

Town of Rockport
Board of Selectmen Meeting
Tuesday, June 7, 2016

A meeting of the Board of Selectmen was held at 6pm on Tuesday, June 7, 2016 in Conference Room A with four selectpersons, the Town Administrator and the Asst. Town Administrator; Selectperson Wilkinson was not present.

6:00 Meeting Called to Order

Executive Session under MGL Chapter 30A §21(a)(2) to Discuss Strategy for Contract Negotiations with Non-Union Personnel (Town Administrator). Selectperson Wilkinson moved that the Board of Selectmen enter into Executive Session under MGL Chapter 30A, §21(a) for exception #2 to discuss strategy for contract negotiations with non-union personnel (Town Administrator contract) and to approve Executive Session Minutes of April 12, 2016 and April 26, 2016 recorded under MGL Chapter 30A, §21(a) exemption #3, Roll Call Vote: Selectperson Battistelli – aye, Selectperson Campbell – aye, Chairperson Murphy – aye, Selectperson Sheedy – aye, all in favor.

Enter Executive Session, Discuss Strategy for contract negotiations with non-union personnel
Motion approved

Chairman Murphy: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s negotiating position. The Board will reconvene in Open Session.”

7:00 Pledge of Allegiance and Moment of Silence

Selectmen’s Briefing: Dan Beaulieu/MBTA Design and Construction, John Schoenfeld/Nitsch Engineering and Holly Palmgren/MBTA Environmental regarding the MBTA Train Station Power Upgrade Project.

Selectmen Briefing, MBTA

It was explained that the upgrade will bring 600amp services to the trains and a substation will be built. They will be installing minor trench drains; they moved the track away from Evan’s Field, and will be re-asphalting the upper portion. The current funding is \$3,733,261 and in 2017 \$5,160,999 will be available for a total of \$8,893,261 for the entire project. The schedule is contract pre-bid 6/30/16, the contract will be advertised by 8/15/16, the contract will be awarded on 9/30/16, the contract duration will be 12 months; contract completion will be 9/30/17. He reviewed existing conditions and discussed new plans; he said the parking situation should be neutral.

Chairman Murphy inquired if there would be a charge for parking. D. Beaulieu said he hasn’t heard that there are any plans for that.

H. Palmgren/MBTA said, in May of 2015, the local Conservation Commission gave the approval; it’s valid for 3 years. They will begin construction in September of 2016.

Public comment:

Public Comment Period

George Robinson said we’ve been working on this since 1992. This project is required to comply with an EPA consent order; it is not part of his committee’s jurisdiction. Some of the things they have requested have been included in this. The town owns most of the parking lot.

Eric Hutchins, 45 Poole’s Lane, said he is concerned with the storm water drainage at the site, the sediment impacts the town; there has been no information or analysis. He questions who locally is analyzing storm water and has there been any public process? He said there

continued

has been no formal process here; he disagrees with this. He said the DEP and local boards should have been involved (calculations on storm water impacts) – dredging sediments. He said he heard the comments tonight “some minor improvements” and “somewhat limited”, this is not what this project needs with regard to Millbrook Pond. He asked who has approved this project; there has been no public review.

H. Palmgren/MBTA responded that the RDA process did happen, this project needed no approval. She said this is buffer zone only, there was public comment allowed. She said a negative RDA does not mean that there is no review.

Selectperson Battistelli said this project has had a long history, the larger project never happened. At some point funding was located for the smaller project. A public meeting was held at the Library. The power station was open; they enclosed the power station; so they made that change. Part of the funding fell through. The DPW brought up concerns about the location of the tracks, the State House got involved and the tracks were moved quickly.

E. Hutchins said this is a great project. However, no one has any information on traffic pattern or storm water. He said this will affect 80% of this town; no board or committee has reviewed this.

P. Sena, DPW Commissioner, said Mass. General Laws indicate this is a state project, under their jurisdiction. He said the representatives from the MBTA are here as a courtesy; the buffer zone is in their ballpark.

H. Betts asked how they decided on the size of culverts and maximum flows, etc. The MBTA responded this project started 2-3 years ago, this started as power upgrade, there was no paving, and no parking upgrade. They were able to integrate some other things that have been discussed; they are not sure on the flow rates for the culvert.

H. Palmgren/MBTA said this is not the only issue regarding drainage in the area. She said they wanted to do something on storm water improvement, they are putting in upgraded catch basins, and water quality treatment, she said this plan is an improvement on what is there now.

P. Sena said the MBTA has plenty of experience with flows, drainage, culverts, etc.

T. Arsenian, 95 Granite Street, said there are various improvements, mostly to meet the consent order; there are no decibel standards. They are not able to idle trains for more than maybe 30 minutes. It would be helpful to get Bob Ryan at a meeting and get that section of state law and bring to the attention of the MBTA. He inquired about bathrooms for the public. He inquired about the wall at Evan’s Field. He said in the newspaper it was mentioned about the two monopoles that are 60’ high. He said that although the tracks were moved, in 20 years they could be moved back. We need an easement to Evan’s Field.

Joseph Muzio, 7 Normanstone Drive, inquired about the dimensions of the 65’ polls. H. Palmgren/MBTA commented that In Motion was contracted to put those poles in; they are for WiFi and it is separate from what we are here to talk about tonight.

Eric Hutchins said he has gone through RDAs, he said he spoke previously at meetings requesting a review on the water supply. He has contacted the DPW and has been told there was no review of this.

Z. Seppala said he thought those monopoles were a mandate for safety.

L. Evans questioned if there was going to be a safety gate on the tracks because kids cross over them.

J. Ugone, 33 Main St., inquired if the monopolies are tied into the entire project.

H. Palmgren/MBTA said the monopolies are separate; the main purpose of this project is to comply with the EPA consent decree, idling, etc.

- Interview of Alan Battistelli for Reappointment to the Zoning Board of Appeals: Selectperson Campbell moved that the Board of Selectmen appoint Alan Battistelli as a member of the Zoning Board of Appeals for a term to expire on June 30, 2021, Selectperson Sheedy seconded, Vote: 3-0. He said he has had approximately 21 years on the Board; he has served as Chair and Vice Chair. He said most decisions are unanimous. Selectperson Battistelli did not participate in interview or vote. Appoint Alan Battistelli for Zoning Board of Appeals, Motion Approved
- Interview of Paul Sena for Reappointment to the Board of DPW Commissioners: Selectperson Sheedy moved that the Board of Selectmen appoint Paul Sena as a member of the Board of DPW Commissioners for a term to expire on June 30, 2019, Selectperson Battistelli seconded, Vote: 4-0. He has served 2 three year terms, he said at this time the DPW barn is the #1 priority, Millbrook Meadow is #2. He said tomorrow night's DPW meeting is on water and sewer rates. Appoint Paul Sena to Board of DPW Commissioners Motion Approved
- Interview of Zachary Mocerri for a Street Performer's License: Selectperson Battistelli moved that the Board approve a Street Performer License for Zachary Mocerri, Selectperson Sheedy seconded, Vote: 4-0. He said he has played in coffeehouses; he plays 60's rock. Street Performer's License – Zachary Mocerri Motion Approved
- Interview of Jace Mason for a Street Performer's License: Selectperson Campbell moved that the Board of Selectmen approve a Street Performer License for Jace Mason, Selectperson Sheedy seconded, Vote: 4-0. He is a freshman in high school, plays the cello and the guitar; a saxophone is accompanying him. Street Performer's License – Jace Mason Motion Approved
- Approval of Minutes of May 24, 2016: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of May 24, 2016 as amended, Selectperson Campbell seconded, Vote: 3-0. Selectperson Campbell's amendment was that during the discussion of the Top Dog license, he would like his comment regarding different cups being used for alcohol, frosted glass, be added. Approval of 5/24/16 Minutes Motion Approved

7:30 Selectmen Updates: Elder Abuse Awareness 17th from 10am to noon at 5 Corners. Selectmen Updates

Toby Arsenian, 95 Granite St., spoke regarding the Open Meeting Law complaint filed by Z. Seppala; that had been dismissed. He believes the spirit of the law was violated; and that the board violated Section 1, Chapter 6.

77 High St., Laura Evans, Ad Hoc Water Committee, read a letter they wrote regarding the status of the federally mandated Water Vulnerability Assessment Study. She has been told it has been filed; it could be used as a baseline. They are inquiring when it was filed.

Jim Ugone, 33 Main Street, spoke on the winter parking ban, he said he is available to participate on the committee that is being formed. He questioned what the timetable is.

Town Administrator's Report:

- Winter Parking Ban Committee: we need to constitute the ad hoc committee. Chairperson Murphy said we should have all stakeholders involved, (someone

Town Administrator's Report

representing downtown, BoS, DPW, Public Safety). Selectperson Sheedy said she is afraid it will get moved out. Perhaps a committee of no more than five members; this could be put on a subsequent agenda, and report out to FTM. The Town Administrator said it will be on an upcoming agenda as a discussion item.

Continued

- She said the board has received e-mails on the helicopter issue and neighbors who are distraught about it and some who feel it is fine. She said it's difficult for the town to have jurisdiction on this due to Chapter 90, she is contacting legislators to see how widespread this issue is; Rockport can't be the only place with helicopter concerns. Perhaps we should have a by-law on this for Rockport.
- A resident paid for a tree company to remove a shade tree on town-owned land. This is damaging town property; there is a Mass. General Law on shade trees. The Town Administrator is investigating this.
- The Asst. Town Administrator spoke about the potential modification to Long Beach leases to change the single rent payment per year to 2 equal payments each year. An e-mail was sent to all tenants asking that they respond if they are interested in this change. Some tenants have responded with other recommendations. A request was received regarding monthly payments or quarterly. We really are not in favor or differing terms for each lease; this would be an administrative burden. Two times per year seemed reasonable. M. Vieira said we are prepared to move forward with once or twice/year, the majority of the tenants are fine with those two options.
- Selectperson Battistelli said there was a recent court decision on the Tool Company stating that the Landing Group doesn't own the harbor.

T. Arsenian, 95 Granite Street, said he has attended Planning Board meetings, he said an article is being worked on for FTM, Ed Hand is looking into helicopters, and Terry Duffy is also looking into by-laws relating to drones.

8:30 Action List

Action List:

Open Fall Town Meeting Warrant Motion Approved

- Open Fall Town Meeting Warrant: Selectperson Battistelli moved that the Board open the September 12, 2016 Fall Town Meeting Warrant, Selectperson Sheedy seconded, Vote: 4-0.

Approval of Change of Employment Status for M. Gallivan Motion Approved

- Approval of Change of Employment Status for Mary Edgerton Gallivan from Permanent Intermittent/Reserve Police Officer to a Reserve Officer ineligible for Permanent Full-Time Employment as a Police Officer: Selectperson Campbell moved that the Board approve the change of employment status for Mary Edgerton Gallivan from Permanent Intermittent/Reserve Police Officer to a Reserve Officer ineligible for Permanent Full-Time Employment as a Police Officer, effective immediately, Selectperson Sheedy seconded, Vote: 4-0.

Appointment to Zoning Board of Appeals Motion Approved

- Appointment of Michael Bace to the Zoning Board of Appeals: Selectperson Sheedy moved that the Board appoint Michael Bace as a member of the Zoning Board of Appeals to fill an unexpired term ending on June 30, 2019, Selectperson Campbell seconded, Vote: 3-0, Selectperson Battistelli abstained from vote.

Appointment of Lifeguards for 2016 Season Motion Approved

- Appointment of Lifeguards for 2016 Season (Alexandra Arnaud, Peter Longoria, Myles Wrinn, James Fritz, Andrew Gleckner, Graham Lott, Michael McCarthy, Paul Zopatti, Sean Mickelson-Flynn): Selectperson Battistelli moved that the Board of Selectmen appoint Alexandra Arnaud, Peter Longoria, Myles Wrinn, James Fritz, Andrew Gleckner, Graham Lott, Michael McCarthy, Paul Zopatti, and Sean Mickelson-Flynn as Seasonal Lifeguards

for the 2016 season, subject to final CORI and SORI results, Selectperson Campbell seconded, Vote: 4-0.

- Appointment of Thacher Island Workers: Selectperson Battistelli moved that the Board of Selectmen appoint Bill Cardani as Launch Operator, Seth Cutter as Launch Operator, Bob Delaney as Launch Operator, Tom Eldridge as Launch Operator, Isaac Perry as Launch Operator, Syd Wedmore as Launch Operator, Linda Bosselman as a Crew Member, as a Crew Member, Ed Hand as a Crew Member, Pete Haskell as a Crew Member, Rich Lorigan as a Crew Member, Lee Marr as a Crew Member, David Murphy as a Crew Member, Harry Newell as a Crew Member, Ray Pszenny as a Crew Member, Paul St. Germaine as a Crew Member, Jeff Taylor as a Crew Member and Paula Eldridge as a Reservationist all as Thacher Island Seasonal Workers for the 2016 season, subject to final CORI and SORI results, Selectperson Battistelli seconded, Vote: 3-0, Chairman Murphy abstained.

Appointment of
Thacher Island
Workers
Motion Approved

Selectperson Battistelli moved that the Board appoint August Campbell as a crew member for the 2016 season subject to final CORI and SORI results, seconded by Sheedy, Vote: 3-0, Selectperson Campbell abstained.

Appointment of
Crew Member
Motion Approved

- Appointment of Recreation Department Seasonal Employees: Selectperson Sheedy moved that the Board of Selectmen appoint Paula O'Brien as Summer Fun Director, Ann O'Donnell as Summer Fun Art Manager, Oliver Herman as Seasonal Part Time Clerk, Gideon Roell as Counselor, Declan Beaton as Counselor, Grace Collins as Counselor, Yana Nash as Counselor, Michael Kobrosky as Counselor, Rosemary McNiff as Counselor, Jordan Fears as Counselor, Madeline Landry as Counselor, Zachary Mocerri as Counselor, Kashlyn Carrigan as Counselor, Brigid Sullivan as Counselor, Rachel Anzivino as Counselor, Caroline Quirk as Counselor, Nick Wise as Counselor, Robert Gram as Tennis Director and Paula Hannon as Tennis Instructor, all as Recreation Department Seasonal employees for the 2016 season, Selectperson Campbell seconded, Vote: 3-0, Selectperson Battistelli abstained.

Appointment of
Recreation
Department
Seasonal
Employees
Motion Approved

- Selectperson Battistelli moved that the board appoint Roger Lesch as the town's Action, Inc. representative, for a term to expire on June 30, 2017 seconded by Selectperson Sheedy, Vote: 4-0.

Appoint town's
Action
representative
Motion Approved

- Selectperson Campbell moved that the Board appoint James Doyle as Fire Chief, Kirk Keating as Asst. Fire Chief and Jack Porter as Asst. Fire Chief as members of the Board of Fire Engineers with terms to expire on June 30, 2017, seconded by Selectperson Sheedy, Vote: 4-0.

Appoint Board of
Fire Engineers
Motion Approved

- Selectperson Sheedy moved that the Board appoint Lt. Mark Schmink as Director of Emergency Management and Police Officer Seth Perry as Deputy Director of Emergency Management with terms to expire to June 30, 2017, seconded by Selectperson Battistelli, Vote: 4-0.

Appoint Director
and Deputy
Director of Emerg.
Management
Motion Approved

- Selectperson Battistelli moved that Board appoint Nicola Barletta, Henry Betts, Sam Coulbourn, George Robertson, Ellen Canavan as members of the MBTA Station Planning Committee with terms to expire on June 30, 2017, seconded by Selectperson Campbell, Vote: 4-0.

Appoint MBTA
Station Planning
Committee
Motion Approved

- Selectperson Campbell moved that the Board appoint Sam Coulbourn, Shannon Mason, Charmaine Blanchard, Ted Tarr, Barbara Sparks, Marcia Lombardo, Stephanie Woolf, Aileen Morrissey, and Laura Hallowell as members of the Millbrook Meadow Committee for terms to expire on June 30, 2017, seconded by Selectperson Sheedy, Vote: 3-0, Selectperson Battistelli abstained.

Appoint Millbrook
Meadow
Committee
Motion Approved

- Selectperson Sheedy moved that the Board of Selectmen appoint Lawrence Neal, Ted Tarr, Peter Van Dermark, and Stephanie Cunningham, as members of the Open Space and

Appoint Open
Space &
Recreation
Committee
Motion Approved

Recreation Committee with terms to expire on June 30, 2017, Selectperson Campbell seconded, Vote: 4-0.

Appoint Special Officer of Elder Affairs
Motion Approved

- Selectperson Battistelli moved that the Board of Selectmen appoint Roger Lesch as Special Officer of Elder Affairs for a term to expire on June 30, 2017, seconded by Selectperson Sheedy, Vote: 4-0.

Appoint Thacher & Straitsmouth Island Committees
Motion Approved

- Selectperson Battistelli moved that the Board of Selectmen appoint Sydney Wedmore, Seth Cutter, Richard Morris, Lee Marr, Carol Delaney, Thomas Eldridge, William Cardani, David Delaney, Ted Tarr, Gail Zeman, Paula Eldridge, and Raymond Ross to the Thacher & Straitsmouth Islands Committee, with terms to expire on June 30, 2017, seconded by Selectperson Sheedy, Vote: 3-0, Selectperson Campbell abstained.

Appoint Cultural Council members
Motion Approved

- Selectperson Sheedy moved that the Board of Selectmen appoint Marie Alfieri and Janice Beacham as members of the Cultural Council for terms to expire on June 30, 2019, seconded by Selectperson Campbell, Vote: 4-0.

Appoint Insurance Committee Member
Motion Approved

- Selectperson Battistelli moved that the Board appoint Russ Daily as a member of the Insurance Committee for a term to expire on June 30, 2019, seconded by Selectperson Sheedy, Vote: 4-0.

Approve yearend transfer Fire Dept.
Motion Approved

- Approval of Transfer of \$3,000 from Fire Department Fuel Oil to Fire Department Seasonal & Special Wages Account: Selectperson Campbell moved that the Board approve, and ask the Chairperson to sign, a Yearend Transfer of \$3,000 for the Fire Department, from Fire Department Fuel Oil to Fire Department Seasonal & Special Wages Account, Selectperson Battistelli seconded, Vote: 4-0.

Special Sign Permit for Pigeon Cove Tavern at the Emerson Inn
Motion Approved

- Special Sign Permit for Pigeon Cove Tavern at the Emerson Inn: Selectperson Sheedy moved that the Board approve a special sign permit for MHG Rockport, LLC/Pigeon Cove Tavern at the Emerson Inn for 1 Cathedral Avenue, Selectperson Campbell seconded, Vote: 4-0.
T. Arsenian, 95 Granite Street, said this sits on public property; he asked what the town gets for this. Selectperson Battistelli commented on the prior sign that had special occasion signs hanging from it. The applicant said their signage will not include that.

Outdoor Display Permit for One Ocean, One Live
Motion Approved

- Outdoor Display Permit for One Ocean One Love (Jamie Mathison): Selectperson Battistelli moved that the Board of Selectmen approve the Outdoor Display Permit for One Ocean One Love Shop, 6 Bearskin Neck, Selectperson Sheedy seconded, Vote: 4-0.

Approval for Fireworks for 8/13/16
Motion Approved

- Approval for Fireworks on Saturday, August 13, 2016 or the rain date of Sunday, August 14, 2016: Selectperson Campbell moved that the Board of Selectmen grant permission for a fireworks display at the end of Granite Pier on Saturday, August 13, 2016 or the rain date of Sunday, August 14, 2016, Selectperson Battistelli seconded, Vote: 4-0.

9:30 Selectperson Sheedy moved to adjourn, seconded by Selectperson Campbell, Vote: 4-0

Items signed:

One Ocean One Love – Outdoor Display permit

Zachary Mocerì, Street Performer's License

Jace Mason, Street Performer's License

Appropriation Transfers Between Departments or Within Departments

Parking Lot License, Shelby Battistelli

Keady Segel, Transient Parking

Bryan Adams McKay, Transient Vendor