

Board of Selectmen Meeting  
Tuesday, April 28, 2015

A meeting of the Rockport Board of Selectmen was held on Tuesday, April 28, 2015 at 7pm in Conference Room A in town hall with five selectpersons, the Town Administrator and the Assistant Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of April 4, 2015: Selectperson Battistelli moved that the Board of Selectmen approve the minutes of April 4, 2015, Selectperson Lucas seconded, Vote: 4-0, Selectperson Sheedy abstained as she was not in attendance on 4/4/15.

Approval of  
4/4/15 Minutes  
Motion  
Approved

Approval of Minutes of April 14, 2015: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of April 14, 2015, Selectperson Murphy seconded, Vote: 5-0. On the National Grid Hearing, E. Battistelli abstained and recused herself. Selectperson Sheedy recused herself and abstained from voting on both alcohol license hearings because she has represented the applicants on unrelated matters.

Approval of  
4/14/15 Minutes  
Motion  
Approved

Selectmen Updates and Liaison Reports: Selectperson Battistelli said the MBTA is on the Conservation Commission agenda for on 5/6. This is a notification hearing for a connection to the new sub-station, this is the beginning of their permitting. Selectperson Battistelli said she will try to attend. Selectperson Lucas said a Cultural District kick-off meeting is scheduled for this Thursday morning; she will attend. A fluoride meeting is being held by the Board of Health at the Library this Thursday.

Selectmen  
Updates &  
Liaison Reports

Upcoming Board of Selectmen meetings are: Next Tuesday, 5/6/15 and 5/19/15, not the 12th.

Public Comment Period: T. Arsenian, 95 Granite St., said it has been one year since the Board discussed a parking study or parking plan. Both, if competently done, are an investment for the town. He said the parking meters should come after the study, but it's not too late to do either the study or the plan. He said the Planning Board and the Economic Development committee sponsored a nationally known consultant here to make presentations on parking; he said it could cost \$50,000 for a professional plan or a fraction of that if we were prepared to do much of the survey work. P. Beacham, Chief McCarthy and H. Betts were members of the group to look into parking. He asked if the Board of Selectmen would invite those members and the Planning Board to a workshop for one hour on a parking plan because looking the other way doesn't work. He has asked the Planning Board to look at a Section V of the zoning code, under section C, Conversion, the use of buildings that require parking and the use of buildings that have been abandoned. He is asking that the Bldg. Inspector put his concerns on paper and send them to the Planning Board with any recommendations he has. Chairperson Wilkinson said the Town Administrator's office is responsible for replacing the parking meters. Selectperson Battistelli said the replacement meters are part of a plan moving forward with credit card capable meters.

Public Comment  
Period

Judy Harris, Summit Avenue, said she is representing the reunion on 7/11/15. Chairperson Wilkinson said we received a letter from R. Lesch that Evan's field has been reserved for two separate events on 7/11/15. Chairperson Wilkinson contacted R. Lesch because the reunion can't move due to alcohol being served. She recommended the Navy be moved to a field at the school. He said that won't work because the school field isn't lit and they have alcohol as well. S. Wilkinson spoke to Jeff Proposki, to see if the DPW can fence off the softball area, which is the area that the Navy uses. She said she is hopeful that some adjustments can be made and this can be worked out. Over 1,000 attendees are expected at the reunion, they are planning on a dunk tank, crafts, artists, and photography. More people may attend this year because it is the second year and more people will know about it. She said those involved should meet together at the Town

Administrator's office soon to see what can be done to resolve this as both events are of great significance to the town.

Craig Moore, 10 Union Lane, spoke about the planning for the Millbrook Meadow. He said he looked at the master plan; he lives near the meadow. He said he has concerns about some things that they're planning. Chairperson Wilkinson suggested that their concerns be put in writing and submitted to the Committee. Corinne Moore, 10 Union Lane, said she is concerned about what lives there; the birds.

Stephanie Moore, Granite Street, said her concern is the wetland areas in back and what is protected by law. She said we need to look at that seriously. Much of what the committee is doing is good, but some things shouldn't be interfered with, like the bird life and some of the other habitat has not been taken into consideration.

Ian Crown, 67 Eden Road, said Massachusetts has a bordering vegetative wetlands PDF; it's 94 pages. On your own, you can figure out where the wetlands end.

#### Town Administrator's Report:

Town  
Administrator's  
Report

- The Town Administrator said that she has an alcohol information sheet. This was discussed at the prior meeting when there were two alcohol license hearings, and we were not prepared for all the questions. It should be put on the website and Selectperson Sheedy requested she receive an e-mail version so she can put it on her tablet. One item missing was the definition of a year round license; the Town Administrator said she will add that. She said we have six year round and five seasonal licenses. So we only have four more year round licenses available, and five seasonal.
- The Asst. Town Administrator said the petition was approved and sent to B. Tarr; it is Bill #S46, it's track able on MAlegislature.gov, it's pending. This season isn't affected at all. Chairperson Wilkinson said after it comes back from the state, we should have a meeting to answer any questions. T. Arsenian said if this passes, the Board's rules will need to be revised as soon as possible. Peter Beacham said Senator Tarr thought he could get this through in three months once the Bill was assigned a number. He said there are three significant people interested in opening restaurants here. If this is put off for a long time, interested parties could disappear.
- The Town Administrator said there has been a structural financial deficit since 2003; we can't go on forever so we need to make changes where we can or increase operations funds. We are reviewing the bids for the survey project for the Long Beach lots. The Town Administrator said she is going to the Finance Committee tomorrow night and this was discussed at the Personnel Board meeting last night to review benefit packages and OPEB.
- M. Vieira received his Certified Public Purchasing Officer designation; the certificate will be hung in the office.
- Parking meter replacements: they will be replacing the downtown meters in the same places where they were before. MAPC went out to bid to parking meter manufacturers, we received a report back from the parking meter engineer with a cost benefit analysis; they are recommending two of the five or six vendors. One vendor cannot get them to us before Memorial Day. One of the vendors, McKay, is based in Ontario; they can deliver much faster.
- The fluoride forum is being held Thursday evening at the Library; Selectperson Murphy said he is concerned about safety for this event.
- Disaster loans are available from the Small Business Administration covering winter storm damage. A small population of individuals may be eligible to apply for it. Information is at Town Hall for interested parties.
- The Parking Clerk office has been moved to the lower level in town hall, it's more accessible for the public.

- The Council on Aging was invited to the Community Partnership Luncheon, they were recognized as playing a key role in the success of the Elder Health Clinic, coordinated by the VNA; a certificate was received.
- The phone cut-over went well. Frank Taormina and Mike Montgomery from IS&T were extremely helpful.
- The next joint meeting of IS&T and Board of Selectmen is scheduled in May.
- The Board received a letter from Interim Chief Mulligan, saying goodbye, 4/27/15 was his last day. He will return at some point to say goodbye.

7:40 Action List

- Appointment of Diane Derow to the Council on Aging: Selectperson Murphy moved that the Board of Selectmen appoint Diane Derow as a member of the Council on Aging to fill a term expiring on June 30, 2018, Selectperson Sheedy seconded, Vote: 5-0.
- Appointment of Thacher Island Keepers: Selectperson Lucas moved that the Board of Selectmen appoint Jeannette Haynes, John Fulton and Darlene Fulton as Thacher Island Keepers; and Donna Cusick, Sharron Cohen, Linda Bosselman, David Murphy, Sue Murphy, Ashley Murphy, Ian DeWeese-Boyd, Margi DeWeese-Boyd, Gary Johnson, Diane Johnson, Kathy Michaud, Paul Sena, Patty Wegmann, Wayne Smith, Anita Smith, Dewey Glick, Camille Glick, David Cohen, Richard Whittaker, Nancy Jaretz, Joe Napolitano, Nancy Flannagan, Suellen Wedmore, and Sydney Wedmore as Assistant Keepers; and Ray Pszeny, Liz Pszeny, Ann-Patrice Hickey, Lynn Chambers, and Ken Nickerson as Intern Keepers, all for the 2015 Season, Selectperson Battistelli seconded, Vote: 5-0.
- Appointment of Rita Budrow as a Per Diem Civilian Dispatcher: Selectperson Battistelli moved that the Board of Selectmen appoint Rita Budrow as a Per Diem Civilian Dispatcher, Selectperson Murphy seconded, Vote: 5-0. She is a current ambulance employee for the town.
- Per Diem Civilian Dispatchers: Selectperson Sheedy moved that the Board of Selectmen allow up to and including five Per Diem Civilian Dispatchers to be hired, Selectperson Murphy seconded, Vote: 5-0.
- Reappointment of Civil Constables: Selectperson Murphy moved that the Board of Selectmen reappoint Kenneth Tucker as Civil Constable for the Town of Rockport for a three-year term to expire on April 29, 2018 and reappoint Kevin Tucker as Civil Constable for the Town of Rockport for a three-year term to expire on March 12, 2018, Selectperson Sheedy seconded, Vote: 5-0.
- Letter to Department of Veterans' Services: Selectperson Lucas moved that the Board of Selectmen approve and sign a letter to the Department of Veterans' Service to request permission to form a Veterans' Services District with the City of Gloucester and the Town of Manchester-by-the-Sea, Selectperson Murphy seconded, Vote: 5-0.
- World Elder Abuse Awareness Day at Five Corners: Selectperson Battistelli moved that the Board of Selectmen grant the Rockport Police Department and the Council on Aging permission to hold their annual participation in World Elder Abuse Awareness Day at Five Corners on Friday, June 12, 2015 from 9 am until 12 noon, Selectperson Murphy seconded, Vote: 5-0.
- Police Chief Contract: Selectperson Sheedy moved that the Board of Selectmen approve and sign an employment contract for Police Chief John K. Horvath for a three year term to expire on June 30, 2018, Selectperson Murphy seconded, Vote: 5-0.
- Street Performer License for Chris McDermott: Selectperson Murphy moved that the Board of Selectmen approve and ask the Chairperson to sign, a Street Performer License for Chris McDermott, no vote was taken, applicant was not in attendance.

Action List:  
Appointment of  
Diane Derow to  
COA, Motion  
Approved

Appointment of  
Thacher Island  
Keepers  
Motion  
Approved

Appointment of  
Rita Budrow,  
Civilian  
Dispatcher  
Motion  
Approved

Per diem  
Civilian  
Dispatchers  
Motion  
Approved

Reappoint Civil  
Constables  
Motion  
Approved

Letter to Dept. of  
Veteran's  
Services  
Motion  
Approved

World Elder  
Abuse  
Awareness Day  
Motion  
Approved

Employment  
Contract with  
Police Chief  
Motion  
Approved

Street Performer  
License,Chris  
McDermott  
No vote

Street Performer's at Toad Hall & John Tarr Motion Approved

- Street Performers at the Toad Hall & John Tarr Store: Selectperson Lucas moved that the Board revise its Street Performer Policy number 20-11 to include two additional performance locations, one at 49 & 47 Main Street and one at 77 & 79 Main Street, and further, to grant permission for performances for the "Rockport @ Night" Friday night events from May through October, 2015 from 4 pm to 8 pm, Selectperson Murphy seconded, no vote taken.

Selectperson Lucas moved that the Board grant permission for performances for the "Rockport @ Night" Friday night events from May to October, 2015 from 4 to 8pm on any Friday night at 2 locations, 49 and 47 Main St and 77 -79 Main Street, seconded by Selectperson Sheedy, Vote: 5-0.

Sign permit for David Ford Motion Approved

- Sign Permit for David Ford: Selectperson Battistelli moved that the Board of Selectmen approve a sign permit for David Ford for his "What the...?!" retail shop located at 37 Bearskin Neck, Selectperson Murphy seconded, Vote: 5-0. Ten square feet is the maximum size allowed and that is what this sign is.

Sign Permit for DeRosa/Greentop Motion Approved

- Special Sign Permit for Christopher DeRosa/Greentop: Selectperson Sheedy moved that the Board of Selectmen approve a special sign permit for Christopher DeRosa/Greentop for 156R Granite Street, Selectperson Murphy seconded, Vote: 5-0.

Outdoor display permit renewals Motion Approved

- Outdoor Display Permit Renewals: Selectperson Murphy moved that the Board of Selectmen renew the Outdoor Display Permit for the Asian Inspiration Gallery at 7 Bearskin Neck, Selectperson Sheedy seconded, Vote: 5-0.

76 Long Beach Lease Address Chg, Motion Approved

- 76 Long Beach Lease Address Change: Selectperson Lucas moved that the Board of Selectmen approve a new lease with Carol McSherry for 76 Long Beach to reflect a change of address, Selectperson Battistelli seconded, Vote: 5-0.

Contract Detritor Replacement Motion Approved

- Contract for Detritor Replacement Project: Selectperson Battistelli moved that the Selectmen approve and sign a contract with Penta Corporation of 1253 Whittier Highway in Moultonboro, New Hampshire for the construction of a Detritor at the Wastewater Treatment Plant in the amount of \$209,200, Selectperson Sheedy seconded, Vote: 5-0.

CATOC Contract Motion Approved

- CATOC Contract for Blue Gate Shuttle Services: Selectperson Sheedy moved that the Selectmen approve and sign a contract with the Cape Ann Transportation Operating Company to provide shuttle services for the 2015 season, Selectperson Murphy seconded, Vote: 5-0 (\$18,534).

Letter of Support for Millbrook Meadow Project No vote taken.

- Letter of Support for Millbrook Meadow Project: Selectperson Murphy moved that the Board of Selectmen approve and sign a letter of support for the Millbrook Meadow Committee's restoration project, to the Community Preservation Committee for over \$1M. Selectperson Sheedy seconded, no vote taken. The Town Administrator said it's the CPCs job to prioritize the requests. Chairperson Wilkinson said the letter can be revised to not support one project over another. She can we can support a project, in general, but not have them competing.

Craig Moore inquired how the board can support a plan without knowing the specifics of the Master Plan. Z. Seppala inquired if this requesting a letter of support is a normal occurrence. T. Arsenian said the Master Plan references a long term management plan, that's not possible under the community preservation rules. Chairperson Wilkinson said the Millbrook Meadow Committee drafted the support letter; the board is not signing it as written. She said it is typical for the board to receive requests for letters of support for these types of projects.

8:20 Discussion Item

- Plowing Private Roads with DPW Commissioners: DPW Commissioner J. Gardner in attendance. J. Gardner said the state expects that municipalities will use tax revenues for the

benefit of the general public. When you plow a private road, or plow a dead end private road that is an inappropriate use of public monies. Even if the road is open to the public is isn't necessarily benefitting the general public. A letter came recently from Kopelman & Paige saying that it would be an inappropriate use of tax revenue to plow sub-division or dead-end private road used by abutters only. Chairperson Wilkinson said there are approximately 80 roads, some of them should be public roads, they are maintained by the town and they are used by the public. She said the majority of the private roads have already been surveyed, 38 of the 63 have probably been laid out. Chairperson Wilkinson recommends a small group be formed with two members of the Board of Selectmen (Murphy and Wilkinson), two DPW staff members, and at least one DPW Commissioner to visit roads and see if they are laid out and should be made public. The town can receive more Chapter 90 funds if there are more public roads. Mike Hughes, Finance Committee, said this is a week before the election. Voters have been told this is a procedural error and we're going to the ballot to correct this. He said this needs to be explained much more to voters before they vote because they don't know what they're voting for. A voter, who has been plowed in the past, would be reasonable to expect they will continue to be plowed. If this passes and 75% of the streets that are plowed are eliminated, people won't understand this. T. Arsenian said you need to get an explanation into the Gloucester Times as soon as possible and there are standards to make roads public; it's a huge expense and a huge undertaking.

9:30 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 5-0.

#### Warrant Signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of April 30, 2015 in the amounts of \$495,365.75 and \$96,507.52 respectively.

#### Items Signed:

Grant Agreement, Unitarian Universalist Society  
 ABCC Form 43, Atlantic Pizza  
 ABCC Form 43 Asuka Chinese and Japanese Restaurant  
 Blue Gate Meadow Park and Ride Facility  
 Millbrook Meadow Committee's Community Preservation application, letter of support  
 Lease for 76 Long Beach  
 Employment Contract for John K. Horvath, Chief of Police  
 Veteran's services letter for a regional district for Manchester, Gloucester, and Rockport  
 Detritor Replacement Project at WWTP, Penta Corporation  
 David Zeserson, 16 Beach St., Street Performer's License  
 Nancy Williams, 188 Granite St., Street Performer's License  
 Keady Segel, 48 Main St., License for a parking lot  
 Bonnie Barish, 88 Pleasant Street, Street Performer's License  
 Rebecca Jane Ingersoll, 41 Bearskin Neck, Transient Vendor License  
 William Evans, 55 Main St., Transient Vendor License  
 Asian Inspiration Gallery, 7 Bearskin Neck Gallery, Outdoor Display Permit  
 Chris McDermott, 4 Seaview Street, Street Performer's License  
 Bearskin Neck Bistro, Nektaria Gkiokas, Common Victualler's License  
 The Ice Cream Store, 14 Bearskin Neck, Common Victualler's License  
 Bean and Leaf Café, 12 Bearskin Neck, Common Victualler's License  
 Dunkin Donuts, 17-1/2 Railroad Ave., Rockport, Common Victualler's License  
 Pleasant Street Inn, Roger and Lynne Norris, Innholder's License