

A Board of Selectmen meeting was held on Tuesday, March 5, 2013 in Conference Room A of Rockport Town Hall with five selectpersons present and the Town Administrator.

6:15 Meeting Called to Order

Executive Session – Pending Litigation: Selectperson Wilkinson moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) Exception 3: to discuss strategy with respect to litigation, Selectperson Murphy seconded, Roll Call Vote: Chairperson Battistelli – aye, Selectperson Fleming – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye.

Executive Session
Pending Litigation

Chairperson Battistelli: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s litigating position and we will reconvene in Open Session.”

7:15 Pledge of Allegiance and Moment of Silence:

Quarterly Legal Review: Darrin Klein and John Goldrosen from Kopelman & Paige are presenting. D. Klein stated that the town has 9 open cases, this is significantly down from prior years. Only 5 of the 9 cases are active. The costs are trending in the right direction, decreasing. This is due to the work of the Town Administrator and town managers. The cost of representing one case is being covered by the town’s insurance carrier. They have been assisting in the process of putting together the warrant for the Annual and Spring Town Meeting which is being held on the first Saturday in April. He continued that K&P help with by-law amendments, a regional emergency planning agreement, real estate issue, enforcement issues, contract review, personnel issues. Looking forward to town meeting and listening to the residents’ comments. Moderator is requesting that if any citizens have amendments to articles that they try to get amendments to us as soon as possible before town meeting.

Quarterly Legal
Review
Kopelman & Paige

John Goldrosen presented on land use cases: He explained that if a board denies a permit and the applicant appeals that decision – Kopelman & Paige represents the board. If the board agrees to issue the permit and then an abutter or neighbor appeals this, we let the applicant in most cases, get their own representation. If they can serve a useful role as an intermediary to expedite a settlement, then we do. One case was settled this year that we participated in and expedited the process.

Selectperson Wilkinson questioned the issue of a statement being on all e-mails indicating that the e-mail is public. She questioned if all e-mails should indicate that they are public. D. Klein, said it’s a good idea to state that it is a public document so citizens are aware of that. Sometimes individuals don’t understand this and they hope that their e-mails sent to the town can be private.

Selectmen Updates and Liaison Reports: Selectperson Fleming stated that she attended the School Committee meeting last Wednesday. She continued that there was one finance committee member in attendance. She stated that it was a very good meeting. She stated that Pam Girard, Special Education Director was very clear, knowledgeable, and articulate. She shared information on the unfunded transportation costs. When bids go out to transportation companies, often times many don't respond. A Special Education Forum is being held at the School Library on 3/20/13 at 7pm; Pam Girard will present. She stated that this Friday, she is going to a school committee Cape Ann Focus on Education.

Public Comment Period

Public Comment Period: Toby Arsenian, 95 Granite Street, commenting on the Tool Company project and the Board of Selectmen's enthusiasm at their proposal. He stated that the numbers are dishonest about what the town will receive from this project in revenue. When Mr. Rauseo was here nobody thought to ask about drainage issues and affordable housing is gone. He is afraid it will be a cookie cutter development. He is opposed to the floats; there are over 400 people on the mooring list. He believes there should be a public hearing on each license proposal.

Selectperson Fleming: stated an objection to the "dishonest" comment by Mr. Arsenian regarding Wally Hess.

7:40

Action List

Finance Committee
Presenting FY '14
budget

Mike Hughes, Frank Hassler were presenting from the Finance Committee, June Michael, Michael, and Bill Wagner in attendance. The tax rate summary was explained, it pulls together all numbers that make up the budget. \$28.5 is needed for operations and approximately \$750,000 in capital expenses, for a total of approximately \$30M in expenses. There is a \$1M offset to state aide, funds that the state gives the town but gives it to other agencies (school, etc.). The state assesses the town, (retired teachers health insurance, MBTA, etc.) and those costs are subtracted from the revenue they have pledged to send to Rockport. The town needs to find \$31.5, \$19.2 needs to come from the tax levy. Snow and ice deficit, Long Beach, town Clerk salary, are issues. Union raises are not in the budget; that will be on the Fall Town Meeting. The Town Clerk's salary was not properly adjusted over the years. The Finance Committee researched it and found out that in FY '09 the average of about 38 town clerks across the state was \$53,000. It was stated that the increases in salary over the years for the Town Clerk position, compared to other town Hall employees, was low. This position was compared to the Town Accountant and the Town Treasurer and they are recommending a salary of \$60,000 for the Town Clerk. The Personnel Board has to approve this. The Town Administrator stated that Schedule F is for elected officials, based on the Finance Committee's recommendation, if the Board of Selectmen has an opinion, she can go to the Personnel Board to request this.

Selectperson Murphy stated that Rockport should pay competitive wages, and inquired what are other comparable communities are paying.

It was stated that Manchester is the highest salary; their Town Clerk is paid \$65,000.

Chairperson Battistelli provided an update on the articles; some have been removed.

Special Town Meeting warrant: The Town Administrator stated that there is no source currently for the \$25,000 for Long Beach repairs on Schedule G; a source needs to be located for this, but it doesn't change the article.

Special Town Meeting Warrant

Annual Town Meeting warrant: The article on the meals tax was removed, the article on the room tax was removed, the article on the student revolving account was removed. The Long Beach lease Article S, lines up with the statute, the leases are for the land; for land it doesn't matter in the law. It was modified to make it clear that the Board of Selectmen would pursuant Chapter 40, Section 3, and 30B, Town Meeting has to vote in order to allow the town to lease town owned property. The Criminal Offender finger print Article was in public safety, it has been moved to commerce and trade. The OPEB article was reduced from \$200,000 to \$185,113 catching up with where the finance committee is.

Annual Town Meeting Warrant

Article on the Long Beach sedimentation study, Article L: J. Gardner, Chairman of the DPW Commissioners, stated that the Finance Committee is not supporting the sedimentation study. He stated that he is very surprised at this. He stated that the Long Beach Seawall is in bad shape and could endanger the land behind the wall. If we think the wall is endangering the beach in front of it, how do we repair the wall? He said how much erosion has happened to the beach is in question. We know the about the erosion of the wall. Beach re-nourishment will be cheaper than repairing the wall. If we care about preserving Long Beach, which is really the best beach we have in Rockport, we have to do something. We won't know what the right decision is. The sedimentation study will tell us about the sand coming onto the beach and the sand leaving the beach. We could have a planned retreat by moving the wall back. One firm came in a \$40 to \$50,000 does not include computer modeling which Coastal Zone Management recommended, one group came in at \$60 to \$100,000 and one firm has not responded yet.

Article L: Long Beach Sediment Study
Jim Gardner

Toby Arsenian, 95 Granite Street stated that he is not surprised that Finance Committee is not supporting this. He is concerned about spending money for this study; it's a pile of paper. Should be used for beach nourishment and we should know what beach nourishment would cost.

J. Gardner stated that there are other options other than nourishment; there are a range of possibilities.

Article V, National Grid easement: J. Parisi stated that they may not need another easement if the existing has been located.

Article V National Grid easement

8:30

Selectperson Wilkinson left the meeting.

Establishment of Landing Fee for Thacher Island: Selectperson Fleming moved that the Board of Selectmen approve of the establishment of a landing fee for visitors coming ashore on Thacher Island for the year 2013 as per the request of the Thacher and Straitsmouth Island Town Committee, Selectperson Sheedy seconded, Vote: 4-0.

Establishment of Landing Fee for Thacher Island Motion Approved

Establishment of
Landing Fee for
Thacher Island

(Continued)

S. Wedmore from the Thacher and Straitsmouth Island Town Committee, Paul St. Jermaine from the Thacher Island Association. S. Wedmore stated that Thacher Island has become a popular destination and there is an inequality in funding and payment of expenses. There is currently no contribution from visitors. Adults (over the age of 14) that aren't residents of Rockport, don't have a Fish and Wildlife pass, or aren't members of the Thacher Island Association would be required to pay the fee. The \$5.00 landing fee would be collected on the island. Also a fee for the launch is being considered. Approximately 1 gallon of fuel is used per person that is taken out to the island; the cost of running the boat has to be considered. The proposal is \$20 per adult, and \$10 for children.

Toby Arsenian, 95 Granite Street is not in favor of the fee, he stated that people aren't charged for beaches.

The Town Administrator stated that the town's insurance agent is discontinuing insurance coverage because of insufficient access to the property; we must provide interior access to the dwelling. S. Wedmore stated that the window of visitation to the island is most likely unfamiliar to the insurance company. This needs to be resolved.

Selectmen Chair & Vice
Chair Rotation Policy
Motion Approved

Selectmen Chair and Vice Chair Rotation Policy: Selectperson Murphy moved that the Board of Selectmen accept the revisions to the Selectmen Chair and Vice Chair Rotation Policy, Selectperson Fleming seconded, Vote: 4-0.

It was discussed that if a Chair or Vice Chair is comfortable and wishes to remain longer than one year and the other members are also in favor of that, the option will be available. The Town Administrator stated that the protocol on the day of the first meeting after the election, is the time where this should be discussed and everyone could be heard.

The Town Administrator questioned the Board on the SeniorCare, meals on wheels, each board member is responding individually on whether they can participate.

9:00 Selectperson Murphy moved to adjourn, Selectperson Sheedy seconded, Vote: 4-0.

Warrant:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 3/7/13 in the amounts of \$469,316.10 and \$974,156.71 respectively.

Items signed:

Zinc Studio Design, 3 Mill Lane, Home Occupation Permit