

BOARD OF SELECTMEN

Tuesday, April 1, 2014

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of March 11, 2014: Selectperson Lucas moved that the Board of Selectmen approve the minutes of March 11, 2014, seconded by Selectperson Murphy, Vote: 4-0, Selectperson Lucas abstained as she missed some of the 3/11/14 meeting.

Approval of
3/11/14 Minutes
Motion Approved

Approval of Minutes of March 18, 2014: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of March 18, 2014, seconded by Selectperson Murphy, Vote: 4-0, Selectperson Wilkinson abstained as she was not present for the 3/18/14 meeting.

Approval of
3/18/14 Minutes
Motion Approved

Amendments: Page 2, 2nd paragraph, Selectperson Sheedy said two projects were not fully reimbursed from FEMA to date. Middle of same paragraph, Selectperson Lucas said \$4M was not in addition to what had been appropriated.

Selectmen Updates and Liaison Reports: Selectperson Sheedy said the zoning board of appeals is simplifying and streamlining the application process. They're still taking paper plans but they're moving forward to electronic plans. They're going to put the plans on a large screen so the audience can see the plans more clearly; and they have reformatted their rules of application and process.

Selectmen Updates
and Liaison
Reports

Selectperson Lucas spoke about Sen. Warren's press release; she said she contacted Sen. Warren's office; she was hoping to clarify the issue of the town being reimbursed. She said the Act referred to "homeowners", not communities so it is not clear around the town getting the \$24,000 back that was spent. She questioned were the new maps going to be adopted and when. She was told that this was their best analysis of the law. They said this is a continuing process; the new maps will be implemented in the future. They said five things were written into the act for homeowners, (new property you would still get same subsidies that the previous owner might get). Everyone in the flood zone will pay more for one or two years before the act goes into effect. People will get refunds when it rights itself. Selectperson Lucas said that there was a statement in the press release that said "calls on FEMA to strive to reach the goal of most policy holders having a premium of no more than 1% of the value of their coverage". She said that was a key line that would indicate what the rates would be in Rockport. Sen. Warren's office said it's just an instruction to try to get most rates in that area; maybe we can't put too much stock in that. A local insurance agent said in Rockport we're not getting subsidies, we're paying on our risk. Selectperson Lucas said she will continue to follow this issue.

Public Comment Period: Toby Arsenian, 95 Granite Street, said he would like to speak on the articles for Town Meeting and the Chapter 91 license amendment for C. A. Tool Company site. He said he planned to ask again for the additional \$1,000 for Action, Inc. for the homeless shelter again this year. He is asking the Board of Selectmen to support this. He said he has questions on health insurance for Board of Selectmen members. He said he hadn't received a response yet to his concerns. He questions if after the individual is no longer on the Board, do the benefits continue. He said this could be very expensive. It was discussed that three of the five board members had spoken to T. Arsenian regarding this and this was the first meeting since his request so there wouldn't have been an opportunity for the board to deliberate on it.

Public Comment
Period

Frederick Tarr, 154 Main Street, spoke about Article H, regarding more funds for the pump station in the South Woods. He said this was under design years ago when the population was expected to grow over 20,000; the population has decreased. He said that water is not supposed to be used for human consumption. He recommends replacing the Pigeon Cove water tanks and putting the funds other places in town that need it. He is urging the Board of Selectmen to defeat that motion.

Town Administrator's Report:

Town
Administrator's
Report

- M. Vieira said they are still cleaning up the Mackey Property at 59 High Street; the DPW is involved. He said those items that are not junk are being collected and the town will attempt to sell them. Whatever the town can sell will offset the cost of the cleanup. Selectperson Murphy questioned 33 Atlantic Avenue; the Town Administrator said that property had been cleaned out previously.
- The Town Administrator said the new website is in the design phase with Virtual Towns and Schools. The plan is for the website to have complete information on how to accomplish things, pictorially instead of lists. The website will have buildings representing each function/building and when the door of the building is tapped or the cursor is placed over it, the doors open and you're directed to that function.
- Selectperson Wilkinson said the parking ban ended last night; she said the website still says April 15, she questioned if the correct date can be put on "what's new" on the website.
- The Town Administrator said she spoke to the Red Sox office today; they're offering to come and show their trophy. She will reserve a room in town, she said perhaps the Community House, on Saturday, 5/17/14 from 1:45 to 3:30 pm. Selectperson Murphy suggested a larger space, perhaps the High School gym or maybe the Shalin Liu.

7:30 Action List

Action List:

Reappointment of Gil McCarthy to the Rights of Way Committee: Selectperson Murphy moved that the Board of Selectmen reappoint Gil McCarthy to the Rights of Way Committee, seconded by Selectperson Wilkinson, Vote: 5-0.

Reappointment on
Rights of Way
Committee
Motion Approved

Acceptance of Resignation of Board of Health Administrative Asst: Selectperson Wilkinson moved that the Board of Selectmen accept the resignation of Tiffany Machado as Administrative Assistant to the Board of Health effective April 4, 2014, seconded by Selectperson Murphy, Vote: 5-0.

Resignation of
Board of Health
Admin Asst
Motion Approved

Approval to Fill Board of Health Administrative Assistant Vacancy: Selectperson Lucas moved that the Selectmen approve the hiring of an administrative assistant to the Board of Health to fill the vacancy, seconded by Selectperson Murphy, Vote: .

Approval to fill
Vacancy
Motion Approved

Chairperson Battistelli stated that a little while ago, because of the demand that was stated for the increased workload, the hours were increased. To be sure that the office can run smoothly she suggested looking into merging the two positions and we should consider having one full time individual rather than two part time positions. The Town Administrator said she met with the Health Agent after the request for the additional hours, and recommended that maybe a different schedule was needed rather than more hours. Since then she said the Chair of the Board of Health has requested a meeting. It was stated that this might be a good time to look at the whole function and see if it can be restructured to provide all the needed services.

Selectperson Lucas moved that the Board of Selectmen approve the hiring of an Administrative Assistance to fill a vacancy, seconded by Selectperson Murphy, Vote: 5-0.

Permission to Renovate Cottage at 18 Old County Road: Selectperson Sheedy moved that the Board of Selectmen approve the cottage renovation at 18 Old County Road as specified in the plans prepared by Fennell Engineering, Inc., 300 Brickstone Square, Suite 201, Andover, MA 01810, second by Selectperson Wilkinson, Vote: 4-0. Selectperson Murphy was outside of the room for the vote. The Town Administrator said applicants come before the Board of Selectmen first, then they go to the Conservation Commission, and then to the building inspector for the permit.

Permission to
Renovate Cottage
at 18 Old County
Road
Motion Approved

Renewal of Outdoor Display Permits: Selectperson Wilkinson moved that the Board of Selectmen renew the Outdoor Display Permits for Kaihlanen Gallery, Alikat, Katie's Gift Shop, China Gifts International at 1 Bearskin Neck, China Gifts International at 23 Bearskin Neck, John Tarr Store, The Prince & The Pauper, and Wicked Peacock, Selectperson Sheedy seconded, Vote: 5-0. Chairperson Battistelli said some applicants still seem to have more displays than what is allowed. Selectperson Wilkinson said there are some concerns regarding Asian Inspiration, (there is a note on the application "these are on private property". She stated that whether or not the signs are on private property is not relevant.) T. Arsenian, 95 Granite Street, said the trouble with these permits is that the building inspector was supposed to inspect these as well as the police. It was stated that Asian Inspiration was not part of this motion.

Renewal of
Outdoor Display
Permits
Motion Approved

Dock Square Station Odor Control Project Agreement: Selectperson Wilkinson moved that the Board of Selectmen approve and sign an Agreement with Pride Environmental Construction, 70 North Main Street, Beverly, MA 01915 to construct the Dock Square Station Odor Control in an amount not to exceed \$212,165., seconded by Selectperson Murphy, Vote: 5-0. DPW Director Parisi said this will take a few months to complete as some roof work is necessary. He said they will start fairly soon to try to get it done before it gets busy.

Dock Square
Station Odor
Control Project
Agreement
Motion Approved

Right of Entry to Rockport Harbor for Army Corps of Engineers: Selectperson Lucas moved that the Board of Selectmen grants to the United States of America a right of entry to Rockport Harbor for three staging areas as depicted on a plan entitled "Repairs to Bearskin Neck Breakwater at Rockport Harbor Real Estate Plan" referenced as "Staging Areas" for a six month period beginning October 1, 2014, Selectperson Wilkinson seconded, Vote: 5-0. DPW Director Parisi said the intent is to have the top fairly flat and the sides sloping down; they're going to bring in some 5 ton stones to replace some that have been lost and 18 ton stones will be used for the end.

Right of Entry to
Rockport Harbor
for Army Corp. of
Engineers
Motion Approved

Oakes Lane to North Light Lane Name Change: Selectperson Sheedy moved that the Board of Selectmen approve the renaming of a portion of a dead end roadway known as Oakes Lane that runs off of Eden Road from Eden Square as North Light Lane, seconded by Selectperson Murphy, Vote: 5-0. Peter Gove, 51 Eden Road was present and said that two houses are served by this road.

Oakes Lane to
North Light Lane –
name change
Motion Approved

Warrant for Annual Town Election: Selectperson Murphy moved that the Board of Selectmen approve the Warrant for the Annual Town Election and allow its members to sign the original warrant out of session, seconded by Selectperson Wilkinson, Vote: 5-0. The Town Administrator said the reason for this is that the warrant may change due to town meeting.

Warrant for Annual
Town Election
Motion Approved

Proclamation of April 27 – May 3, 2014 as Holocaust Awareness Week Motion Approved

Proclamation of April 27th – May 3rd 2014 as Holocaust Awareness Week: Selectperson Wilkinson moved that the Board of Selectmen proclaim the week of April 27th through May 3rd 2014 as Holocaust Awareness Week in the Town of Rockport as days of remembrance for the six million victims of the Holocaust, Selectperson Murphy seconded, Vote: 5-0.

Proclamation of April 8 as Equal Pay Day in Rockport Motion Approved

Proclamation of April 8, 2014 as Equal Pay Day in Rockport: Selectperson Lucas moved that the Board of Selectmen proclaim April 8, 2014 as Equal Pay Day in Rockport in recognition of the value of women’s skills and significant contributions to the labor force, seconded by Selectperson Sheedy, Vote: 5-0.

Consent of Simultaneous Legal Representation for Cable License Renewal Negotiations Motion Approved

Consent of Simultaneous Legal Representation for the Cable License Renewal Negotiations: Selectperson Sheedy moved that the Board of Selectmen approve and sign a Consent of Simultaneous Legal Representation for Kopelman and Paige, Town Counsel to the Towns of Essex and Manchester-by-the-Sea, as well as to the Town of Rockport, allowing the law firm to represent all three clients in the cable license renewal negotiation process, seconded by Selectperson Murphy, Vote: 5-0.

7:55 Discussion Items

Discussion Items

Town Meeting Run Through with Moderator, Town Clerk, and Finance Committee: The Town Moderator said an 8th grade student will start the pledge of allegiance and one or two High School students will sing the national anthem. Some high school students, as part of a civics class, will observe and this may be an ongoing series. Selectperson Lucas stated that childcare is offered at the elementary school from 9:30 to 2:30. The Moderator said there will be a series of Spark breaks, this will include stretching for about five minutes. It was stated that the Transfer Station will be open on Saturday. The Moderator is going to request that we can’t do justice to some motions that are delivered at the last minute. T. Arsenian asked if he was talking about the holds. R. Visnick said no, he’s talking about things that could have been brought forward earlier. If something can’t be anticipated, we’re not talking about that.

Town Meeting Run Through with Moderator, Town Clerk, and Finance Committee

STM:
A and G, “old money”,
H and I are Bedrock well,
J and K is Pigeon Cove Seawall
L and M is Granite Pier revetment

ATM
no motions for G, H and J, or 2 or 3
B through E are charitable contributions. He said he’s checking with town counsel to see if someone wants to increase an amount that’s in an article, he’s looking for the best way to approach that.
G through J are free cash
I is to put the balance of what is available, June Michaels said that should be last.
K-L schools
N and O Straitsmouth
S&T are dealing with reports.

No motion on L.

The Moderator said he is not planning on allowing discussion on any individual's benefits. He said discussion can take place regarding numbers of individuals and total amounts.

Discussion Items
Continued

The Town Administrator suggested assigning motion makers to each Article.

Town Meeting Run
Through with
Moderator, Town
Clerk, and Finance
Committee

STM:

A: Mike Lamoureux
B: Mike Lemoureux
C: Paul Sena
D: Jim Gardner
E: Paul Sena
F: Paul Sena
G: Paul Sena
H: Bruce Reed
I: Bruce Reed
J: Bruce Reed
K: Bruce Reed
L: Jim Gardner
M: Jim Gardner
N: Jim Gardner
O: Jim Gardner
P: Bruce Reed

and/or Finance Committee members

ATM:

1 Chairperson Battistelli
2 no motion
3 no motion
4 Personnel Board Chairman Kearns
5, 5a, and 5b Finance Committee Chair W. Hess
6, 6a, 6b, Finance Committee member Bill Wagner

A: Bruce Reed
B: Roger Lesch
C: Anthony DePietro, HAWC
D & E: Selectpersons Lucas and Sheedy
F: Diane Lashua
G: no motion
H: no motion
I: David Coyne
J: no motion
K: Chairperson Battistelli
L: no motion
M: Selectperson Wilkinson
N: Sydney Wedmore, MD
O: Ruth George
P: Selectperson Sheedy
Q: Hank Betts
R: Ted Tarr
S: Selectperson Wilkinson
T: Selectperson Murphy

Toby Arsenian, 95 Granite Street spoke on the funds for the Economic Development Committee, he questioned where it is in the warrant. Chairperson Battistelli said we're not putting additional funds in for the Economic Development Committee. T. Arsenian spoke on the three tax title properties, he will ask the Moderator to divide the motion into 3 Articles. He said Marmion Way and Atlantic should be on one Article and the second article should be for High Street. He said having them combined in one motion gives the Board permission to sell the property without coming back to town meeting. Article Q was discussed; the maps for flood plain should be available to see at Town Meeting. The Town Administrator said she tried to have the maps reduced, but they're so huge, they couldn't be shrunk. R. Visnick said it is alright to bring the maps to Town Meeting. The building inspector has the maps; the Town Clerk does not have them. The Town Administrator said the maps should be available in the Town Clerk's office.

It was recommended that a moment of silence be observed at Town Meeting for the two lost firefighters from Boston, as a gesture of recognition.

Finance Committee:

W. Hess said the Voc. Tech costs are coming in higher than anticipated by approximately \$128,000; this is based on the number of students that were there in October of 2013. The Town Administrator said these funds will come from the excess levy. The representative from Rockport regularly attends this meeting; perhaps he can assist with planning for the future.

W. Hess spoke about Article 5. He thought he could provide a talk at the beginning, similar to the letter that was sent to the Gloucester Times, presenting the numbers.

Selectperson Wilkinson said she has received feedback that people don't want to have someone just read to them what is in the booklet. She said it's better to state our opinions rather than reading to them.

The Town Moderator said it's better to summarize the numbers and explain what they mean. We're trying to highlight how the numbers are different from last year and a broad overview of the overall numbers and not reading through every list.

There is an 8:30am Pre-meeting for the Board of Selectmen in the Middle/High School Library and 9:00am is Town Meeting on Saturday, April 5, 2014.

Cape Ann Tool Company Chapter 91 License Status – A Board of Selectmen meeting is scheduled for Tuesday, April 8, 2014; Ben Lynch from DEP/Waterways will be present. Chairperson Battistelli said the agenda will include: Summary of Chapter 91 (overview), update on the public part of this project. Gerry Falco/Conservation Commission will present; she can bring the group up to speed on the activities of the Conservation Commission and the orders of condition. Selectperson Murphy stated that an invitation was extended to the property owner through his attorney and we have heard that they're not coming. This is not a public hearing, it is an informational meeting.

T. Arsenian, 95 Granite Street, said we will need the original license from the Kaneb project. This is a license amendment; we will need plans for the existing license and the amended plan so we can see the changes. The parking (under control of zoning) for each

particular use of the buildings is an issue. He has been told that the current plans are not coming under any of the parking restrictions of the zoning code. There is a section called "conversion", the town won't have control over any parking on the site, unless we can get that under Chapter 91. He believes the Planning Board should be invited and the Harbormasters should be in attendance.

Discussion Items

Cape Ann Tool
Company Chapter
91 License Status
Continued

Other Business/Announcements:

Other Business/
Announcements

- Elder Abuse Day will be on a subsequent agenda.
- Selectperson Wilkinson said she met with the Recreation Department and the Superintendent to compromise so the Summer Fun program can run longer; it can now go into the middle of August. Ed Quirk, from Facilities, was involved as well.

9:20 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 4/3/14 in the amounts of \$312,193.74 and \$213,835.22 respectively.

Items Signed:

Dock Square Odor Control, Pride Environmental & Construction
Letter of Commendation to DPW staff
c/o Verisign, Inc. .gov domain registration
Equal Pay Day Proclamation
Holocaust Awareness Week
Army Corp. of Engineers, Dept. of the Army, Right of Entry
Wicked Peacock, Outdoor Display Permit
The Prince and the Pauper, Outdoor Display Permit
John Tarr, Outdoor Display Permit
China Gifts, Outdoor Display Permit
China Gifts International, Outdoor Display Permit
Katie's Gift Shop, Outdoor Display Permit
Sea Stores, Outdoor Display Permit
Kaihlanen Gallery, Outdoor Display Permit
Jed Coonley, Common Victualler's License
The Ice Cream Store, Common Victualler's License
Myalisa Waring, The Lobster Pool, Common Victualler's License
My Place by the Sea, Common Victualler's License
Heath's Tea Room, Common Victualler's License
The Lobster Pool, Entertainment License
Nates at Front Beach, Common Victualler's License
Beach Knoll Inn, LLC, Lodging House License
Seaside Pizzeria, Common Victualler's License
New lease for 4 Long Beach, McDonough
Warrant Election