

BOARD OF SELECTMEN MEETING
Tuesday, March 22, 2016

A meeting of the Rockport Board of Selectmen was held at 7pm on Tuesday, March 22, 2016 in Conference Room A at Town Hall with five selectpersons, the Town Administrator and the Asst. Town Administrator. Selectperson Lucas arrived at 7:15pm and was not present for the vote on the minutes.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of March 8, 2016: Selectperson Wilkinson moved that the Board of Selectmen approve the minutes of March 8, 2016, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Lucas not present yet.

Approval of
3/8/16 Minutes
Motion Approved

Selectmen Updates and Liaison Reports: Chairperson Battistelli said she met with the Chief of Police around some issues, she had a handout describing the “Good Morning Rockport – Senior Wellbeing Check” program. She also spoke on the March for Meals Program, where volunteers deliver meals on wheels to senior citizens to see if any board members care to participate.

Selectmen
Updates &
Liaison Reports

Public Comment Period: Frederick Tarr, 156 Main St., had a question on the sale of tax titled properties, if there is a provision for an affordable housing element. He said Millbrook Meadow and Open Space really make Rockport so livable.

Public Comment
Period

T. Arsenian, 95 Granite St., mentioned the “illegal” meeting in Lawrence. Chairperson Battistelli said she objected to his use of the word “illegal”. He also spoke on the Green Communities initiative and the site in the back of the Transfer Station if a private party wants to use the site for a solar farm. He received a letter from the Town Administrator saying the matter couldn’t be dealt with before town meeting. This will be a matter of public concern; he said the Board should be prepared at Town Meeting. He attended a Finance Committee meeting with the DPW commissioners, he is in favor of barn, he asked who would be asked to pay for it, borrowing, etc. He is asking if anyone had considered if any of the costs would be transferred to the Enterprise Funds. He recommends perhaps seeking input from Town Council on this before Town Meeting.

Tom Mikus, 73 Marmion Way, said the League of Women Voters is sponsoring an informational meeting this Thursday at 7pm at the Community House on the Green Community Initiative’s solar zoning and stretch code.

Town Administrator’s Report: The Town Administrator spoke on the 8 Marmion Way property; she said the site visit last Saturday was very successful; 107 individuals attended from 9-11 am. April 19, 2016 is the deadline, the process will then move forward. The Asst. Town Administrator said the DPW has cleaned-up the property. The Millbrook Meadow use Rules and Application, the committee is looking for the Board’s approval; she suggests that Board members get their comments to her. Planning Board correspondence from Mr. Lilja, he would like the Board to respond, same question as T. Arsenian’s. L. Sanders said she can respond to his questions, but it will have to be after Town Meeting. Selectperson Wilkinson recommended we take care of the questions as a Discussion Item on an upcoming meeting’s agenda. Earth Day Cleanup, hosted by the Conservation Commission, is scheduled for 4/23/16; volunteers are encouraged to sign-up.

Town
Administrator’s
Report

Appointment of Aileen Morrissey to Personnel Board
Motion Approved

- Appointment of Aileen Morrissey to the Personnel Board: Selectperson Lucas moved that the Board of Selectmen appoint Aileen Morrissey to the Personnel Board for a term to expire on June 30, 2017, Selectperson Sheedy seconded, Vote: 4-0. Chairperson Battistelli abstained and did not participate in the discussion as A. Morrissey is a family member.

Patrol Officer Hiring Approval
Motion Approved

- Patrol Officer Hiring Approval: Selectperson Sheedy moved that the Board of Selectmen accept the recommendation of the Director of Human Resources to approve the hiring of a Police Officer by Lateral Transfer subject to the successful transfer of the incumbent Officer, Selectperson Murphy seconded, Vote: 5-0.

Acceptance of Resignation of Faye Anderson
Motion Approved

- Acceptance of Resignation of Faye Anderson from the Council on Aging: Selectperson Murphy moved that the Board of Selectmen accept the Resignation of Faye Anderson from the Council on Aging effective immediately, Selectperson Sheedy seconded, Vote: 5-0.

Acceptance of Disclosure of Appearance of Conflict of Interest
No vote taken.

- Acceptance of Disclosure of Appearance of Conflict of Interest submitted by Theresa Scatterday: Selectperson Wilkinson moved that the Board of Selectmen accept the Disclosure of Appearance of Conflict of Interest submitted by Theresa Scatterday, as being of low risk of undue favoritism or improper influence, Selectperson Lucas seconded, no vote taken. Selectperson Murphy abstained from discussion and vote as T. Scatterday is a family member. An option in the Conflict of interest law, Section 23(b) #3, Economic Development Committee is involved. It was decided to declare the appearance of a conflict of interest and that a vote is not necessary.

Permission to Use T-Wharf on Emergency Services Day
Motion Approved

- Permission to Use T-Wharf on Emergency Services Day: Selectperson Lucas moved that the Selectmen grant permission to the Ambulance Department to host Emergency Service Day on T-Wharf on Sunday, May 15, 2016, Selectperson Murphy seconded, Vote: 5-0.

Permission to Use T-Wharf on Motif #1 Day
Motion Approved

- Permission to Use T-Wharf on Motif #1 Day: Selectperson Sheedy moved that the Selectmen grant permission to the Rockport Public Schools Health and Wellness Committee the use of T-Wharf on Sunday, 5/26/16, Motif #1 Day, for the start and finish of the 6th annual 5K Race between 7 and 10am, Selectperson Murphy seconded, Vote: 5-0.

Old Garden Beach Grant Agreement with CPC for Protective Fencing at \$7,000
Motion Approved

- Old Garden Beach Grant Agreement with CPC for Protective Fencing at \$7,000: Selectperson Murphy moved that the Board of Selectmen approve and sign a Grant Agreement by and through the Board of Selectmen and the Community Preservation Committee with the Old Garden Beach Association for the replacement restoration, rehabilitation, and/or preservation of the Old Garden Beach Protective Fence in the amount of \$7,000, Selectperson Wilkinson seconded, Vote: 5-0.

CATOC Park and Ride Contract for 2016,
Motion Approved

- CATOC Park and Ride Contract for 2016: Selectperson Wilkinson moved that the Board of Selectmen approve and sign a service contract with the Cape Ann Transportation Operating Company for the management and operations of the Blue Gate Meadow Park and Ride Facility for the 2016 season in the amount of \$18,534, Selectperson Murphy seconded, Vote: 5-0. The Town Administrator said she would like the board to consider a shuttle from the train station to Halibut Point and some of the beaches. It's too late for this season, but she said she can get the costs for this and review it at a later meeting. Selectperson Wilkinson recommended having Bob Ryan come before the board when it's being discussed.

Resolution regarding SPED Unfunded Mandates
Motion Approved

- Resolution regarding SPED Unfunded Mandates: Selectperson Lucas moved that the Board of Selectmen adopt, and ask the Chairperson to sign, a Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations to the

Massachusetts Legislature and the Governor of Massachusetts that calls for full funding of employee health insurance and special education for public schools, Selectperson Murphy seconded, Vote: 5-0. This was approved by the Finance Committee.

- Entertainment Licensing Process Adoption: Selectperson Sheedy moved that the Board of Selectmen approve and adopt the Town Administrator’s recommended Entertainment Licensing Process that requires any submission for outdoor music and/or amplification license applications require a public hearing, including a published legal notice and notification of abutters, Selectperson Murphy seconded, Vote: 5-0. The Town Administrator said this is the same process as other hearings when asking the public when it’s something that may affect them. Selectperson Wilkinson recommended one public hearing at the beginning of the season for all annual applications, and only one advertisement. Entertainment Licensing Process Adoption Motion Approved
- Seasonal Alcohol License Renewals: Selectperson Murphy moved that the Board of Selectmen approve and sign Seasonal Alcohol Renewal applications for Ellen’s Coffee Shop, Inc. of 1 T Wharf, Brackett’s Oceanview Restaurant of 25 Main Street, the Fish Shack Restaurant of 21 Dock Square, and the Blue Lobster Grille of 15 Dock Square, all for the 2016 season, Selectperson Wilkinson seconded, Vote: 5-0. Seasonal Alcohol License Renewals Motion Approved
- Outdoor Display Permit Renewals: Selectperson Wilkinson moved that the Board of Selectmen approve and sign Outdoor Display Permit Renewals for the Good Dog Gallery of 49 Bearskin Neck, China Gifts International of 1 Bearskin Neck, and China Gifts International of 23 Bearskin Neck, all for the 2016 season, Selectperson Murphy seconded, Vote: 5-0. Outdoor Display Permit Renewals Motion Approved
- Old Penzance Road Easement, Nancy K. Mello, 3 Old Penzance Road: Selectperson Lucas moved that the Board of Selectmen approve and sign an Easement Agreement with Robert N. Shapiro, Representative of the Estate of Nancy K. Mello of 3 Old Penzance Road of approximately 175 square feet to accommodate an encroachment structure on Town property as shown on Assessor’s Map 32, Lot 5A and as Exhibit A entitled “Easement Area” and as authorized by vote of the April 4, 2015 Annual Town Meeting, Selectperson Murphy seconded, Vote: 5-0. Old Penzance Road Easement Nancy K. Mello, Motion Approved
- Add Article C (housekeeping transfer item) on STM Warrant: Selectperson Sheedy moved that the Board of Selectmen add Article C to the Special Town Meeting Warrant as shown on the March 22, 2016 draft of the Special Town Meeting Warrant which transfers money from a Police Department account to cover two police grant accounts, Selectperson Murphy seconded, Vote: 5-0. The Town Administrator said she removed Article O and put new Article O in on the LED amendment, this will come before the Board in the fall. Add Article C on STM Warrant Motion Approved

7:50 pm: Discussion Item

Special and Annual Town Meeting discussion with the Moderator, Town Clerk, and the Finance Committee:

Moderator Visnick said all articles on the Special Town Meeting are related, but M is different than all of the rest; so Article M can go first or last. Articles H, I, and L are the most interesting to people, L. Sanders has heard. Articles B through E are the grants, Articles F, G and H are related, Articles P and Q are hearing reports, Article K may take some time, Article L will be a fair amount of discussion, the petition on lifting the Rockport parking ban; it is not binding. There will be a hearing on Article N, the petition on holding FTM on a Saturday as opposed to an evening. Town Clerk, Pat Brown, said more comfortable chairs would be great; they could be rented.

Discussion Item:
Special and Annual Town Meeting Discussion with Moderator, Town Clerk, and Finance Committee

Conducting a Survey Monkey on the preferred day of the week to hold Town Meeting was discussed as well as asking the question at the local ballot. Town Moderator Visnick said the questions are already on the warrant for discussion.

Selectperson Lucas inquired if runs the projector and laptop at Town Meeting. She said she could assist with the slideshow on the DPW barn (Article K). She said if we had video someone would need to narrate it. The Town Administrator said we're going to do the slides in Google Slide this year; a trifold brochure is included in the Town Meeting booklet.

T. Arsenian said the clock at the front of the gymnasium can be used as a stop watch so it will be apparent how long someone is speaking.

T. Mikus said Article O requires a 2/3 vote as it changes the zoning by-law.

- Selectmen Positions on Warrant Articles: Selectperson Murphy moved that the Board of Selectmen support articles A through M on the April 2, 2016 Special Town Meeting Warrant, Selectperson Wilkinson seconded, Vote: 5-0.
- Selectmen Positions on Warrant Articles: Selectperson Wilkinson moved that the Board of Selectmen support articles 1 through 6B on the April 2, 2016 Annual Town Meeting Warrant, Selectperson Murphy seconded, Vote: 5-0.
- Selectmen Positions on Warrant Articles: Selectperson Lucas moved that the Board of Selectmen support articles A through K on the April 2, 2016 Annual Town Meeting Warrant, Selectperson Murphy seconded, Vote: 5-0.
- Selectmen Positions on Warrant Articles: Selectperson Wilkinson moved that the Board of Selectmen support Article M on the Annual Town Meeting Warrant, seconded by Selectperson Sheedy, Vote: 4-0. Selectperson Lucas abstained from the vote.
- Selectperson Murphy moved that the Board of Selectmen support Article N, moving town meeting to Saturday from Monday, seconded by Selectperson Sheedy, Vote: . Selectperson Wilkinson does not support this, Selectperson Murphy supports it. Moderator Visnick said the by-law committee should review it before any vote; he is not in favor of this article.
- Selectperson Wilkinson moved to support O, P, Q seconded by Selectperson Murphy, Vote: 5-0. Selectperson Wilkinson said she does not support removing the parking ban. Selectperson Murphy said he supports the petition to remove the parking ban. Selectperson Sheedy said the board shouldn't take a position either way.
- Selectperson Murphy moved that the Board of Selectmen support Article L on the April 2, 2016 Annual Town Meeting, seconded by Selectperson Wilkinson, Vote: 4-1, Selectperson Murphy is in favor of this Article, Selectpersons Sheedy, Battistelli, Wilkinson and Lucas are not in favor.
- Approve and Sign Town Meeting Warrant Masters: Selectperson Sheedy moved that the Board of Selectmen approve and sign the Special and Annual Town Meeting Masters, Selectperson Murphy seconded, Vote: 5-0.

Selectmen
Positions on
Warrant Articles
Motions
Approved

Support of
Article N, no
vote taken.

Support of
Articles O, P,
and Q, Motion
Approved

Support of
Article L on the
ATM,
Vote: 4-1,
Motion Denied

Approve and
Sign Town
Meeting
Warrant Masters
Motion
Approved

9:00 Selectperson Sheedy moved to adjourn, seconded by Selectperson Murphy, Vote: 5-0.

Items signed:
Warrant for Special Town Meeting

Warrant for Annual Town Meeting
Community Preservation Act, Old Garden Beach Association
Seasonal Renewal Certification 2016, My Place by the Sea
Easement Agreement, Estate of Nancy Mello, Robert N. Shapiro
ABBC Renewal, Blue Lobster Grille
Common Victualler's License, Blue Lobster Grille
ABCC Renewal, Fish Shack
Common Victualler's License, Fish Shack
ABCC Renewal, Brackett's Oceanview Restaurant
Common Victualler's License, Brackett's Oceanview Restaurant
Ellen's Coffee Shop, ABCC Renewal
Common Victualler's License, Ellen's Harborside
Standard Services Contract, Seasonal Mgmt Blue Gate Meadow Park and Ride Facility
Resolution calling for Full Funding, Education Reform
Alison Landoni, Transient vendor license, change of business name only
Good Dog Gallery, Outdoor Display Permit
China Gifts International, Outdoor Display Permit, 23 Bearskin Neck
China Gifts International, Outdoor Display Permit, 1 Bearskin Neck
Joshua Thomas Cominelli, Street Performer's License
Alexandra Grace, Street Performer's License
Art by any Means Jewelry, Home Occupation Permit
Common Victualler's License, Nektaria Gkiokas, Bearskin Neck Bistro