

**ROCKPORT SELECT BOARD  
MEETING MINUTES  
MONDAY, DECEMBER 3, 2018  
7:00 P.M.**

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

Present: Chair Douglas Cole, Vice Chair Kenneth McKinley, Mark Kelley, Jeffrey Hamilton and Debra Hall. Also present: Richard C. Bates, Town Manager, and members of the public

- I. CALL MEETING TO ORDER – Kenneth McKinley, Vice Chair called the meeting to order at 7:00 P.M.
- II. PUBLIC HEARING
  - a. None this meeting
- III. MINUTES, MEETINGS AND ANNOUNCEMENTS
  - a. Approval of the minutes of previous meetings: -

- Monday, August 27, 2018, Special Select Board Meeting

**Mark Kelley moved to approve the minutes of the Monday, August 27, 2018 Special Select Board Meeting with the following changes: page 2 b. third paragraph change “it unbalanced” to “no sense”. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- Thursday, September 27, 2018 Select Board Meeting

**Mark Kelley moved to approve the minutes of the Thursday, September 27, 2018 Select Board Meeting with the following change: page 1, II first sentence with Debra change “feelings” to “views” and first sentence with Jeff change “on” to “our”. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- Tuesday, October 30, 2018, Select Board Meeting

**Mark Kelley moved to approve as presented the minutes of the Tuesday, October 30, 2018 Select Board Meeting. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

- Monday, November 13, 2018, Select Board Meeting

**Debra Hall moved to approve the minutes of the Monday, November 13, 2018 Select Board Meeting with the following changes: page 1, last sentence add a “d” to**

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**“attache”; page 2 6th paragraph change “congratulation” to “congratulate”; page 3 change “live” to “lives”; under b, second paragraph add “rate after non-resident and after resident; next sentence change “ill” to “will”; page 4 , before item d change “tis” to “is” and delete “Mark and Tom agreed.”; and page 5, fourth paragraph 1<sup>st</sup> sentence change “of” to “if”. Douglas Cole seconded the motion. Vote: 3 FOR – 0 OPPOSED – 2 ABSTAINED (KELLY AND HAMILTON)**

- b. Announcements of upcoming Select Board meeting(s):
  - Select Board Executive Session on Wednesday, December 5, 2018 at 5:30 p.m. Rockport Town Office Conference Room
  - Regular Select Board Meeting on Monday, January 14, 2019 at 7:00 p.m., Geoffrey C. Parker Community Meeting Room, Rockport Opera House, to be streamed at <http://livestream.com/Rockportmaine>
- c. Announcements of upcoming Select Board workshop(s):
  - None this meeting
- d. Announcement(s) and/or Training(s): - see agenda
- e. Committee Openings – see agenda
- f. Agenda Changes

Jeff – I would like to suggest that we move item a and b under New Business to before the Town Manager’s report. Since they are here, we should have them go first so they don’t have to sit and wait for their turn.

The Board agreed.

- g. Public Comment –

David Cockey – I watched the meeting last week. When are you starting the new library? When do you start spending money? Doug Cole wrote a very good response on October 14<sup>th</sup> about the private donations and how they have been spectacularly successful. I could not find anything on the web site on how much money has been pledged. I would like to see a graph or something. On October 29<sup>th</sup>, Rick said that the group has over \$1 million pledged so far. How much over? Doug’s comment was that they would not go to the residents to ask for more money. “We don’t have all of the money needed but let’s get started with the project now. What if the money doesn’t come in. In my calculation, it works out to \$700 per household to get the second million. I don’t think that this is possible from some of our residents. You need to get a fund raiser to help you. What do we do if we can’t come up with the rest of the money?”

Ken – it is not the Friends that are doing the fundraising, it is a Foundation. Most of the pledges we have come in before the vote in anticipation of the bonding for a new library passing. We already have one of the best fundraisers around.

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David – I would like to see a thermometer showing how much has been pledged and how much more needs to be raised. The last 25% is always the hardest to raise.

New Business – a. Jeffrey Payson – Budget Committee

Jeffrey Payson – I was born and raised in Union. I was on their Budget Committee for twenty-one years, with eighteen of them serving as the chair. “I will be a pitch hitter.” Rick asked me to put my application in for this position. I want to let you know that Dupont is one of my largest accounts and Jeff H. is the general manager of that company.

Jeff H. – assuring no conflict of interest, I will abstain from voting on this request.

**Debra Hall moved to appoint Jeffrey Payson as a member of the Budget Committee for a term to expire in June of 2019. Mark Kelley seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTENTION (HAMILTON)**

Meggan Dwyer – Conservation Commission

Meggan is not here this evening. Should we wait until she is present before making a decision?

Jeff – usually we do a review of the person, so we should have her come to a meeting.

Ken – agreed that they should have her present at a meeting, as this has been the practiced policy when appointing someone to a committee.

b. Discuss upcoming legislative session with Representative Vicki Doudera

Vicki Doudera – I will be sworn in on Wednesday. We had orientation in November. I attended the Coastal Caucus last week. I also attended the meeting with Islesboro. Thank you, Ken, for attending that meeting. Other meetings that I have attended are the Maine Health meeting, another orientation session today and again tomorrow and on Thursday will attend a meeting on legislative policy. Informed her constituents that she has an open line of communications. Please feel free to contact me with any concerns or ideas. What she sees on the horizon is to get the school funding to 55%, increase revenue sharing to 5% from 2% and to have medical care properly funded.

Ken – one of the local options we have is sales tax and I would like for us to look at it. Maybe it should be on a county level instead of a town level. Regarding recreational marijuana, I would like to see some robust penalties for furnishing it to minors and for furnishing alcohol to minors. It is a big problem and is harmful to our young people. It annoys me that CMP has us send our payment to Boston for processing. This clerical work should be done in Maine.

Vicki – I will look into these issues.

IV. TOWN MANAGER’S REPORT – see attached

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Mark – now that Hannah has received her Assessing Certification, will we no longer be having Katlyn for these services in the upcoming budget year?

Rick – no, we will still need Kaitlyn.

Jeff – we need to have transparency with the library. How is the demo being accounted for?

Rick – it is being paid out of an account in the budget that we have set up.

Ken – do we have money for it?

Jeff – any expenses for the new library should be assigned to the project. This means that demo work that is being done this week. It needs to be assigned to the project.

Doug – can you show us an estimate of how much the cost is?

Jeff – is it being absorbed by the current budget? If it is it needs to be moved to the project.

Rick – we don't typically do that with the employees' time worked.

The Board – why not? It is part of the library project.

Jeff – all the work including that done by Public Works, town government, needs to be moved to the cost of the project.

Rick – I will talk to the Design Team.

Jeff – why?

Doug – Jeff you are right. The cost should come out of the \$26,000 that is budgeted for the demo.

Rick – we are tight on the cost.

Doug – that shouldn't matter.

Rick – we have spent almost all the money given to us by the Library Committee.

Mark – I would like to have all costs be given to us at the January meeting.

Ken – we need an accounting. It is just a journal entry.

Debra - why wouldn't you do that?

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Rick – the assumption was always that the public works would do the demo.

Jeff – to be transparent, we need to account for any money spent on the project. Where is the money coming from for the street work that is being done for the library project?

Rick – the Board voted that it would be in the upcoming public works budget.

Jeff – is the furniture included in the \$3.5?

Rick – we will be discussing the soft cost at Thursday's meeting.

Mark – can the street work be in the next year's budget if it will not be done until after the building is done. If public works is having a project in their budget, why can't it be that intersection instead of other streets that are being paved.

Debra – why can't we have a parabolic mirror at that intersection? There have been several near misses of accidents on that corner.

Mark – there used to be one at the end of Summer and Main Street years ago. Where did that one go? I noticed that there is one on Pascal Avenue. Is that because someone asked for one to be there? Regarding our EMA representations, specifically the assistant, do they attend the monthly meeting? If not, why are we paying for an assistant?

Rick – my assumption is that one of them must go to the meeting.

Jeff – what about committee updates? We used to have them.

Doug – we need an update on street lights and the interface with fix it program. Where are we in reality?

Rick – there are several moving pieces. CMP has been given maps and the names of the streets they are using are different than the ones we have listed. The Police Department is checking the street lights on a monthly basis.

Doug – Molly (CMP) and Brandi (Fix It) are very capable and they are working on these things.

Rick – twenty-eight lights are still not working. They need to use the correct street name and bill us at the correct address. If not billing correctly, we don't have to pay as it is not properly identified.

Ken – just a reminder that the Holiday on the Harbor is this weekend. The fireworks are the best.

- V. CONSENT AGENDA
  - a. Opera House Fee Schedule

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- b. Coastal Opportunities donation in lieu of taxes
- c. General Assistance Fuel Donation

**Mark Kelley moved to approve the consent agenda as presented and to send out thank you cards to Coastal Opportunities and Paul and Jillian Charbonneau for their generous donations. Debra Hall seconded the motion. VOTE: 5 FOR – 0 OPPOSED.**

VI. UNFINISHED BUSINESS - None this meeting

V. NEW BUSINESS

- a. Committee Application(s) –
  - Jeffrey Payson – Budget Committee – see above
  - Meggan Dwyer – Conservation Commission – see above
- b. Discuss upcoming legislative session with Representative Vicki Doudera – see above
- c. Discuss LED Street Lights Project with Camden

The Board discussed this item. There were questions if we rent the poles, or if we purchase the lights are, we responsible for the maintenance?

**Debra Hall moved to approve the Town of Rockport’s participation in the RFQ process with the Town of Camden as presented and to thank Camden for doing this. Jeffrey Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED**

Ken – this is a great opportunity.

Rick – Rockland would like to be included in the RFQ process.

Doug left the meeting.

- d. Discuss Airbnb

Ken – do we want to look into this?

Debra – I think that we should check into the pros and cons. I would like to see this done.

We should pass it on to Bill Najpauer to review. There are a lot of regulations and costs to B & B’s and commercial establishment that rent.

Ken – we need to move carefully.

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Debra – should they be allowed in all zones. It could be very disruptive in a residential zone.

Ken – the residence should be owner occupied.

Jeff – we should send it to ORC for their review.

Ken – it will have to go on the ballot for the voters' approval or disapproval.

e. Discuss and Approve Job Descriptions

Comment – there are a lot of typos.

Debra – she will be happy to look at the job descriptions and make recommendation.

Ken – it was a lot of work and a tremendous job.

Jeff – I have a lot of concerns on the contents. They are not ready for approval.

Rick – send your comments and suggestions in a written form and I will make the corrections.

Mark – two need work. All salary descriptions should show a parameter of hours to be worked.

Board – discussed that normal work hours are 8 to 5?

Debra – some of the description state that the employee must interact in a polite manner. All employees should be polite. There is no rhyme or reason.

Ken -there should be something about disabilities and that we will make reasonable accommodations.

Jeff – I agree that the ADA needs to be added to the descriptions.

Debra – “all employees need to be nice.”

Mark – the employee needs to maintain any and all necessary licenses that are required for their position.

Jeff – I will send specific feedback on each one. There is a lot of work to be done. I will send my feedback to Rick and copy all so we don't all make the same changes.

Ken – we are heading down the road in the right direction.

Debra – we should review the “Internal Control Policy” in January. The auditors want it in place as soon as possible.

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Jeff – we need a drop-dead date of \_\_\_\_.

f. Discuss change in Personnel Policy Article 25 Sexual Harassment

Jeff – why is this specific to Sexual Harassment and why not all forms of harassment?

Rick – it is not required by statute.

Jeff – it should cover all forms of harassment. My concern is on Page 2, section 4. We should change to any member of the current Select Board and not just the chair.

Debra – there is no basis for the policy to say it has to be the chair.

Jeff – harassment takes on many forms of harassment.

Debra - page 2 section 4 should read as follow:

It is the responsibility of employees to promptly report incidents of sexual harassment. Employees who have complaints of sexual harassment should bring the matter to the attention of the Town Manger either in person; by phone (236-0806); by email (~~rbates@town.rockport.me.us~~ with confidential in the subject line.); by mail (P.O. Box 10, 101 Main Street, Rockport, Maine 04856; please mark envelope as Confidential.”) If an employee does not feel comfortable discussing allegations with the Town Manager or the Town Manager may be implicated, the employee may report the conduct to his or her direct supervisor, or, if the Town Manager is the employee’s direct supervisor, ~~the Chair of the Select Board~~ a **member of the current Select Board**. Emails should not show anyone’s name. The document should reflect the last date updated. Section 5, the fifth bullet by e-mail: ~~Melody.Piper@maine.gov~~, **refer to Maine.gov website.**

**Jeffrey Hamilton moved to approve the proposed change in the Personnel Policy, Article 25 on Sexual Harassment as presented with the recommended changes. Debra Hall seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

VIII. WASTEWATER COMMISSIONERS – None this meeting

IX. LIAISON REPORTS

Mark – the Garden Club has a list of items to be included in the budget for the Parks. Gretchen Leone and David Jackson will present the budget. The Conservation Commission will meet on December the 6<sup>th</sup>. The CIP (Capital Improvement Committee) met and they are still stuck on having a line item of \$5,000 to \$25,000. Usually their items have a higher value with a longer life span. This time of year would be a good opportunity to put a dog letter together regarding dog waste and the leash law.

Jeff – The Pathways Committee, all is well. I have a CIP question about the storage container for the old ladder truck. The Harbor Committee met and have recommended



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the rates for next year. We need to work on the Comprehensive Plan and need an excel file.

Debra – the “Tech Committee” had a meeting regarding Broad Band and how to fund it. Rick filled out an application to see if we can get a grant. We need to develop what our options are for financing. We should have a regional meeting. The MSSWC met last week and I attended my first meeting. Thank you, guys!

Ken – Legacy Rockport met, and they approved the funding for moving the electric pedestal located at the harbor. The Cemetery Committee postponed their meeting due to time constraints and will next in a couple of weeks. The ORC should start up soon. This year it should be a short list of work to do. The Zoning Board has not met.

X EXECUTIVE SESSION - None this Meeting

XI. ADJOURNMENT

**Debra Hall moved to adjourn the meeting at 9:07 p.m. Jeffrey Hamilton seconded the motion. VOTE: 4 FOR – 0 OPPOSED**

Respectfully submitted,

LINDA M. GREENLAW  
TOWN CLERK as RECORDING SECRETARY