

BOARD OF SELECTMEN Meeting
Tuesday, September 22, 2015

The Board of Selectmen met at 7pm in Conference Room A of Town Hall on Tuesday, September 22, 2015. Present were five selectpersons and the Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of September 8, 2015: Selectperson Wilkinson moved that the Board of Selectmen approve the minutes of September 8, 2015, Selectperson Sheedy seconded, Vote: 4-0. Selectperson Lucas abstained as she was not present on 9/8/15. Revisions to the minutes are: on page 1, town receiving funds change to “the town received a grant last year to work on it”, under public comment, change to “years ago the town was unsuccessful in a lawsuit”, under Halibut State Park change to “state budget cuts may have affected the visitor center”. Page 4, the word “away” should be “aware”.

Approval of 9/8/15
Minutes
Motion Approved

Selectmen Updates and Liaison Reports: Chairperson Battistelli said she attended the recent DPW Commission Meeting; on the agenda was an update on the Millbrook Meadow Committee. Chairperson Battistelli suggested to them that they should let us know how far they are with the project. If they are suggesting a way of funding, the board will need to get our thoughts to them. She said there have been discussions about breaking a project like this down into pieces.

Selectmen Updates
and Liaison
Reports

Public Comment Period: T. Arsenian, 95 Granite St., said he would like to comment on the Conservation Commission’s purchase of water shed land and the NPDES permit. He said he attended a recent DPW meeting and the presentation on Green Communities. He said on tonight’s agenda is choosing a task force; this may or may not be a good thing (stretch code – energy efficient windows, doors, etc.) He said that code would be incorporated into the town’s by-laws. If the stretch code is extended or enlarged, the town would be signing a blank check. He said the Board of Selectmen should speak to the Planning Board regarding this. He questions how the town would get out of Green Communities if it wanted to.

Public Comment
Period

Katie Gardner, 3 Toomey Lane, said she was here regarding plowing private roads, she said she sent a letter to the Board of Selectmen last winter and has tried to determine if the letter was received. She said she attended a DPW meeting about a month ago and inquired about the timeline for the decision on plowing private roads. Chairperson Battistelli said some board members visited some of the private roads; she said the board was hopeful to resolve this before this winter. Selectperson Wilkinson said if the criteria doesn’t change this year; the same roads will be plowed this coming winter.

Frederick Tarr, 156 Main Street, on Green Communities, said the previous task force designated pre-approved town locations for turbines; behind the school, behind the police station on the hill and behind the transfer station. He said the prior task force also looked at putting solar panels on many town buildings.

Town Administrator’s Report:

- There are several applicants for the Town Accountant position.
- Update on the Cape Ann Tool Company, the DEP filed a motion for a summary decision on the Landing Group’s Chapter 91 appeal, they are saying they should not

Town
Administrator’s
Report

be part of the Chapter 91 license process. Oral arguments were held at the presiding officers' request that the parties settle was unsuccessful. At this point it is expected that a decision will be forthcoming on the motion and what will be issued is called a recommended final decision which then goes to the DEP Commissioner. This is now in DEP's hands and the Commissioner has the final say whether this falls under the Chapter 91 license process.

- We are running behind on RFPs on the Marmion Way property.
- Sidewalk repairs are ongoing on Long Beach.
- Currently the town's website is very fragile; a soft launch is scheduled on 10/15 transferring information from the existing website to the new website.
- L. Sanders said we still don't have a master building plan after many months of waiting.
- The Council on Aging has requested that they have exclusive use of the Community House's 2nd floor during the week (M-F). Chairperson Battistelli said we need to look at the entire facility and see if there is a better way to use this building. The COA would like to leave their belongings out and not have to lock them up every night because other groups will be using the facility in the evening. B. Balzarini, building manager, said there have been no conflicts with needed space. Chairperson Battistelli said let's look at the building and everyone that is using it and see if there is a better way to handle this.
- The Town Administrator said she received a letter today regarding My place By the Sea, they previously had a block party during HarvestFest days from 1 to 5pm. L. Sanders said maybe we could look at that for hosting the town's 175th birthday party.

Action List

Action List:

Nomination of
Animal Inspector
Motion Approved

One day alcohol
license for Rockport
Art Association
Motion Approved

Update to Alcohol
Regulations
No hearing
necessary

- Nomination of Diane Place as Animal Inspector: Selectperson Lucas moved that the Board of Selectmen nominate Diane Place as the Rockport Animal Inspector, Selectperson Murphy seconded, Vote: 5-0.
- One Day Alcohol License for the Rockport Art Association: Selectperson Murphy moved that the Board of Selectmen approve and sign a One Day Alcohol License for the Rockport Art Association on October 9, 2015, Selectperson Sheedy seconded, Vote: 5-0.
- Alcohol Hearing to Update Regulations: It was stated that there is no need to hold a hearing as the proposed changes have apparently already been incorporated into the regulations. Chairperson Battistelli said on page 9, under "entertainment" there is an error, it states, "a restaurant licensee may permit any form of entertainment at the premises without first obtaining an entertainment license from the Board of Selectmen, it should say "may not". Selectperson Wilkinson said it currently states "there shall be no bar which alcohol is served to patrons except that which is located in a restaurant". Selectperson Sheedy said it also states "to be consumed on premises by patrons of restaurants but only such patrons who are seated at a table or stool where meals are served in a bar in a restaurant (during consumption of a meal). Selectperson Wilkinson said we may want to clean the language up a bit. T. Arsenian said the board should review the definition of restaurants in the zoning

code. Charles Gladstone and Steven Smith from the Feather and Wedge were present, they said they are looking to start construction in early December and be ready to go in the early spring.

- Establish a Green Community Task Force: Selectperson Wilkinson moved that the Board establish a Green Community Task Force with the charge to take such steps as necessary and work with applicable town departments to meet the five criteria required for Rockport to obtain a Green Community designation, Selectperson Murphy seconded, Vote: 5-0. Bruce Reed said if the town receives Green Community status, the town will receive a grant for energy for roughly \$130,000, beyond that the town can apply for competitive grants for energy related subjects. He said the Task Force needs representation from the schools. He said all other Cape Ann communities have already achieved Green Community status.
- Appointment of GCTF Members: Selectperson Lucas moved that the Selectmen appoint Bruce Reed, Jim Waddell, Ed Hand, Geoffrey Goddard, T. Mikus and Maureen Delphin as members of the Green Community Task Force, Selectperson Sheedy seconded, Vote: 5-0.
- Approval of ConComm Use of Watershed Fund: Selectperson Murphy moved that the Selectmen approve the Conservation Committee's request and release \$25,200 from the Watershed Protection Fund for the purchase of two watershed property parcels on Assessors Map 10, Lots 30 and 30D, Selectperson Sheedy seconded, Vote: 5-0.

Establishing Green
Community Task
Force (GCTF)
Motion Approved

Appoint Green
Community (GCTF)
members
Motion Approved

Approval of
ConComm use of
Watershed Fund
Motion Approved

Paul Bryant, Country Club Road, said his family owns the lots, he has worked with J. Parisi on this; his family purchased the lots many years ago. It was problematic to build, his father passed away; his dad was in favor of the dam for Flat Ledge Quarry. They are closing down the estate. He said the property has been appraised at double the assessed rate. T. Arsenian, 95 Granite St., said at a town meeting in 2008 when the town was in favor of taking funds from the water shed fund and transferring it back to the Community Preservation Committee, at the last minute that CPC reversed course and voted not to have it transferred. He said any purchase of land by the town ought to have to go before town meeting. He said he understands why it doesn't work that way, but he thinks it should. The assessed value is \$47,500. The Town Administrator said the town would need to have an appraisal done; the town is a public entity and cannot purchase property without an appraisal. She said there is \$25,200 in the Wetlands Protection Fund that the Conservation Commission would like to contribute if the town can come up with an agreement to purchase the land.

- Pigeon Hill Tank Replacement Agreement: Selectperson Sheedy moved that the Board of Selectmen approve and sign a Contractor Agreement with Tank Connection, LLC of Parsons, Kansas to replace the Pigeon Hill Water Tank for the sum of \$562,042, Selectperson Murphy seconded, Vote: 5-0.
- Renewal of NPDES Permit: Selectperson Wilkinson moved that the Selectmen make application to renew the United States Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permit, Selectperson Murphy seconded, Vote: 5-0.

Pigeon Hill Tank
Replacement
Agreement
Motion Approved

Renewal of NPDES
Permit
Motion Approved

The Fall Town Meeting debriefing scheduled for tonight has been moved to the agenda of 10/6.

Other Business/Announcements: Police Chief John Horvath stated that he had a success story to share. A Good Morning Rockport participant had not called in and didn't answer the phone when a call was placed to her home. An officer was dispatched to the home; the resident had been on the floor of their home and was taken to the hospital. He said there are 15 residents participating in the program; the police are hoping more residents will see the value of the program and enroll.

8:30 Selectperson Sheedy moved to adjourn; seconded by Selectperson Wilkinson, Vote: 5-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of September 24, 2015 in the amounts of \$111,142.48 and \$1,952,932.83 respectively.

Items signed:

NPDES Permit #100145 letter
NPDES Form 2S Application overview
NPDES Form 2A Application overview
Contractor agreement, Pigeon Hill Tank Replacement
Rockport Art Association, Special License