

TOWN OF ROCKPORT

NOVEMBER TOWN MEETING WARRANT

Tuesday, November 8th, 2022

To: Randy Gagne, Constable of the Town of Rockport, in the County of Knox, State of Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Rockport in said County, qualified by law to vote in Town affairs, to meet at the Rockport Town Office, of the said Town of Rockport, on Tuesday, the 8th day of November, 2022 at 8:00 o'clock in the forenoon to 8:00 o'clock in the evening to vote on Articles 1 through 9 at which time the meeting will adjourn.

Article 1. To elect a moderator to preside at said meeting.

Article 2. Shall the following amendments to the Town of Rockport Coastal Waters & Harbor Ordinance, Section 502.3 be enacted?

Large Vessel Location Limitation: Vessels of forty feet (40' LOA) or greater will not be assigned a mooring location in the Inner Harbor. Vessels of fifty feet (50' LOA) or greater will not be assigned a mooring location in the Middle Harbor.

Harbor Committee Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 3. Shall the following amendments to the Town of Rockport Land Use Ordinance, Section 803.1.5 be enacted?

To assist in considering these factors related to off-street parking, the CEO or Planning Board may order a study of such factors, paid for by the applicant, pursuant to Section 1302.

~~Amendment to 5. Parking Location. No off-site or shared parking, or waiver of parking requirements, shall be approved unless it is supported by an independent traffic study prepared by a qualified professional, hired by the reviewing authority, and paid for by the applicant, which establishes that the parking facility is adequate for the proposed use and any shared use(s) will not cause undue burdens on traffic or parking in the vicinity, and will not cause safety concerns. Notwithstanding 1 M.R.S. section 302, this amendment shall apply to all land uses and all off-site parking facilities that have not received final approval as of 45 days prior to the enactment of this amendment.~~

Planning Board Votes: 7 For, 0 Against, 0 Abstain RECOMMEND

November 2022 Town Meeting Warrant – continued

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 4. Shall the following amendments to the Town of Rockport Land Use Ordinance, Section 917.G.9 be enacted?

9. No more than 40 (forty) rooms, in the aggregate, shall be permitted at Inns/Hotels in the 913 zoning district. ~~No single inn or hotel, nor any combination of such uses located on the same lot, shall have more than 20 guest rooms. (Notwithstanding 1 M.R.S. Section 302, subsection G. Notes 9 shall apply to all hotels and inns that have not received Planning Board approval and all required building permits as of March 1, 2020)~~

Planning Board Votes: 7 For, 0 Against, 0 Abstain RECOMMEND

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 5. Shall the following amendments to the Town of Rockport Subdivision Ordinance, Article 11.6.A.1 and 11.6.B.1 be enacted?

A. Public System

1. Any proposed subdivision within the area designated in the comprehensive plan for future sewage disposal service shall be connected to the public system proposed shall conform with applicable provisions of the Rockport Sewer Ordinance.

B. Private Systems

1. ~~When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Where public sewage disposal service is not available, Sewage disposal shall be a private subsurface wastewater disposal system or a private treatment facility with surface discharge shall be used for sewage disposal.~~

Planning Board Votes: 7 For, 0 Against, 0 Abstain RECOMMEND

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 6. Shall the following amendments to the Town of Rockport Land Use Ordinance Section 1302, and Subdivision Ordinance Article 6.2, 7.1, and 8.1, be enacted?

Land Use Ordinance, 1302 Administration:

Within fourteen (14) days of receiving an application, the Planning and Development Director shall review the application for completeness. If found incomplete, the applicant shall be notified of the specific material needed to make the application complete. The Planning and Development Director may

conduct a site visit of the proposed activity before deeming the application is complete. The applicant shall be responsible for providing the additional material to make the application complete. In no case shall a complete application take longer than 60 days to be placed on the Planning Board agenda.

Subdivision Ordinance Article 6.2

- D. Within ~~thirty~~ fourteen (14) days of the receipt of the final plan application, the ~~Board~~ Planning and Development Director shall review the application for completeness. If the application is not complete, the ~~Board~~ Planning and Development Director shall notify the applicant of the specific additional material needed to complete the application.

- E. A public hearing shall be held within thirty (30) days of the ~~Board's~~ Planning and Development Director's determination that ~~it has received~~ a complete plan application has been received. The ~~Board~~ Planning and Development Director shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Rockport, at least two (2) times, the date of the first publication ~~be~~ at least seven (7) days prior to the hearing. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, ~~Consumers~~ the Maine Water Company or its successors shall be notified of the date, time, and place of the hearing.

Subdivision Ordinance Article 7.1

- C. Prior to ~~or at~~ the meeting at which an application for preliminary plan approval of a Major Subdivision is initially presented, the Planning Office shall:
 - 1. Issue a dated receipt to the applicant.
 - 2. Notify ~~in writing~~ all owners of abutting property in writing that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 - 3. Notify the Town Clerk and the reviewing authority of ~~the~~ neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

- D. Within ~~thirty~~ fourteen (14) days of the receipt of the preliminary plan application, the ~~Board~~ Planning and Development Director shall review the application for completeness. If the application is not complete, the ~~Board~~ Planning and Development Director shall notify the applicant of the specific additional material needed to complete the application.

- E. A public hearing shall be held within thirty (30) days of the ~~Board's~~ Planning and Development Director's determination that ~~it has received~~ a

completed preliminary plan application has been received. The ~~Board Planning and Development Director~~ shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Rockport, at least two (2) times, the date of the first publication ~~to be~~ at least seven (7) days prior to the hearing. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, the ~~Aqua Maine Inc.~~ Maine Water Company or its successors shall be notified of the date, time, and place of the hearing.

Subdivision Ordinance Article 8.1

- E. Within ~~thirty~~ fourteen (14) days of the receipt of the final plan application, the ~~Board Planning and Development Director~~ shall review the application for completeness. If the application is not complete, the ~~Board Planning and Development Director~~ shall notify the applicant of the specific additional material needed to complete the application.

- F. A public hearing may be held within thirty (30) days of the ~~Board's Planning and Development Director's~~ determination that ~~it has received~~ a completed final plan application has been received. The ~~Board Planning and Development Director~~ shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Rockport, at least two (2) times, the date of the first publication ~~to be~~ at least seven (7) days prior to the hearing. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, ~~Aqua Maine Inc.~~ the Maine Water Company or its successors shall be notified of the date, time, and place of the hearing.

Planning Board Votes: 7 For, 0 Against, 0 Abstain RECOMMEND
Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 7. Shall the voters of the Town of Rockport, Maine adopt the Second Amendment to the Rockport Downtown Municipal Development and Tax Increment Financing Development Program that extends the term to 30 years and adds project costs to be permissible uses of tax increment financing revenue?

Findings Related to the Second Amendment to the Rockport Downtown Municipal Development Tax Increment Financing District and Development Program

WHEREAS, the Town of Rockport (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to create tax increment financing districts and development programs for such districts, and to amend such districts and development programs; and

WHEREAS, the second amendment (the “Second Amendment”) to the Rockport Downtown Municipal Development Tax Increment Financing District (the “District”) and its development program (the “Development Program”) by extending the term to thirty (30) years as well as adding broadband infrastructure and environmental improvement projects to the project costs that will help provide new employment opportunities within the Town, provide opportunities for economic development in the Town and surrounding region, improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town will hold a public hearing on the question of adopting the Second Amendment to the District and Development Program in accordance with the requirements of 30-A M.R.S.A. Section 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town Meeting, via referendum vote, shall vote whether to approve the Second Amendment to the District and Development Program; and

WHEREAS, it is expected that approval will be sought and obtained from the State of Maine Department of Economic and Community Development, approving the Second Amendment to the District and Development Program.

NOW, THEREFORE:

Section 1. The Town hereby adopted the Second Amendment to the District Development Program; such approval to be pursuant to the following findings, terms, and provisions

Section 2. The Town hereby finds and determines that:

- a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendments, this Second Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.
- b. The Second Amendment will make a contribution to the economic growth and well-being of the Town of Rockport and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Rockport, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby adopts the Second

Amendment to the Rockport Downtown Municipal Development Tax Increment Financing District and Development Program, presented at the public hearing and available at the Town Office in the form attached hereto.

Section 3. The Town Manager, or their duly appointed representative, be and hereby is authorized, empowered, and directed to submit the Second Amendment to the District and Development Program to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Section 5226.

Section 4. The Town Manager, or their duly appointed representative, be and hereby is authorized and empowered to make revisions to the Second Amendment to the District and Development Program as the Town Manager, or their duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment to the District and Development Program by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with this article or the basic structure and intent of the Second Amendment to the District and Development Program.

Section 5. The foregoing Second Amendment to the District and Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of its approval by the State of Maine Department of Economic and Community Development, without requirement or further action by the Town, the Town Manager, or the Select Board.

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 8. Shall the voters of the Town of Rockport, Maine approve the Route 90 Municipal Development and Tax Increment Financing District which will include various parcels along Route 90 and a total of more than 230 acres, and adopt the Route 90 Development Program relating thereto?

Findings Related to the Route 90 Municipal Development Tax Increment Financing District and Development Program

WHEREAS, the Town of Rockport (the “Town”) is authorized pursuant to

Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to create tax increment financing districts and development programs for such districts; and

WHEREAS, the Route 90 Municipal Development Tax Increment Financing District (the “District”) and its development program (the “Development Program”) will consist of approximately 230.33 acres located all along Route 90 will help provide new employment opportunities within the Town, provide opportunities for economic development in the Town and surrounding region, improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town will hold a public hearing on the question of approving the District and adopting the Development Program in accordance with the requirements of 30-A M.R.S.A. Section 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town Meeting, via referendum vote, shall vote whether to designate the District and adopt the Development Program; and

WHEREAS, it is expected that approval will be sought and obtained from the State of Maine Department of Economic and Community Development, approving the District and Development Program.

NOW, THEREFORE:

Section 1. **The Town hereby designates the District and adopts the Development Program; such approval to be pursuant to the following findings, terms, and provisions:**

Section 2. **The Town hereby finds and determines the following, demonstrating the District’s compliance with the State statute:**

- a. At least twenty-five percent (25%), by area, of real property within the District is suitable for commercial uses; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all existing development districts within the Town (including this District) does not exceed (5%) of the total acreage of the Town; and
- c. The original assessed value of all existing tax increment financing districts (including this District) does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of April 1, 2022; and
- d. The District and Development Program will generate substantial

economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on, or detriment to, any existing business, if any, is outweighed by the contribution expected to be made through the District and Development Program.

Section 3. **Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby adopts the Development Program, presented at the public hearing and available at the Town Office in the form attached hereto and such Development Program is hereby incorporated by reference into these findings.**

Section 4. **The Town Manager, or their duly appointed representative, be and hereby is authorized, empowered, and directed to submit the District and Development Program to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Section 5226.**

Section 5. **The Town Manager, or their duly appointed representative, be and hereby is authorized and empowered to make such revisions to the District and Development Program as the Town Manager, or their duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with this article or the basic structure and intent of the District and Development Program.**

Section 6. **The foregoing District and Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of its approval by the State of Maine Department of Economic and Community Development, without requirement or further action by the Town, the Town Manager, or the Select Board.**

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 9. Shall the following amendments to the Town of Rockport Charter, Article 3 Section 2, be enacted to read as follows?

Section 2 Appointment Process

The procedure leading to the appointment of a Town Manager shall be as follows:

- A. The Select Board shall circulate an advertisement for no less than fourteen (14) days to seek applicants for the position of Town Manager.
- B. The Select Board may establish a Search Committee consisting of five (5) residents to review the applications and provide a group of finalists for the Select Board to interview. All meetings of the Search Committee shall be held within Executive Sessions and all information and discussions are confidential to the extent allowed by law.
- C. The Select Board shall, as a group, interview in person in executive session, each of the finalists for the position of Town Manager.
- D. Appointment of a Town Manager requires a majority plus one vote of the Select Board, all members being present
- E. If the office of Town Manager becomes vacant for any reason within one year of the appointment of the Town Manager, the Select Board may choose a new Town Manager from the list of finalists in the previous search.

The procedure leading to the appointment of a Town Manager shall be as follows:

- ~~A. The Select Board shall consult with the Maine Municipal Association regarding recruiting procedures and may make use of any services the Maine Municipal Association might have available. This information shall be made available to the Search Committee.~~
- ~~B. A Search Committee of not less than five (5) and not more than seven (7) Town residents shall be appointed by the Select Board within 30 days of the office of Town Manager becoming vacant or within 30 days notice to the Select Board that the office of Town Manager will become vacant. One member of the Select Board shall serve as an ex officio member of the search committee.~~
- ~~1. All meetings of the Search Committee shall be conducted as Executive Sessions and all information and discussions are confidential to the extent allowed by law.~~
- ~~2. The Search Committee shall choose from its members a chairman who is responsible for running the meetings and conveying to the~~

November 2022 Town Meeting Warrant – *continued*

Select Board the progress of the search.

- ~~3. The Search Committee shall also choose from its members a vice-chairman who shall act in the event the chairman is absent or unable to carry out his or her duties.~~
- ~~4. The Select Board shall present to the Search Committee a job description for the position of Town Manager.~~
- ~~5. The Search Committee shall review all applications received for Town Manager, assuring that the minimum standards set out in state law are met and that the applications meet the requirements of the job description. A copy of each application for Town Manager shall be given to each member of the Select Board.~~
- ~~6. The Search Committee shall present to the Select Board a semi-final list of candidates for the position of Town Manager. By a majority vote the Select Board may add to the list of semi-finalists, the name of one or more applicants taken from the list of all applicants.~~
- ~~7. The Search Committee and the Select Board together shall prepare a questionnaire which all semi-finalists must complete in writing and return to the Town Office. Responses to the questionnaire shall be distributed to both the Search Committee and the Select Board.~~
- ~~8. After reviewing the questionnaires, the Search Committee shall present to the Select Board a list of finalists, not to exceed five.~~
- ~~9. By a simple majority vote, the Select Board may add to the list of finalists additional finalists from the original list of semi-finalists, not to exceed two.~~
- ~~10. The Select Board shall, as a group, interview in person in executive session, each of the finalist for the position of Town Manager.~~
- ~~11. Appointment of a Town Manager requires a majority plus one vote of the Select Board, all members being present.~~
- ~~12. In the event the Select Board is unable to meet the requirements for appointing a Town Manager, the position shall be advertised again and the search re-started.~~
- ~~13. If the office of Town Manager becomes vacant for any reason within 90 days of the appointment of the Town Manager, the Select Board may choose a new Town Manager from the list of finalists in the previous search.~~

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Article 10. Shall the following amendments to the Town of Rockport Charter, Article 7 Section 4, be enacted to read as follows?

Section 4 Determination of Election Results

- A. Number of Votes. Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.

- A. Plurality. Election shall be determined by plurality vote. In case of a tie for all elected positions except for Select Board and School Board, a run-off election of those who tied shall be at the November election. Select Board reference: Article II, Sec 10 E; School Board reference: Article I, Sec 5.

- B. Write-In Candidacy. Write-In candidates for municipal and school offices must file their intention to serve for the office they are elected to in writing to the Town Clerk prior to the opening of polls on the day of the election. Failure to provide a timely written intention results in ballots cast in that candidate’s name to be null and void.

Select Board Votes: 5 For, 0 Against, 0 Abstain RECOMMEND

Date: September 6, 2022

Delores Michelle Hannan, Chair

Mark Kelley, Vice-Chair

James Annis

Eric Boucher

Denise Munger

ROCKPORT SELECT BOARD

Attest:

Linda M. Greenlaw, Town Clerk