

**ROCKPORT SELECT BOARD
MEETING MINUTES
MONDAY, NOVEMBER 9, 2020
5:30 P.M.
VIA ZOOM**

Streamed at <https://livestream.com/Rockportmaine>

Remotely present: Select Board members - Chair Debra Hall, Vice-Chair Denise Munger, Delores M. Hannan, Jeffrey Hamilton, and Mark Kelley. Also present were William Post, Town Manager, Abbie Leonard, Harbormaster, Linda Greenlaw, Town Clerk, and members of the public all via Zoom or livestream

I. CALL MEETING TO ORDER – Chair Hall called the meeting to order at 5:30 P.M.

Chair Hall stated that the Board had hoped to have the meeting in person but decided to change to zoom. The new Governor's orders want to keep everyone safe and as a result has put new restrictions in place. Several residents are attending via zoom in regard to the short-term rental draft ordinance.

II. TOWN MANAGER'S REPORT – see attached

In addition to his written report, Town Manager Post reported that the seawall reconstruction at Walker Park is 99% complete. The handrail to the new granite steps still needs to be installed and the park is open for use.

The Manager stated that the Town's certification for the Safety and Health Award for Public Employers (SHAPE) was due to expire in 2021 but has been extended another year as long as the Town provides certain information concerning ongoing safety efforts. This has been done.

The Keep Maine Health Grant for \$73,000 that was to be used by the 31st of October has been extended through December by the governor's recent order.

The Library has moved out of their temporary building and the building owner has accepted the building back. The new tenant kept the leftover shelving and will fulfill our commitment to make sure any holes in the walls are repaired. The new road work is being completed near the new library. On Thursday or Friday of this week, the pavement will be in place. The landscaping work by Rhino Services, LLC has also started. The Town purchased additional taller cedar trees and Rhino planted these as well. The trees as specified by the landscape architect were only 4-feet tall and did not act as a good buffer with the neighbor on the stream side of the property. There are several sub-contractors on site along with Rhino Services and everyone is working well together and trying to coordinate as best as they can. The Manager thanked Phi Architects and Builders and all the sub-contractors for their work and cooperation as this project winds down.

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Board Member Hannan asked if there has been any discussion on office hours considering the increase in COVID-19 cases. Town Manager Post responded that he has been talking to other municipal managers to see what their plans are. He may consider appointments only, reduced hours open to the public or splitting shifts similar to what the Town did in April.

III. PUBLIC INPUT ON NON-AGENDA ITEMS – None this evening

IV. AMENDMENTS TO THE AGENDA – None this meeting

V. APPROVAL OF MEETING MINUTES

a. Meeting Minute(s):

- May 26, 2020

Vice Chair Munger moved the Board approve the meeting minutes of the May 26, 2020 Select Board Meeting. Board Member Hamilton seconded the motion. VOTE: 4 FOR – 0 OPPOSED – 1 ABSTAINED (Board Member Hannan as she was not a Board Member at that time.)

- October 13,2020

Board Member Hannan moved the Board approve the meeting minutes as presented of the October 13, 2020 Select Board Meeting. Vice Chair Munger seconded the motion.

VOTE: 4 FOR - 0 OPPOSED – 1 ABSTAINED (Board Member Hamilton as he was not at the meeting.)

- October 27, 2020

Board Member Hamilton moved the Board approve the meeting minutes as presented of the October 27, 2020 Select Board Meeting. Vice Chair Hannan seconded the motion. VOTE: 5 FOR - 0 OPPOSED

VI. ACTION ITEMS

a. Act on Committee Application(s):

- David Kantor – Investment Committee

Chair Hall thanked David Kantor for applying to be on the Investment Committee.

David Kantor stated that he is a partner in two successful investment advising firms. He would be pleased to be a part of the town’s investment committee.

Vice Chair Munger stated that David was a seasonal resident and has now become a full-time resident.

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Board Member Hamilton moved the Board appoint David Kantor to the Investment Committee with a term ending June 2023. Board Member Hannan seconded the motion. VOTE: 5 FOR- 0 OPPOSED

b. Act on Harbor Fee Schedule

Chair Hall stated that Harbormaster Abbie Leonard was present to answer any questions that the Board may have.

Town Manager Post stated that the fees are essentially the same as they were last year with a couple of changes.

Harbormaster Leonard stated that because of COVID-19 the Harbor Committee and she are recommending that the fees be left the same as last year with one addition. They are recommending implementing a \$5.00 per hour fee for dockage for any boat that is on the dock longer than the courtesy hour the Town currently offers. They are also suggesting implementing a maximum number of seven consecutive days that an overnight dockage customer can stay on the dock between Memorial Day and Labor Day.

Board Member Hamilton stated that after one week, it becomes a reservation instead of a daily fee.

Vice Chair Munger moved that the Board approve the 2021 Marine Park/Harbor Fee Schedule as presented. Board Member Hamilton seconded the motion. VOTE: 5 FOR - 0 OPPOSED

VII. DISCUSSION ITEMS

a. Discuss Draft Short-term Rental Ordinance

Chair Hall stated that the document included in the Board member's material is a first draft on short term rental regulations. She stated that there will be more meetings for discussions after likely edits to the draft ordinance.

Each citizen participant will be given three minutes to speak and the Town Manager will let it be known when the time is up. Hall stated that she would give a brief overview of the draft, there will be discussion among the Board and then comments from the public.

(Note: The summary below is just that, a summary. For full details on comments please view the recorded livestream of the meeting on the Town's website.)

Hall stated that the draft ordinance states that there must be parking available off street and the property owner must follow any covenant guidelines from deeds or subdivisions. The draft calls for a two-year moratorium for new short-term rentals. Short-term rentals (STR) must be registered with the town.

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Vice Chair Munger stated that there is a difference between conditional use and permitted districts.

Board Member Hamilton stated the draft ordinance does not impact rentals that are longer than 30 days. It may be burdensome, but trash needs to be moved within 24 hours of when a person leaves. He stated that the grandfathering language must be clear and the section on transferring a short-term rental registration may need some editing.

Board Member Kelley asked if the three minutes allowance per person included any responses. Chair Hall stated that each person gets to speak once and responded that the question was a good one. There will be some additional time given if the Board has questions to any person providing comments. She stated that questions and comments can also be submitted in writing if citizens feel that they have not been heard.

Town Manager Post reported that 26 people were on Zoom and 17 were watching the Livestream.

Board Member Kelley suggested that the Board consider not having any more workshops or meetings on the subject until they can meet in person.

Board Member Hannan stated that she has concerns and that she has heard complaints. She asked if the Town Office could support the registrations. Does the Town Office have enough staff to do so? She remarked that she is interested in the complaints and that they should be put in writing. She asked about the rentals having fire pits and making sure that leash laws are followed.

Town Manager Post stated that he will go through the participants as they appear on his screen and have them state their name and give their comments.

Tim Montague has a non-owner-occupied unit. He hires a company to manage his rentals. He asked why the ordinance makes a difference between owner residents and owner non-residents.

Jamie Weymouth represents owners of rental properties at 25 Main Street. He is concerned with setback for fire pits. Chair Hall stated that the draft was modeled after the Town of Freeport ordinance in terms of structure, as directed by the Select Board, and that this was included in the Freeport ordinance but could be changed for the Rockport ordinance.

Weymouth said that the Town should not define what can be done on a property because then the Town becomes police of what people can have on their property. He stated that he thinks that people who are investing in the community should have the right to rent their properties.

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Melissa MacCoole said that she would like to reserve her time after hearing other comments.

Doc Wallace, owner-occupied rental, stated at that the ordinance and effort to regulate short-term rentals is a sham. He stated that three Board members are driving the policy through and it will be on the agenda for a vote in June. He stated that he is unalterably opposed, and the ordinance is a violation of property rights. He further stated that the whole ordinance and process is a solution looking for a problem. The police have had no complaints to date.

Sharyn Pohlman, Rockport resident, congratulated Kelley on his reelection to the Board and to Hannan on her election to the Board. She asked how it was decided who would write the ordinance and why Chair Hall's husband was chosen out of the other Ordinance Review Committee (ORC) members to draft the ordinance. Chair Hall responded that Bob Hall is a lawyer with expertise in drafting laws and regulations and has drafted the recent ordinances for the ORC. Denise Munger, Bob Hall, and she are legal professionals with years of experience in drafting regulations and laws.

Pohlman stated that there needs to be more meetings and it seems like the ordinance is being rushed through. Chair Hall stated that there have been numerous drafts and meetings. Vice Chair Munger noted that there is nothing nefarious going on in the terms of drafting this ordinance. Both she and Bob Hall are member/liaison to the Ordinance Review Committee.

James Lott of Camden Accommodations stated that he makes a living through short-term rentals and certain regulations would hurt his business. He suggested bringing in some professionals in the rental industry to assist with a draft. He would be happy to assist and stated that they should also include staff from "On the Water." Chair Hall felt that this was a good suggestion as the Town is trying to strike a balance.

Victor and Marsha Steinglass, Rockport residents. Victor Steinglass stated that they have been residents for 47 years and does not feel that a STR Ordinance is necessary. He stated that anyone walking down the street cannot tell the difference between a long-term rental and a short-term rental with the owner living there. The concept appears to be "us" versus "them." If there is a problem, neighbors should talk to the renters.

Marsha Steinglass spoke on the fact that there are currently 7,800 COVID-19 cases in Maine with 141 in Knox County. She stated that the Board should not be trying to take away an income source from residents and should focus on doing something to help residents in this period of COVID.

Chair Hall asked the Manager how much funding was cut from the budget to lower taxes after the pandemic started. Town Manager Post stated that it was approximately \$250,000. Chair Hall stated that the Board and staff have done a lot to assist Rockport's residents during the pandemic.

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Felicia Giordano stated that she takes exception to Section 3, Article 2 and 3 and Section 4 regarding 919 of the Land Use Ordinance regarding short-term rental registrations. She asked if hotels would have to abide by the same restrictions as short-term rentals. She feels that this is a violation of property rights.

Clare Tully, resident, owns a two-unit house. She stated that she feels it is insensitive to bring this issue up at this time. She would like specific examples of issues from short-term rentals. She questioned that there was adequate documentation of complaints filed. She stated that most of the owners that rent out rooms are single family homes, and most owners are Rockport residents.

Chair Hall noted that the draft provides for grandfathering existing short-term rentals. Tully stated that this would only last until the owner dies or sells the property. One of the reasons she purchased her property is to leave it to her kids for supplementing their income.

Chair Hall stated that the draft could be amended to transfer the property.

Tully stated that would certainly be one of her suggestions but asked about other residents that might need to have short-term rentals in the future that do not currently have short-term rentals now. She stated that it seems that the ordinance is putting more regulations on residents than are on motels and hotels and that is not fair.

Chair Hall stated that hotels have to comply with a lot more regulations than STR's.

Matt MacCoole, resident, feels like the ordinance is one sided and that the Board should have someone outside give an opinion as to what should be included in the ordinance.

Alex Cohen, realtor, read a prepared statement. He stated that there may be a need for an ordinance but not all the regulations are warranted. The Town has always welcomed short-term rentals. The prime example is Maine Media (The Photographic Workshop). Short term rentals are part of living in the twenty-first century. The Town should welcome visitors. People should not be discouraged from wanting to live here. He recommended that the issue be tabled and work on positive issues.

Haunani Wallace stated that she appreciated Alex Cohen's opinions. These are regulations that nobody is in favor of. The Board should work on the Comprehensive Plan that has not been updated in years. She stated that she has not heard of anyone in favor of regulations on short-term rentals. Chair Hall stated that there were plenty of comments previously supporting regulations that were made at the Fall workshop as well as letters that have been submitted and people who have verbally approached Select Board members on numerous occasions.

Charles Kava, resident, and novice observer. He asked how the draft ordinance would be modified and approved. Town Manager Post explained the process of ordinance drafting and adoption. Ordinances are drafted in a variety of ways including by staff, the Town's

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attorneys, Select Board members, Planning Board and Ordinance Review Committee members. Ordinances always go through the Select Board for approval before going to voters for final approval.

Mario Turi, resident stated that he attended the meeting to listen. He rents out property on Warrenton Street and is not prepared to make any statements.

Lynn Twentyman, property owner had questions on the origins of the regulations. She also asked why short-term rentals should be treated differently and asked about affordable housing. She questioned section 3 item 3 regarding non-owner-occupied property being classified as commercial use. She asked why there is a push for these regulations and government interference.

Julie Wheaton, resident stated that there have always been short-term rentals in Rockport. There are not enough bedrooms in Town to rent out. She feels that the Board is overreaching and over regulating. She asked why the Ordinance Review Committee (ORC) was not tasked to draft the ordinance. Chair Hall stated that two members of the ORC did draft the ordinance.

Peabody Southwell stated that she is a non-resident, owns a house in Rockport and that she needs to rent it out when she is not in Rockport. She stated that she does not understand the need for the ordinance. She is very concerned about inheritance of the property when she is gone and that it be allowed to be rented. She also felt that some language in the ordinance does put neighbor against neighbor.

Betsy Elwin, resident spoke in favor of the ordinance. She rents out rooms in her home. She stated that she feels like the Board has tried to balance out the regulations from the previous comments. She stated that the fact the police department is not called does not mean that there are not issues with short-term rental tenants. Elwin stated that by saying that Rockport does not need regulation because there are no problems is ignoring the fact that there are people who have had problems. She thanked the Board for putting this forward, knows that it needs work and that is the point for comments. She stated that it should be clearer that short-term rentals would need an annual registration.

Ruth Wall stated that it seems that there have been complaints and she would like to see them. She stated that the comments tonight are mostly people who own short-term rentals. She believes that less and less people are able to afford to rent for a week. It seems that non-owner short-term rental owners have inherited the property, so they do not live in Rockport.

Kye Sangha stated that she helps manage a property. She learned to love Maine by living in short-term rentals. She stated that there needs to be rules and feels that what is being presented is a good draft. She stated that a cap on short-term rentals is a good idea. She noted that in other locations where she has lived that there was a proliferation of short-term rentals that occurred because no regulations were in place. She cited Munjoy Hill in

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Portland as an example of a neighborhood that would have benefitted from regulations being in place.

She also cautioned that in her experience towns, such as Denver, that did not pay attention to this issue and adopt regulations before short term rentals become a problem, ended up trying to address the problem but were limited in what they could do because they had waited too long.

Melissa MacCoole, resident has a problem with making the minimum length of stay seven days. In her experience, the bulk of people who rent in a short-term rental only want to stay three to five days. She also stated that the ordinance asks for a lot of information and she personally would not want to give out her income information. Some information may not even be able to be acquired such as sales tax information as that is automatically charged to renters and the owners do not see the amounts. Chair Hall stated that the seven-day term could be adjusted and thanked her for the information about the state-required sales tax.

MacCoole asked how many complaints have been received by the Police Department. Chair Hall stated that there is no documentation on specific complaints regarding short-term rentals. The Police Chief explained previously that there when complaints come in, they are not specific to short-term rentals but may be noise or parking issues.

MacCoole asked if the ordinance would be on the ballot for June. Chair Hall stated that the Board is aiming for the ordinance to go to the voters in June, but they mainly want to get it right on the first go-around.

Jessica Ward stated that she would oppose the seven-day requirement and that meeting on Zoom is challenging.

Board Member Kelley reported that he had tallied the responses and eight speakers were in the middle of the road, three were for the ordinance, and eleven against the ordinance.

Chair Hall thanked everyone for their participation in the discussion.

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

Chair Hall expressed her thoughts that the meeting was very interesting and future meetings would be a good idea. One of the things she noted was the fact that if members of the public do not attend the school board meetings to encourage school board members to hold the line on the budget, it is difficult for board members to do so. She encouraged that some people in Town might want to form a citizens' group. In the past Alex Armentrout attended school board meetings on behalf of a group of residents called Value in Education. She noted that some believe that this group had a positive on holding the line on the school district budget.

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Board Member Hannan stated that she thought it would be helpful to have the school board members come to a Select Board meeting a couple of times a year and update the Board and residents on how the school budget was progressing.

Board Member Hamilton felt that the school board members that attended the meeting had very good discussion points.

Board Member Kelley stated that a couple of people commented to him on the meeting and one felt that it is not the Select Board's business if the School Board give bonuses to the school employees.

VIII. SELECT BOARD LIAISON REPORTS

Board Member Kelley reported that the Parks Committee would hold a remote meeting on the 11th and that the Conservation Committee would hold their meeting on the 12th.

Vice-Chair Munger appreciates the Parks and Beautification Committee for their work in Memorial Park. The committee made two recommendations to the Select Board. They recommended that the Town purchase and install two streetlights on the Pascal Avenue bridge and for the Public Works Department to make a kiosks for temporary signs at the intersection of Route 1 and 90 near the former RES site.

Vice-Chair Munger report that the ZBA will meet via Zoom on Monday, the 16th at 6:00 p.m. and on the 17th at 6 p.m. to hear the hotel appeal

Board Member Hamilton stated that the Pathways Committee would be having a meeting soon. The Harbor Committee had a meeting and recommended the Harbor Fee Schedule that the Board approved tonight.

Board Member Hannan reported that the Planning Board will meet on the 19th.

Chair Hall stated that the Parking Task Force Meeting was postponed. The Camden-Rockport Broadband Task Force decided to go a different direction and to hit the pause button for now on the contract that was previously approved for Mission Broadband. She will update the Board on this at a later point.

IX. EXECUTIVE SESSION

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

At 8:34 p.m. Vice Chair Munger moved to go into Executive Session pursuant to 1 M.R.S. 406 (6) (E) to discuss a legal matter. Board Member Kelley seconded the motion. VOTE: 5 FOR – 0 OPPOSED

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At 9:07 p.m., Board Member Hannan moved to exit Executive Session. Vice Chair Munger seconded the motion. VOTE: 5 FOR – 0 OPPOSED

- b. Any Action as a Result of Executive Matter** – No action was taken
- c. Convene in Executive Session Pursuant to 1 M.R.S. 406 (6) (A) to discuss a personnel matter**

At 9:07 p.m., Board Member Kelley moved to go into Executive Session pursuant to 1 M.R.S. 406 (6) (A) to discuss a personnel matter. Board Member Hamilton seconded the motion. VOTE: 5 FOR – 0 OPPOSED

At 9:40 p.m., Board Member Hamilton moved to exit Executive Session. Board Member Hannan seconded the motion. VOTE: 5 FOR – 0 OPPOSED

X. ADJOURNMENT

At 9:40 p.m., Board Member Hamilton moved to adjourn the meeting. Board Member Hannan seconded the motion. VOTE: 5 FOR - 0 OPPOSED

Respectfully submitted,

LINDA M. GREENLAW
TOWN CLERK as RECORDING SECRETARY