

TOWN OF ROCKPORT
FALL TOWN MEETING
SEPTEMBER 14, 2015
ROCKPORT HIGH SCHOOL AUDITORIUM

MODERATOR: Good evening ladies and gentlemen, boys and girls, it is time to proceed with the 2015 Fall Town Meeting. (The time 7:12PM) We will open with the flag salute – please rise. The Pledge of Allegiance was given.

The invocation was given by Reverend Derek Van Gulden from the First Congregational Church.

MODERATOR: Thank you Derek and I would only add to that Happy New Year. Non-voters there is a place for you but it is in the back unfortunately. You are welcome to watch us create our meeting but you may not participate.

The Chair will entertain a motion to omit the reading of the Articles in the Warrant. Moved and seconded. All those in favor say aye. We will now have the Clerk read the Officer's Return.

Town Clerk Patricia Brown read the Officer's Return.

MODERATOR: We have a special introduction today, we have a new Chief of Police who is sitting over to my right, so I ask Chief Horvath to please stand and be recognized. (applause)

To my left is the Town Administrator Linda Sanders and Darren Klein and he is our town counsel this evening from the law firm of Kopelman & Paige and I will be consulting with him as we wrestle through grave issues of constitutional law and if anybody has a question, a legal question, you need to consult him. Feel free to go up there and whisper to him and Pat Brown and Linda Emerson are the Clerk and the Assistant Clerk and they will be assisting me in trying to ascertain who might be seeking the attention of the Chair.

The meeting is conducted this evening in accordance with our town bylaw and to that end take a look at page 7 of your beautiful town meeting voters booklet, so pages 7 through 10 are governing this meeting and I'm not going to go over all of these rules but I'll hit a few of them. First of all the subject of discussion will always be a pending motion and not the Article itself and with respect to that Article. Linda Sanders will in fact be for the most part reading those motions and after seconding she may state or not state the reasons for the motion and I believe our beautiful booklet has some of that explanation and I'm certain one of these may warrant further discussion by a member of an advisory committee, this evening you'll be hearing from some of those committees. If you wish to speak you should have a card – just to practice – do we have our cards tonight? They're blue – so hold that up or shout Mr. Moderator or you can use some of the words you might know me from, from my youth but not all of them (laughter) and we have if you saw a whole plethora microphone folks who will help you so you can wait for them, stand up and wait for them, to bring them a microphone or you can go to the microphone up front and we do want to hear from you, please state your name and the first time your address so you don't have to say that you're from, for example, 95 Granite Street every time but at least the first time (laughter).

We try to move things along and we'd love to hear from everybody so I will, following our bylaw, I'll give preference to people who've not yet spoken on any issue before calling on someone a second and third time and when I sense that we're ready to vote I will state the question. We've had use of some of these procedure rules in the past you may recall the motion to reconsider so you can take a second and read about that and if you take a look at the next page, page 9g the Chairman of the Planning Board has asked with regard to Article Q when we get to that this evening to see if there are ten people who want to divide that question and if so that question will be divided. I'm to remind you that we are guests of the School Department and that you can't smoke anywhere within about a two mile radius of the building.

I've determined the following Articles are related and so when A or B are called we have, as you know, a very fancy lottery system, when the first of A or B are called we'll go right in and do them in order; same with everything involved with the Community Preservation Act which are C,D,E and F.

We'll be done this evening ~ I guarantee it but if it gets to be around 10:30PM or so we will start to deal with that issue and we won't take any new business much after 10:30PM.

The first two Articles drawn K and L had no motions:

ARTICLE K. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to purchase a Sidewalk Tractor and Attachments for snow removal; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7 or any other enabling authority; or act on anything relative thereto. (*Department of Public Works*) (majority vote, 2/3, if borrowed)

There was no motion under Article K.

ARTICLE L. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to purchase a DPW Sanding and Plow Truck for snow removal; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7 or any other enabling authority; or act on anything relative thereto. (*Department of Public Works*) (majority vote, 2/3, if borrowed)

There was no motion under Article L.

The Chair will entertain a motion under Article O.

ARTICLE O. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to make necessary repairs to the Back Beach Revetment; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7 or any other enabling authority; or act on anything relative thereto. *(Department of Public Works) (majority vote, 2/3, if borrowed)*

LINDA SANDERS FOR PAUL SENA, CHAIRMAN OF THE DPW COMMISSINERS: I move that the Town appropriate the sum of \$150,000 to a Back Beach Revetment Repairs Account to make necessary repairs to the Back Beach Revetment, that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow \$150,000 under G.L. Chapter 44, section 7(33) or any other enabling authority and issue bonds and notes therefor; and that the Board of Selectmen and the DPW Commissioners are authorized to take any other action necessary or convenient to carry out this project.

Moved and seconded.

MODERATOR: This will require two-thirds though it may not tell you that. Is there anyone who wants to speak on this? Nobody at all? Okay – all those in favor please raise your placard – thank you. Opposed the same sign.

The motion carries by more than two-thirds.

The Chair will entertain a motion under Article I.

ARTICLE I. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to make emergency repairs to the Harbormaster and Public Restroom facility at 3 T-Wharf; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7 or any other enabling authority; or act on anything relative thereto. *(Department of Public Works) (majority vote, 2/3, if borrowed)*

LINDA SANDERS FOR PAUL SENA, CHAIRMAN OF DPW COMMISSIONERS: I move that the Town appropriate by transfer the sums of \$35,948 from the Essex Regional Retirement Assessment account and \$6,052 from the Group Health Insurance account to a Harbormaster/Public Restrooms Facility Repairs Capital Account to pay for emergency repairs to the Harbormaster/Public Restrooms Facility.

Moved and seconded.

MODERATOR: Any discussion? And again, I've been banned from making toilet jokes so I won't.

CATHLEEN CAHILL: Katie's Gift Shop, 3 Mt. Pleasant St. – What kind of repairs?

JOE PARISI, DIRECTOR OF PUBLIC WORKS: It's basically waterproofing the roof and the side of the building is taking on some water when the winds are coming from the east.

MODERATOR: All those in favor say aye. Opposed say nay.

The motion carries.

The Chair will entertain a motion under Article Q.

ARTICLE Q. To see if the Town will vote to amend the Zoning By-Laws by adding the following new section under the existing Section IV, Area and Dimensions Regulations, to be designated as Section IV. A. 11:

“11. RESIDENTIAL DWELLINGS

- a. Objective: To control the effect of increasing scale and density of residential dwellings in Rockport's neighborhoods.
- b. Applicability: SR-AA (Single Residential AA), SR (Single Residential), RA (Residential A), and R (Residential) Zoning Districts.
- c. Floor Area and Side Setbacks:
 - 1) On a lot of 2 acres or less, the total gross floor area of all residential dwellings and accessory buildings on the lot shall not exceed 7,000 sq. ft. total gross floor area (GFA).
 - 2) The total GFA of residential dwellings (including accessory buildings) on a lot of two acres or less shall not exceed 175% of the mean GFA of the residential dwellings and accessory buildings on the abutting properties. “Abutting properties” shall mean, for the purposes of this section, only those properties whose owners would be entitled to

notice as “parties in interest” under M.G.L. Chapter 40A, Section 11 and are within 50 feet of the subject property boundary.

- 3) Residential single, two family and multiples dwellings, accessory buildings, and townhouses shall have the following side setbacks:
 - i. 20 ft. – for buildings with 4000 – 5999 sq. ft. GFA
 - ii. 25 ft. – for buildings with greater than 6000 sq. ft. GFA

Notes:

- a) For purposes of Section IV.A.11, basement space shall be excluded from the computation of GFA.
- b) Garages and out-buildings (non-living space) added by special permit if total or gross area of all structures exceeds 7000 sq. ft. “Non-living space” shall be defined as space in garages and out-buildings used or intended for storage of vehicles, lawnmowers, boats, motors, snowmobiles, and accessory equipment. Space in attics having a height of 7 feet or greater is defined as “living space” whether or not it is currently being used as living space and is considered a part of GFA.
- c) Parcels with adequate area for a secondary dwelling as defined under Section III.B.1., E will be exempt from the 175% limitation on GFA when applying for the construction of a secondary dwelling.” (*Planning Board*) (2/3 vote)

LINDA SANDERS FOR HERMAN LILJA, CHAIRMAN OF THE PLANNING BOARD: I move that the Town amend the Zoning By-Laws Section IV entitled “Area and Dimensions Regulations” by inserting a new Section IV.A.11. as printed in the Warrant and as presented on pages 36 and 37 of the *Fall Town Meeting Voters Booklet*.

Moved and seconded

MODERATOR: Anyone from the Planning Board want to speak on this?

HERMAN LILJA: I’m Chairman of the Planning Board. I grew up in Rockport in the 1940’s and 50’s and had a father who was in a major contracting partnership and a major player in the Town for that period of time. I am very able to reflect on the architectural and visual change to the town over the past 65 years. Others could do the same, but many have grown tired of the process of reminding new comers of the past and the value of trying to preserve the charm. The charm that is no longer includes the open expanses that were vestiges of the quarry industry and the agricultural past as well as the more grand homes which pre-existed the efforts of so many of the more recent arrivals in town. A recent letter in fact it was repeated in the Gloucester Daily Times today by a senior to me in Rockport (Nick Barletta) gives you a glimpse of the character and the charm of Rockport that remains along the coast from Pebble Beach to town along Penzance Road, Eden Road, Marmion Way, and Atlantic Avenue. There is still a hint of the real past to see which has not been eclipsed by efforts to wedge in yet another home that maximizes floor area but which offends the senses by its sheer size. This process of large house development is now going on in Pigeon Cove. At this juncture, the Planning Board is asking the voters of the Town to reconsider the more dramatic changes of the past 10 years and to reflect on whether it is time to consider additional restraints on the size of what can be built in relation to the neighboring structures and on whether additional separation between large houses is warranted.

The Planning Board has received feedback from the Zoning Board of Appeals, the Finance Committee, and the Building Inspector and now I hear also the Board of Selectmen. We have modified the proposed by-law in response to the limited comments that have been received; however, most of the responses suggest that the actions of the Planning Board will have a negative effect on the town. Our concern is the negative effect on parts of town as a result of the current practice to build large homes regardless of the location. The points that are often mentioned in opposition to Article Q are:

1. It will cost tax dollars
2. It will frustrate home buyers.
3. It will add too much time to the paper work associated with building or adding to your home.

Again, there is no mention by the opponents of protecting the character and charm of Rockport, the reason why many of you came here in the first place.

I would like the attendees to understand that the Planning Board has listened to the other boards as much as they would offer suggestions; however, the feedback essentially was limited to statements that the proposed by-law changes were “anti-big house,” and they would have none of it. This is simply not true and I will show you in the following slides why that is so.

Mr. Lilja read the following slides:

Introduction

- Proposal – amend Zoning By-Laws relating to new and renovated residences over 4000 sq ft
- Goal – to limit the scale and density of residential dwellings to retain the charm of Rockport’s neighborhoods.
- Need – currently zoning by-laws do not prevent the siting of very large houses in areas where smaller houses predominate

Zones Affected by Changes

- Changes apply to all sections of Rockport except downtown and the general zone
- Zones affected are:
 - SR-AA (Single Residential AA)
 - SR (Single Residential)
 - RA (Residential A)
 - R (Residential)

Motivation to Change By-Laws

- Construction of new and renovated houses which overwhelm the location in which they are built
- Increasing loss of separation between homes along all streets creating a wall effect
- Location of new and renovated houses at the limits of side setbacks to maximize size
- General loss of charm of many neighborhoods

General Approach

- Three components:
 - Limit the size of a new or renovated residences on lots of 2 acres or less.
 - Limit the size of new or renovated residences in relation to the abutting residences within 50 ft.
 - Increase the space between residences in relation to the size of the new or renovated residences.

Basis for Approach

- Based on gross floor area (GFA) in sq. ft. of a residence
- GFA is determined by measuring to the limits of the foundation of a structure on a parcel
- GFA is currently used by the Assessors Office in Rockport for determining area of a home
- Garages, decks, attics and accessory buildings are included in GFA; basements are excluded

Specific Approach

- On a lot of 2 acres or less:
 - Total GFA of all residential dwellings and accessory buildings shall not exceed 7,000 sq. ft.
 - Total GFA of residential dwellings and accessory buildings shall not exceed 175% of the mean GFA of residential dwellings and accessory buildings on abutting properties within 50 ft.

Specific Approach (Cont.)

- Side setbacks for residential dwellings:
 - 20 ft. - residences with GFA of 4000 – 5999 sq. ft. (currently 15 ft)
 - 25 ft. - residences with GFA greater than 6000 GFA (currently 15 ft)

Determining Abutters Within 50 ft



Calculating Size of Addition Using 175% Limit and 7000 GFA Limit

		Home GFA	Basement GFA	Home GFA - Basement GFA
Residence at: 705 Phillips Ave.		8430	1750	6680
Abutters within 50 ft	3			
703 Phillips Ave		4408	750	3658
704 Phillips Ave		3034	1000	2034
707 Phillips Ave		9771	2530	7241
			Mean GFA	4311
New Residence as % of Abutters			155	%
Size of possible addition based on 175% limit			864	sq ft
Size of possible addition based on 7000 GFA limit			320	sq ft

Comparison of GFA Using 175% Limit

	Homes						
	1	2	3	4	5	6	7
Lot Size (Ac.)	0.68	1.75	1.47	1.22	1.49	1.43	0.94
GFA of New Structure	10484	10820	7728	8189	9771	11520	9975
GFA of Abutters Within 50 ft	7597	6268	3835	2515	5719	2989	4262
New Structure as % of Abutters (50)	138	173	201	326	171	385	234
Structure	Single Family	Single Family	Duplex	Duplex	Single Family	Single Family	Single Family
Status	Built	Under Construction	Built	Approved	Existing	Existing	Existing
Year	2014	2014-16	2014	2015	?	?	?

Comparison of GFA Using 175% Limit With and Without Basement

	Homes						
	1	2	3	4	5	6	7
GFA of Home							
With Basement	10484	10820	9150	8189	9771	11520	9975
Without Basement	8514	10820	7554		9771	7406	7329
GFA of Abutters							
With Basement	7597	6268	4417	2515	5719	2989	4262
Without Basement	5632	5331	3180		3923	2406	3157
Home as % of Abutters							
With Basement	138	172	207	326	171	385	234
Without Basement	151	203	238		249	308	232

GFA (-basement) as % of Abutter GFA Doctors Run Residences

Address	GFA	GFA w/o Basement	GFA as % of Abutters*
1 Doctor's Run	6804	5078	158
3	6600	4328	88
4	4160	2900	88
6	5058	3756	97
7	7190	5698	74
8	5257	3596	88
10	5595	4388	110
12	4936	3998	97
14	5556	3658	88
16	4085	4085	89

Construction in Rockport for 2010 - 2014

	2010	2011	2012	2013	2014
New	8	12	9	13	6
Cost*	\$3,159,000.00	\$4,043,821.00	\$3,659,000.00	\$5,092,000.00	\$1,386,000.00
Renovated	212	226	239	226	227
Cost*	\$8,952,338.00	\$5,904,471.00	\$5,809,850.00	\$7,893,162.00	\$7,944,833.00

* Information from Building Inspector Monthly and Annual Reports (2010-2014)

Building Permits Issued for Homes Larger than 7000 GFA (2010-2014)

Location	Size of Homes (GFA/sq ft)				
	2010	2011	2012	2013	2014
121 Granite St.	10642				
103 Granite St.	8379				
162 Thatcher Rd.		13334			
73 Phillips Ave.			7517		
5 Penryn Way				9975	
129 Granite St.				10484	
9 W. Tarr's Lane					9150

Estimated Impact of By-Laws on Tax Revenue from New Homes for 2015

Location	GFA (sq ft)	GFA Above 7000 sq ft	Assessed Value	Property Tax	Tax for Area Over 7000 GFA	Percent of Town Tax	Affected by By-Law Change?
121 Granite St	8692	1692	\$2,372,600	\$26,099	\$5,080	0.03	Yes
103 Granite St	6311	0	\$1,604,300	\$17,647	\$0	0.00	No
162 Thatcher Rd	13334	6334	?	Lot larger than 2 acres			No
73 Phillips Ave	5093	0	\$1,791,400	\$19,705	\$0	0.00	No
5 Penryn Way	9975	2975	\$1,253,800	\$13,792	\$4,113	0.02	Yes
129 Granite	10484	3484	?	Under construction			Yes
Total					\$9,194	0.05	
Rate/\$1000	\$11.00						
Total Tax for 2015		\$19,841,034.00					

Building Permits for Renovations Making Homes >7000 GFA (2010-2014)

Location/Cost	Size of Homes (GFA - Basement; sq ft.)				
	2010	2011	2012	2013	2014
15 Beach St \$425,000	4342				
147 Granite St \$525,000	3756				
77 Penzance Rd \$612,000		5463			
45 Marmion Way \$185,000		4556			
45 Marmion Way \$475,000		4556			
83R Phillips \$625,000				3926	
291 Granite \$800,000				5500	
73 Marmion Way \$525,000					4885
20 Phillips Ave \$300,000					6916

Estimated Impact of By-Laws on Tax from Renovated Homes for 2015

Location	GFA (sq ft)	GFA Above 7000 sq ft	Assessed Value	Property Tax	Tax for Area Over 7000 GFA	Percent of Town Tax	Affected by By-Law Change?
15 Beach St.	6088	0	\$1,329,500	\$14,625	\$0	0.00	No
77 Penzance Rd.	6876	0	\$1,917,500	\$21,093	\$0	0.00	No
10 Gap Head Rd.	5752	0	\$2,414,000	\$26,554	\$0	0.00	No
291 Granite St.	8461	1461	\$1,004,900	\$11,054	\$1,909	0.01	Yes
2 Old Penzance Rd.	9286	2286	\$1,765,700	\$19,423	\$4,781	0.02	Yes
5 Penryn Way	9975	2975	\$1,253,800	\$13,792	\$4,113	0.02	Yes
				Total	\$10,803	0.05	
Rate/\$1000	\$11.00						
Total Tax for 2015		\$19,841,034.00					

Gain vs Loss to Rockport Resulting from By-Law Change

- Yes, a loss to the tax base would result from the proposed by-law changes; however,
- There are both aesthetic and economic gains associated with protecting the charm of Rockport
- Both the gains and the loss are subject to NPV projections.*
- The gains from protecting aesthetics and enhancing the charm of Rockport can be viewed to be as large if not larger than the loss.

* Based on input from Prof. Patrick Conway, Chairman,
Economics Department, UNC, Chapel Hill, NC

Notes on Assessor's Data

- Rockport has 2822 residential parcels
- 2787 homes are less than 7,000 GFA (98.7%)
- 35 homes with 7,000 or greater GFA (1.2%)
- 5 homes with greater than 10,000 GFA (0.1%)

Property Analysis Based on Proposed By-Law Changes

- GFA of all houses less than 175% of abutters within 50 ft and less than 7000 GFA when basements excluded.
 - Doctors Run/Quarry Run
 - Gap Head Rd.
- Only 6 single family homes and 1 duplex built in last 5 years were larger than 7000 GFA (Building Inspector reports)

Property Analysis Based on Proposed By-Law Changes (cont.)

- Of the houses that exceed 7000 GFA:
 - One house is on 20 acres; hence, not affected
 - Two other houses are not affected:
 - Both less than 175% of abutters when basements excluded
 - Both less than 7000 GFA when basements are excluded
 - Two houses on Granite St. and one house on Penryn Rd. and a duplex on West Tarr's Lane are greater than 175% of abutters and are greater than 7000 GFA
- The proposed changes impact very few existing houses in Rockport

By-Law Review by Attorney General

- Office of the Assistant Attorney General reviewed the proposed by-law to regulate the size of residential structures
- Conclusion - the by-law would likely be approved because the by-law is not, on its face, inconsistent with the state Zoning Act's prohibition (c. 40A, § 3) of regulating or restricting "the interior area of a single family residential building".

Summary

- Limit the size of new or renovated residences on lots of 2 acres or less.
- Limit the size of new or renovated residences in relation to the abutting residences.
- Increase the space between new or renovated residences and neighboring residences
- Proposed by-law changes have a cost but benefit (retained charm/aesthetics) is equal or greater.
- Goal – retain charm of Rockport's neighborhoods

Thank you very much. (applause)

MODERATOR: Board of Selectmen have you voted on this and do you have an opinion?

MINA SHEEDY: Good evening. The Board of Selectmen does not support Article Q. The Board of Selectmen cares deeply about the character and charm of Rockport however, this proposal seems overly broad and unduly burdensome to every homeowner who would be, who would want to put up a shed or a deck or an addition. They would be compelled to research and present the data to the Building Inspector for any project they might wish to do. Everyone in this room would be affected by this bylaw. The Planning Board has advised us that they modeled this approach on one utilized in Wellesley but we have no other communities to look to, to see how this approach has been working. We feel that if the objective of the Planning Board is to restrict large homes and the current site plan review that the Planning Board oversees and the percentage of lot coverage bylaw governed by the Zoning Board are not already sufficient to address the issue concerning larger homes then perhaps the matter should be referred back to the Planning Board for a joint discussion with the Zoning Board and the Building Inspector to narrow the focus to large scale homes and not for every shed, deck, dormer or addition that's been applied for here in town. Thank you. (applause)

LAURENE WESSEL: Good evening. The Finance Committee in its capacity to watch over town finances monitors any changes that may impact the interests of our residents. Property tax revenue provides two-thirds of what enables our town to operate. The Finance Committee works hard to minimize real estate tax increases. Therefore any Article or change to zoning such as Article Q that adversely affects tax revenue is not supported by the Finance Committee. New growth is imperative to keep our real estate taxes at a minimum.

Today the town has a cumbersome process for obtaining building permits as outlined in the Blue Stone Report presented last spring. We shouldn't add to the difficulty for residents to remain here or to deter people from moving to our beautiful town. Article Q would add to that complexity and will likely have a negative effect on new construction and renovations. The voters should know that their own property would be affected by this new bylaw. Each property in town is subject to the rule that it cannot obtain a building permit if the resulting building is more than 175% of the average of the properties within fifty feet of its property line.

The increased setback rule comes into play once the resulting square footage is over 4,000 square feet. While 4,000 square feet sounds large it includes garages, attics, outbuildings, enclosed porches and even decks. This results in the actual livable square footage being much less. Until each of you have studied how your property stands in this calculation you will not know the level of constraint you could possibly face. If you are planning to sell your property in the future this constraint could conceivably affect your buyer.

The Finance Committee strongly urges you to vote no on Article Q. Thank you (applause)

BILL CHRISTOPHER: Charles W. (Bill) Christopher – I'm currently the Vice Chairman of the Zoning Board of Appeals for the Town of Rockport. I would like to say a few words on behalf of and representing the Zoning Board of Appeals the ZBA. In mid-July of this year the ZBA became aware of a warrant article that was being drawn up by the Rockport's Planning Board for inclusion in this evening's town meeting. At a duly posted on July 15, 2015 the ZBA discussed the potential impact of what is now before you as Article Q; that is requesting changings in certain zoning bylaws. At the conclusion of the discussion at the meeting, members of the ZBA voted to request the Planning Board postpone submission of the article. Letters expressing this vote were delivered to the Chairman of both the Planning Board and the Board of Selectmen. To make the Zoning Board's position clear, Mr. Moderator I would like to read four short sentences excerpted from those letters:

1 – "On July 15, 2015, the Zoning Board of Appeals unanimously voted to recommend the following action with regard to the proposed Article; that all action on the Article be postponed and the Article be removed from the upcoming special town meeting."

2 – This "Article represents a significant change to some of the most fundamental and basic zoning regulations in the Rockport Zoning Bylaw".

3 – "Such a substantial change requires time and careful study of the impact of such changes on property values, economic development, and zoning enforcement in general." And

4 – "Given that the ZBA is the entity charged with the duty of interpreting and enforcing the bylaw, we respectfully urge our colleagues on the Planning Board and the Board of Selectmen to allow the requisite time for this board to review the proposal".

That's the end of those quotations from those letters. Finally and in conclusion, members of the Rockport Zoning Board of Appeals are not in favor of the article as written and now respectfully ask you, the citizens of Rockport, to vote **no** on Article Q. Thank you. (applause)

LANA RAZDAN: Hi everybody I'm Lana Razdan, 14 Atlantic Avenue – I'm speaking in my position as Chair of the Economic Development Committee. Herman did not tell you that he also got a letter from my committee. He was generous enough with his time to come in and brief us on Article Q because we had a lot of questions about it. At the end of the meeting it was a unanimous decision and I think it mirrors what you've heard from the other committees in the room tonight that we appreciate all of the work, I think it's well intentioned, I agree that we have to look at how we maintain our charm because it is a selling point but at the same time the Economic Development Committee has to look at the issue in context.

We want to make sure, as Laurene mentioned with the Ed-Sat Report, that zoning issues are not onerous for people who would like to build here or move here. We also need to look at the tax revenues, the tax base, there are a lot of questions, this is a very complicated proposal that Herman's put forward and I just really think that if every other standing committee that has some interest in this has so many questions and concerns about it that maybe it's not quite ready or maybe there's a different way to approach this and that was our recommendation to Herman that we weren't voting no to support it but what we were saying is it's not ready yet let's take some time, get the committees together, answer everybody's questions, try and come up with something that works a little bit better perhaps and try to address all the concerns. So I just wanted to tell you what the Economic Development's position was on that and the fact that we support retaining charm but we also need to have everybody on the same page here.

BETTY ANN ST. GERMAIN: 74 Marmion Way – I have a huge question – How do we define charm? Do you define it different than I do? I mean, who is going to make the assessment on what charm and esthetics are for the Town of Rockport. Charm from forty years ago was a lot different than the 80s and the 90s and we're into the year 2000. People are going to have all different opinions so I'm not sure where this is coming from. I'd like an answer.

FREDERICK TARR: 154 Main Street – I think this Rockport is not Laguna Beach and I don't think we want it to become that. I know I have a small house and I don't want a looming brick privy built next to me. (Moderator: I'll make the bathroom jokes around here please) But a looming house means that I would not want to..I would want to move frankly. I don't want anything overlooking me and I think a lot of my friends feel the same way but if that looming house is built my house's value goes way down because nobody else wants to live next to it either and therefore the tax revenue from all these houses would within 50 feet or maybe 100 or 200 feet drop down so the town might get more from the looming privy but less from all the surrounding territories and the people that do want to move will get less for their houses so the

income to the town would probably drop and the charm of the town gonna call it that or the livability of the town as I would call it would drop along with it. I think this is a very conservative plan that Mr. Lilja has presented, a lot of technicalities, yes but nothing onerous and I believe quite frankly that we do not want to have these looming things pop up next to us and our values go down substantially as a result that this article should be passed. Thank you.

MODERATOR: Would you pass the microphone right back to Mr. Coulbourn behind you? (Noise, that's okay I'll just..)

SAM COULBOURN: 7 Mill Lane – We've been waiting for this for a long time. The Rockport Planning Board is proposing a very moderate change in the zoning bylaw in Article Q. A large home on a small lot with small homes around it doesn't fit in. It needs to change, it tends to change the whole climate of a neighborhood. Rockport's adapted easily to each new generation of residents since it became a town in 1840. Growth has been with a sense of balance. People who die or move to retirement homes others will buy them and perhaps rebuild them but if they desire to fill up all existing space with their own home than they should find a larger lot. As for tax revenue we should never be beholden to wealthy one-season residents. We are glad they like Rockport but we do too. We like it the way it is. The tax revenue argument works both ways as Mr. Tarr said and if a large, if a huge mansion goes up next to your modest home what does that do to your property value? Our zoning should be aimed at moderation and common sense. Article Q makes sense and the time to vote for it is now before more big house pop up. Thank you. (applause)

MODERATOR: And not to worry I will get to everybody but my eye..

JILL BELL: 63 Marmion Way – There's an awful lot of talk tonight about 7,000 square feet and larger, my main concerns are the 4,000 square feet GFA. I've put probably about 12 hours into trying to calculate exactly how many houses this new bylaw would affect and I can't tell you so I don't know if the Planning committee or any other committee has figured out exactly how many houses within the town fit the 4,000 square foot and would be affected by the 175% rule as well as the new minimum setbacks. Thank you.

PETER GOODWIN: 6 North Road – The problem that we have here is that we cannot legislate appearance. We cannot legislate taste. We cannot legislate against ugly houses so we have to do something different. Herman came out tonight and presented a reasonable, logical way of at least trying to do something and the Planning Board has given it a good think and had public hearings. The first thing the Selectmen did was come out here and throw a blanket of fear all over the room followed by the Finance Committee who did the same thing. Now my understanding is that the loss, the arithmetic loss in taxes forgetting what Ted Tarr said about the off-setting losses is somewhere around one-tenth of one percent. I guess I can afford to have my taxes go up by one-tenth of one percent in order to keep the town the way it is. Thank you.

BARBARA SPARKS: 22 High Street – I support Article Q and I commend the Planning Board for proposing a reasonable improvement to the Town's Zoning Bylaws. Talk is fine, peer pressure sometimes works, but if measures aren't in the Zoning Bylaws they aren't enforceable. I served on the Planning Board from 2009 through 2011, the last two years as Chair. There was much discussion about limiting the size of houses along the waterside of Granite Street. Could the street be zoned as a historic district? Could there be a coastline overlay district? We did not just chat about these options. We invited State planning experts to come and give a presentation and invited the public. Nothing seemed to fit.

Of particular interest to me, since I am a walker, as are many Rockporters, is view corridors. Catching a view of the ocean between houses makes a walk special and different every time, because of our famous "Cape Ann Light," the wind, the tide, and the angle of the sun. In my opinion, increasing the setbacks for very large structures would ensure that these views are protected, whether they are between decades-old cottages or new contemporary homes, many of which are quite attractive in their architectural design.

I would like to offer an analogy. If you are hanging a painting, a large painting, it needs space around it. Look at our streetscapes as an artist or landscape architect might. Provide breathing room around houses so they sit comfortably on their site and don't visually bump up against abutting houses. Personally, I would like to see the Planning Board's proposal have a lower threshold. A 7,000 sq. ft. house is extremely large but this is a conservative step that many residents have been asking for over many years, and it is much needed. Once a view is lost it is gone. I urge you to vote to approve Article Q.

ZENAS SEPPALA: 92 Granite Street – There have been two statements made by opponents of this Article that refer to the economic development self-assessment test which the town spent approximately \$6,000 to have performed a few years ago. In this test or self-assessment test it is there for the purpose of attracting industry to Rockport. There is no mention of chief executive officers that might have a house that they are not building here in Rockport because the permits take some time. I urge anybody who has not read the economic development self-assessment test to go to page 29. I would like to summarize what I have read and do it as quickly as possible and it goes to industry sensitivity. The ability to recognize shifts in the needs of your jurisdictions firms as well as opportunities for their growth is important to an effective economic development strategy. Currently Rockport does not have a tailored marketing plan based on existing core strengths, identified opportunities or industry concentrations. Rockport does have a newly established quick response team available when negative data, stories or instance about the town make the news. Rockport does not currently engage local businesses to speak on behalf of the town. In order to attract more business and target industries to Rockport the newly established response team could expand and cover blah, blah, blah it goes on. Sites available: Rockport does not currently have a lot of space for development, as such, the town is not currently marketing sites for development it is recommended that there is a readily accessible and updated list of available sites for development on-line or at town hall and then it goes into something that they call CGM – comparison group municipalities and it's important for the people to understand that what this is talking about is if a business like Hewitt-Packard wanted to relocate to a community it's important in their getting time to market their products to the consumers that they not spend months and months and months getting a plant built so the permit time is how quickly they can get an industrial facility built and that is something that does impact industrial development but that's what the essence of the Ed-Sat report covers is how competitive

Rockport is in attracting industry. It has nothing to do with permits of housing and residences so I'll just sort of finish up and I will say that on that page 29 it says timeliness of approvals. Rockport is on a par with or takes longer than comparison group municipalities to complete permitting but more often than not Rockport's permitting process takes longer than the CGM all things being equal a business would likely choose a municipality in the comparison group over Rockport to reduce time to market lost to longer approvals. The following table summarizes the difference in approval times between Rockport and the CGM and believe it or not folks, we're one to four weeks slower - terrible. It concludes and says perhaps the most important change Rockport can make to improve its economic development strategy is to streamline its permitting process. If anybody can tell me some company that has come to Rockport and left because of our unstreamlined permitting process I invite them to speak following me. Thank you.

SIDNEY WEDMORE: Thank you, Wedmore – 155 South Street – I realize people have different ideas as far as the size of the house they live in. For 40 years I've lived in 2,000 square foot house raised three kids and half the time I still can't find my wife in it. Granted maybe if you have a 7,000 square foot house life is better. The Selectmen, the Finance Committee and the Board of Selectmen have all said we need growth. This would impede growth. I think you all have blinders on. The world is spinning. How much resources does it take to build a 7,000 or a 10,000 square foot house? How much does that impact global warming? If this continues we're going to need a lot higher sea walls. We're going to need these houses on stilts and the town will change. How much do we need the fires in California to tell us the world is changing and changing now? I think what this bylaw does is it starts making good stewardship a trump. Building the biggest house as a monument to your ego because for whatever providence put in your way, you have enough money to do it, that's hardly a reason to do it – enough, enough. Thank you.

MODERATOR: And before we hear from Sarah Wilkinson I would just like to remind the meeting that Senator Bruce Tarr is in the back and he has told me that he is available to kiss babies and shake hands and things of that nature but seriously Bruce thank you for all that you do for our community and for this portion of the world. (applause)

MODERATOR: You do a lot for the world too Sarah.

SARAH WILKINSON: Not nearly as much as Senator Tarr does. I just wanted to clarify. I think it was Ms. Bell who asked earlier about the clarification over the 4,000 square feet and I that that Mr. Lilja in one of his beginning slides said that one of the general goals was – I don't know if we can go back to those, is it possible, maybe not – about houses over 4,000 square feet. I think it's really, really important because I actually found the presentation, part of the presentation by the Planning Board a little bit deceptive because it doesn't matter the size of your house with regards to the 175%. Every property owner in town if they want to do anything that the Building Inspector has to approve will *have* to abide by the 175% rule. So my husband and I own a, I believe our house is listed at 1,666 square feet and we have two little boys and we have no garage and a really small shed so if we wanted to put a modest addition onto our under 2,000 square foot house we would have to go through the calculations and abide by the 175% rule. So it seems to me, kind of like a swing and a miss in terms of we're discussing McMansions and restricting large houses but each one of us who owns a house of any size will have to go through this process and I don't think that that's the intent of the bylaw. I just wanted to clear that up.

ALAN BATTISTELLI: 57 Phillips Avenue - This bylaw has three different parts as the Planning Board has described it. One of the parts is the 175 square foot requirement that you couldn't go over 175%. That part of the bylaw gets quite confusing because there is no place in the Assessor's cards that tells you how many square feet that people have inside their attic that is seven feet tall which becomes habitable space and it's going to be very difficult for anybody to go do that – you'd have to tell me the pitch of the roof and the width of the house and the size of your framing members to determine in a lot of these houses what you have left over in the middle of this that is seven feet tall. It doesn't matter if you climb up through your laundry room attic into a trap door if that area has seven feet in it it's included in the bylaw. The whole 175 square foot thing is kind of strange when you compare us with Wellesley. It's very difficult to compare us with Wellesley. If you take Phillips Avenue in Rockport and you have an ocean – start with the ocean – the ocean is the gorilla in the room along with the brick house – but along the ocean if you have a house like on Phillips Avenue some of the bigger ones in the beginning, where right all the animals are out there. You have a house on the water that has obviously all the great views and a very big lot and across the street within 50 feet of you, you have houses with no view and a very small lot and it's like a split level home, so the math gets really crazy and so who went out and bought their house and went out and figured out ahead of time in an existing house just how many square feet everybody has around you. So it gets so confusing that the reality is you may have to go out ..your dream house your dream addition that you've been dreaming about you may have to go put that addition on your neighbor's house so you can then put it on your house (laughter).

When we talk about the restrictive bylaws we already have, a lot of people don't understand that we have the lot coverage bylaw, it's for your building, presently. So in my neighborhood and most of the ocean you have a bylaw where it's going to be, you can only use 15% of your land for your buildings and the rest of your land is going to have to be vacant. Now what most people don't realize that and if you did a study of Gap Head Road before I went and built one of the houses there, there are a number of big homes now today the math is such the math will throw you all off if you start playing these games. Up on Gap Head there's mostly big houses up there right now okay so the math is such – it's pretty user friendly. It wasn't the way it was twenty years ago. Is it right or is it wrong, I think there's a lot of lovely homes out there. I think this 175 can be really deceptive and the way you're going to determine how much space in people's attic it's – that's just going to be kind of a crazy one to figure out. My other thing is the two acre part of things okay and the two acre part of things on this bylaw – if you built a home, if you had two acres of land, just say you had, normally house lots even do, and you're in an area right now you could use 15% of your lot. If you had the two acres and you built a 7,000 sq. ft. house and it's two stories, never mind your decks and your attic, let's try to leave them out for a minute, then you would have a footprint of 3,500 sq. ft. if it's 3,500 on the first and 3,500 on the second so if you have 87,000 sq. ft. of land you would have just used 3,500 sq. ft. – that's it, that's all you could ever have on your property..a garage, you can't have anything without going to the Board of Appeals and getting relief and so you're looking at not being able to use 96% of

your land and to me when we say that you can't use 96% of your land I believe that's a taking. I believe it will cross over the threshold even though we've heard about the possibilities of the Attorney General passing this I would say that we're crossing over the threshold of being unreasonable when you can't use 96% of your land so there's a lot of different parts of this in a lot of different places and the third part of this got to be talking about the long thin lots and so you have the bigger setbacks. Well it sounds good and maybe a bigger setback is a good idea. We worked for quite a few months with the Planning Board on the Roma house that we're building, it's a large brick home maybe people have heard about it (laughter) and that house there after a lot of work we took down a house that was right on the street so the way the original house was there that Roma bought for \$950,000 he bought a lot that was 75 feet wide and then we built the house out back but the old house was right on the street so when you were in that position there was a small house there and there were no views. There was a little house about five feet from the street and a garage five feet from the street so you didn't have a view. Now the new house is much bigger, considerably bigger and that is now setback 270 or 300 feet so there are quite a few new views created but what would be the value of the lot that was sold for \$950,000 that's only 75 or 80 feet wide with this new bylaw. I would guarantee you if you have the bigger setbacks that the value of that land would be a lot less.

There's a lot to this thing and that's why the Planning Board got letters from the Building Inspector, the Board of Appeals, the Finance Committee, the Economic Development Committee and now the Board of Selectmen saying that this is not a good idea. Thank you. (applause)

J.D. HERLIHY: 20 Smith Road – My opinion seems to mirror what Sarah Wilkinson said earlier because when I first heard the presentation and it was put forth that this is only for houses over 4,000 square feet. I was surprised because when I read the Article as it's stated in front of us it is not for 4,000 square feet or higher-and over it is for any house in town. I live on Smith Road. I have a very small house. It's about 1,400 square feet and we're looking to potentially add on to it in the next year. Under this law, I will not be able to do the planned addition to add on 600 square feet until I get to the 2,000 sq. ft. that Dr. Wedmore had and raised his family in. That's all we want to get to but under that we couldn't do this, under this law. So before you vote yes on this Article think about how it's going to impact you and your life in your own home. It isn't written correctly and it is not right. (applause)

TOBY ARSENIAN: 95 Granite Street – Earlier we heard about the charm of the town. Charm is subjective. It's a slippery term. I think it'd be better to talk about the character of the town and certainly the character of the town has changed over the past 40 or 50 years. I would not say it has changed for the better. Part of that is what happens everywhere with money and development and more people but the town still does have character and what character it has is very much worth preserving. Property values are a concern not just for the Finance Committee. The Finance Committee talks about the money that we will possibly get from the building of large houses. I'm tempted to call them monster houses. You forget or we tend to forget that all of the money that comes in from the taxes is not gravy. If it were we would be awash in money. We wouldn't know what to do with it. The money goes out in services and all of the houses large and small require services.

It's assumed that the people who build the monster houses are wealthy, retired people and by and large they probably are but perhaps they all aren't and what if you have one of these monster houses with six children in it. Not that there's anything wrong with children or schools. I was just sitting in front of Rob Liebow and we're all in favor of children and schools but children in schools cost something like \$13,000 apiece. How many of the monster houses would pay the cost of even two children in the schools and what if any of the children were special needs children well they might cost \$100,000 apiece or \$200,000 apiece so when you talk about the money that you're going to rake in from the monster houses it's all wildly speculative. It's also like playing Russian roulette. You might also lose. I think more important than the money is the consideration when you're talking about zoning is the quality of life in this town do you want the town speckled with monster houses at every turn? Do you want the coast walled off? Is that a price you're willing to pay? (applause)

MODERATOR: And they might be monster children.

HERMAN LILJA: Well I heard the word deceptive I'm.. believe me nothing was deceptive about writing this particular set of bylaw changes. I'm appalled that somebody is using the word once you bring the word deceptive in you can bring in lots of other words. On the words that were forgotten by the Selectmen were and Sarah in particular, were that I did generate assessments for each of the Selectmen with regard to these changes the 175% and the 7,000 percent. I sent them to each of them. I didn't send all of them to each one I said you can share with your neighbor if you so choose. But Sarah has that already done for her in which she could have said when she was standing here saying it was going to be so difficult. Anyway, she has a 3,280 sq. ft. home with a basement that's 952 sq. ft. (Sarah: No I don't.)

MODERATOR: Let's keep this general. MR. LILJA: *Speaking over the Moderator* – it's right here – it's right here. MODERATOR: Don't direct it at people's individual houses please. MR. LILJA: *Speaking over Moderator* Whatever MODERATOR: Please MR. LILJA: But the fact, the fact remains is that the assessment from those records and assessment from the Battistelli's home shows that MODERATOR: Please keep it general. Thank you. MR. LILJA: I'll keep it. Anyway. One home has an ability to add as much space as the other home is large. So depending upon where you sit in town on they in fact have different options if you happen to have a house in a community surrounded by small houses yes that you can only add a smaller amount but I daresay I would be glad to perform the analysis on your house but before you *suggest* that you can't, the analysis should be done to stand up and say that in fact you cannot do it is really not - that's deception because you haven't done it.

(Noise from the audience)

MODERATOR: Gentleman

HERMAN LILJA: No, anyway – *speaking over Moderator* MODERATOR: Gentlemen, gentlemen HERMAN LILJA: *Speaking the same time as the Moderator* I did send it all to all the Selectmen, they do have their own analysis

MODERATOR: Herman!

HERMAN LILJA: Yes

MODERATOR: I would like to keep this civil. We're addressing the entire town here. I don't want to get into name calling from anybody so if you want to speak further let's keep it civil. Thank you.

HERMAN LILJA: Okay the point, the point is that information has been provided. Information is easy to obtain. It is not difficult. To suggest otherwise, when in fact, as I did this morning, I went to the Assessors' office and talked with Diane and she said this is a very straightforward process, no one should have any difficulty with it. And I think that all of you are computer literate or you would like to say that you are and the vast majority, have you seen an Excel spreadsheet that makes it even easier. So this is not a difficult process.

BRUCE REED: 32 Pigeon Hill Street – I have a real problem with the 175. I live in a neighborhood that 50 feet away from me is a four room house. Now I don't have a big house but if I'm trying to add another shed to my property to put in, let's say a snow blower. I think I could be exceeding what I can do for my piece of property and I don't think that's right.

That is absolutely wrong. If I have the ability to add a shed based on all the town setbacks and so forth I should be able to do that. I'm never going to build a 7,000 foot home on my piece of property but let's also think if my next door neighbor on the other side of me is outside of the 50 foot range of that small house he can now build a much bigger piece of property or shed that I can't build. I mean, there's some *real* problems with this 175 and I understand what they're trying to do. I understand on the 7,000 feet but I don't think we're ready to adopt something like this tonight. We need a lot more time to figure this out. Can I also, if I may, Mr. Moderator I don't like the tenor of this meeting right now. (applause)

ALAN MACMILLAN: 18 Story Street – Thank you Mr. Moderator. A couple of things are – I have a question about Mr. Battistelli made the statement that 96% of your property you couldn't use. That's puzzling. There are, a figure quoted earlier there are 2,787 homes in Rockport. I'm sure that the vast majority of those 2,787 homeowners are not going to be expanding their properties. There is a need here in town for affordable housing, smaller houses we're spending a lot of time in talking about large houses but I do have to agree with Dr. Wedmore that there is an effect on building, uncontrolled building and we've heard from several people here who care about the town that the town has been struggling for *years* to do something about the excessive size of the houses here and also there's some woman mention that she was concerned that 24 or 25 foot setback was too much. A developer came in and built two houses on Prospect Street in Rockport and complied with the 10 foot side setback but the house next to it on the next piece of property built long ago was 4 feet from the property line. That meant that the two houses were only 14 feet apart. If your house is closer than 10 feet to the property line you could be affected by a large house that doesn't comply with the proposed larger side setback so there sounds like, I agree with the gentleman that spoke he's concerned about the tenor of the meeting. This is an attempt to do something to help the town and several people are right in saying that you can't regulate taste but you can certainly do something about the character of the town. Here's a proposal to do something positive so I'd like to just encourage you all to think about people who are talking to us about what we're doing for the character of the town and I think this is a very valid proposal. It's a start. It's not perfect but it is what many town boards have been struggling with for a long time. Thank you.

MODERATOR: A..the person in the very tasteful yellow sweater. We'll send a microphone person right up there for you. And can you sing tenor?

MARY FRANCIS: 67 High Street – (In tune) I'm more soprano – sometimes. I'd like some clarification because I'm a little confused. I haven't heard anything about how, regarding the percentage of property that's covered with non-permeable areas. For instance, if you decided that you wanted to pave your driveway that's counted towards the percentage of your property that can be covered with non-permeable and most houses today do have driveways that are blacktopped so can somebody factor that into the thinking here? What does that mean for everybody?

MODERATOR: Anybody permeable here?

ALAN BATTISTELLI: Quickly to answer that question. We have a percentage of building coverage bylaw right now that's all we have is a building coverage bylaw so we don't have the impermeable in our bylaws presently and this new bylaw doesn't effect that either so it's only right now. Right now what you have is how much of your covered porch and your house eats up as a footprint of your property. So it's a building coverage – it's a percentage of your lot but we do not go into the impermeable part of it and driveway part of things so this new bylaw gets into more the massing part of things so it's a different place.

HELEN BARNETT: 3 Jerden's Lane – I'm sitting here listening to everybody and the thing that's getting me is that the Board of Appeals, all these committees, Economic Development all agree they want to keep the character of the town however they're saying this particular idea just goes too far and that they would like to sit down and work with the Planning Board to come up with a plan that would work to the benefit of everyone. I don't see why we don't let them do that. We say no tonight and say go back, sit down, *all* of these groups, work together, come up with a reasonable plan that isn't going to affect me building a shed in my backyard. I mean, I think this is going overboard and it's causing a lot of animosity and I think all of the committees should be working together. Thank you. (applause)

MEL MICHAELS: 22 Landmark Lane – I'm just wondering if there is a remedy available for people who are negatively affected by this. In other words, if somebody wants to do something and they're not allowed to, and I think it sounds like

a small percentage to me but everybody has rights, so is there any remedy available for these people if they run afoul of this? Is there something they can do? Somebody they can appeal to?

MODERATOR: Besides the Zoning Board of Appeals?

MEL: Yes.

RAY THURSBY: 5 Tarr's Lane West – I'd like to preface my comments by saying that I've only lived here for five years so I don't have the roots in the ground that some of the other people here do. (Moderator: At least you're above ground) (laughter) But I...most roots are below ground but never mind that. I grew up in California. I spent 58 years there and I saw small neighborhoods being transformed with houses built out to lot lines and built up to ridiculous heights. It was supposedly controlled by zoning and I developed quite a distrust of elected officials in those places because they sort of let things happen let's say and I see the same thing here. Now the last commenter said something about oh we should let all these different people work together and work out something that everybody can agree with. But why haven't they done it? (applause)

If you drive up a certain streets in this town there are some grotesquely ugly new houses here and I mean for, I don't know the people involved. I'm not a contractor. I'm not a member of town government but I look at them and I say how can you let monstrosities like this be built in a town that has beautiful architecture. I don't even care much about the finances. If the town suffers a small shortfall, fine let 'em not spend the money. I wish they wouldn't spend as much as they do anyhow. The point being that what brings people into this town is the appearance of the town and once you start building these brick apartment complexes it's what they look like and you have people who want to cover their lot as much as they want can and they want to edge it right out to line. You have a problem and I'm sure it'd be great for the city's coffers if every piece of dirt in this town was paved, every square inch had a house on it but I've never known anybody who needed a 7,000 foot house I mean how big a family do you have to have that needs 7,000 square feet of house. So it's to me the question is simple do you live in a place that's comfortable or do you live in a place where half the houses make you want to turn and walk away and if we're not going to have that people are going to turn and walk away and that's really all I have to say. But to get back to my one more point, my previous point I've heard this I've been to a few Planning Board meetings, I've been to a few Selectmen's meetings even been to a few ZBA meetings and people say well let's all talk about this, let's all come up with a sensible alternative that makes the contractors happy that makes the tax collector happy makes the people who want to come in and build giant houses happy but they haven't done a damn thing! So if they can't do it we've got a chance to do something tonight and I say vote for it.

STEVE LINDO: 3 Gap Head Road – I'm with the person who said we should go back to the drawing boards and what I get out of this is that everybody's genuinely upset about changing the character of the town and I don't think it's necessary to question anybody's motives about that. Everybody may come out in different places but what this particular ordinance does and I think it's been brought out tonight is it does, there's an awful lot of small houses in Rockport and there's a lot of people that live in them and there's a lot of people who may be effected whose property values may be affected. I would assume that the reason for the 175% limitation is to prevent somebody from gobbling up three little teeny lots, tearing everything down and building some giant eyesore and to me that's a legitimate concern but it seems to me that there needs to be some kind of additional mechanism here. This is not black and white. There needs to be something more thoughtful so that the vast majority of people who want to do with their property what they've always been able to do (inaudible) not planning to tear down or sell their house so it can be torn down I think you can solve both problems effectively but I do think we need to go back to the drawing boards on this and not put this up for action tonight. (applause)

LARRY STEPENUCK: 16B Bearskin Neck – When I was Chairman of the Planning Board many years ago issues such as this came up and one of the conversations was over the rights of individuals maximizing potential of their properties and all due respect, most of the problems have arisen not from primary residences. It's maximizing the economic value and resale and use of properties that take away basic rights of all individuals whether they own property or not within the town or are just visiting - basically air, light right along the coast anyone that says there is not less view of the ocean in the last thirty years is foolish or not paying attention. Doesn't mean that people broke the law in doing it, it has already happened.

The first zoning laws in the United States on the east coast were introduced for safety reasons and health reasons – air and light were the first reasons. West coast was to keep the Chinese from building laundries in the fancy neighborhoods. Combine the two, fast forward we are losing rights as individuals and we are losing a quality of life, not just charm. We are losing a quality of life. I'm not saying this is a perfect bylaw potential that we're going to vote on but to do nothing continues and there's not a tremendous volume left that the public can all enjoy. I'm probably the only speaker that's spoken so far that doesn't own a house in Rockport. In all due respect, even with a master's degree from MIT I can't afford one unless I work for the man and having done that I really don't want to be a developer. Sorry, I do develop things and I've worked with probably 700, I believe 795 small towns and small projects are ignoring things can build into problems in a very short time the character of the town, if you want to call it that, that can sound a little bit elitist which I sincerely hope I am not and never shall be but it is changing and it has changed. It has to change but access to the ocean and the air off the ocean the visual nature of the town, those things are public, you shouldn't have to own property on the coast. As far as setbacks are concerned you go to virtually anywhere in Europe on the coast it's owned by the public. You go to Canada it's owned by the public. It doesn't mean there aren't houses built next to each other. It doesn't mean that people can't still have sheds and yes there should be, I agree there should be an avenue for smaller issues. But the primary issue, put something in place if it doesn't work proper tweak it a bit but the public access to the greatest virtue that we have which is the ocean – air and light will be affected if we do nothing and I don't think maximizing profit and cash flow should be the main impetus which it is right now in my estimation. Thank you. (applause)

ERIC HUTCHINS: 45 Pooles Lane – Just a couple of points as a follow-up to what Larry just mentioned but similar to something but not the same that I wanted to mention. Immediately after Herman’s presentation at the beginning the Board of Selectmen got up and certainly said their words on this. But surprisingly, may not surprisingly and I think I have this quote but the Fin Com basically got up and only said one point against this and I think there’s a much, much bigger philosophical thing that we all need to think about what they said and I’m not supportive of it. They said: We are against any zoning action that could impact future revenues and I believe that’s almost a quote. I confirmed that next to people next to me. I adamantly disagree with that. All financial decisions need to be evaluated up or down for the better good of the Town of Rockport and I’m gravely concerned that that would be a statement that came from our Fin Com after probably spending more time than any other board thinking about this in opposition so I have serious concerns about that comment from the Fin Com as a reason to not support this or any zoning change that might affect future finances. They didn’t say they’d evaluate it they said against. Thank you.

PAUL MURPHY: Good evening. We’ve been at this issue, a very important issue of course, close to an hour and a half and we’ve heard both sides of the issue which is important. I would like to respectfully suggest that we move the question.

MODERATOR: Respectfully moving the question requires a two-thirds vote.

TOBY ARSENIAN: Point of Order – I would like to see the question divided into three parts. I believe if ten people ask to have it divided that can be done.

MODERATOR: Well, first we move the, first we’ll deal with moving the question and then we’ll deal with the division of the question. So..we need two-thirds of you to signify that you want to move the question then we’ll go on to the issue of dividing the question into three.

All those in favor of moving this question please raise your placard. Thank you. Opposed the same sign. Okay so we have by more than two-thirds moving the question. Now I will ask and I need just ten of you to divide the question and that means here’s how we’re going to do that. This has three components to it and I will ask Linda to go way back and find what they are. While she’s finding them how many people want to move this question? In other words we’re going to consider the three individual prongs separately and we’ll have to have two-thirds for prong A and that will pass and we’ll put it over here; then we’ll consider the middle prong and if two-thirds vote then we’ll add that and then the third one and then we’ll add that. Sort of a Pu-Pu platter approach (laughter)

Does anyone have any questions about what it means to divide the question? All right. All those in favor...wait we have a question. Please wait for a microphone and state your name & stand up or not.

SUSAN HAND: 20 Landmark Lane – If you divide it into three parts and you vote that you want..do you..when you vote to divide it into three parts that’s..then you take each part individually is that what you’re saying?

MODERATOR: That’s correct.

SUSAN HAND: So that the only thing we vote on is yes we’ll divide it and then we vote on each part separately.

MODERATOR: You are correct. All right so this next vote will only be whether we vote to divide the question into its three components, which are (background noise)
Point of Order is heard.

MODERATOR: Please state your Point of Order.

CHARLES PETERMAN: The proposer of the motion should be the one who reads the division of it into the three component parts. In this case it would be the head of the Planning Board.

MODERATOR: Well, let’s wait until we get there and then we can allow them to do this. So we’re just voting now as to whether we’re going to divide this. There’s an A, there’s a B and a C. Do you want to take some time and explain that further? (audience noise) Okay, it’s on page 36. Let’s go to page 36 and when we vote to divide right in the middle of the page there’s a 1 followed by a 2 which will be followed by a 3 so we’re going to vote, if we vote to divide this, first on “on a lot of 2 acres or less...” and then we’ll hear that out and we’ll vote on it and then the same thing for second and the third component. Any further questions on what this will mean? Please wait for a microphone.

JOHN PENALOZA: Does that mean that each of the three parts would then be applicable for amendments?

MODERATOR: We’ve gone beyond that. We now have moved the question so they’ll be no amendments. We’re going to then vote to divide it and if we divide it we’re going to do as I said we’ll vote first for 1, then for 2, then for 3. Any further questions on the process? Okay.

If you want to divide this question please raise your placard. All right, I have determined, even though I went to school in Rockport that that is more than ten. (laughter) So we will divide this question. Are there any questions now about what this means? We’re looking at page 36 and in a moment we’re going to vote on the three components and of course the text of the surrounding article and motion. Any questions? I want you to understand this. Okay. Anything further from the Planning Board?

All right. You have heard the motion and this is going to require a two-thirds and now we’re looking at the first component here which says “On a lot of 2 acres or less, the total gross floor area of all residential dwellings and accessory buildings on the lot shall not exceed 7,000 sq. ft. total gross floor area (GFA).”

All those in favor of that component please raise your placard. Thank you. All those opposed the same sign. It appears to me that that has passed by more than two-thirds. We'll now look at...let's go with a standing count. We need to get tellers. We have volunteers to be a teller? The pay is tremendous, the perks are exquisite.

The Town Clerk swore in tellers: Alan MacMillan, J.D. Herlihy, Melanie Waddell, Mel Michaels, Charles Peterman and John Thompson.

MODERATOR: All right, are you ready? We're now talking about section 1. All those in favor please stand and be counted. Section 1 – 50 Section 2 – 68 Section 3 – 43 (total 161) and now all those opposed please stand and be counted. Section 1 – 30 Section 2 – 16 Section 3 – 18 (total 64)

TOWN CLERK: In order for it to be two-thirds you needed 75 we only have 64.

MODERATOR: So in my keen eye for two-thirds I was right. The motion passes.

So now we're going to talk about the second prong, we're going to vote on it and I'm going to read it to you, so the second prong, on page 36: "The total GFA of residential dwellings (including accessory buildings) on a lot of two acres or less shall not exceed 175% of the mean GFA of the residential dwellings and accessory buildings on the abutting properties. Abutting properties, shall mean for the purposes of this section, only those properties whose owners would be entitled to notice as parties in interest under MGL Chapter 40A, Section 11 and are within 50' of the subject property boundary."

All those in favor, since we have our tellers we're just going to go right to the count, please stand up and be counted. Section 1- 34 Section 2 – 55 Section 3 – 21 (total 110)

All those opposed please stand and be counted. Section 1 – 43 Section 2 – 27 Section 3 – 41 (total 111)

The motion fails. 110 in favor and 111 opposed.

And now the third question: "Residential single, two family and multiples dwellings, accessory buildings, and town houses shall have the following side setbacks: 20' for buildings with 4,000 to 5,999 sq. ft. GFA; 25' for buildings with greater than 6,000 sq. ft. GFA"

All those favor stand and be counted. If you are voting in favor please remain standing until we announce that we have a vote. Thank you. I know this is fun but try to control yourselves. Section 1 – 55 Section 2 – 67 Section 3 – 37 (total 159)

All those opposed please stand and be counted. Moderator: Did I ever tell ya how we wanted to get voting clickers for town meeting? Did I ever talk about that? Section 1 – 22 Section 2 – 16 Section 3 – 25 (total 63)

The third item on your menu passes. (The motion passes)

So to summarize the first prong, number 1 passes. The second prong failed. And the third prong passed. And I would like to congratulate all of you. This was a very difficult issue and it went to the heart of what Rockport is all about and we had some tense moments but I think you all did a very good job and let's give ourselves a round of applause.

The Chair will entertain a motion under Article N.

ARTICLE N(7): To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to pay for the cost of improvements to the Highway Garage ventilation system; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7 or any other enabling authority, provided that the amount authorized to be borrowed hereunder shall be contingent on a debt exclusion vote to exempt from the provisions of proposition two and one half, so-called, the amounts required to pay the principal and interest on the bonds to be issued to finance this project; or act on anything relative thereto. (*Department of Public Works*) (2/3 vote, if borrowed)

LINDA SANDERS FOR PAUL SENA: I move that the Town transfer the sum of \$75,000 from the Inflow and Infiltration Reserve account to an Inflow and Infiltration Capital Account to fund a storm water inflow and infiltration project.

Moved and seconded.

MODERATOR: You've heard the motion. Any discussion? All those in favor raise your placard. Thank you. Opposed the same sign.

The motion carries.

The Chair will entertain a motion under Article C.

ARTICLE C (8): To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-laws; or act on anything relative thereto. (*Community Preservation Committee*) (*majority vote*)

LINDA SANDERS FOR RUTH GEORGE, CHAIR OF THE CPC: I move that the Town hear and receive the report of the Community Preservation Committee.

Moved and seconded.

RUTH GEORGE: Good evening. The Community Preservation Act allows for any city or town in the Commonwealth of Massachusetts to adopt a property surcharge with revenues from this surcharge and state matching funds, to be devoted to Open Space/and Recreational use, Historic Preservation and Community Housing.

Since 2003 the Town of Rockport voted in the Community Preservation Act at 3%, the maximum and reaffirmed it again in 2008. A surcharge of 3% on local property tax and state matching funds collected from a \$20.00 fee on real estate transactions. The level of matching funds we received depends on the percentage of communities in Massachusetts that have adopted the CPA Act in their cities and towns. We have been very fortunate that the citizens of Rockport adopted it when it first began and at its full 3% max.

CPA funds collected can only be invested in certain Community Preservation projects. All of our project requests since the act was passed came to us, and then to you, from individuals, groups and town committees. We have needed and continue to need your input. We write to all town committees and commissions annually and also solicit applications through the newspaper explaining the law and how these funds may be used. We hold an advertised public hearing to go over the application process with interested parties. Our public hearing will be at our November 10th meeting for next year's project applications. Those with a request file an application with the town by the first Monday in February. Each group will be contacted to come make a presentation to the committee and answers additional questions of the committee. We often ask them to return after making changes or clarifying issues to see if they meet the specifics of the different categories. We also work with the CPA coalition in Boston as needed for specific aspects of a project. We interview all applicants during our open to the public monthly meeting held the second Tuesday of the month at the Rockport Police Station Community Room. We determine eligible projects and vote on final recommendations either full requests or partial amounts depending on available monies etc. for the fall town meeting and the voters.

Ten percent of the funds received in any fiscal year must be allocated for each of the three areas. The remaining 70% of each year's funds can be spent in any of the areas as determined by Rockport. CPC funds cannot be used for general maintenance. In addition five percent of the annual CPC revenues can be spent on administrative and operation expenses of the CPC. Consistent with the terms of CPA and with the adoption of the bylaw in 2003 a CPC Committee was formed to study and recommend how Rockport's CPA revenues should be spent. The committee is appointed by the Town Moderator and mandates that certain town committees serve as representatives to the committee. The committee currently includes: Maryanne Lash, representing the Conservation Committee; Stephen DeMarco, representing the Historic Commission, Edward Hand, representing the Planning Board, Bruce Reed, representing the DPW Board of Commissioners, Bethany Brosnan, representing the Rockport Housing Authority and four at-large members: Philip Crotty, Julie McMahon, Mel Michaels, our current Treasurer, and myself, Ruth George, Chairperson.

In 2014 and 2015 the Governor included in the fiscal year's budget, the transfer of \$25 million from the budget surplus to the statewide CPA trust fund. This year 2016 the CPA trust fund will be receiving \$10 million from the budget surplus. With our match of 3% this continues to be great news for the Town of Rockport. Our estimated FY2016 tax revenue is \$450,000. Estimated FY2015 state match \$85,000 and estimated FY2016 interest is \$4,000. Since its beginning in 2003, the town has appropriated over \$6 million in projects in Rockport funded through your local Community Preservation Committee. Tonight, we bring you six new projects that we feel deserve your support for the Town of Rockport.

Respectfully submitted, Ruth C. George, Chair – Rockport Community Preservation Committee

MODERATOR: Ruth I would like to thank you and your committee and I think you do a wonderful service for the Town of Rockport and so all those in favor of accepting that report with gratitude please shout out Thank you! All those opposed quietly just sit there.

Thank you.

The Chair will entertain a motion under Article D.

ARTICLE D (9): To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2016 estimated annual revenues for later spending for the respective purposes indicated:

First, a sum of money to be deposited in the Community Housing Reserve Account;

Second, a sum of money to be deposited in the Open Space/Recreation Reserve Account;

Third, a sum of money to be deposited in the Historic Preservation Reserve Account;

or act on anything relative thereto. (*Community Preservation Committee*) (*majority votes*)

LINDA SANDERS FOR RUTH GEORGE: I move that \$53,900 be transferred from FY15 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Community Housing Reserve Account.

Moved and seconded.

MODERATOR: You have heard the motion. Any discussion? All those in favor say aye. Opposed say no.

That motion carries unanimously.

We move on to the second motion:

LINDA SANDERS FOR RUTH GEORGE: I move that \$53,900 be transferred from FY15 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Open Space/Recreation Reserve Account.

Moved and seconded

MODERATOR: Any discussion? All those in favor say aye. Opposed say no.

The motion carries.

Third motion:

LINDA SANDERS FOR RUTH GEORGE: I move that \$53,900 be transferred from FY15 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Historic Preservation Reserve Account.

Moved and seconded.

MODERATOR: Any discussion? All those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion under Article E.

ARTICLE E (10): To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the following amounts for the respective purposes indicated:

First, \$25,000 to be expended under the oversight of the Department of Public Works and the Granite Pier Committee, working with the Community Preservation Committee, for preparation of professional engineering or architectural plans incident to a study of the feasibility to build a staircase for access between the upper and lower levels of Granite Pier and;

Second, \$30,000 to be expended under the direction of the Director of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of exterior painting of the Community House;

Third, \$50,000 to be expended under the direction of the Thacher and Straitsmouth Islands Committee working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Straitsmouth Island Keepers House;

Fourth, \$75,000 as a grant to Action Inc., a nonprofit corporation duly organized under the laws of Massachusetts, for its Rental/Mortgage Assistance Program for the creation of community housing for Rockport residents, under the supervision of the Board of Selectmen;

Fifth, \$132,046 as a grant to the Rockport Congregational Church, under the supervision of the Board of Selectmen working with the Community Preservation Committee, for the historic restoration, rehabilitation, and/or preservation of the Congregational Church building steeple;

Sixth, \$38,525 to be expended under the direction of the Superintendent of Schools working with the Community Preservation Committee, for restoration, rehabilitation, and/or preservation of Elementary School Outdoor Basketball Courts;

Seventh, \$26,950 for administrative expenses of the Community Preservation Committee from July 1, 2015 through June 30, 2016, including but not limited to appraisals, land surveys, copying, postage, legal notices and other costs;

or act on anything relative thereto. (*Community Preservation Committee*) (*majority votes*)

LINDA SANDERS FOR RUTH GEORGE: I move that \$25,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the oversight of the Director of Public Works and DPW Commissioners in conjunction with Granite Pier Committee, working with the Community Preservation Committee, for the restoration, rehabilitation, and preservation of Granite Pier for the Granite Pier Staircase Study, which may include the preparation of professional engineering or architectural plans incident to a study of the feasibility to build a staircase for access between the upper and lower levels.

Moved and seconded.

MODERATOR: Any discussion?

TOBY ARSENIAN: I'm a booby when it comes to math. We were given the figures of what we were going to get in the coming year from the tax revenue in the state. Can someone please tell us of every hundred dollars we spend how much of it is tax money? I think that we should keep that in mind as we vote on each of the Articles and I would like to know with these plans for the Granite Pier if the specifics that go into the plan for the architects or whoever is going to draw it up if we're going to use Rockport granite?

MODERATOR: Any answers for the booby?

RUTH GEORGE: I don't have the percentage but the application is to approve an expenditure of \$25,000 to obtain engineering plans suitable for the Rockport DPW for the construction of the staircase at Granite Pier between the upper and lower levels. The proposed staircase will be constructed of granite or reinforced concrete covered with a granite facade. Granite Pier is a major town asset and will be more usable and safer with a set of stairs between the upper and lower levels. The application is supported by the Town Granite Pier Committee, Harbor Advisory Committee and the harbor masters. They had originally come to us for \$100,000 but decided instead of going ahead and doing it they needed a feasibility study and to look at everything first. Granite pier is one of the four harbors of the Town of Rockport. It is used extensively by Rockport residents, commercial fisherman, recreational tourists, boaters and birders. Boating activity takes place from the lower level while parking for vehicles and trailers takes place on the upper area. At the present time the only way to access the lower level from the upper level and vice versa is to walk to the beginning of the pier and proceed. This is a major obstacle to the enjoyable boating experience which is well placed, which a well-placed set of stairs will cure. Also as reported by the Rockport Harbor master and fishermen sometimes individuals slide down the side of the embankments separating the upper and lower levels which in turn creates a hazard and potential liability for the town. The Community Preservation Committee strongly recommends the voting members of the Rockport support this request for the applicant.

MODERATOR: I didn't think you'd catch me. Any other questions on that? Any slide up and down questions? You've heard the motion. Oh..question? questions? Yes.

JONATHAN RING: 9 Pooles Lane – Why does the feasibility study cost \$25,000 and is there a breakdown of the cost for that?

RUTH GEORGE: It's just getting engineering plans for it.

MEL MICHAELS: Treasurer of the CPC – We don't..the estimate of \$25,000 is to determine exactly what has to be done so it can be done, the proper engineering can be done. Originally they came to us to do the project and the DPW Director, if I believe I'm right, the engineering should be done first so that the project can be done properly. The specifics of that, I'm not an engineer I can't tell you that but the \$25,000 I'm sure will be well spent.

ERIC HUTCHINS: Just to maybe help clarify the question that's being asked is the \$25,000 just the feasibility or is it feasibility, design and permitting so you're ready to go to construction big difference but not explained what this is for. Is it just feasibility or is it design and permitting then we do construction later or is there going to be a whole 'nother piece in between?

MODERATOR: Anybody have an answer? Escalator vs stairs?

PHIL CROTTY: 15 Broadway – I'm on the CPC Committee with Ruth and we understand from DPW that that would include not only a feasibility study but professionally stamped engineering plans and architect plans.

ZENAS SEPPALA: I guess I am unclear. A feasibility study is as far as I can understand, just a study to see if something can be done and now I'm being told that in concert with that we're paying for engineering studies and a host of other little add-ons so maybe somebody can tell me if a..if a feasibility study actually has to have that additional layer of engineering plans, design specifics and so on.

MODERATOR: We'll try to get to your question and Toby don't worry we'll try to get to you later but any answers on that?

BRUCE REED: Member of the CPC and DPW Commissioners – I think to answer the question, when the committee came in before, let's see which hat do I have on now? I guess, the DPW hat and told us what they wanted to do our concerns were several. One is, as a kid who grew up in Rockport, we were always told "Don't go on those rocks at Granite Pier because they shift" etcetera, etcetera so the point we took was we wanted to know if in fact you could build the staircase there to start out with and where should it be located and what should be the material. Should it be granite? Should it be concrete? Should it be wood? So that's what this is all about. Trying to determine where it should go, what the material should be and quite frankly is it safe?

TOBY ARSENIAN: My question about the Rockport granite wasn't answered nor was my question confessing my ignorance about the money we're all about to spend – large sums and maybe all of you can do the calculations from the figures that Ruth gave as to where the money was coming from I can't and I think that that's basic, that figure. Out of every hundred dollars how much comes out of the taxes?

MEL MICHAELS: Last year we had a match of 42% from the state. In the past we have had 100% matches. That has continually gone down. This year, as Ruth has said there is only about an 18% match coming in however, that does not include 10 million dollars that was passed for all of the CPC programs throughout the state which would push our share up again to about 38 or 39%. We cannot include that because the state is fickle and we do not know whether that will..right now it's in the budget but it could be removed at any time. So good accounting practices tell you don't include the money until you know you've got it for sure and that's where it's at. To Toby's question if we..if we only have an 18% match and 18% interest ain't bad but that would mean that 82% of any projects would be funded from the three percent that's collected on the surcharge tax that you pay on property tax so you pay \$4,000 on your property tax a year – example – you will pay \$120.00 to the CPC for all these projects that we're working on. I hope that explains it.

TOBY ARSENIAN: Thank you.

PAUL WEISS: 4 King Street – It's very nice that we might offer this as a benefit to the people using Granite Pier but we're talking about a lot of money here, \$25,000 just for you know, taking a look at what we're going to do and a lot more money to actually build stairs that saves people a small walk from where they parked their car down to the beginning of the pier and then back out to wherever they're going and will then be setting ourselves up for the maintenance of those stairs and presumably you know that's if it's going to be done well. That's a pretty significant project so I would suggest that we dump this one.

MODERATOR: Right there, please stand and the microphone people..by the way let's give the microphone people a big round of applause. Thank you very much.

HOLLY RANDALL: 140 Granite Street – We've been walking down the road going to the boat for a long time and this is off subject but I think that the Pigeon Cove rocks are falling down so I live in Pigeon Cove and that seems much more important than the stairway. So I'd like to propose at some point that your organization look at fixing that instead. Thank you.

ED HAND: 20 Landmark Lane – If I recall at one point we had an actual number from a local person who said they could build this thing but it was decided that we should probably and I asked the DPW this question Bruce, should go out to bid on it and therefore to do that you need engineering drawings, architectural drawings to do this also..a feasibility study so I think for \$25,000 we are in position at the end of this to then go out to bid, could get bidders on this to actually construct it so it makes a lot of sense to me to spend this money. I think it's a great idea.

MODERATOR: Mr. Thompson, they're racing to you with a microphone – if only they had stairs. (laughter)

JOHN THOMPSON: 4 Ruthern Way – I'm a member of the Granite Pier Committee and I've spent some time with this stair issue. The issue was brought to our attention basically for safety. The harbormaster has seen people sliding down from the top to the bottom. It's pretty hectic down there on weekends. The ramp has room for, sometimes has room for two boats, if they know what they're doing backing but it really gets tied up and if a person is instructed to take their trailer and their car up to the top and park it and then get down, you know it's quite a few minutes and so the Planning Board has a budget of, I think it's around \$20,000 a year and we're one of two profit making boards in the town the other being the ambulance. We bring in around \$80,000 and we thought maybe we could build stairs but they would be awful looking. They would be wood and it would probably take us several years on our budget to do that so we looked into what would really be proper in a place that has a lot of granite whether it's Rockport, it might have to come from Pigeon Cove, Toby, or Lanesville and we want it to look like it's been there forever and there's a lot of safety things that has to be only so many stairs and then a landing. I didn't know that we were going out for bids, it makes sense but I did get four bids already but it was up to the contractor to say what he was going to do and I'm told that that isn't the way to do it. You want plans so everyone can bid on the same type of project. My favorite one was \$125,000 from a local person that would do a great job. But he said "You know, we ought to have a flower garden here" well so you know, we want to have it uniform for everyone to bid on. I think it's a safety thing. I think it's needed.

CHARLES PETERMAN: 22 Pleasant Street – If we post a sign that says "Do not slide down the rocks" are we still liable for idiots and wouldn't that cost less than \$25,000? (laughter)

JONATHAN RING: I guess more specifically is..what is the cost of the consultants, what's the cost of the paperwork, what's the cost for engineering or..for..any contractors? Are you paying a prevailing wage? What's the prevailing wage..if there is one. I guess those are questions that when you're putting together a budget and you're allocating money for a budget should be answered and should probably be laid out for all the voters here at the..meeting to review...thanks.

MODERATOR: A couple more folks in the middle and then I'm sensing that we're ready to vote. Gentleman right here. We're going to hear from two more people. (audience noise) Let's wait (audience noise) That's going to require a separate vote so would you hold that and we can hear from the one person behind you or do you want me to take a vote on that?

PETER GOODWIN: If you can limit it to two, yes ..MODERATOR: We have one person behind you and then we're going to vote on this.

SUSAN MORRIS: 10 Babcock Road – Move the question. (laughter and applause)

MODERATOR: I'm actually not going to move the question because I'm just going to decide that it's time to have the question voted upon. So rather than have two votes – All those in favor spending \$25,000 for the engineering and all the other studies you've heard about please raise your placard. Thank you. All those opposed the same sign.

The motion carries.

It was an up and down debate though and we move on to the second motion under Article E.

LINDA SANDERS FOR RUTH GEORGE: Mr. Moderator, I move that \$30,000 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account and expended under the direction of the Director of Public Works and the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of the Community House for exterior painting services.

Moved and seconded.

MODERATOR: Any questions? You've heard the motion. All those in favor please say aye. Opposed say no.

The motion carries.

LINDA SANDERS FOR RUTH GEORGE: Mr. Moderator, I move that \$50,000 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account to a Straitsmouth Island Keepers House account, to be expended by the Thacher and Straitsmouth Islands Committee, working with the Community Preservation Committee for the restoration, rehabilitation, and/or preservation of the Straitsmouth Island Keepers House.

Moved and seconded.

RUTH GEORGE: The Thachers Island Association is requesting this grant in the amount of \$50,000 from Community Preservation Committee to stabilize the existing Keeper's House at Straitsmouth Island. The applicant has requested monies that will be provided from historic preservation on designated funds. This work seeks to perform needed restoration to the existing structure including new building systems, significant factors contributing to the CPC community support the application of the following. The Straitsmouth Island lighthouse keeper's house has been a maritime presence in Rockport since 1834. The current house has been in place since 1878 and is listed in the National Register of Historic Places. It is an iconic, cultural resource that cannot be replicated. The Keeper's House was constructed using the same plans as those used to build the Keeper's House on Thacher's Island as well as a number of now historic lighthouses sites on the eastern seaboard. The town has agreed to enter into a 30 year lease with the Massachusetts Audubon Society to allow the Keeper's House to be used as housing for future volunteer keepers having done so the Thacher's Island Association has assumed responsibility for the ongoing preservation and management of this historic resource. The town's investment in preserving the keeper's house will aid in maintaining the scenic vista for future generations.

The Thacher's Island Association has demonstrated their ability to effectively manage the funds provided by CPC. Earlier projects executed at Thacher's Island and Straitsmouth Island to restore and preserve the lighthouses and their associated outbuildings have been completed on time and fully documented for the committee. At the time the application was received matching funds for the project had already been raised to the amount of \$84,700. The requested amount is only 37% of the total anticipated cost of the restoration. The Straitsmouth Island lighthouse and the ongoing work by the Thachers Island Association helps to fulfill the goals of the National Historic Lighthouse Preservation Act of 2000. Our participation through the CPC demonstrates our collective ongoing commitment to preserve the historic, recreational, educational and cultural aspects of the town. The Community Preservation Committee recommends voting members of the town support this request of the applicant.

TOBY ARSENIAN: We took ownership of the lighthouse with 1.8 acres that it sits on, 90 odd percent of the island belongs to the Audubon Society and this house does as well. I believe that we made a mistake in undertaking the thirty year lease but that's done. There probably is a clause in the lease as there was when we took the lighthouse from the General Services Administration and it requires us to maintain it, but if we don't maintain it probably they can take it back and wouldn't that be a lovely thing? Then they could pay to maintain the house which is in fact their property. In fact, we don't have public access to the island. It's out there if you happen to have a boat, if you happen to be able-bodied otherwise you can't get there. With other projects when we were asked to spend money for private enterprise, if you will, notably the local churches a great deal of point was made by the Community Preservation Committee that the public had use of these places and access to them. Here we don't own it. We lease it and there is no public access. The Islands Committee is in the process of fixing it up so that they can have people out there. They're going to spend all this money to create a place that we don't need at the moment and then what then of that. It's just going to grow up more and more money over the course of thirty years and I think we should wash our hands of it now and give it back to the Audubon Society.

ED HAND: 20 Landmark Lane – If you remember the numbers that Ruth gave out a large part of the funding of this operation is being done by private investment of the Thacher Island Association. They're excellent at raising money, number one. Number two, we – Rome wasn't built in a day and neither is public access to Thacher's Island, Thacher's and Straitsmouth Islands. Right now you can go out to Thacher's Island you can land on a landing ramp out there. You have a kayak or rubber raft or just even an inner tube will get you out there. You can also go on the Thacher Island landing craft. The same thing I think in the long run will happen at Straitsmouth but first we want to stabilize and complete that house before it falls down. We closed it in but right now it can't be used internally. So I would suggest that this is part of a plan that which eventually will allow people and in fact I was out in the Mohave Desert my wife and I were traveling this spring and I received an email saying carpenters were required to build floats that were going to be used at Straitsmouth Island to allow public access those were quelled by the harbor master and I'm not too sure all the reasons for it but we did make one attempt and we will continue I'm sure to find ways to get people on Straitsmouth Island so I would recommend that you pass this motion.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

We move on to the fourth motion.

LINDA SANDERS FOR RUTH GEORGE: I move that \$75,000 be appropriated from the Community Preservation Undesignated Fund Balance account as a grant to Action Inc. for its Rental/Mortgage Assistance Program for the creation of community housing for Rockport residents, under the supervision of the Board of Selectmen.

Moved and seconded.

RUTH GEORGE: Action is requesting a grant for \$75,000 of Community Preservation funds for affordable housing assistance. This will be the tenth year Action has asked for help in its funding for tenant based rental and mortgage assistance program that serves Rockport residents. This goal is to provide rental subsidies to the renter's landlord and mortgage subsidies to the homeowner's mortgage company and additionally to provide intensive, supportive budget services and counseling to the participants. It is usually for a period of six months but can be extended to one year in certain circumstances. The program is for Rockport individuals or families who face temporary setbacks through hardships such as sickness, job reduction, job loss or other tragedies in their families. Participants are selected according to their financial need their prospects for the future and their willingness to use all aspects of the program. In May of this year there were approximately 14 clients on the program ranging from single parents, families and older individuals all struggling. The Action TBR coordinator states each family is immensely grateful to the town for the support they are receiving taking ownership of the difficulties, doing something about them, and attempting to save for their future goals. All of these clients are set up with a counselor they have to manage a budget they have to put money aside for future use. They have to take all of the actions other assistance that's available and to get off the program as soon as possible. They send us, probably every six months, a list of all the people not names but just about them who have been helped and it is just heartwarming to hear the husband and wife, the husband who lost his job, the wife is pregnant they have three kids and another one on the way and they're going to lose their house. Someone at Millbrook Park can't pay her, can't pay her rent because she has been sick and in the hospital for months and has no money to fall back on. These are the Rockport residents that we're helping through Action and this money is only towards Rockport residents. Thank you.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries unanimously.

We now move on to the 5th motion.

LINDA SANDERS FOR RUTH GEORGE: I move that \$132,046 be appropriated and transferred from the Community Preservation Undesignated Fund Balance account as a grant to the Rockport Congregational Church, under the supervision of the Board of Selectmen in conjunction with the Historical Commission, working with the Community Preservation Committee, for the historic restoration, rehabilitation, and preservation of the Congregational Church steeple, and to authorize the Board of Selectmen to acquire any appropriate preservation restriction relative thereto.

Moved and seconded.

RUTH GEORGE: The First Congregational Church of Rockport UCC is requesting this grant in the amount of \$132,046 from the Community Preservation Committee for restoration of their existing sanctuary steeple. The application has requested monies from Historic Preservation undesignated funds. This work seeks to mitigate the ongoing deterioration of the steeple and specifically the structural wood framing, wood siding and trim, copper roofing, metal flashing, existing weathervane as well as restoration of the existing paint finish and all the surfaces. Significant factors contribute to the community preservation's support of this application. Constructed in 1805 the sanctuary remains a significant resource to the Main Street Historic District and a landmark building on its own, on its own right. Until 1842 it was both the public meeting house and a repository of the historical records for Sandy Bay and subsequently the Town of Rockport when it was released by the General Court of Massachusetts to the Congregational Church. Internal capital fund raising for a comprehensive restoration project has been underway by the church for a number of years. The church has or intends to raise over 50% of the required funds necessary to complete this restoration. The church has and continues to provide a venue to a wide variety of activities available to all the citizens of Rockport including but not limited to housing the Sandy Bay Preschool, AA meetings, First Night performances, and the annual town pageant. The church has entered into a deed restriction with the Town of Rockport Historical Commission safeguarding the public interest. The church demonstrated their ability to effectively manage the funds provided by CPC for earlier phases of the project and restoration work in general having satisfactorily completed the lower steeple, front facade, town-owned clock restoration, roof and gutter replacement, siding and finished carpentry repairs. Given the reality of the dwindling church memberships in Rockport and throughout the country the ongoing preservation of historic buildings this age, use and size by an ever shrinking economic base will soon become unmanageable. It is a real possibility that these circumstances could ultimately lead to the sale and conversion of such properties. The resulting loss to the fabric of the local historic district and the town at large cannot be quantified. Support of this application is an opportunity to ensure that the streetscape that defines our history and the appearance of Rockport are maintained for future generations of residents and visitors alike. The full cost of the restoration is \$265,692. of which \$133,646 will provided by the church. The Community Preservation Committee recommends that the voting members of the town support the request of the applicant.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

We move on to the sixth motion.

LINDA SANDERS FOR RUTH GEORGE: I move that \$38,525 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the direction of the Superintendent of Schools, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of the Elementary School Outdoor Basketball Courts.

Moved and seconded.

RUTH GEORGE: This project involves the restoration of the outdoor basketball courts surface at the Rockport elementary school to allow for the long term preservation of this well utilized town resource. The present basketball court has deteriorated and has developed long cracks in several areas becoming a safety hazard for players. The condition will certainly get worse with the passage of time and continued exposure to harsh winter conditions. The work will entail the restoration of the surface by way of a complete asphalt resurfacing including removal and disposal of all existing hot top materials, addition of crush stone pack with complete regrading and finally the relining and repainting of the entire play area. The funds will be spent under the direction of the Superintendent of Schools and the project is expected to be completed during the summer of 2016. Just an aside, we have done, just finished the beautiful tennis courts over here at the high school that are open to the public. They just finished them, they look beautiful. They've done a wonderful job and that was also from CPC monies. So we'd like your vote of approval on this also.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

(Unanimous a slam dunk – groans – all right, I've been waiting all night for that folks)

The motion carries unanimously.

The seventh motion:

LINDA SANDERS FOR RUTH GEORGE: I move that \$22,950 be appropriated and transferred from the FY16 Estimated Annual Revenues of the Community Preservation Fund to be expended for administrative expenses of the Community Preservation Committee, including but not limited to appraisals, land surveys, copying, postage, legal notices, meeting support, and other costs from July 1, 2016 through June 30, 2017.

Moved and seconded.

MODERATOR: You've heard the motion all those in favor...Op, there's a question.

ALAN MACMILLAN: Just a clarification I believe the Town Administrator said \$22,000 and in the booklet it says \$26,000. Which is correct?

TOWN ADMINISTRATOR: \$22,000 is what's being read in the motion - \$22,950.00.

ALAN MACMILLAN: Thank you.

TOWN ADMINISTRATOR: Mr. Moderator do you want me to explain that? Do you want to?

MODERATOR: Naa (laughter)

RUTH GEORGE: It's fine.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

RUTH GEORGE: Thank you everyone.

ARTICLE M (11): To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to pay for the cost of improvements to the Highway Garage ventilation system; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7, or any other enabling authority; or act on anything relative thereto. (*Department of Public Works*) (*majority vote, 2/3 if borrowed.*)

LINDA SANDERS FOR PAUL SENA: I move that the Town appropriate and transfer the sum of \$10,000 from the Library Floor Sewerage Repairs account to a DPW Facility Ventilation Improvements Capital Account to pay for DPW garage ventilation, restroom and garage door improvements, or other items found in need of repair.

Moved and seconded.

MODERATOR: Any discussion? You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion under Article G.

ARTICLE G (12): To see if the Town will vote to raise and appropriate or appropriate by transfer from the Parking Meter Fund to the Meter Maintenance account, the sum of \$10,655 to pay for the annual hosting and credit card processing fees: or act on anything relative thereto.

LINDA SANDERS FOR POLICE CHIEF JOHN HORVATH: I move that the Town transfer the sum of \$10,655 from the Parking Meter Fund to the Parking Meter Maintenance account to pay for parking meter collection processing.

Moved and seconded.

MODERATOR: Please put a quarter in the microphone for ten minutes.

RAY THURSBY: One simple question which maybe somebody can answer – don't the funds that come from the parking meters pay for the parking meters?

BILL WAGNER, FINANCE COMMITTEE: Yes, the parking meter reserve fund is comprised of funds received from the parking meters during the course of the year. That will pay for this. This ordinarily would have been included in the budget but since this is the first year that we've had credit card processing involved in parking meters it was not in the original budget. The entire budget for the parking meter department comes from parking meter receipts. Does that answer?

TOBY ARSENIAN: I'm a bit puzzled by this. If you buy an automobile you understand that you're going to have to buy gas to operate it, you have to pay the excise tax, and so forth but at the last town meeting we were invited to buy new parking meters, the Selectmen were very much in favor of them, I voted against them and we were not told that there were going to be costs for processing the credit cards. I think that that is shoddy and verges on deception. We should have been told. I'm against the parking meters. I think they're an eyesore. We keep hearing about the charm of the town. You walk downtown and the damn things flash red at night, as though they just landed from outer space. (laughter) I'm sure that having bought the horrible meters we now have to pay all of the costs and more every year but I'm voting against it.

MODERTOR: Chief, you want to talk about the spaceship parking meters?

CHIEF HORVATH: (from the audience – No I don't) (laughter) – making his way to the podium –

UNKNOWN PERSON gets to microphone –oh (sees the Chief approaching)

MODERATOR: Wait for the Chief – he's got a gun. (laughter) He's going to speak then you.

CHIEF HORVATH: Good evening everybody – and I'm hoping to say good night fairly soon so thank you for your time this evening. The parking meters, it's a change. Toby, I haven't seen your car out there (laughter). Exactly. It's... the parking meters are to obviously cater to those that don't carry coin which the majority of our younger generation don't carry coin anymore so there's been a few bumps in the road. For every compliment I've heard two complaints. The complaints are usually heard louder than the compliments but they are going to be quite effective for the town. I agree with Toby with respect to how they look. I didn't design them but they are effective and I think they're going to help generate some really good revenue for the town so I ask that you support the transfer of the monies. Thank you.

UNKNOWN: Small question with regards to how much revenue is raised by the parking meters to generate \$10,655 in credit card processing. Just wondering.

CHIEF HORVATH: So through the end of August the parking meters for the entire town, not just the new meters that offer the credit card option but through the end of August we're looking at about \$145,602 that was generated through parking meters and this year was started a little bit later because of the extreme winter we had so the meters weren't in place as early as they had been in years past but that's the total through the end of August.

CHARLES PETERMAN: So if that's only \$140,000 that's only partially representing the credit card fees, we're paying close to 10% on credit card fees? I'm curious what the percentage is that we pay for the transactions.

CHIEF HORVATH: For the credit card transactions it's a little over 10%, it's just under 11% to be most accurate and then there's the other part of the hosting is your internet connection because you need internet connection to also obtain the credit card information so those are two fees once again that the credit card option demands but once again, you're exposing yourself to a larger group of users when you offer the credit card option. Any other questions?

MODERATOR: Your time is just about expired. One more question.

JOHN PENALOZA: Just wondering if we increase the revenue substantially, in other words it justifies these additional processing costs by offering credit cards?

CHIEF HORVATH: I would say at this point it's a little too early to tell. I would not want to compare this year to last year. As I've stated the extreme winter that we had really set us back probably three weeks. With the new meters, the new meters didn't come in until just before Memorial Day so we have somewhat of a gap there. A true estimate would be looking at this time next year what we did compare it to this year it would be a little bit closer estimate as to the effectiveness.

CHARLES PETERMAN: Okay, thank you.

MODERATOR: I think we've heard all we need to hear on parking meters. You have seen and heard the motion. All those in favor please raise your placard. Thank you. Opposed the same sign.

The motion carries.

ARTICLE P (13): To see if the Town will vote to authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, permanent access and electric easements and temporary construction easements in, on, and under portions of the town-owned parcels of land shown on Assessors Map 11 as Parcels 21B and 22 and described in deeds recorded with the Essex South District Registry of Deeds in Book 4955, Page 42 and Book 2997, Page 268, which portions are shown more particularly on a plan entitled "Rockport Layover Facility Power Upgrade Contract No. J62CN01" prepared by Nitsch Engineering, dated June 30, 2015, and a plan entitled "Rockport Layover Facility Power Upgrade Contract No. W9CNXX" prepared by Nitsch Engineering, dated June 19, 2015, which plans are on file with the Town Clerk, said easements to be granted to the Massachusetts Bay Transportation Authority for the aforesaid purposes, including, without limitation, the construction and maintenance of a power distribution duct bank, conduits and appurtenances, and reconstruction of a parking lot; or act on anything relative thereto. (*Department of Public Works*) (*majority vote*)

LINDA SANDERS FOR ERIN BATTISTELLI BOARD OF SELECTMEN CHAIRPERSON: I move that the Town authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, permanent access and electric easements and temporary construction easements in, on, and under portions of the Town-owned parcels of land shown on Assessors Map 11 as Parcels 21B and 22 and described in deeds recorded with the Essex South District Registry of Deeds in Book 4955, Page 42 and Book 2997, Page 268, which portions are shown more particularly on a plan entitled "Rockport Layover Facility Power Upgrade Contract No. J62CN01" prepared by Nitsch Engineering, dated June 30, 2015 which plans are on file with the Town Clerk, said easements to be granted to the Massachusetts Bay Transportation Authority for the aforesaid purposes, including, without limitation, the construction and maintenance of a power distribution duct bank, conduits and appurtenances, and reconstruction of a parking lot, and, further to authorize the Board of Selectmen to accept from the MBTA such easements, if any, that the MBTA may grant the Town on the MBTA-owned parcels of land shown on Assessors Map 11 for the purpose of accessing Evans Field.

Moved and seconded.

ERIN BATTISTELLI FOR THE BOARD OF SELECTMEN: I know we've been discussing improvements for the Rockport train station for quite some time and we're now at the point where the funding for a \$7.5 million project is secured. Just to give you a little idea about what the project now looks like it includes an electrical power upgrade that will expand the capacity of the power system at the station which in turn will improve operating flexibility and limit the locomotive idling time. In addition there will be a regional transportation information kiosk that will provide information to commuters and tourists on connections and service. There will be some site restoration of the parking area and some limited drainage work has recently been added to the project to improve the conditions of the lot as well as to help catch some of the particulates before they proceed towards the Mill Pond area. The permitting for the project began last spring which includes the MBTA working with our local Conservation Commission and the bid package for the construction work will hopefully be ready for November so now it's time to talk about the easements which is why the article is before you tonight.

FREDERICK TARR: I would like to know more exactly what these agreements are, from what, there's never been a public hearing on this, as there had been on other plans. It's very simple from what I understand to move a track rather than leave it where it is now and block Evans Field. What exact easements besides Evans Way, which is horribly inadequate, will allow the public and the kids to access the Youth Center and access Evans Field for playing purposes. I'd like to know more exactly what they are before I vote on 'em.

TOBY ARSENIAN: Indeed the easements are necessary if the MBTA's project is to go forward. The question then is should the project go forward in its present form at this time. I believe that the answer is no. You have to ask yourselves is the project in the best interest of the town and I believe the answer is it is not. We're not going to get a proper facility for people to wait in, a shelter, we're not going to get bathrooms. All that we're going to get, we hope is some cure to some extent of the vile noise that comes out of the idling trains. That is the reason for the MBTA's project start to finish. They're under the gun, on the hook switching metaphors with the consent order they entered into with the Department of Environmental Protection that requires them to hook up the trains to some sort of a substation that will recharge the engines. The trains will still be there idling but for lesser time. I've asked the Selectmen, not once but twice, to send somebody to someplace where the MBTA has built such a facility. They declined to do so.

The project as it now stands is not in the town's best interest. The substation sits smack up against Evans Field and will block the town's access to the field. The only legal access the town now has to Evans Field is Evans Way, a private way off of Summit Avenue, it's narrow, it's inadequate for the purpose, there isn't parking it's circuitous, it just won't do. We've always had access from the train station yard but we don't legally have the access. I believe that if we reject the project here today it's not going to go away. We have to hope that the Board of Selectmen will be inspired to dig in their heels and fight. Six weeks ago or so ago I attended a public meeting of the Board of Selectmen and the DPW Commissioners up at the police station and at that meeting Jim Gardner, one of the DPW Commissioners, told the Board of Selectmen that in Acton where they were offered improvements and you can put improvements in quotes – "improvements" by the MBTA that did not suit their town, they said no. They dug in their heels and they fought and they ended up getting substantially what they wanted. If we say no to this today it's not the end of it. The Board of Selectmen can tell you and it's the truth that the MBTA as a public utility can take the easements by eminent domain. That's a legal process they don't want to go through that. The easements are the only leverage that the town has.

I have two amendments to offer. I move that we add to the motion the Selectmen have offered the following sentence: No easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across the MBTA's property located at Assessor's Map 11, Lot 21 giving the town access to Evans Field from the town-owned section of railroad station parking lot and authorize the Board of Selectmen to accept said easements.

That's a motion. I hope we'll act on it. I have a second motion to offer after we've dealt with this one.

MODERATOR: We do have this wording so we're going to try to add it to the motion so that you can see it all on one place.

Moved and seconded.

So we will now work on this amendment before we get to the actual motion and there will be two of them. While that's happening we'll hear from Selectmen Battistelli.

ERIN BATTISTELLI: So we're not in support of adding some restrictive language. That's not to say that as we work with the MBTA that we could put in some terms and conditions to the easements but our feeling is that to add the restrictive language at this juncture just creates a.. not conducive for a good working relationship. My understanding, as Toby said, is that there's two ways to proceed. The way that we're choosing at the moment is to work with the MBTA because failing that they could proceed on their own and just move forward. The project is going to happen and so the more we're involved and working with them I think the better off the town is. In terms of trying to improve the access, we have access to Evans Field but we're working to improve that access with the MBTA and they've indicated that they're willing to look at moving that track that runs along the path and actually more recently the project manager included something into the project which wasn't terribly pricey but will allow that to happen if we are successful in obtaining funding for moving the track. Someone made a reference to it's just so easy to do that and we're finding out working with the MBTA it's not.

If you've got a project that ends up being more than \$100,000 and you're doing it near a train station it could trigger certain other processes like involving the ADA so you know, if you, as you dig deeper you learn that certain things will trigger other things that sort of complicate the project. So at this point we've got a project that is fully funded. It's going to go forward and we want to work with the MBTA as much as we can to build in any language possible with the easements. Linda, I don't, in terms of the question about that Mr. Tarr had about the easements, I don't know if you have any more information that.. 'cause I wouldn't be informed enough about the easements to answer his question so I didn't know if you wanted to add anything. To describe the easements between what we're looking for and what they're looking for because I think the MBTA is looking for to be able to get an easement from the town to do the drainage work. Am I correct?

LINDA SANDERS: Dan..

ERIN BATTISTELLI: Oh, is Dan still here?

LINDA SANDERS: Dan is right here. He could help that better. Mr. Moderator would you mind recognizing?

MODERATOR: Certainly, it would be a pleasure.

DAN BEAULIEU: MBTA – The way these easements are laid out it allows the MBTA to install the temporary..the permanent substation at the back of the MBTA owned parcel adjacent to the fieldstone wall. It avoids the areas where people currently cut through the fieldstone wall to get to Evans Field. We've tried to locate it as strategically as possible so that it is good both for the short term, interim location for its present day as well as what everyone has seen in the past as the full built location during the four track unification and the hush hut that was out there about eight or ten years ago, before I got involved with the project. We need the easements in order to install the permanent subsurface utilities to bring the APUs, the automatic plug-in units, to the head end of the locomotives that will greatly reduce the noise of the trains. As relates to the easement that Erin was speaking about, I believe the DPW department is planning on doing some remedial drainage work from Railroad Avenue into the front of the parking lot that is sometimes, I'm told, like a swimming pool and as we're finishing up on doing our duct banks for the power job we're going to be putting in an underground drainage system, re-grading the lot with a stone sub-base and we'll be paving it and then we'll be taking the drainage systems from the rear of the lot through the town-owned portion into a sedimentary catch basin or drainage structure that will then tie into the town's new drainage information, I'm sorry, drainage supply lots.

So I'm just here waiting for you.

CHARLES PETERMAN: Sir, the original electrical substation for the train station was located across the tracks next to the..across the street from what used to be the IGA and the professional building. Why was the choice made to move the electrical substation directly next to the playing field as opposed to its current location?

DAN BEAULIEU: The current, obviously the current substation is substandard and it doesn't allow the amperage necessary for the trains. It was located in the current location as is in the plans so it can function during any number of scenarios for a station rebuild and the one that was used for the location was the full build that was on the table around eight years ago that unified the four tracks and created a new mini-high platform and we tried to create a floating point for that substation located as optimally as possible in order for a full build scenario to take place.

CHARLES PETERMAN: My understanding was that the previous location was..

MODERATOR: We can't engage in a conversation as much as we would like to (speakers continue to talk) We'll have to get into this in the question and answer. Thank you.

HERMAN LILJA: Did you now introduce the possibility that paving the parking lot was part of this arrangement? Is that..it is part of the arrangement that's already been agreed to (response from audience) scope..after what's being done now, that will be done. In other words after the power connections have been put in place then the parking lot will be paved. Is that what's ..(inaudible response from audience)

UNIDENTIFIED PERSON: This question is more for the Selectmen. Is there, is there any guarantee from the MBTA that if you grant them these easements they will begin construction on a certain date complete construction on a certain date and have the facility available for the public to use with all these enhancements like the fancy message board and all that on a certain date or are you just giving them the easement and hoping they go ahead and do it someday.

DAN BEAULIEU: We are currently planning on putting this job out to bid in November, December of this year for a spring notice to proceed for successful bidder for this..contract so the anticipated start of this contract would be March, April of 2016 and the job has enough.. eight to ten months full built construction cycle.

UNIDENTIFIED PERSON: It's fully approved though

DAN BEAULIEU: Yes the power units are in and surface restoration is complete.

UNIDENTIFIED PERSON: Okay so it's

MODERATOR: Please we can't have multiple questions, lots of people want to speak on this.

ALAN MACMILLAN: As the one person in this room who used to use this facility on a regular basis; I was a commuter rail engineer. A commuter rail is an essential part of Rockport. The noise issue is a continuing issue. The newest locomotives are much quieter than the older ones. All of this is a long term project to enhance something that is hugely used by Rockport and I also would like you all to know that back in 1972 I'm the one at a town meeting that got the commuter rail to stay here because the town was going to sell the property to J. Raymond Smith and the railroad was going to abandon the service out here. I took a day off from work, went down to the Rockport train station from the first train in the morning to the last train at night on a rainy Tuesday in February, a rainy Tuesday in February in 1972 there were 212 Rockport residents that used the train. The first train out of Rockport in the morning in 1972 was a single car train that averaged about 35 passengers. The first train out of Rockport today is a five car train and it averages almost 500 people coming into Boston. A single train when I was working I would leave Rockport at 6:48AM with a seven car train we had 950 people on that train when we arrived at North Station and we burned 100 gallons of diesel fuel to do that. Using the governments CAFE – corporate average fuel economy – figures for the year of 2006 and I figured this out in 2007, the latest figures were 2006 the CAFE – corporate average fuel economy – is a government statistic where they average all of the passenger vehicles sold in the United States for the previous year they average out the miles per gallon which from a seven miles per gallon Hummer up to a 50 miles per gallon Prius. The average figure for the United States in 2006 was 22.4 miles per gallon; in Europe it was 44.3 miles per gallon the same year.

Using the government's figures and using the ridership on my train 950 passengers if they individually drove their automobiles to Boston instead of taking the commuter rail collectively they would be burning 1,570 gallons of gasoline to do what one commuter rail train did with 100 gallons of diesel fuel. Trains have to be stored and serviced someplace and Rockport is the end of the line and the MBTA is gradually working to improve the whole picture and there are lots of people here that use the service. There are lots of tourists that arrive here by train. I think it is far better for the Town of Rockport since we use it to work cooperatively with the MBTA and I highly suggest that you turn down Toby's amendment and allow this project to go forward. It is the beginning of a major improvement for the facility. It will allow these trains and, by the way, the trains are not plugged into do something with the engine they're plugged in to keep the trains warm and the engine blocks warm so that they don't have to run all night to keep from freezing. So please, support a major asset of the community of Rockport and turn down Toby's amendment. Thank you.

MODERATOR: We are voting on the amendment to add the last sentence which reads no easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across their property giving the town access to Evans Field from the town owned section of the railroad station parking lot. So we're just dealing now with that one sentence.

All those in favor...yes..Toby from the audience speaking – it has the map and lot number. I was told to do it.

MODERATOR: You're a good child. So let me read this as she's typing it because it is late. Let me make sure I have it right.

“No easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across the MBTA property located at Lot 21, Assessor's Map 11 giving the town access to Evans Field from the town owned section of the railroad station parking lot and authorizing the Board of Selectmen to accept said easements.”

Do you have a question as to what that means Mr. Tarr?

MR. TARR: Talking without a microphone ...and exactly what we're voting on. This has been going on for 50 years (not understandable) I want to see exactly what we're expected to do (inaudible) Gee we're going to try and do something but we don't know what it is. I want to know exactly what (fading away).

MODERATOR: Thank you. All those in favor of that amendment just adding that sentence please raise your placard. Okay, thank you. All those opposed the same sign. That's pretty close. All right let's get the tellers. We may only need one teller for each section because many people have left to catch the morning train.

One teller for each section. Remember we're voting on just this one sentence – the last sentence that they're working on correcting. So we're just now dealing with an amendment which adds the sentence that I just read to you and which the clerks are working vigorously it's the last sentence it reads:

“No easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across the MBTA property located at Lot 21, Assessor's Map 11 giving the town access to Evans Field from the town owned section of the railroad station parking lot and authorizing the Board of Selectmen to accept said easements.”

All those in favor of that amendment, please stand to be counted. Section 1 was nine – Section 2 was twenty-nine – Section 3 was nine (total 47). All those opposed, please stand to be counted. Section 1 – fourteen – Section 2 – fourteen – Section 3- sixteen (total 44).

The amendment passes 47 to 44. So now is there another amendment?

TOBY ARSENIAN: I move to add the following sentence to the amended article: Other than the temporary construction easement on Evans Field, any easement granted by the Town to the MBTA will be null and void in the event that the MBTA's train station property located at Assessor's Map 11 Lots 21 and 21E in the event that the, is owned by, is owned by any party other than a governmental agency or a non-profit organization.

Moved and seconded.

TOBY ARSENIAN: We all know that the MBTA's finances have been rocky to put it mildly. Some people feel that the operation of the MBTA has been incompetent other people suspect that it is corrupt. I don't know about those things, one shouldn't make accusations without being prepared to back them up. What is certain is that the commonwealth that's you and I the taxpayers have bailed them out over the course of years to the tunes of tens perhaps hundreds of millions of dollars. When the commonwealth decides to pull the plug on the MBTA it will be privatized, that is sold off and all of a sudden something that, at least in theory was accountable to the public will no longer be accountable to the public. Suddenly your beloved and decrypted golden retriever will be transformed into a rabid hyena.

How much do you trust the MBTA? The easements are the only leverage that the town has in dealing with them and it's not much leverage as the Selectmen have told you they can take whatever easements they want as a public utility but it gives us something as a bargaining chip and we hope that the MBTA is going to continue. I subscribe to much of what Alan MacMillan said – we're grateful that they are even the wretched service they now provide, it's something and a great many people who are forced to commute depend upon it but we want to reserve our options and in case things go wrong we don't want to be giving away town assets to we don't know whom.

SARAH WILKINSON, Board of Selectmen: I just, I know it's late and we've been here a really long time but I caution everyone to take time and read and read the screen and think about what you voted for because the Board of Selectmen we have been trying – I've been on the Board for 10 years and we've been trying to get train station improvements we had the big hush hut plan and about eight or ten years ago we lost the funding for that. We finally have the funding a hundred percent in place to make some improvements to the train station and I understand fully that the MBTA can't be trusted blah, blah, blah but for now for a lot of people it's the only way that they have to get to and from the city and as we sat here and that amendment just passed Dan from the MBTA just said well now it looks like our timeline is gone so now we're looking at what we were hoping twenty minutes ago may not even happen. So I just want people to take the time and even though it's late to think and ask questions about what we're voting on, what is it close to 11PM, because the Board of Selectmen have been working on this for ten years and it's unfortunate now that with so few people that it's happening this way. Please think about what you're voting for.

ERIC HUTCHINS: I actually cross the railroad tracks multiple times a day. I now cross the easement to get to my house out in the woods so I probably have first-hand experience of the issues with access to Evans Field as anybody in this town and I used to live close to it before but now I directly see it...have also preached for years that these improvements are needed at the MBTA station. I worked on the committee that was formed a number of years ago. I worked when I was on the Planning Board to actually create this initiative a number of years ago with the Planning Board back then so I'm fully supportive of what they're trying to do here but the issue Toby's bringing up also is the access issues for our public asset in Evans Field aren't front and center quite enough as they need be and the reason I bring that up is we all know that Evans Way exists very few people generally use Evans Way to get to the ballfield. Smith Hardware has slowly said no, rightfully so not wanting liability issues. I've been to multiple town meetings where people said we don't want the children going across the railroad tracks and I can tell you first hand and anyone here that has picked up their kids, drop people off to play ball and we're talking at least probably all through-out the entire ballfield's season 200 to 300 cars a week park on private property not mine and I don't know if it's just passive approval and that's okay there's private industry where most of the people are parking to use Evans Field. I don't know and no one in this room has discussed what would happen if that was shut off. This issue of the access and safe access is just simply a big issue. These improvements are a big issue and need to be done also but they need to be commensurately looked at because if all that access got lost all these investments with \$400,000 in lights, the new youth center, all the new improvements to the field we've sunk a million dollars into Evans Field with not one single improvement on the access issue being addressed in those same, actually 15 years for me, 10, 15 none, not one single that I'm aware of, tangible benefit to access to Evans Field that we've increased its use probably 200% in that timeframe it needs to be commensurate with the efforts to get the ballfield, the improvements I want them for Mill Pond. I want them for the beach. The station is a mess. It needs to be a commensurate level of attention to safe access to the ballfield.

SARAH WILKINSON: I totally agree with what Eric just said. The way that this board is doing that is by working with the project manager with the MBTA, with the help of Senator Tarr, with the help of Representative Ferrante. The way to get it, the way that we feel to get it done, is not to make demands and use what leverage we have because to be perfectly honest we don't have any. They can come in and do whatever they want. The easement that would be appropriate for us to get, would be over Smith property because that's the safest kind of most direct way to get to the field. It's not over the MBTA property.

ALAN MACMILLAN: I agree with the Board of Selectmen totally and I would like to remind the town of that too. We have an opportunity to work with the T to accomplish something here. Holding the MBTA hostage for access to Evans Field that's not only wrong it's illegal. You can't do that. That's not the issue before us. Access to Evans Field is important but the MBTA does not control access to Evans Field and this is not about Evans Field this is about improving the MBTA train storage facility and I agree with Ms. Battistelli and Ms. Wilkinson you are going about this the wrong way and it is going to exacerbate the problem not improve it when you do not work cooperatively. Thank you.

ERIN BATTISTELLI: Mr. Moderator, I move to reconsider Toby's first amendment to the motion to Article P.

Moved and seconded.

MODERATOR: Town counsel is considering that but you've preserved the time on that so let's continue to talk about the pending motion then we'll go back to that motion to reconsider. Now we're looking at the last sentence and that's what our any discussion should address.

UNKNOWN PERSON: Point of information, it's my understanding if anybody that can vote for reconsideration had to be one who voted in the affirmative.

MODERATOR: Not under Rockport's rules. Under Robert's rules generally but not under our bylaw.

UNKNOWN PERSON: Okay thank you.

MODERATOR: We will talk about this sentence. We will finish this discussion and then right after that we'll reconsider the previous vote.

CHARLES PETERMAN: What does it mean for the easement to be rendered null and void after construction has already been completed? Can someone clarify what this actually (what am I talking about the project)

(Low voices, inaudible)

DARREN KLEIN: Town counsel through the Moderator – again, the way it's drafted essentially if the amendment passed the ability of the town to grant, the board to grant easements or for the town to grant easements would be conditional so if those conditions were not met the easement would be null and void.

MODERATOR: So I assume you mean if the ownership transferred then this easement would go away.

DARREN KLEIN: Correct, if the conditions were not met.

MODERATOR: It's in the language. We'll read it again when we're ready. Any other questions?

TOBY ARSENIAN: We all earnestly hope that the MBTA will get its act together and they'll prosper and that they'll be operating the trains when we're all long gone. But how much do you trust them? That's what it comes down to. Sarah Wilkinson says we have no leverage with the easements. Indeed, we do have some leverage it's a legal process to take the easements if the town contests them and the MBTA may not be so eager to undertake that. They can do it legally. Can they do it politically I'm not so sure. And as for the Selectmen and their wish to cooperate with the MBTA this project, this version of the train station improvements was not offered to town committees to comment on at various stages of completion as the hush hut project was. That was offered to the town any of the public who wished to attend but also to town committees to review at 30% completion at which point it's you know conditional, at 60% which is the key point which major changes can still be made and again at 90% of completion at which point you can only tweak it. With this project that process didn't happen because the Board of Selectmen chose not to fight with the MBTA not to insist on our rights so we didn't get that preview of the project. It was presented as a fait-complete, take it or leave it, and the selectmen have said if we don't jump for it we're like to get nothing. I don't believe that's true because the MBTA is cornered up a tree with the consent order. They've got to do something so we do indeed have leverage and should hold it for all we're worth.

ERIN BATTISTELLI: So if the issue is access to the field then putting, putting language in an easement really isn't what we should be concentrating on. What we should be concentrating on is moving the track that runs along that area, the path that gets you into the field and that is what we're looking at doing, talking to the MBTA officials about doing so my suggestion is that we wouldn't be tying access to the field into easements.

MODERATOR: All right. You have heard the motion. The motion is now to add the last sentence, which if I can read at this time of night says:

Other than the temporary construction easement on Evans Field, any easements granted by the Town to the MBTA will be null and void in the event that the MBTA's train station property located at Assessor's Map 11 Lots 21 and 21E is owned by any party other than a governmental agency or a non-profit organization.

So that is the amendment that is on the table.

All those in favor please raise your placard. Thank you. All those opposed the same sign.

That amendment clearly fails.

So now on the floor we have a motion to reconsider the sentence above and that requires a two-thirds vote to reconsider. So if you go back a sentence now or maybe we can take that sentence off because that failed. We're reconsidering:

"No easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across the MBTA property located at Lot 21, Assessor's Map 11 giving the town access to Evans Field from the town owned section of the railroad station parking lot and authorizing the Board of Selectmen to accept said easements."

That's what we're reconsidering. We had voted to approve that by three votes and now we're going to reconsider that if we pass this vote to reconsider which takes a two-thirds vote. Anyone have any questions?

All right, all those in favor of reconsidering the amendment that added that sentence please raise your placard. Thank you. All those opposed to reconsidering it please raise your placard. Okay, I think we have to count that one – do we have our tellers?

Isn't this fun? All right, here we go: All those in favor of reconsidering please stand up and be counted. Section One – 20; Section Two – 19 and Section Three – 20 (total 59)

And now all those opposed to reconsidering please stand up: Section One – 3; Section Two – 23; Section Three – 3 (total 29)

The motion to reconsider passes by one vote – it passes by one vote according to Town Counsel and he's got a really big phone. (laughter)

So now we have voted to reconsider this so now let's look at that sentence. Do I need to read it?

"No easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across the MBTA property located at Lot 21, Assessor's Map 11 giving the town access to Evans Field from the town owned section of the railroad station parking lot and authorizing the Board of Selectmen to accept said easements."

So we are now going to vote on this. All those in favor..do I have our tellers? We're voting now on the reconsidered amendment to Article P which is adding that sentence which reads:

"No easements on town property will be granted until the Board of Selectmen have secured from the MBTA an easement across the MBTA property located at Assessor's Map 11 Lot 21 giving the town access to Evans Field from the town owned section of the railroad station parking lot and authorizing the Board of Selectmen to accept said easement."

So we're now just voting on that. (Audience noise)

MODERATOR: No, we're not going to discuss it any further. Is there anything new to add? I don't think so. We're voting whether to add that in there – notice on the screen, it is in italics. We're voting for the second time. Is there anything further that anyone wants to add further, I'll take a couple hands.

BOB BURBANK: Thank you Mr. Moderator for listening to me. My name is Bob Burbank, 45 Atlantic Avenue, I served for a number of years on the MBTA Committee which is very frustrating experience and for the last few years there hasn't been many accomplishments. Fortunately tonight I had an opportunity to look at this and see that on town property which is the lot that goes all the way from Railroad Avenue up to the corner of Evans Field. That's Rockport property from there up it's MBTA property. This first phase with the MBTA seems to be apparently got funding to do is kind of the first phase of improving that whole property. It's a construction easement for putting in conduits and electrical power doing some underground drainage which is definitely needed and I hear that the MBTA representative was talking about tying that into the Rockport drainage system, apparently been working with the town to do that, that's something we always wanted to do that is improvements. So all of this project is the first phase of going on. Now when I listen that Toby wanted access to Evans Field that was one of the primary things we were after. No question about it. Evans Field has lousy or had actually doesn't have any legal access off that MBTA property and that's something that the town would want to try to get up at the corner where the Smith property actually where the railroad track in front of the Smith property is on Smith property so when you go up there up to the corner of Evans Field right on the corner you go on MBTA property and that's the logical place to put access to Evans Field and that's just on the corner of the MBTA property. Unfortunately, you can't do that until you relocate the track and that's something the MBTA from what I've heard is suggesting that that track should be relocated and it should and that should come in the next phases so all I'm saying is I think I agree with Toby as far as the access goes but let's defeat this amendment and allow this process to go forward to put in the conduits, put in the underground drainage do the re-pavement then go on to the next phase of getting those tracks removed, I don't know how many years it will take but we'll have some faith that it will happen and then get the access to Evans Field. I think we've got to give the selectmen the authority to do this so I'm just recommending that we defeat this motion, this amendment. Thank you.

MODERATOR: Anybody else who has not spoken on this and wants to speak? If you've spoken, we've heard you.

BETH SULLIVAN: 4 Summit Ave. – The access issue is I think a very legitimate one but I agree with Ms. Battistelli the answer is not the easement issue it's the track issue. For those of us who are affected by the noise, let me tell you that the trains crank up at 4:05 every morning. The train does not depart until 5 o'clock. That's 55 minutes. Right after that one leaves the 6 o'clock train is already running. The trains idle from 4:05 until 7:22 when they pull out of the station. I can't tell you what 3 ½ hours of that sound is. Now it is correct that the newer trains are quieter but you don't send them up here all the time. In fact, if you sent up all of the new trains we probably wouldn't notice. It's not just noise there is particulate matter that comes out of these trains. It is a health hazard not just for those of us who live within a reasonably short radius of the train station but I understand part of the problem is that particulate matter actually then drains into our watershed, goes into the pond and then ultimately I assume out into the ocean. Any action that we take tonight that delays this first step of improvement has a huge, huge impact on your neighbors and fellow residents who live close to the train station. Please, I implore you, do not delay letting this phase go forward. It is really a quality of life issue for those of us who listen to those trains 3 ½ hours every morning. Thank you.

HILDY FEURBACH: 15 Pigeon Hill Street – I just recall being at a meeting many years ago when the Smith Hardware was being developed and it was just shocking to me because at the time they needed critical easements to access their property and for drainage, access and their property there is landlocked and at the time I was shocked that the town was granting Smith Hardware all these really critical easements to access their property and at the same time we didn't get any easement, really any worthwhile easement in return to access Evans Field so I just want to make sure that mistake doesn't happen again because we certainly had an opportunity at that time to get a really valid, you know, easement over the Smith Hardware property and we did not do so, so I just want to make sure we don't make that mistake again. Thank you.

MODERATOR: Anyone who has not spoken on this. Have you spoken on this? Okay, wait for the microphone guy, who is now growing a beard.

JOHN PENALOZA: I'm just wondering whether this might be a question for the Board of Selectmen or the representative from the MBTA. Is the intention of the current planning going to keep the pedestrian access on MBTA property or is the intention to move it toward the Smith property?

MODERATOR: Sure, I'd be glad to hear from the MBTA.

DAN BEAULIEU: MBTA – I'm not a land attorney but my understanding of the layout of the plans and what I call the number four track, the storage track that track is on Smith property and the walkway that y'all currently use to get to Evans Field is on Smith property not on MBTA property. What is being talked around the room is the potential of shifting that number four track to the right if you will approximately 50 or 60 feet getting off of Smith property onto town property is the next phase to move it away from that walkway in order to widen that walkway. The issue may still remain that there's a portion, again I am not speaking from a land attorney's standpoint, you'll still be walking on Smith property so then it becomes a matter of, the train is not moved away from the post and rail fence, if you will, so it's safer for people to walk. They're not brushing up their left arm on a locomotive, or their children so that's the next phase that we want to look and work cooperatively on but the first thing is to move it and then sort out, where is the final path? Is it just over the border on town property or where is it? And I can't really answer that tonight I can only try to explain as I understand the situation what the lay of the land is out there from the best of my ability.

MODERATOR: All right – you've heard the motion, now is on this last sentence which begins: No easements on town property and it is in italics. All those in favor of amending the article or the motion to add that please raise your hand. Thank you. All those opposed the same sign.

That amendment fails.

Now we go to the motion which is the same motion as it originally existed and if there's anybody else who has not spoken on this and who has a burning need to do so speak now or else the train will have left the station.

Great, let's take that out (indicating wording on PowerPoint slide). It is a long motion from locomotive to caboose I am not going to read it but you can see it in your booklet. All those in favor please raise your hand or your placard. Thank you. Opposed the same sign.

That motion passes.

MODERATOR: Article A will be followed by Article B and we will get through this in the next few minutes, God willing.

The Chair will entertain a motion under Article A.

ARTICLE A (14): To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. (9/10 vote)

LINDA SANDERS FOR MELISSA TINGLEY OF THE FINANCE COMMITTEE: I move that the Town appropriate and transfer the sum of \$2,078.34 from the Tax Possessed Land Legal Fees account and the sum of \$5,925.60 from the School Choice Revolving account to pay the following sums for unpaid bills from the previous fiscal year and as listed on page 20 of the *Fall Town Meeting Voters Booklet* with the addition of the following:

- \$623.80 to Guisti, Hingston & Company
- \$1,340.13 to Medicompts, Inc.
- \$114.41 to Smith Hardware & Lumber
- \$5,925.60 to McLean Hospital

- \$243.81 to DrawingBoard Printing from the Assessors' Office Supplies Acc't
- \$432.59 to Century Bank from the Treasurer's Purchase of Services Account
- \$122.90 to FedEx from the Treasurer's Postage & Courier Expenses Account
- \$134.53 to Warner Communications from the Economic Dev Comm Expenses

Moved and seconded

TOWN CLERK as MODERATOR: Any questions? Comments?

(Audience noise)

LINDA SANDERS: We're transferring from different accounts so there is no total – we can add it up for you.

TOWN CLERK: Any other comments? All those in favor, raise your placard. All those opposed the same sign. That passes by. Okay those opposed raise your placards.

I declare it is a 9/10s vote.

Discussion from Town Attorney.

TOWN CLERK: We have to count the vote so all those in favor raise your placards. If it is not unanimous we will have to count the vote. Please put your placards down. All those opposed raise your placard.

The motion passes unanimously.

The Chair will entertain a motion under Article B.

ARTICLE B (15): To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 6, 6A and/or 6B of the April 4, 2015 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto (*majority vote*)

LINDA SANDERS FOR WALLY HESS OF THE FINANCE COMMITTEE: I move that the Town amend the votes taken under Articles 5, 5A, 5B, 6, 6A and 6B of the April 4, 2015 Annual Town Meeting by transferring the sums set forth in the *Fall Town Meeting Voters Booklet* for Article B Motion on pages 20 and 21 in the amounts and for the purposes specified therein, including the transfer of the unexpended balance of \$110,000 initially borrowed to finance the Data Center Improvements project under Article 6 of the April 5, 2014 Annual Town Meeting, that is now complete, and for which no further liability remains, the balance of \$12,975 to the Computer Equipment Capital account to pay costs associated with replacing computer network servers, in addition, two additional transfers that were not in the Voter's Booklet of \$4,200 from Town Accountant Salary to Accounting Support Specialist Wages and \$1,560 from Legal Fees to Court Ordered Long Beach Police Detail Wages.

Amount	From	To
\$ 3,600.00	Sick Leave Buyback	ConCom Clerk Wages
\$ 1,500.00	CPC Administrative Expenses	CPC Mtg Support Clerk Wages
\$ 500.00	Tax Possessed Land Legal Fees	HAC Mtg Support Clerk Wages
\$ 1,200.00	Tax Possessed Land Legal Fees	FinCom Mtg Support Clerk Wages
\$ 465.64	Tax Possessed Land Purch Svcs	Zoning Bd Mtg Support Clerk Wages
\$ 4,200.00	Town Accountant Salary	Accounting Support Specialist
\$ 1,560.00	Legal Fees	Court Ordered LB Police Detail Wages
\$ 4,000.00	CPC Undesignated Fund Balance	Finance Committee Reserve Fund
\$66,993.00	Town Accountant Salary	Accounting Purchase of Services
\$ 5,600.00	HR Assistant Wages	HR Operating Expenses
\$ 4,600.00	Group Health Insurance	DPW Parks Maintenance
\$ 2,000.00	Tax Possessed Land Legal Fees	DPW Graffiti Removal
\$12,975.25	Data Center Account	IS&T Computer Equipment Cap Acct
\$ 2,231.34	Fire Station Roof Account	IS&T Computer Equipment Cap Acct
\$ 8,755.96	Waterways Fund	Harbormasters Float Maintenance

Moved and seconded.

MODERATOR: Any discussion? You have heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion under Article H.

ARTICLE H (16): To see if the Town will vote to appropriate the unexpended funds initially borrowed to finance capital School Treads, Landings and Ramps project that is now complete, and for which no further liability remains, the unexpended balance of \$33,657 from Article 6 of the April 6, 2013 Annual Town Meeting, to a School Carpeting Replacement Capital account to pay costs of replacing carpeting in the schools; or act on anything relative thereto. *(Educational Services Department) (majority vote).*

LINDA SANDERS FOR ROB LIEBOW, SCHOOL SUPERINTENDENT: I move that the Town vote to appropriate the unexpended balance of \$68,200 initially borrowed to finance the School Treads, Landings, and Ramps project under Article 6 of the April 6, 2013 Annual Town Meeting, that is now complete, and for which no further liability remains, the balance of \$33,657 to a School Carpeting Replacement Capital account to pay costs of replacing carpeting in the schools.

Moved and seconded.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

Hey, the motion carries.

The Chair will entertain a motion under Article J. The final motion.

ARTICLE J (17): To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or borrow a sum of money to make necessary repairs to the available funds, or borrow a sum of money to make necessary repairs to the Library Building to stop leaks; and if such funds are borrowed, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds under G.L. Chapter 44, Section 7 or any other enabling authority; or act on anything relative thereto. *(Department of Public Works) (majority vote, 2/3 if borrowed)*

LINDA SANDERS FOR PAUL SENA, DPW COMMISSIONER: I move that the Town appropriate and transfer the sum of \$20,000 from the Old Police Station Roof Account to a Library Building Repairs Capital Account to pay for necessary repairs to the Library Building.

Moved and Seconded.

MODERATOR: Any discussion? All those in favor say aye. Opposed say no.

The motion carries.

The Chair will entertain a motion to dissolve the Fall Town Meeting. All those in favor say aye. Opposed say no.

The motion carries.

The Fall Town Meeting dissolved at 11:22PM.