

BOARD OF SELECTMEN  
Tuesday, September 16, 2014

A meeting of the Rockport Board of Selectmen was held on Tuesday, September 16, 2014 in Conference Room A at Town Hall, at 7pm with four selectpersons and the Asst. Town Administrator, Selectperson Sheedy and the Town Administrator were not present.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of September 2, 2014: Selectperson Murphy moved that the Board of Selectmen approve the minutes of September 2, 2014, seconded by Selectperson Battistelli, Vote: 4-0.

Approval of  
9/2/14 Minutes  
Motion  
Approved

Edits: Selectperson Lucas said on page 4 regarding 59 High Street, she didn't speak.

Approval of Minutes of September 8, 2014: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of September 8, 2014, seconded by Selectperson Lucas, Vote: 4-0.

Approval of  
9/8/14 Minutes  
Motion  
Approved

Selectmen Updates and Liaison Reports: Selectperson Murphy said he received a call from someone living near the Tool Company, there has been additional graffiti; he asked if someone from town hall could contact the Tool Company and ask if it could be cleaned up. The Asst. Town Administrator said he will ask the building inspector to reach out to the owner. It was stated that the Chief of Police is retiring effective November 3. Selectperson Lucas said she will be meeting with Karen Berger as she is stepping down from the Cultural District.

Selectmen  
Updates and  
Liaison Reports

Public Comment Period: T. Arsenian, 95 Granite Street, said he deplores the decision not to pursue affordable housing on 59 High Street. He said he spoke to the Planning Board; they have no policy on affordable housing. He inquired if something isn't done at 59 High Street for affordable housing, is something going to be done anywhere. He recommends a workshop be held on affordable housing, to determine what the town intends to do and that the Planning Board should be invited. Chairperson Wilkinson said no one in town has wanted to step up and sit on a committee for affordable housing; the town hasn't failed. Chairperson Wilkinson said this would be on a subsequent agenda; she is not sure if the Planning Board will have a role in affordable housing. T. Arsenian said regarding the photo shoots in town, adjoining property owners and other citizens should be considered. Chairperson Wilkinson said that will be postponed to another meeting. Z. Seppala, 92 Granite St., recommends taking a ride and visiting the Cummings Center, Suite 117T, to see what the place looked like back then and now today.

Public Comment  
Period

J. Gardner, 1 Pleasant Street, said the DPW Commissioners have received feedback on Evan's Way. It's a short, dead end, narrow road; it goes behind the hardware store and ends on Evan's Field. Evan's Way is used to access Evan's field; access to Evan's Field is poor. He said the MBTA has plans on their property to build a sub-station off of Poole's Lane, so the access will be worse. He said they previously had a plan to remove the far right hand track. He said he was wondering about the group that had been negotiating with the MBTA. Chairperson Wilkinson said this group is advisory. She said Senator Tarr has offered to set

up a meeting with the right individuals, because there are funding issues at the federal level. Selectperson Battistelli said we should also notify the advisory committee

Public Comment  
Period  
Continued

F. Tarr, 154 Main St., said this is the 50<sup>th</sup> anniversary from when the MBTA gave us their first plan. He said he is concerned that if the town doesn't make some progress on affordable housing, 40(b) could be devastating. He said two nice units could be put on 59 High Street.

Barbara Goll, 8 Atlantic Avenue, inquired if all town meeting articles that passed have to go the Attorney General's office. She is inquiring about Article L on fluoride. It was clarified that if an article is to go on the ballot, it has to go through the legislature for consistency, but all articles that passed do not.

Action List:

#### Action List

Civil Service List  
Request, Motion  
Approved

- Civil Service List Request: Selectperson Lucas moved that the Board of Selectmen request a Civil Service list of patrol officers eligible for hire as a full time Rockport police officer to fill a vacancy, seconded by Selectperson Murphy, Vote: 4-0.

Revoke Basketball  
Loop sidewalk  
permit, Motion  
Approved

- Basketball Hoop: Selectperson Battistelli moved that the Board of Selectmen revoke the Street and Sidewalk Permit issued to Richard Vassallo of 42 Atlantic Avenue by the Director of Public Works at our direction on August 16, 2013, seconded by Selectperson Murphy, Vote: 4-0. Selectperson Murphy said he is annoyed at the legal fees the town had to expend for this issue.

High Street  
Disposition,  
Motion  
To sell property  
approved.

- High Street Disposition: Selectperson Murphy moved that the Board of Selectmen sell the property at 59 High Street, seconded by Selectperson Battistelli, Vote: 3-0. Selectperson Lucas recused herself and sat in the audience. Selectperson Murphy said he is equally concerned about affordable housing, however he said with the cemetery, sewage treatment plant, etc., he doesn't think this neighborhood is appropriate for this. Selectperson Murphy said he is happy to sit on a committee as the Board of Selectmen representative for affordable housing. Chairperson Wilkinson said she doesn't want to hold up the process, and if there was no cost to the town on this property, she would be in favor of affordable housing there. The Asst. Town Administrator and the Town Administrator are working on obtaining the cost to take the house down. E. Lucas, 57 High St., said at the last meeting the stone wall on the side was discussed. The Asst. Town Administrator said the stability of the wall is being assessed at this time. E. Lucas said she is curious about the wall and questions if it is safe. April Ferrero, 6R High Street Court, asked if the property is being sold as one lot, or will it be divided into two lots or combined with the town property on the street. Mike Farragher, 56 High Street, inquired about any restrictions that might be placed on the property as this was mentioned at the prior meeting. Chairperson Wilkinson said that hadn't been decided yet. Selectperson Battistelli said 40(b) allows a developer to streamline through local permitting if they're going to dedicate 25% of their proposed housing to affordable housing. She said this is generally for larger projects.

104 Long Beach  
Lease Transfer  
Motion Approved

- 104 Long Beach Lease Transfer: Selectperson Battistelli moved that the Board of Selectmen approve and sign a transfer of lease for 104 Long Beach to reflect a family ownership change, seconded by Selectperson Lucas, Vote: 3-0. (Selectperson Murphy was not in the room for the discussion or the vote.)

Drainage Easement  
from 11 Penryn  
Way  
Motion Approved

- Drainage Easement from 11 Penryn Way: Selectperson Lucas moved that the Board of Selectmen accept and sign a drainage easement from Edward Glass and Chris Mandel, property owners of 11 Penryn Way, and approve the associated drainage plan for the

drainage swale that runs along their property boundary, to allow the Town to adequately maintain said swale that provides drainage for a portion of Penryn Way, seconded by Selectperson Battistelli, Vote: 3-0. (Selectperson Murphy was not in the room for the discussion or the vote.)

- Special Act Regarding Fluoride Supplementation: Selectperson Battistelli moved that the Board of Selectmen petition the General Court to enact legislation to authorize the voters of Rockport to decide if the fluoride supplementation to the Rockport water supply should be discontinued, seconded by Selectperson Murphy, Vote: 4-0. Selectperson Murphy said he favors keeping the fluoride in the water but supports the ballot question. He said this will provide ample time for residents to educate themselves. Herman Lilja said he is speaking reluctantly; he has a doctorate, a post doctorate, and has spent 35 years as toxicologist. He said he has great reservations about the decision the board is making. He said the town's Public Health Board supports it, and the local physicians support it. He said he grew up in town, and was here in 1958. He said the decision should be made on a scientific basis, not an emotional basis. He questioned who does the town turn to when a scientific response is needed. Selectperson Lucas said she did her own research and she came to the same conclusion; that she supports fluoride. She said people can make an informed decision if they receive the information from people that they trust; they must come to their own conclusions. Nancy Hendrickson, 140 Main Street, said this should have been said at Town Meeting; she said people want choice. T. Arsenian said he objects to what H. Lilja has said. He said if you go to your doctor you can choose to take their advice, but if it's in the water you have no choice; the town should have more confidence in the intelligence of the voters. Luke Ellis, 27 Pigeon Hill Street, said this isn't about science; this is about personal choice. Joann Souza, 12 Wharf Road, questioned if this will be on the ballot in November. The Asst. Town Administrator said Rockport is structured for a Special Act; other towns may be structured differently; so the timeline is a question mark here. He said people can track the progress of legislative issues by going online to MAlegislature.gov. Z. Seppala, said he has praised the Select Board for what was said at town meeting. He said Dick Merringer, from the Board of Health, spoke at town meeting and said there is no compelling reason to take fluoride out of the water. Z. Seppala questioned what the compelling reason was to add the fluoride to the water. He said Chairperson Wilkinson said, at Town Meeting, that the vote allows the town to revisit the issue. He said he praises Chairperson Wilkinson and the Board of Selectmen. Inge Sullivan questioned how often do the Finance Committee, the Board of Selectmen, the Planning Board and the Board of Health, all the people in power, vote the same way. She asked if they all got together to discuss this. Selectperson Battistelli said voters vote as individuals not as committees, she said we are taxpayers and voters. Chairperson Wilkinson said that is why the Board of Selectmen did not state their opinion at Town Meeting, and they voted as individuals. Selectperson Murphy said that would be a violation of the Open Meeting Law, he said board members can't talk about how they're going to vote. Joann Souza said this is very disappointing. Selectperson Lucas said she went to many meetings and thought this could be a respectful conversation with two differing opinions. She said those that support fluoride are accused of a conspiracy, rather than having a different opinion. She said she had no idea how the finance committee members felt about it and said it took a considerable amount of time for her to come to her decision.
- 18 Pigeon Hill Street Access Easement: Selectperson Lucas moved that the Board of Selectmen approve and sign a non-exclusive access easement with William E. Fisher, Robert F. Fisher, Gregory E. Fisher, Laurie J. Lewis and David A. Fisher as appurtenant to their property at 18 Pigeon Hill Street, seconded by Selectperson Battistelli, Vote: 4-0.

Special Act  
Regarding  
Fluoride  
Supplementation  
Motion  
Approved

18 Pigeon Hill  
Street Access  
Easement  
Motion  
Approved

Atty. Catherine Schlichte was representing the Fisher family. There was discussion whether this should be a temporary or permanent easement. It was stated that utilities are involved, so it should be permanent.

Discussion Items

Discussion Items

Location Fees for Filming and Commercial/Marketing Photo Shoots – postponed to a subsequent meeting.

Other Business/  
Announcements

Other Business/Announcements

Selectperson Murphy said there is an upcoming debate between Mike Boucher and Ann Margaret Ferrante, a week from Wednesday and there is a \$25 charge to attend.

8:15 Selectperson Murphy moved to adjourn, seconded by Selectperson Battistelli, Vote: 4-0.

Warrant signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of 9/18/14 in the amounts of \$506,566.86 and \$386,113.42 respectively.

Items Signed:

Pigeon Hill Street Easement agreement

David Mock, Hula Moon, Common Victualler's License

Grant of easements, Glass and Mandel, 4786 South Road, 118 Forsyth Street

Civil Service Requisition Form 13

Lease, Mary Donohoe

Home Occupation License, Tamsen Endicott