committee – the use of the harbor is very strong. One of the issues is allocating the space that is available. It gets most of the conversation at their meetings. There has been discussion regarding the size of a boat allowed on a mooring. The boat ramp is often overlooked. It is a good resource. We allow charter boats to tie off to that spot for twenty minutes to load and off load. The budget doesn’t have a lot of fat in it this year. In the upcoming year we will need more dinghy space and possibly dredging the river. There is a possibility for plans for having new floats on the east side. Goose River is a pretty wild place. There are grey seals, otters and trout. Please be thoughtful about that area.

Brendan – I feel that there is room to improve at the harbor. What is the committees charge?

Sam – input on the park not so much as the east side.

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Owen – I would like to see the Parks Committee and the Harbor Committee meet together.

Abbie – we do furnish loading and off-loading for the commercial users. As stated they are allowed twenty minutes.

Sam – the lobstermen spent a lot of time on the E dock.

f. Approval of the 2017 Harbor Fees

Abbie – a new fee that I am proposing is a “commercial use” fee. This is for the windjammers that wish to come into the harbor for an overnight so I am proposing a \$35 per night charge at my discretion. The Harbor Committee supported the new proposed fee schedule with a 5-1 vote.

Ken – what about the electrical fee?

Abbie – they are \$20.00 for 50-amp power and \$10 for 30-amp power. It might have just been just an oversight. I will put it back in there. We put it in there two years back.

Kenneth McKinley moved to approve the 2017 Harbor Fee Schedule (see attached) with the added “passenger” wording and to make sure that the electrical fees are added. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

g. Goodies Beach Feasibility Study Presentation

Jamie – talked about what the Conservation Commission has been doing in regard to this topic. In the fall of 2013 they did a lot of studying and sampling of the water at Goodie’s Beach. A feasibility study that was done was more formal sampling of the water quality and there was more formal education.

Will Gartley and Bill Lane were the presenters. They provided a very extensive storm water treatment feasibility study.

Bill Lane - acknowledged all of the hard work done by the commission, Abbie, the Harbor Committee, the Select Board liaison and Maine Healthy Beaches. He talked about the enterococci level at Goodie’s Beach from 2009 to 2016. Public Health Advisories are posted when a single sample exceeds 104 MPN/100ml of Enterococci. 53% of these occurred in dry weather conditions. We need to determine that treatment is needed. The concentrations are going down over the years. We need to provide more education for the harbor users. “No dogs on the

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beaches” will take the Board’s action. The Conservation Commission will come forward with some recommendations.

Jamie – there is no smoking gun what is coming out of the pipe. It is most interesting that there is an agreement that the pipe is the contributor to the bacteria.

Will – it is so dependent on several variables. We like black and white, but this case is not so. There is no easy way other than pumping the water out of that pipe. A thimble cap of dog waste could be the cause of the problem. We could keep dogs off the beach in June, July and August and we could extend the pipe out into the harbor. We cannot say that if you spend \$200,000 this will solve the problem.

The Board discussed the options available.

Ken – it is a no brainer to keep the dogs off the beach and to clear the beach area.

Bill – feels that it is appropriate to make the residents aware, take it slow and to broaden education to the public.

The Board talked about the possibility of getting a permit from the DEP for overboard discharge.

Abbie – spoke in favor of extending the pipe.

Brendan – we will need to justify the cost to our residents.

Will – the goal is to have less exceedances. Permitting with the DEP is not that big of a deal.

h. Discussion of the Solar Power Purchase Agreement with ReVision Energy LLC

Jamie – introduced Bill Burns from ReVision. He talked about the financing and roof panels. He recommended a Special Town Meeting. There are two issues, the first is the property rights of the roof and the second is a contract for services to purchase power which is similar to our agreement with Midcoast Solid Waste.

Ken – not sure that we need a Special Town Meeting.

Brendan – there is a cost and making a decision. We have been talking about this for a very short time.

Owen – agreed that there should be a Special Town Meeting.

The Board discussed whether or not there should be a special meeting and if they were making a precedence.

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Brendan – feels that it is appropriate. The contract should be reviewed by counsel.

Jamie – discussed fair market value. ReVision will get a tax break which as a Town is not available to us.

Owen – what about the roof? It is his biggest concern that it will still look as good when and if the solar panels are removed from it.

Rick – it is a 50-year roof.

Bill Burns – others who have done this are happy for having the panels attached to the roof as it keeps it from being exposed to the elements. I would expect the array to be there for forty years. Tax benefits are not available to a municipality per the IRS.

The Board discussed that someone from ReVision should be available at the Special Town Meeting in case anyone has any questions.

BREAK: 9:28 p.m. to 9:34 p.m.

- i. Call a Special Town Meeting for Monday, December 5, 2016 at 6:30 p.m. at the Rockport Opera House in the Meeting Room

Owen Casas moved to call a Special Town Meeting for Monday, December 5, 2016 at 6:30 p.m. at the Rockport Opera House in the Meeting Room. Brendan Riordan seconded the motion. VOTE: 4 FOR – 0 OPPOSED

- j. Approval of the Special Town Meeting Warrant for Monday, December 5, 2016

Kenneth McKinley moved to approve the Special Town Meeting Warrant for Monday, December 5, 2016. Brendan Riordan and Owen Casas seconded the motion. VOTE: 4 FOR – 0 OPPOSED

The Board moved and seconded to recommend the Proposed Article. VOTE: 4 FOR – 0 OPPOSED – 1 ABSENT

- k. Discussion regarding “upper floor overhangs”

Jamie – this was first heard back in 2015.

Owen – I would like to see it figured out with the Ordinance Review Committee as I think that it protects the Town.

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Ken – the ORC determined that this is the proper way to go. This process needs to be done correctly. My main issue is that we are provided with an insurance provision that the Town of Rockport is additional insured. We will need “proof of insurance.”

Jamie - The Town Attorney, Phil is prudent and reasonable. There is no problem if we go to another month to get this approved.

The Board discussed the fact that the license is revocable

Bill – my concern is that the overhang is being extended another 12”.

Mike – feels that it should be more to prevent ice from falling on the sidewalk.

It was agreed to bring this matter back to the Board next month.

1. Verify the date of the workshop to discuss the next steps regarding the Rockport Public Library to be Wednesday, November 30, 2016, 7:00 p.m., Rockport Opera House Meeting Room

The Board needs to hear from the public. The meeting will be held on November 30th at 7:00 p.m. We can have the workshop for planning what we should do going forward.

Brendan – we need to know what direction and where we want to go. We should invite the Library and Ad Hoc Library Committees to the workshop.

Ken – the big question is why did the vote go the way it did?

Board had a discussion. We need to deliberate carefully and slowly. Some people like the library where it is now. We should put all options on the table.

Brendan – I would encourage us to refrain from putting any options before us until we do some fact finding. All three ballot questions, actually four have failed. Why, too small, parking, wrong place, unattractive? One of the problems is that we invited “no” votes by not telling the voters what our next step would be. I think that they will continue to be frustrated by the complex “yes” or “no” questions.

Ken – we should shy away from multiple questions on a ballot. Should we hold the meeting upstairs?

Rick – we have a lot of work to do. It is a debriefing and the need to start planning what is next?

Ken – we need to make a decision on how to engage the public going forward.

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Board – we need to determine how we gather the information we need to move forward.
“How do we engage the public?”

Bill – listening tours!

Rick – I need the Board’s guidance regarding the budget. What is your bottom line, do you want a flat budget, what is the target number, what is the bottom goal?

VII. WASTEWATER COMMISSIONERS

a. Commitment of Sewer User Rates for the period of September 2016

We don’t have this information.

VII LIAISON REPORTS

Ken – the Cemetery Committee will report to us in January.

The Pathways will report to us next month.

Bill – MCSWC will have their budget workshop this Wednesday. December 14th, the budget will be approved. Friday and today they are filling the gut at the Transfer Station. Instead of meeting quarterly, the Board will be meeting on a monthly basis.

Brendan - The Ad Hoc Library Committee has not met for a while. You already heard from the Conservation Commission.

Ken – the ORC has kicked off their season. They are talking about breaking the downtown area into two districts. We will be meeting with the Ambulance Review Committee on Thursday at 6:30 p.m. Legacy Rockport has been inactive.

Brendan – we need to be clear on the Harbormaster and Committee’s role.

The Board – the Harbor Committee is advisory and cannot direct her what to do. What are Abbie, Mike and the Harbor Committee’s roles?

Ken – the committee is advisory to the Select Board. Abbie is an employee and falls under the supervision of the Town Manager.

Owen – the Recreation Committee didn’t tell me they were meeting.

Rick – it was a good meeting. There is a clearer line of communication. Mike is stepping in and will be working on the budget with Suzanne. There is new energy on that committee and they are eager to get things done.

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Owen – the MCSWC reported that all towns have approved Ecomaine. There has been some requests for sight lines on South Street. At night it is very difficult to see the edge of the road. There are some health and safety concerns at Patterson Mobile Home Park. People are living in poor conditions.

Bill – marijuana passed at the November election. We need to put this item on the agenda next month to discuss our plans. We still need to have a new policy regarding the Harbor Park regarding Fox on the Run, weddings and the use of tents.

IX. EXECUTIVE SESSION – None this meeting

X. ADJOURNMENT

Brendan Riordan McKinley moved to adjourn the meeting at 10:33 p.m. Kenneth McKinley seconded the motion. VOTE: 4 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY