

Board of Selectmen
Tuesday, September 2, 2014

A meeting of the Rockport Board of Selectmen was held on Tuesday, September 2, 2014 at 6pm in Conference Room A at Town Hall with five selectpersons, the Town Administrator and the Asst. Town Administrator.

6:00 Meeting Called to Order

Executive Session – Value of Real Property & Compliance with General Laws: Executive Session – Real Property and Compliance with General Laws: Selectperson Lucas moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #6 to discuss strategy with respect to Real Property and for Exception #7 to comply with General Laws, Chapter 214, §1B and reconvene in open session, seconded by Selectperson Murphy, Roll Call Vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Chairperson Wilkinson – aye.

Executive Session
Motion Approved

Pledge of Allegiance and Moment of Silence

Approval of Minutes of August 5, 2014: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of August 5, 2014, seconded by Selectperson Lucas, Vote: 3-0, Selectpersons Battistelli and Murphy abstained as they were not in attendance on 8/5/14.

Approval of 8/5/14
Minutes
Motion Approved

Approval of Minutes of August 19, 2014: Selectperson Murphy moved that the Board of Selectmen approve the minutes of August 19, 2014, seconded by Selectperson Sheedy, Vote: 4-0. Selectperson Lucas abstained as she was not in attendance on 8/19/14.

Approval of 8/19/14
Minutes
Motion Approved

Selectmen Updates and Liaison Reports: Selectperson Lucas announced that she will recuse herself for discussions on 59 High Street and will sit in the audience as a neighbor. Selectperson Murphy said that Yankee Magazine named Rockport one of the ten most scenic places in New England. He requested some figures regarding the summer of 2014 because he said it seemed like tourism was up this summer.

Selectmen Updates
& Liaison Reports

Public Comment Period: T. Arsenian, 95 Granite Street, said he wanted to comment on the application to the Army Corp. of Engineers for the Granite Pier extension, and questioned the sum of money. He spoke on the Master Building Plan contract that is being signed tonight, and said relative to 59 High Street, he thinks the town has a poor record on affordable housing. He said that any restrictions expire after 30 years and that Action and Harborlight are in the business of managing affordable housing. Selectperson Lucas moved to sit in the audience. She said she is speaking as a neighbor and abutter because she can reach out and touch 59 High Street from her house. She asked that the Board of Selectmen please consider the entire neighborhood, look at what's around it, and think about the overall neighborhood. She said it's a nice neighborhood and questioned if the property can be more than one lot. It was stated that the town owns the strip to the right of the trailer and there is sufficient frontage for two lots. Selectperson Sheedy said that currently it's a two family structure. Frederick Tarr, 154 Main Street, said we don't want a 40(b) forced on us. He said he is concerned about the two dead trees on the dump road. T. Arsenian commented on the last article on the properties at Town Meeting, he questioned if the town meeting vote demands that the property be sold. The Town Administrator said she just went through this with 40 Pleasant Street; the property has to be brought up to standards. Karen Tysver spoke on the fluoride article, she said Dr.

Public Comment
Period

Wedmore disparages the science of anti-fluoridation. The most fluoridated state, Kentucky suffers the most tooth loss, and the least fluoridated state, Hawaii, suffers the least tooth loss. The following communities have rejected fluoride, Amesbury, Worcester, Littleton, Yarmouth, Barnstable, Methuen, and Wilmington. The following communities have groups such as theirs: Gloucester, Cambridge, Topsfield, Concord, and Newburyport. The CDC says this is unethical and unconstitutional. She said it's an individual's right to choose. This is a toxic waste product. S. Wedmore said we all have access to the internet and to science. This is one point of view of one group of people. There are equally competent people and studies that have come to the conclusions that this group is wrong. Joann Souza said this is critical and serious. This is about giving choice for Rockport. This violates the safe drinking water act. Nancy Hendrickson said in the 40s science indicated fluoride was best to defend against tooth decay. We now know that is not the case. Fluoride is an unapproved drug and a toxic waste product. Selectperson Battistelli said this process took place back in 1981 when the town voted to add fluoride. There is an implication that this board decided on their own to fluoridate people's water.

Town Administrator's Report: The Asst. Town Administrator said the Building Inspector has been active on Bearskin Neck with outdoor display compliance checks and fining businesses that are in violation. Rockport Rotary contributed \$6,000 to purchase an automatic chest compression machine for the ambulances. Performance evaluations were all submitted on time. Voter booklets are ready and will be available at town meeting.

7:25 Action List

Action List:
Sign Permits for
Institution for
Savings
Motion Approved

- Sign Permits for Institution for Savings: Selectperson Lucas moved that the Board of Selectmen grant a special sign permit pursuant to Chapter 13 Section 2.c(i) of the Rockport By-Laws to the Institution for Savings to allow their requested bank building name signs that exceed 10 square feet, Selectperson Sheedy seconded, Vote: 5-0. Cape Ann Sign was present as well as the COO from the Institution for Savings.

Selectperson Sheedy moved that the Board of Selectmen grant a special sign permit for a free-standing sign under Chapter 13, Section 2.d.3, of the by-laws for a free standing sign at King Street in the area requested, seconded by Selectperson Battistelli, Vote: 5-0.

Acceptance of
Resignation from
Rights of Way
Committee
Motion Approved

- Acceptance of Resignation of Matt Cegelis from the Rights of Way and Open Space and Recreation Committees: Selectperson Battistelli moved that the Board of Selectmen accept the resignation of Matt Cegelis from the Rights of Way and Open Space and Recreation Committees effective immediately, Selectperson Lucas seconded, Vote: 5-0.

Appointment of
Interdepart-
mental
Administrative
Asst.
Motion Approved

- Appointment of Marianne Peters as Interdepartmental Administrative Assistant: Selectperson Murphy moved that that Board of Selectmen appoint Marianne Peters as the Interdepartmental Administrative Assistant, employee at will, effective September 8, 2014, seconded by Selectperson Sheedy, Vote: 5-0. This is a 29 hr/week position; M. Peters is currently working at a chamber of commerce. She has worked in the past with Board of Health and Conservation related topics.

Street Performer
License – Sanghi
Ehrlich
Motion Approved

- Street Performer License for Sanghi Ehrlich: Selectperson Sheedy moved that the Board of Selectmen approve a Street Performer License for Sanghi Ehrlich for the 2014 summer season, Selectperson Murphy seconded, Vote: 5-0. S. Ehrlich plans to paint pictures, mostly in color; each takes her about 40 minutes.

- Master Building Plan Contract: Selectperson Lucas moved that the Board of Selectmen approve and sign a contract with Drummey Rosane Anderson, Inc. of 234 Bear Hill Road, Waltham, Massachusetts to provide professional architectural and engineering services for a town-wide Master Building Plan for a cost not to exceed \$60,000, seconded by Selectperson Battistelli, Vote: 5-0. T. Arsenian, 95 Granite Street, questioned if there still is a building study committee. The Town Administrator said yes, they but they haven't been meeting; Jack Campbell is the chairman of committee.
- Bradley Wharf Piling Replacement Agreement: Selectperson Battistelli moved that the Board of Selectmen approve and sign an agreement with C. White Marine, Inc. of 160 Sylvan Street, Danvers, Massachusetts for the provision of materials and services necessary to complete the Bradley Wharf Piling Replacement project for a cost of \$54,950, Selectperson Murphy seconded, Vote: 5-0.
- Fall Town Meeting Article Support (L) & Assignments: Selectperson Murphy moved that the Board of Selectmen support Article L on the September 8, 2014 Fall Town Meeting Warrant, seconded by Selectperson Sheedy, no vote taken. It was decided to see what occurs at town meeting. Moderator Visnick said it would be helpful if, at town meeting, the board members could simply state what they just said around why they're not taking a position on this. T. Arsenian, 95 Granite St., asked if the funding was cut for the fluoride. The Town Administrator said the fluoride is not just one line in the budget, it costs between \$1,800-\$2,000 (chemicals for the water treatment plant) and the entire line item is about \$70,000 total. She said cutting the funds in that line wouldn't accomplish this, town meeting couldn't decide to cut the funding.

Action List:
Continued

Master Building
Plan Contract

Motion Approved

Bradley Wharf
Piling Replacement
Agreement
Motion Approved

Fall Town Meeting
Article Support (L)
and Assignments
No vote taken.

CPC Action Rental assistance, remove Selectperson Battistelli and change to another Board member, there is a potential conflict. Chairperson Wilkinson said she is still working on the report for Article M; she will get it to the board members shortly.

7:50 Citizen Complaint

Basketball Hoop: both parties were in attendance. Justin Mierz, 40 Atlantic Avenue, said at a prior meeting he had explained their concerns about the hoop. He is questioning why a special permit was granted after it was found through the traffic committee to be illegally placed. They were frustrated that they had taken their concerns to the traffic committee and weren't invited to the meeting. A vote was taken at that meeting. Selectperson Battistelli said she was the Chair at the time of that meeting, and perhaps notice wasn't sent to them. She said the DPW director said there should be some kind of permit for the hoop because it had been there for several years. The vote was to approve the permit as long as it could be revoked if there was a problem. She said we asked town council to give us some information so we have revisited the issuing of the permit. Chairperson Wilkinson said the town has had to expend town funds to obtain town counsel's opinion. Town Counsel's legal opinion was that the town can revoke the permit and that it's illegal for the hoop to be there because it's in the roadway. Richard Vassallo, 42 Atlantic Avenue, said J. Mierz was well aware that they were putting the fixed hoop in that location. He has photos from 2007 with folks using the hoop. Marcy Mierz said their concern is not with the Vassallo family, but that other kids and individuals feel free to use the hoop and they don't know these individuals. If there was damage to their cars or property she is concerned that they wouldn't offer to bear the cost of the repairs. Chairperson Wilkinson said it is too bad that this has come to this point, but the town doesn't really have a choice here. The revocation of the permit will be an action item on the next meeting. Chairperson Wilkinson said the DPW can assist in the process of removing the hoop from the roadway.

Citizen Complaint

Basketball Hoop

Fall Town Meeting Discussion with the Moderator

8:15 Fall Town Meeting Discussion with the Moderator: The Town Moderator said this should be routine with the exception of the fluoride article. J&K are easements; most of the focus has been about Article L, met with Joanne Wile. It is clearer if the petitioner presents Article L because the Board of Selectmen doesn't have a position on it. The Town Meeting will break with the rule of having only Rockport residents speak, because there may be experts on fluoride speaking who do not resident in Rockport. Chairperson Wilkinson said this isn't the only chance to voice your opinion on this issue. Chairperson Wilkinson said she will send her report to Moderator Visnick, (Tax Title properties and plowing private roads).

8:45 Discussion Items

Discussion Items:

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

Location Fees for Filming and Commercial/Marketing Photo Shoots – postponed

59 High Street Disposition: Selectperson Lucas left the table and joined the audience. Selectperson Murphy said we're not doing a great job with affordable housing in this town. There are lots of cars going through the neighborhood, with Kitefield Road and the sewer treatment plant. Selectperson Battistelli said affordable housing units cannot be distinguished from buildings at market rate in a neighborhood. She said she doesn't think the town is in the position financially to meet the affordable housing criteria at this time. She just doesn't feel like the town can manage a project like this right now, it's not practical. Selectperson Sheedy said it is currently a 2-family, so it can be a 2-family going forward; we need to investigate the two lots. The Town Administrator said we will get estimates from the DPW on removing the structure and having the wall assessed to be sure it's safe.

59 High Street Disposition

9:00 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 9/4/14 in the amounts of \$487,320.70 and \$382,784.29 respectively.

Items signed:

- Sanghi Ehrlich, Street Performer's License
- Good Dog Gallery, Outdoor Display Permit
- Beach Bum Burritos, Common Victualler's License
- Agreement, Bradley Wharf Piling Replacement, \$54,950