

BOARD OF SELECTMEN  
Tuesday, March 11, 2014

A Board of Selectmen meeting was held on Tuesday, March 11, 2014 in Conference Room A in Town Hall at 7pm. Present were five selectpersons; the Town Administrator and the Asst. to the Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of February 25, 2014: Selectperson Lucas moved that the Selectmen approve the minutes of February 25, 2014, seconded by Selectperson Wilkinson, Vote: 3-0. Selectperson Murphy abstained as he was not present on 2/25/14.

Approval of  
2/25/14 Minutes  
Motion  
Approved

Approval of Minutes of February 27, 2014: Selectperson Wilkinson moved that the Selectmen approve the minutes of February 27, 2014, seconded by Selectperson Sheedy, Vote: 4-0.

Approval of  
2/27/14 Minutes  
Motion  
Approved

7:15 Alcohol Regulations Hearing: Selectperson Lucas recused herself and left the room because she said her husband requested this hearing. Selectperson Murphy moved that the Board open an Alcohol Regulations Hearing to hear public comments pertaining to the Rockport Alcohol Regulations dated June 28, 2011, in the third paragraph of the "Restaurant Dining Areas – Service of a Meal" which states that "Meals must be served on solid dinnerware with flatware. No disposable plates or plastic cutlery are permitted, except where State law requires. In all cases, however, alcoholic beverages must be delivered to the table by a waitperson, Selectperson Sheedy seconded, Vote: 4-0.

Open the  
Alcohol  
Regulations  
Hearing  
Motion  
Approved

Chairperson Battistelli read the public notice printed in the Gloucester Daily Times.

Scott Lucas, 57 High Street, stated that he has owned and operated Top Dog on Bearskin Neck for 14 years; the business has plateaued. They can't serve much more food and are looking for ways to increase revenue. He said when vacationing, most folks expect to spend more for food. He said he hasn't applied for an alcohol license for Top Dog, because the regulations make it difficult for them to apply. The regulations require no plastic ware or paper plates, they have to use these because they can't wash or store plates and silverware. He said Top Dog would still be a family-friendly establishment. The Town Administrator said the town only has a liquor license; there is no availability for a wine and beer license in Rockport. She said most communities have both options. The said this request is just to remove the paragraph about requiring china and silverware and tables being waited on.

Public comment: Pat Brown questioned patrons sitting outdoors with alcohol. T. Arsenian inquired how this would affect other establishments that currently have alcohol licenses; she asked will this increase the amount of waste in town (plastic, etc.) Chairperson Battistelli said there is already this waste in town, so this shouldn't be a problem. Sarah Kelly, Frank Street, said she is in favor of this. Selectperson Sheedy said she believes removing this paragraph makes it more safe (removing glassware). H. Mallette, Granite Street, asked about the difference between a liquor license and a beer and wine license. The Chairperson said if an establishment has a liquor license they are not required to offer anything other than beer and wine, it's their choice. T. Arsenian, said there are two licenses; whole year and seasonal licenses. Ray Thursby, Tarr's Lane West, said glass is required currently, what is proposed might encourage patrons to leave with the alcohol in the paper cup.

Public Comment  
Period

Close Hearing: Selectperson Sheedy moved that the Board of Selectmen close the Public Hearing, Selectperson Murphy seconded, Vote: 4-0.

Close the  
alcohol  
Regulations  
hearing, Motion  
Approved

Alcohol regulations  
Continued

Selectperson Murphy said he fully supports the elimination of the sections in the Alcohol regulations requiring glassware, silverware and waitpersons delivering alcohol. He said this will help businesses thrive. Chairperson Battistelli questioned if there are other businesses that would benefit from this as well. Selectperson Wilkinson said this might create a longer season; she fully supports this proposal. Selectperson Sheedy said she is in favor of the plastic; the current regulations are difficult for businesses.

Selectperson Wilkinson moved that the Board of Selectmen amend the current Alcohol Regulations, in the third paragraph of the "Restaurant Dining Areas – Service of a Meal" by deleting the third paragraph in its entirety, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Lucas abstained.

Selectmen Updates  
and Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Lucas said the town of Rockport was named in the top 3 out of 24 small towns in New England to visit on a website.

Public Comment  
Period

Public Comment Period: H. Mallette, 133R Granite Street, spoke about Warrant Article Q on the Coastal Flood plain. He inquired if the panels were to be included, the Town Administrator said if they can be put on a slide, they will. He questioned the letters written to FEMA and Senator Warren regarding the appeal on Main Street; he said Long Beach was successful but the rest of the town wasn't. LOMA is the second step of the appeals process, individual areas could be appealed. Selectperson Lucas said we accepted new maps that were given to us after we appealed preliminary maps. There is another phase in the process where certain areas could be appealed. The smaller areas could be done on an individual basis. She said on a state level Sen. Warren and others are appealing the whole coast, but the process for the town had to do with appealing those two areas, and now there is an open process to appeal. Selectperson Lucas said we received an e-mail from a radio station regarding the rate hikes, the new maps and 25% flood insurance costs. She said there are multiple co-sponsors of a bill to stop that, we will see the 25% rate increases, and then one year from now we should see reduced rates. She said she spoke to an insurance agent who said they expect this to pass but even if it does it will take one year to see reduced rates.

T. Arsenian, 95 Granite Street, great satisfaction for those in areas where the appeal was successful. The town paid for the appeal; he questioned if private residents are supposed to pay for this themselves. The Town Administrator said there is a misunderstanding about the letters to our Congressmen, Sen. Warren, etc. She said the purpose of the letters was to say that FEMA didn't do a sound job; this was all we could do, it was over \$20,000. She stated that the town couldn't appeal the whole coastline. We want FEMA to pay for their mistakes so we can take care of the whole town. He said the plans from the applicant have changed; the public has been deprived from commenting on the amended plans. He said he thinks the harbor masters should be contacted about how many of the moorings are going to be displaced by the water taxi and the transient slips. Doesn't believe in the ferry; this needs to be written into the license that if the ferry disappears that the space will revert to public use for additional transient moorings. Those are the public benefits the town is supposed to get in place of the 20,000sf park, that the town isn't getting.

Town  
Administrator's  
Report

Town Administrator's Report: DPW labor is being used to clean up the Mackey house, the Town Administrator distributed some pictures. Selectperson Wilkinson said the property was a wreck previously; this has been a lot of work. Items are being collected from 59 High Street; money was found in envelopes; anything of value is being collected. Second Glance will take the usable furniture; the town will receive 50% of the profits from the metal. Regarding the Firefighter physicals, two have been done and three are in process for those that are 65 years old and over. The town storage space is diminishing; we are looking for all available storage spaces. At the recent Management Meeting; the town said goodbye to

retiring Town Accountant, Roberta Josephson. M. Vieira attended the first CATA advisory board meeting; he said they are looking to hire a deputy administrator. They are considering a daily route to Gloucester (from Broadway every hour to Gloucester Crossing). The Recreation office is 98% complete; it is across from the parking clerk. Interviews will be scheduled for the vacant positions of Network Manager and Town Accountant. Action, Inc. is requesting Rockport complete a needs assessment, regarding the greatest challenges facing Rockport; it is due tomorrow. Gloucester is looking to hold workshops on protecting the beaches; the Town Administrator recommended the old Coastal Alliance. The Town Administrator said the health insurance rates for the town haven't increased for three years now.

7:30 Action List

Action List:

- Acceptance of Resignations from the Rights of Way Committee: Selectperson Lucas moved that the Board accept the resignations of Marc Prince and Mary Courtney-Prince from the Rights of Way Committee effective immediately; seconded by Selectperson Wilkinson, Vote: 5-0.

Resignations from Rights of Way Committee  
Motion Approved
- Acceptance of Resignation of the Assistant Dog Officer: Selectperson Murphy moved that the Selectmen accept the resignation of Paula Geehan as the Assistant Dog Officer effective March 4, 2014, Selectperson Sheedy seconded, Vote: 5-0. The Town Administrator said the amount of calls requires more hours. The resignation of the Dog Officer will be received shortly; this function is being reviewed.

Resignation of Asst. Dog Officer  
Motion Approved
- Acceptance of Resignation from the Millbrook Meadow Committee: Selectperson Sheedy moved that the Board accept the resignation of Kimberly Jones from the Millbrook Meadow Committee effective immediately, Selectperson Murphy seconded, Vote: 5-0.

Resignation from Millbrook Meadow Committee  
Motion Approved
- Correction of Minutes of January 9, 2014: Selectperson Wilkinson moved that the Board of Selectmen correct the Minutes of its January 9, 2014 meeting by including two sentences in the third paragraph under "Discussion Items" to read: "Selectperson Sheedy felt it would be unfair to add this limitation. Board did not add to Regulations", seconded by Selectperson, Vote: 5-0.

Correction of 1/9/14 Minutes  
Motion Approved
- 12 Long Beach Notice of Lease: Selectperson Lucas moved that the Board of Selectmen sign the Notice of Lease for 12 Long Beach with Stephen G. Sheehan and Pamela A. Sheehan, Trustees, seconded by Selectperson Murphy, Vote: 5-0.

12 Long Beach Notice of Lease  
Motion Approved
- Approval to Fill Vacancy of Assistant Dog Officer: Selectperson Murphy moved that the Board of Selectmen approve the hiring of an Assistant Dog Officer to fill a vacancy, seconded by Selectperson Sheedy, Vote: 5-0.

Fill Asst. Dog Officer Vacancy  
Motion Approved
- Motif #1 Day Festival Approval: Selectperson Sheedy moved that the Board grant permission to the Rockport Festivals to hold Motif #1 Day on Saturday, May 17, 2014 from 10 am to 6 pm as well as permission to close the bit of road in Dock Square located between the Blue Lobster Grille restaurant and the Dock Square traffic island from Friday, May 16th through Saturday, 5/17, Selectperson Murphy seconded, Vote: 5-0.

Motif #1 Day Festival  
Approval  
Motion Approved
- Farmers Market Approval: Selectperson Wilkinson moved that the Board of Selectmen grant permission to the Rockport Festivals to sponsor a summer/early fall Farmers Market in Harvey Park on Saturday mornings from 9 am to 1 pm from July 21st to October 4th upon also gaining permission from the Baptist Church for use of the Park

Farmer's Market  
Approval  
Motion Approved

and upon obtaining all necessary Board of Health permit, seconded by Selectperson Murphy, Vote: 5-0. Selectperson Wilkinson recommended a 10 minute parking.

AFSCME General Unit Memorandum of Agreement Motion Approved

- AFSCME Memoranda of Agreement: Selectperson Lucas moved that the Board of Selectmen approve and sign a Memorandum of Agreement with the AFSCME General Unit to include an Alcohol & Drug policy in its Collective Bargaining Agreement, Selectperson Murphy seconded, Vote: 5-0.

AFSCME Supv. And Foremen Unit Memorandum of Agreement, Motion Approved

- AFSCME Memorandum of Agreement: Selectperson Murphy moved that the Board of Selectmen approve and sign a Memorandum of Agreement with the AFSCME Supervisors & Foremen Unit to include an Alcohol & Drug policy and a Snow & Ice Overtime policy in its Collective Bargaining Agreement, Selectperson Wilkinson seconded, Vote: 5-0.

Release of Future Obligations under Easement Agreement Motion Approved

- Release of Future Obligations Under Easement Agreement: Selectperson Wilkinson moved that the Board of Selectmen sign a Release of Future Obligations that releases John and Dianne Wonson, as the current holders of the Blue Gate Access Easement, of obligations under the Easement once they no longer own the benefitted property, seconded by Selectperson Murphy, Vote: 5-0.

Lodging House License for Lamplighter Lodge Motion Approved

- Lodging House License for the Lamplighter Lodge: Selectperson Sheedy moved that the Board approve and sign a Lodging House License for the Lamplighter Lodge to Donald Rathbun for 2014, seconded by Selectperson Murphy, Vote: 5-0.

Entertainment License for Fish Shack, Motion Approved

- Entertainment License for The Fish Shack Restaurant: Selectperson Lucas moved that the Board of Selectmen approve and sign an Entertainment License for The Fish Shack Restaurant to Karin Porter for 2014, seconded by Selectperson Wilkinson, Vote: 5-0.

Common Victualler's License for Fish Shack Motion Approved

- Common Victualler's License for The Fish Shack: Selectperson Murphy moved that the Board of Selectmen approve and sign a Common Victualler's License for the Fish Shack for 2014, seconded by Selectperson Sheedy, Vote: 5-0.

Common Victualler's License for Roy Moore Lobster, Motion Approved

- Common Victualler's License for Roy Moore Lobster Company: Selectperson Sheedy moved that the Board of Selectmen approve and sign a Common Victualler's License for Roy Moore Lobster Company for 2014, Selectperson Murphy seconded, Vote: 5-0.

STM Warrants Motion Approved

- Special Town Meeting & Annual Town Meeting Warrants: Selectperson Wilkinson moved that the Board of Selectmen sign the April 5, 2014 Special Town Meeting and Annual Town Meeting Warrant masters, Selectperson Murphy seconded, Vote: 5-0.

#### 7:55 Selectmen Briefing

Selectmen Briefing Voting Machine Demonstration

- Voting Machine Demonstration: They have been selling these since the 70's. They have converted many communities from paper to machine. This doesn't change anything for the voter. There are long days for election workers, after a 13 hour day they have to start counting paper ballots. They've been in business for 40 years and have over 500 employees. They have to be federally certified, state certified, and two field tests must be conducted. By May 12, 2014 the state must be alerted if Rockport is converting to machines. The cost is \$5,750/machine, Rockport would need four machines (3 plus a backup); the ballots cost \$0.30/ea and some programming charges should be expected. Write-ins can be diverted so they can be counted later (there is a \$150 charge for the option of a write-in bin).

#### 8:20 Discussion Items

- **FY15 Budgets:** The Town Administrator said she is against more borrowing but the town infrastructure must be maintained. If this isn't approved, the town is walking away from 75% of the funding. The recent Finance Committee meeting included much discussion on SPED stabilization; the fire truck purchase was deferred. Discussion Items:  
FY '15 Budgets
- **Disposition of Tax Title Properties:** We have the field cards for the three properties; there is one article for the three properties. We are looking for permission from town meeting to move forward. 59 High Street is a duplex; one is a single family, the third backs up to Town of Rockport property. Disposition of Tax Title Properties
- **Increases in Fees:** A large spreadsheet of fees was reviewed. It was stated that overall, Rockport charges above average for fees. Selectperson Wilkinson said some of the increases are large, and inquired if comparisons to other communities could be provided (for example mooring fees). Selectperson Murphy said he doesn't think continuing to raise fees in large amounts is fair. He's like to see more businesses in town to provide some relief for property owners. Increases in Fees

Other Business/Announcements

9:15 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 5-0.

**Warrant Signed:**

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 3/13/14 in the amounts of \$ 102,960.87 and \$ 48,647.85 respectively.

**Items Signed:**

Warrant for STM

Warrant for ATM

AFSCME, Local 1679 Supervisors

AFSCME, General Unit

Sheehan Lease

Easement release, Wonson's

The Captain's House, Innholder's License

Kenneth and Karin Porter, Roy Moore Lobster, Common Victualler's License

The Fish Shack, Common

The Fish Shack, Entertainment License

Rockport Landscape, 15 Summit, Home Occupation License

Lamplighter Lodge, Lodging House License

28 Long Beach Lease, Mattuchio, Krista and Paul

14 Long Beach Lease, Donald Muir