

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY DECEMBER 5, 2016
7:05 P.M.
ROCKPORT OPERA HOUSE**

Present: Chair William Chapman, Vice-Chair Kenneth McKinley, Geoffrey Parker, Owen Casas and Brendan Riordan. Also present: Richard C. Bates, Town Manager; Department Heads, Megan Brackett, Finance Director and Jamie Francomano, Director of Planning and Community Development, Lynda Clancy, the press and members of the public

- I. CALL MEETING TO ORDER – William Chapman, Chair called the meeting to order at 7: 06 p.m.
- II. PUBLIC HEARING
 - a. None this meeting
- III. MINUTES, MEETING AND ANNOUNCEMENTS
 - a. Approval of the minutes of previous meetings:
 - Monday, November 9, 2015, meeting of the Select Board
 - Tuesday, November 17, 2015, meeting of the Select Board
 - Monday, May 9, 2016, meeting of the Select Board
 - Wednesday, June 15, 2016, organizational meeting of the Select Board

Kenneth McKinley moved to approve the minutes of the Wednesday, June 15, 2016 organizational meeting of the Select Board as presented. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED- 1 ABSTAINED (KENNETH MCKINLEY, ABSENT)

- Monday, June 27, 2016, special meeting of the Select Board
- Monday, July 11, 2016, meeting of the Select Board
- Monday, August 22, 2016, meeting of the Select Board
- Thursday, September 8, 2016, meeting of the Select Board

Kenneth McKinley moved to approve the minutes of the Thursday, September 8, 2016 meeting of the Select Board as presented. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Monday, September 12, 2016, meeting of the Select Board
- Tuesday, October 11, 2016, executive session of the Select Board

Geoffrey Parker moved to approve the minutes of the Tuesday, October 11, 2016 executive session of the Select Board. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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- Tuesday, October 11, 2016, meeting of the Select Board

Kenneth McKinley moved to approve the minutes of the Tuesday, October 11, 2016 meeting of the Select Board. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Monday, October 24, 2016, meeting of the Select Board

Kenneth McKinley moved to approve the minutes of the Monday, October 24, 2016 executive session of the Select Board. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (BILL CHAPMAN ABSENT)

- Tuesday, November 8, 2016, executive session of the Select Board.

Kenneth McKinley moved to approve the minutes of the Tuesday, November 8, 2016 executive session of the Select Board. Geoffrey Parker seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (OWEN CASAS, ABSENT)

- Monday, November 14, 2016 meeting of the Select Board

Kenneth McKinley moved to approve the minutes of the Monday, November 14, 2016 meeting of the Select Board. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Ken – I want to thank Linda for a good job in getting caught up with the minutes. Owen also said good job.

- b. Announcements of upcoming regular Select Board meeting(s)

Regular Select Board Meeting on Monday, January 9, 2017, 7:00 p.m., Rockport Opera House Meeting Room

- c. Announcements of upcoming Select Board Workshop(s):

Tax Increment Financing (TIF) Workshop, Wednesday, December 7, 2016, 4:00 p.m., Rockport Town Office Richardson Room

- d. Announcements: See Agenda

- e. Committee Openings: See Agenda

- f. Agenda Changes –

Kenneth McKinley moved to hear New Business items i. and l. to after item e., New Business. Brendan Riordan seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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g. Public Comment

Helen Shaw – I walk my dog three times a week and Bill walks the dog the other days. There aren't any poop bags in the dispensers. You need to fill the dispensers so that people will dispose of their dog's waste. Also, there is a car at the corner of Cross and Main Streets. It is not registered, is unsightly and a danger in the winter. I would appreciate it if someone would check into it.

IV. TOWN MANAGER'S REPORT

There was discussion over the work on Summer Street. We need to have handrails on sections of the sidewalk and they are being custom made and will be installed soon. There is a serious problem with the road where water bubbles up. If this freezes, there could be an accident. We are looking at solutions and it will not be pretty. It is presently an unsafe condition. We are withholding \$45,000 plus their retainer. The construction was not done as designed.

Ken – do we have a plan for winter?

Rick – we are working on it with Mike, Bill Lane and Will Gartley.

Brendan – when will we know the ramifications of this?

Rick – it will need to be reshimmed and repaved and it should be crowned. It is not going to be an easy solve.

Ken – the contractor needs to fix their errors.

V. UNFINISHED BUSINESS

- a. Consideration of clearing title to the properties donated by Mary Louise (Curtis) Bok Zimbalist

Rick – our new attorney agrees with the advice that our previous attorney, Bill Plouffe gave us. We could ask the court for a declaratory judgement on the question. It would be simpler than tracking the people (heirs) down.

Helen – talked about Title 33 MRSA 103 and the fact that we could have a senator or representative file to change the last section of that statute. It would be most costly to track down twenty people and to file a quitclaim deed.

Ken – suggested getting locals to write a letter in support of this effort.

Owen – we should button this up regarding our options for this property.

The Board further discussed the issue.

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Owen – we should direct Rick to keep in good contact with me and I will take a look at what I may need to do to assist this project.

Rick – the attorney, Phil made it sound like it would be relatively inexpensive to get a declaratory judgement.

VI. NEW BUSINESS

a. Acknowledgment of Gifts to the Town:

- A gift from the Camden Seventh-Day Adventist Church in the amount of \$200.00 towards the General Assistance Heating Fund

Kenneth McKinley moved that the Board thank the Camden Seventh-Day Adventist Church for their generous donation. Brendan Riordan seconded the motion.

VOTE: 5 FOR – 0 OPPOSED

b. Committee Resignation(s): - None this meeting

c. Committee Application(s):

- Alexander Armentrout – Ordinance Review Committee as Regular Member

Bill – Richard Remsen, chair of that committee recommended that we appoint him. He has been involved with the ORC for more than ten years, as an observer of lately.

Ken – I actually asked him to put in his name. Alex will be here this winter. He is open minded and willing to change his mind on an issue. He will be a great addition to the committee.

Owen – I am impressed with Alex and his dedication to the ORC.

Kenneth McKinley moved to appoint Alexander Armentrout to the Ordinance Review Committee with a term expiration of June 30, 2017. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- Maggie Timmermann - Conservation Committee as Regular Member

The Board decided to appoint Maggie to the Committee even though she was unable to attend the meeting.

Kenneth McKinley moved to appoint Maggie Timmermann to the Conservation Commission with a term expiration of June 30, 2019. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

d. Presentation by the Camden-Rockport Pathways Committee

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Geoffrey Scott, Chair, Leni Gronros and Helen Shaw were present.

Leni – thank you for inviting us to speak tonight. We have a great membership and we are making good progress. We have work groups and are seeing good results from them. The Seabright Pathway in Camden was recently dedicated. We held a meeting at Quarry Hill about the Route One Pathway and it was very well attended. There is a lot of attention being paid to pathways and bike paths. The Committee is having a meeting on Wednesday evening. They will be discussing what projects to recommend for the next budget cycle.

Geoff S. – talked about the Master Plan. We do connections for paths through the assistance of Public Works. We applied for a bike grant, but we did not get it. The Erickson Farm Walking Path and the Hospital Walking Path were not on their agenda. They were, however, kept in the loop.

Bill – what about a path for Chestnut Street and Russell Avenue. Several people walk there in the summer.

Geoff – it is not in the master plan. It is not a priority.

Owen – they are ADA compliant on their projects. It is a great committee

e. Discussion of the Revised Route 1 Sidewalk/Crosswalk Project

Jamie – this project is from Camden Street to Loyal Biscuit at 56 Commercial Street. There will be a crosswalk by Hannaford. The Budget implications have gone from \$167,000 in 2012 to \$595,000 today. The intersection by John Street, Route 1 and Camden Street will need to be reconstructed.

Ken – since there is a major reconstruction of that intersection at the corner of Elm Street and Camden Street that may change the cost break out as that section is in Camden. The cost for the paving should be lower as the price for asphalt has come down.

Geoff S. – the project does not include taking any land. The new signal will cost \$110,000 and that was not considered in the grant that was applied for. The project will be from the entrance of Quarry Hill to Loyal Biscuit.

Brendan – the cost is three and a half times what the budget was. The cost of the light alone is \$110,000. How did that happen? We need to decide what the responsible thing to do is.

Geoff S. – Steve's (former Public Works Director) estimate for the project was \$6,000 for drainage and today the cost is \$110,000.

Brendan – the south bound lane goes beyond the bus stop. Why not shorter?

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Geoff S. – grant given for a certain footage and if we shorten it, the whole project will be undermined.

Jamie – you could approve the project with the monies in the reserve account and then budget for the remaining balance needed for the project.

Rick – we can't use money for a project that has not been budgeted for.

Brendan – will the residents see that pathway being used?

Jamie, Leni & Geoff S. – yes, definitely. The end goal is to go all the way to Route 90 and then to the school.

The consensus of the Board was to wait until they met with the Camden Select Board in January to discuss this project.

A motion was made by Geoff P. to fund the proposal from the Town's Pathway Reserve account and not to exceed \$45,000 and seconded by Owen.

Brendan – is this the highest and best use of these funds right now?

Leni and Geoff S. – yes it is and is a high priority on Camden's and our list of projects to move forward with.

Owen and Geoff P. retracted their motion and second.

the Kenneth McKinley moved to express the Board's support for this project and that Town Manager and the Camden Town Manger will come to the Board with final plans. Geoffrey Parker seconded the motion. VOTE 4 FOR – 1 OPPOSED (BRENDAN RIORDAN)

Item i was moved here (Discuss and give guidance to the Town Manager regarding the budget to be presented to the Select Board in March)

Ken – I would advocate that we come in at the LD1 level and assume that we will come over.

Rick – there has been very little new construction this year, we have lost revenue from equipment that is leased to the hospital and loss of valuation. Megan and I agree that we can make the cuts before forwarding the budget to you and then you can make any other cuts or put money back into the budget.

Owen – employee increases are near and dear to me. I want to see that the employees are properly compensated. It is important to keep good staff.

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Rick – Megan and I will go over the department head’s budgets and make the necessary cuts. You can then make any further cuts and/or put monies back into the budget.

Item 1. was moved here (Approve the resolution for the Lease Purchase Agreement with Androscoggin Bank for the new 2016 Ford F550 Public Works Truck

Kenneth McKinley moved the following:

(1) That a Capital Acquisition Project (the "Project") consisting of the lease of a 2017 Ford F550 Super Duty Truck together with associated equipment and accessories and a Dump Body, is hereby approved; and

(2) That the financing for the Project in the principal amount of \$102,586 is awarded to Androscoggin Bank at an interest rate of 2.68%; and

(3) That the Treasurer and Chairman of the Select Board are hereby authorized, acting jointly or individually, to execute the Lease Purchase Agreement and all other documents reasonably necessary to accomplish the purpose of this vote, as the documents may require; and

(4) That said Lease is hereby designated a “bank qualified tax-exempt obligation” of the Town for the 2016 calendar year under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Megan – you also need to adopt the Post Issuance Compliance Policy. This is something new that we should have in place when we approve leases.

Kenneth McKinley moved to approve the Town of Rockport, Maine Post Issuance Policy as presented. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

f. Vote to sign the Solar Power Purchase Agreement with ReVision Investments, LLC

Kenneth McKinley moved to approve the power purchase agreement between the Town of Rockport and ReVision Investments and to authorize the Town Manger to sign the agreement on behalf of the Town. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

g. Discuss placing a moratorium on recreational marijuana facilities until the land use ordinances can be revised and presented to the voters for approval

Rick – you don’t have to act tonight, you can do this later. As you know, there is currently a recount on this item. It will be awhile before the recount is finished and then there will be several months before all of the rules and regulations are decided upon.

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Owen – it is highly unlikely that it will get overturned. We already have someone in Rockport who wants to have a shop in Rockport.

Bill – the recount will continue into January, the governor then has 10 days after the Secretary of State certifies the result to approve it and then there will be nine months of rulemaking. The moratorium can only be for 180 days, so it is better to wait until we know what is going to happen. We shouldn't use up the time before we will need it to decide what we want to do in Rockport.

Rick – we can have a Special Town Meeting to see if the voters want to have a shop in town.

Ken – we can extend the moratorium 180 days and then we are done. I feel that we should wait to see what is going to happen.

The Board – the Town can prohibit the commercial growing and selling marijuana in Rockport.

Randy – you have the right idea and should wait and then look at it as a town. The police departments are looking for guidance for law enforcement. In Colorado, there are more pot shops than Starbucks. There will be clubs where you can go purchase and smoke pot, similar to a liquor establishment. If you do the moratorium now, you will burn up your time when you may want it on the other end.

Ken – I voted against this question on the ballot. My concern is the kids and it is harmful to them. I would like to see strong penalties for anyone furnishing marijuana to the underage. I am concerned as we have a number of schools in town. There is a lot of evidence that it isn't okay for our kids.

Owen – concerned about edible marijuana products and our kids.

Randy – believes that there could be more accidental use because it will be more available in homes.

Brendan – what is the downside to give this to the ORC for their review?

Ken – they already have a full plate.

Rick – we have time. We just need to pay attention to it.

The Board – it will have to be incorporated into the Land Use Ordinance. It is on our radar.

h. Vote to extend the contract with Camden for sharing the police chief

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Randy – 60% of my time is spent in Camden and 40% in Rockport. I believe that this can work. I have good staff in both towns. I am on board with whatever the towns want to do. Travis deserves a pat on the back as a supervisor, he has been a tremendous help. I will not let this fail. I lived in Rockport for the first eighteen years of my life, my parents lived in Rockport and my grandparents lived at the corner of Pleasant Street and Pascal Avenue.

Kenneth McKinley moved to approve the proposed extension of the agreement between the Town of Camden and the Town of Rockport for the sharing of police chief services as presented and to authorize the Town Manger to sign the agreement. Geoffrey Parker seconded the motion. VOTE: 5 FOR – 0 OPPOSED

BREAK: 9:45 – 9:50 P.M.

- i. Discuss and give guidance to the Town Manager regarding the budget to be presented to the Select Board in March (Discussed above after e.)
- j. Discuss the dates for having a Listening Tour, where each tour “stop” will be and what questions we specifically want to ask during the course of each “stop”

The Board discussed how they should proceed with a listening tour, how many, where and when? Agreed that they need to be flexible and to listen to the people who show up at the tours. The object is that we listen. There will probably be a lot of discussion about the library.

Discussed the possibility of holding one at the Simonton Corner Community building, one at the West Rockport church, one at the Riley School or the church on Old County Road, one in Rockville at the church (Presbyterian) across from the Green Thumb and one at Union Hall in the village.

Bill – we should look at mid-January through February to hold the tours.

- k. Reappoint Linda Greenlaw as Election Clerk effective January 1, 2017 for a term expiring December 31, 2018

Owen Casas moved to reappoint Linda Greenlaw as Election Clerk effective January 1, 2017 for a term expiring December 31, 2018. Geoffrey Parker seconded the motion. 5 - FOR – 0 OPPOSED

- l. Approve the resolution for the Lease Purchase Agreement with Androscoggin Bank for the new 2016 Ford F550 Public Works Truck (Discussed above after i.)

VII. WASTEWATER COMMISSIONERS

Brendan Riordan moved to leave as Select Board and to enter as Wastewater Commissioners. Owen Casas seconded the motion. VOTE: 5 FOR - OPPOSED

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- a. Commitment of Sewer User Rate for the period of September 2016

Kenneth McKinley moved to commit the September 2016 Wastewater User/Debt Fees totaling \$109,434.62 to the Treasurer for collection. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Commitment of Sewer User Rate for the period of October 2016 (tabled)

Kenneth McKinley moved to exit as Wastewater Commissioners and to reenter as Select Board. Owen Casas seconded the motion. VOTE: 5 FOR - OPPOSED

VIII. LIAISON REPORTS

Owen – I have been overseas and was not able to go to any meetings. The Pathways committee will be meeting soon.

Bill – December the 14th the MSCWC will meet to discuss their budget. There was a fire at the dump earlier today. It is important to not dispose of lithium batteries there. Take them back to the hardware store or whatever for them to be properly disposed of. The Ad Hoc Tech Committee will be presenting to us at our meeting next month. The Cemetery Committee will be presenting to us at our second meeting next month. I have nothing on the Parks Committee. At the Library Meeting, there was a discussion that the Friends are looking into getting liability insurance. The Investment Committee has not met.

Ken - the ORC has not met for the last two weeks. The Ambulance Review met and we discussed the communication issues. There has been a change in management. We will be meeting more frequently in the future. The Cemetery Committee should be meeting soon. Legacy Rockport has not met, but needs to have a meeting soon.

Geoff – the Opera House Committee met last week and they discussed their relationship with the Rockport Library Committee. Ben will be attending the meetings more regularly. Terri is working on the budget. There was some time spent discussing the air conditioning. Nothing for the ZBA. The Planning Board is down one member. They had a meeting with the town attorney and it appeared to be beneficial. We should keep our eye on it.

Brendan – the Ad Hoc Library Committee had their post mortem meeting and solicited input from the committee. According to Jan, the chair, that committee's work is done. The Harbor Committee met here last week and discussed the expansion for Rockport Marine's pier and travel lift. The Conservation Commission meets next week.

IX. EXECUTIVE SESSION

- a. No Executive Session

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X ADJOURNMENT

Geoffrey Parker moved to adjourn the meeting at 10:25 p.m. Owen Casas seconded the motion. VOTE: 5 FOR – 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY