

BOARD OF SELECTMEN MEETING
Tuesday, August 9, 2016

A meeting of the Rockport Board of Selectmen was held at 7pm on Tuesday, August 9, 2016 in Conference Room A in Town Hall with four selectpersons and the Asst. Town Administrator; Selectperson Wilkinson and the Town Administrator were not present.

7:00 Meeting Called to Order

7:00 Pledge of Allegiance and Moment of Silence

Public Comment Period: T. Arsenian, 95 Granite Street, said he wanted to comment on the adoption of the Attorney General's Remote Public Meeting Participation; he said it applies to other town boards as well. He said he believes when people are elected for positions they should attend a meeting more than the convenience of the board member. He suggested if it is adopted, perhaps it could be adopted for one year; it could be evaluated after one year. He said under no circumstances would it occur if there was not a quorum. He said six weeks ago he questioned the Sandy Bay Yacht Club arrangement. He said he believes licenses for town property should be transparent. All information about leases/licenses should be available for the public to view it. It should be in the Assessor's office, indexed, by map and lot #, by street address, and by the names of the licensee/lessee. Chairman Murphy said all of that information is available to the public currently. T. Arsenian said the Board of Selectmen should mention the leases at a prior meeting before it comes up on an agenda so anyone interested could plan on attending. If the leases are less than the cash value there should be a statement by the Board why the lessee is entitled to this consideration and the actual value. He said the board members aren't qualified to set the value of these properties yet the by-laws say that it is the Board's responsibility to rent town property. T. Arsenian said the town acquired two lots using Conservation Commission funds; he thinks this should be announced to the public.

Jim Bates, 192 South Street, said in the minutes of the 4/26/16 meeting, Selectperson Wilkinson suggested looking at adding angle parking at the end of South Street. He said he noticed surveyors at the end of the street and wondered if anything was happening there. He said they can see people changing their clothes while standing there and he's uncomfortable with what is visible to the public. M. Vieira said previously the Board of Selectmen instructed the DPW to install the angle parking. DPW Commissioner Reed said the DPW was requested to look at 90 degree angle parking and how many spaces could be added down there. He said a solution may come next year, with CPC funds, perhaps a turnaround at the end; they would have to take a little bit of the park to circle around and come out again. Selectperson Battistelli suggested having the police keep an eye on the situation.

Approval of Minutes of August 2, 2016: Selectperson Battistelli moved that the board approve the minutes of August 2, 2016, Selectperson Sheedy seconded, Vote: 3-0. Selectperson Campbell abstained as he was not present for the 8/2/16 meeting. He wanted, however, to make a revision to the minutes. It was decided this could be a point of discussion. He said he wanted it changed in the minutes that he had wanted it clarified whether any town or committee board member could sit on another board or committee. Chairman Murphy said that this had already been confirmed by Town Counsel.

Approval of
8/2/16 minutes
Motion
Approved

Selectmen Updates and Liaison Reports: Chairman Murphy said Illumination Night is coming up; several police details will be present. Selectperson Campbell said the first meeting of the Winter Parking Ban Committee will take place on Monday. Chief Horvath cannot attend the first meeting but will send an un-voting member. He believes three meetings will be sufficient to put this to rest. He met with June Michaels for a thorough overview of budgeting and financing for the town, he has also met with Wally Hess.

Town Administrator's Report:

- The Asst. Town Administrator said they are preparing for town meeting; the books will be prepared.
- The Lobster Pool was discussed at the Traffic & Parking Committee with some abutters present. The Town Administrator, the Police Chief and the DPW Director have conducted site visits. The owners of the Lobster Pool have a police detail there for Saturday and Sunday.
- Bruce Reed presented an idea he has on a bandstand music and dinner event, he is working with the Town Administrator on this. He said this was started by Don Greel. They'd like to have some music playing at the bandstand; a real community event. Initially they were looking at Saturday nights. He said that's not a great night because the performers can make money elsewhere. Maybe from 6 to 8pm, people could bring the family and have dinner at the bandstand. Maybe a total of 6 to 8 concerts would be held during the summer.
- The Asst. Town Administrator said the Town Administrator received a complaint regarding a street performer at 47-49 Main Street. The complaint said the speaker's and noise was too much to deal with for the Friday night events; 30 Main Street is the address of the complaint. Chairman Murphy said he believes the music should continue until a formal complaint is made.
- The Asst. Town Administrator said an individual from Gloucester is interested in being appointed to the Rockport Conservation Commission. Gerry Falco is inquiring if the Board of Selectmen is interested in appointing non-residents to the board. Chairman Murphy and Selectperson Sheedy said they are not in favor of it. Selectperson Campbell asked what has been done to recruit members from Rockport. M. Vieira said they have been seeking a fifth member and have advertised in the newspaper and it's been on the website. M. Vieira said he will pass it on that the board is not interested in appointing a non-resident to the board.
- A Police Department Commendation Ceremony is being held on October 25 at the Brenner Room at the Library.

7:25 Action List

Action List:

Addition of
Action Item
Motion
Approved

Approve & Sign
Fall Town
Meeting Warrant
Masters
Motion
Approved

Approve and
Sign Warrant for
State Primary
Motion
Approved

- Addition of Action Item, State Primary: Selectperson Battistelli moved to add a motion to tonight's agenda as an action item to approve and sign the warrant for the state primary election, seconded by Selectperson Sheedy, Vote: 4-0.
- Approve & Sign Fall Town Meeting Warrant Masters: Selectperson Campbell moved that the Board of Selectmen include Articles A through M as shown on the September 12, 2016 Town Meeting Warrant and sign the Warrant masters, Selectperson Battistelli seconded, Vote: 4-0.
- Approve and sign warrant for State Primary Election: Selectperson Sheedy moved that the board approve and sign the warrant for the State Primary Election to be held on 9/8/16, seconded by Selectperson Battistelli, Vote: 4-0.

- Adoption of AG Regulations 940 CMR 29.10 to allow Remote Public Meeting Participation: Selectperson Battistelli moved that the Board of Selectmen adopt the Attorney General’s Regulation 940 CMR 29.10 to allow remote participation in meetings of public bodies in the Town of Rockport pursuant to Mass General Law Chapter 7, section 7 in accordance with the procedures as documented in 940 CMR 29.10 paragraph 7 and, additionally, as permitted in 940 CMR 29.10 paragraph 8 the Board of Selectmen further requires that remote participants physically attend a minimum of 2/3s of the Committee’s meetings, Selectperson Campbell seconded, Vote: 4-0. The regulation allows for one or more of the following factors, personal illness, personal disability, geographic distances, emergencies, military service. M. Vieira said six municipalities have adopted it and the communities cut and pasted for their regulations. Perhaps the town could adopt it for one year. This should be the exception not the rule. Chairman Murphy said we don’t find that many people that are willing to participate on these committees, if we can make things easier for folks, let’s give it a try. Selectperson Campbell said if somebody wants to make the effort to commit to a meeting that shows they are committed to what they are doing.

Adoption of AG Regulations for Remote Public Meeting Participation Motion Approved

- Hiring Approval for Wastewater Treatment Plant Supervisor: Selectperson Battistelli moved that the board approve the hiring of a Wastewater Treatment Plant Supervisor to fill the vacancy created as a result of a retirement, Selectperson Sheedy seconded, Vote: 4-0.

Hiring Approval for Wastewater Treatment Plant Supervisor Motion Approved

- 156 Long Beach Lease Transfer to Richard Sullivan, Jr. & Gladys Sullivan: Selectperson Campbell moved that the Board of Selectmen approve and sign a lease for 156 Long Beach with Richard Sullivan, Jr. and Gladys Sullivan of 3 Hickory Hill Road, Manchester, MA to reflect a transfer of ownership, Selectperson Battistelli seconded, Vote: 4-0.

156 Long Beach Lease Transfer Motion Approved

- Notice of Lease for 22 Long Beach with Christopher Chen & Ellen Chen: Selectperson Sheedy moved that the Board of Selectmen approve and sign a Notice of Lease for 22 Long Beach with Christopher and Ellen Chen of 14 Keene Street, Stoneham, MA, seconded by Selectperson Campbell, Vote: 4-0.

Notice of Lease for 22 Long Beach Motion Approved

8:00 Selectmen Briefing

Dog (& Animal Control) Officer: Kevin St. Peter said 104 calls have been received about dogs being lose or lost since January of 2016; most are handled over the phone. 16 dogs were picked up and returned or put in a kennel, most within 6 hours; 38 calls were about wild animals. Most calls are about dogs on Long Beach, since 6/1 through Sept 15, he’s been there over 40 times. Long Beach residents call complaining so he goes down there. He has given out a few fines; one is 1-1/2 months old, the fine is \$100/incident. What to do if fines aren’t paid was brought up. Another issue is the bags; there are many dispensers out for these to be disposed of. We put out more than 4,000 bags; he believes people take more than they should. He said there are bag dispensers in locations where pets are not allowed (Millbrook Meadow, Harvey Park). This needs to be clarified and perhaps the regulations need to be modified. Dogs need to be on a leash in downtown areas. Selectperson Sheedy said there should be some time when people could bring their dog someplace before 7am. Selectperson Battistelli brought up the issue of unregistered dogs. She said we spoke about a second letter going out to people to remind them to register their dog. She said we need a mechanism to notify the dog owners in town to remind them that they need to register their dogs every year. Town Clerk has the database of residents. Chairman Murphy said the \$10 fee for a dog license should be increased. Selectperson Campbell said maybe there could be other ramifications to not licensing your dog. T. Arsenian said dog information is on the census form. It was recommended to hold a public hearing and give residents a chance to speak on the topic. DPW Chairman Reed questioned if dog registrations can currently be purchased on-line, if not he said we should investigate this. R. Visnick recommended putting the reminder about registering your dog on the bags.

Selectmen Briefing

Dog (Animal Control) Officer

8:25 Discussion Items

Discussion
Items:

Sandy Bay
Yacht Club
Lease/License

Sandy Bay Yacht Club Lease/License: Selectperson Sheedy said the significant difference between a license and a lease is that a license is at will, a lease it not. It was stated that Town Counsel recommends a license. We're not conveying any rights that a lease might convey. Earl Meredith, Commodore of the Yacht Club and Robert Visnick, were representing the SBYC. A 4/5 vote this can be terminated with 120 day notice, that is why it's a license. Selectperson Battistelli commented that the annual payment to the town for FY '12 was \$18,580, for FY '13 it was \$18,914, for FY '16 the amount is \$19,487; she said it increases each year along with the consumer price index. R. Visnick said the public has a lot of access here; they work with the Harbormaster's office. Electric fees of \$10 are charged, \$1/feet per night, the Yachtclub splits the per foot fees with the town. Members of the public can use the snackbar, etc. They have over 700 members; about 125 to 150 are youth members. There is a Junior Sailing program for safety and racing and they get access to the water that way. It is affordable for membership. R. Visnick said Yacht Club is a name but we are more affordable than most, there is a \$298/fee. The term is a 10-year license; it was a 5 year license with 5 year extension; it expires on 8/19/16. He said if the new license can't be in place by then; they would like some sort of a bridge before the new license.

Other Business/Announcements: the next Board of Selectmen meeting is scheduled for 8/23/16. M. Vieira said we may need to schedule an Executive Session at some point before that.

8:40 Selectperson Sheedy moved to adjourn, seconded by Selectperson Battistelli, Vote: 4-0.

Items Signed:

Richard & Gladys Sullivan Lease Transfer

Warrant State Primary 9/8/16

Warrant for Fall Town Meeting 9/12/16

Warrant for 8/11/16, payroll \$129,149.55, Expenses of \$5,484,428.26

Street Performer License, Emma Sekercan