

- PUBLIC MEETING -
Rockport Select Board
Monday, September 28, 2020 – 5:30 p.m.
Streamed at <https://livestream.com/Rockportmaine>

Note: Workshop with Terry DeWan, Land Use Planner w/ RES Redvelopment Task Force invited to begin at 5:30.

AGENDA

I. Call Meeting to Order

II. Select Board Statement Regarding the Erroneous School Assessment Allocation

III. Town Manager's Report/Update

IV. Public Input on Non-agenda Items

Public comment should be directed at issues not under discussion on this evening's agenda. Comment from the public will be welcome at the direction of the Chair for each agenda item. Further comment will be granted only by permission from the Board. All public comment should be brief and to the point.

V. Amendments to the Agenda

VI. Consent Agenda

- a. Meeting Minute(s):
 - September 22, 2020 Special Meeting
- b. Committee Resignation(s):
 - Chris Christie - Recreation Committee
 - Paul Charbonneau – Comprehensive Plan

VII. Action Items

- a. Act on Committee Application(s):
 - Carter Skemp – Planning Board Alternate
 - Mark Haley, Planning Board Alternate to Regular Member
 - Jeff Runge – Conservation Commission Associate Member
 - Mark Haley - ORC as Planning Board Representative
 - David Pio – Economic Development Committee
- b. Act on Acceptance of Criminal Forfeiture of Assets
- c. Act on Donation from Seaview Cemetery Association for Columbarium Fund
- d. Review Parking Lot Concept and Act on Engineering Proposal

VIII. Discussion Items

- a. Discuss Goal Setting Workshop

IX. Select Board Liaison Reports

X. Adjourn

Future Meetings, Office Closures, Etc.

- Tuesday, October 13, 2020 – Select Board Meeting
- Monday, October 26, 2020 – Select Board Meeting
- Tuesday, November 3, 2020 – Election Day, Town Office Closed
- Monday, November 9, 2020 – Select Board Meeting
- Wednesday, November 11, 2020 – Town Offices Closed for Veterans' Day

Rockport Select Board Statement Regarding the Erroneous School Assessment Allocation

On August 28, 2020, the Town of Rockport filed a lawsuit against MSAD #28 and the Town of Camden seeking damages, interest and attorneys' fees for multiple-year overpayments made by Rockport to the school district. These overpayments reflect amounts that should have been paid by Camden taxpayers and were charged to Rockport taxpayers in error. Although Rockport hopes to work with Camden and the school district to resolve this dispute amicably, Rockport acted prudently to take the action it did, when it did, in order to fully protect the town's rights and avoid any suggestion its claims were not brought in a timely fashion, which might have affected Rockport's ability to recover the full amount owed to it from the school district's erroneous assessment.

The formula applied to determine each town's share of the school district assessment is established by State law and, while complex, it should be well understood by the school district officials whose job it is to apply that formula. It was the school district's responsibility to know that property valuation is a key component in that formula, as acknowledged in a July 29, 2020 letter from the school district's attorney, William Stockmeyer, to superintendent Maria Libby. That letter clearly set forth what we all now know for certain – that the overall property valuations of the Towns of Rockport and Camden must be taken into account in determining the annual amounts owed by Rockport and Camden, not just the number of pupils.

The superintendent has recently stated that Rockport taxpayers have been overpaying their school obligation dating back to at least 2009. Although the school district has suggested that we should only fix the problem going forward, Rockport disagrees. It is the responsibility of the Rockport Select Board to recover the full amount of overpayment that Rockport taxpayers have made plus interest. (The corrected error for the coming year alone will result in Rockport paying \$490,580 less than the school district's business manager advised Rockport in June that it would owe.) This error on the part of the school district, by their acknowledgement, made for more than a decade, has caused Rockport's mil rate to be higher than it should have been, has inhibited various Rockport Select Boards from making infrastructure maintenance and upgrades, and has overall added stress on a budget for which more than 65% goes to the school district even without overpayment.

Although the superintendent has credited the school district's new business manager and herself with finding the error this summer, the facts reveal that the superintendent was aware of concerns several years ago but disregarded them. In fact, the school district misrepresented to Rockport the requirements of State law and the proper factors to be applied to the assessment allocation to Rockport and Camden as demonstrated below:

- In January 2017 correspondence, the Rockport / Camden town assessor questioned the school district's business manager as to why spreadsheets were showing the cost of bonds for the new middle school as a 50/50 split between Rockport and Camden,

placing a higher proportional cost on Rockport taxpayers despite its lower population, and asking whether anticipated changes in the towns' valuations would impact their respective contributions. The school district's business manager advised the assessor that for MSAD#28 "allocations between towns are based on sending students."

- In January 2019, the towns' assessor inquired of the now chair of the school board and school superintendent, when the two towns' property valuation changes were going to be reflected in the school assessment allocation of the two towns. The assessor pointed out that Rockport's valuation decreased in 2015 and Camden's valuation increased in 2017. The school district did not respond.
- Finally, in June 2019, after Rockport staff followed up, the school superintendent incorrectly stated in an email "[t]he answer is actually very simple, but will not offer much satisfaction. Rockport's valuation is irrelevant in our school funding formula. We are a minimum receiver (Camden and Rockport) and the share of the budget for each town is based solely on student numbers."

Rockport relied on these and other statements of the school district as the agency charged with administering the assessment formula.

In the view of the Rockport Select Board, this repeated error should never have been made. It is the legal responsibility of the school district to properly assess the taxpayers who provide the funding for their operations and pay the significant debt service on new school construction. And when concerns were raised by the Rockport / Camden assessor, it was incumbent upon the school board and the superintendent to have reviewed and verified their understanding of State law and its application. This was not a math error – it was a failure by the school district to understand the fundamentals of how the school district assessment formula works under State law. It was a failure to carry out the school district's most basic operational functions for which they must be held accountable to Rockport taxpayers who overpaid significant funds, and to Camden taxpayers who will be responsible for repaying those funds going forward.

Rockport Select Board
September 22, 2020



Town of Rockport, Maine

Town Manager's Office

Town Office
101 Main Street
Rockport, Maine 04856
Telephone: 207-236-0806 x3
Fax: 207-230-0112

William S. Post, Town Manager

Email: wpost@rockportmaine.gov

Diane Hamilton, Executive Assistant and General Assistance Administrator

Email: dhilton@rockportmaine.gov

Town Manager's Report & Update September 24, 2020

LED Streetlight Project

The installation of the new LED streetlights is almost complete. As of September 23rd, 216 of the 248 lights have been installed. There have been some issues with accessing some lights because of cars parked underneath them, especially in the village, so Public Works will be assisting in blocking off spaces for the installer. Installation is expected to be completed by October 2nd.

I have received several positive comments on the new lights from residents and one resident on Warrenton Street thanks the Select Board for choosing the decorative lights for that street. He said that they are excellent – both in luminosity and in appearance.

Public Safety Building Parking Lot

The reconstruction of the parking lot at the Public Safety Building is complete. As a reminder, the pavement was fully reclaimed, and Public Works then installed underground drainage and connected the rain gutter downspouts to that drainage, installed a new catch basin in the lawn area between the lot and Camden Street to alleviate a water problem. The contractor then returned and shaped the parking lot and paved it. The lot was then striped.

Vehicle Exhaust Removal System

The installation of the vehicle exhaust removal system at the Public Safety Building has started and should be complete in a couple of weeks.

Infrastructure Paving Projects

The paving for this construction season has been completed for the projects funded by the 2019 Infrastructure Bond. The roads that were paved include Mill Street, Gurney Street, Park Street, Beech Hill, and South Street. The shoulders on all of these roads now need to be brought up to the pavement. This work will be accomplished with a combination of contractors and the Public Works Department throughout the fall. Old Rockland Street will be reconstructed next spring by Rhino Services, LLC.

The Finance Director, Public Works Director and I will be reviewing the remaining projects to be completed with the bond funding and their estimated costs in order to determine which of those projects can be completed with the remaining funds. Once this is completed, I will update the Select Board.

Elm Street/Sea Street

Maine Water hired JBI to install a new water main on Elm and Sea Streets. The plan was for JBI to patch the pavement after the construction was complete. Mike Young and I reviewed these streets before JBI began work as the streets are on our “future projects” list. While construction has been ongoing, the drainage system has been uncovered and we have determined that it is actually in good shape and does not need as much work as we had first thought. If parts of the drainage system need replacing as the work continues, we will work with JBI and Maine Water to upgrade the system. We are now working with JBI and Maine Water to place a 2” pavement binder after construction is complete so that the streets will not be left in rough shape over the winter. Funding for this project will come from the paving line in the Public Works budget.

School Board Representatives

All three of Rockport’s representatives to the School Board have stated that they are available and willing to attend either of the October Select Board meetings to discuss the concerns of the Select Board and open the lines of communication.

Opera House Re-Opening Plan

I have been working with Opera House Manager Drew Weber on a re-opening plan for the last several weeks. The plan should be launched in the next two weeks or so and will include holding entertainment events and making the space available for groups to rent. The attendance comprised of the audience, performers and staff at any event must not exceed 50 in the Opera House auditorium. We are researching electronic ticket options that will allow for no-contact ticketing and we are reviewing what is needed at the Opera House for safety precautions for staff, performers, and audience members.

Wastewater Billing

Finance Director Megan Brackett and I continue to work on the wastewater billing issue with Maine Water. We still have not uncovered a systematic issue with the billing and/or meter readings. Megan works with each account and reviews it when it is brought to her attention. At one of the Board meetings in October, a representative from Woodard & Curran, the Town’s wastewater operator and engineers, will be attendance to review potential options for reducing costs of the system and answer your questions about the system and potential solutions.

Keep Maine Healthy Grant

Public Works has been installing the hand sanitizing stations at the parks and public buildings. In addition, the Police department continues COVID-19 safety education and patrols at the parks throughout Town on a daily basis. We are working to acquire mask dispensers to be installed and we will need to modify the sanitizing wipe dispensers before they are installed at the parks. The electronic sign has been ordered and we are waiting for the plumber to begin work on the public restrooms at the Marine Park and at the Opera House to convert them to touch-free fixtures.

Walker Park Seawall

I attended a pre-construction meeting with Will Gartley or Gartley & Dorsky Engineers, Public Works Director Mike Young, and the contractor for this project. Construction is expected to begin mid-to-late October. Walker Park will need to be closed during the construction for safety reasons. Construction is expected to take two weeks.

Consent Agenda

- a. Meeting Minute(s):
 - September 22, 2020 Special Meeting
- b. Committee Resignation(s):
 - Chris Christie – Recreation Committee
 - Paul Charbonneau – Comprehensive Plan

Suggested Motion:

I move the Board approve the consent agenda as presented. (or amended after any discussion/changes).

**Rockport Select Board
Special Meeting
Minutes
Tuesday, September 22, 2020
4:30 p.m. via Videoconferencing**

Remotely present: Chair Debra Hall, Vice Chair Denise Munger, Mark Kelley, Jeffrey Hamilton, Michelle Hannan, William Post, Town Manager and Eben Albert, Esquire.

I. Call Meeting to Order

Chair Hall called the meeting to order at 4:33 p.m.

Board Member Hall moved to go into Executive Session pursuant to 1 M.R.S. Section 405 (6) (E) to discuss a Legal Matter. Vice-Chair Munger seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call) at 4:33 p.m.

II. Executive Session

- a. Discussion of a Legal Matter pursuant to 1 M.R.S. Section 405 (6) (E)

Vice-Chair Munger moved to exit the Executive Session and return to a public session at 5:45 p.m. Board Member Hannan seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

- b. Any action as a result of Executive Session

Vice-Chair Munger moved to adopt the Select Board's statement concerning litigation between the School District and the Town of Rockport. Board Member Hannan seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

III. Adjournment

Vice-Chair Munger moved to adjourn the meeting at 5:45 p.m. Board Member Hannan seconded the motion. VOTE: 5 FOR - 0 OPPOSED (vote by roll call)

Respectfully submitted,

William S. Post
Town Manager

Good afternoon!

At this time, it is difficult for me to continue with the committee. I would hate to see the committee dissolve, but unfortunately, I cannot give it the attention that is needed as I may not be in the area for much longer.

Thank you!

Chris

Diane,

I am sorry to have to say that I need to resign from the Comprehensive Plan Committee.

I am sorry for any inconvenience this may cause.

Thank for your consideration and congratulations to the Town Office folks for the new Newsletter. Well done.

-Paul

Paul Charbonneau

Action Items

- a. Act on Committee Application(s):
- Carter Skemp – Planning Board Alternate – June 2023
 - Mark Haley, Planning Board Alternate to Regular Member – June 2023
 - Jeff Runge – Conservation Commission Associate Member – June 2023
 - Mark Haley - ORC as Planning Board Representative
 - David Pio – Economic Development Committee – June 2023

Manager's Comments: Action item

Planning Board: Mark Haley will be moving from an alternate position to a regular position and Carter Skemp will be an alternate. This still leaves one vacant alternate position.

Conservation Commission: Jeff Runge will be an associate member on the Conservation Commission.

Ordinance Review Committee: Mark Haley will be one of the Planning Board representatives to the ORC. These positions do not have terms.

Economic Development Committee: David Pio, recently appointed to the Planning Board, will be the first appointment to the new Economic Development Committee.

Carter Skemp, Jeff Runge and David Pio are expected to be in attendance.

Suggested Motions:

- **I move the Board appoint Carter Skemp to the Planning Board as an alternate with a term ending June 2023.**
- **I move the Board appoint Mark Haley to the Planning Board as a regular member with a term ending June 2023 and to the Ordinance Review Committee as one Planning Board representative.**
- **I move the Board appoint Jeff Runge to the Conservation Committee as an associate member for a term ending June 2023.**
- **I move the Board appoint David Pio to the Economic Development Committee for a term ending June 2023.**

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: Carter Skemp

Home Address: 53 Beech Hill Rd, Rockport Work Address: 331 Water Street, Augusta

Mailing Address (if different): _____

Phone Number: (Home) _____ Mobile: 401-743-2578 (Work) _____

E-mail Address: carter.skemp@maine.edu

Committee you wish to serve on: Planning Board

Why do you want to serve on this committee?

First off, I am interested in serving on the planning board as I would very much like to help with the municipal governance of the town that I live in. The planning board specifically interests me as I am a believer that a well planned community can have wide ranging positive impacts on its residents. From jobs, to revenues to positive environmental aspects, smart urban planning and design is the foundation of long term community success.

Do you have any background that would be helpful to this committee?

I am a full time faculty member at the University of Maine at Augusta's School of Architecture. My undergraduate degree is in industrial design from the Rhode Island School of Design, and my Master's degree in architecture is from Harvard's Graduate School of Design. I have worked in a variety of architectural offices as well as for myself designing and constructing residential architecture. Although I have not worked in urban design or planning roles, the field of architecture is very much concerned with the larger surrounding context of architectural projects, and I think gives me a good sense of both the individual project as well as the larger context that a project might impact.

Land Use philosophy: (if applicable)

My land Use Philosophy would center around working to manage the inevitable growth of our beautiful coastal community. That small pockets of density are important to maintain the beautiful open spaces that help define our community's character.

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

I would say my only real objective is to work on managing the inevitable growth that comes with having such a beautiful spot. To try and minimize residential sprawl within this growth in order to preserve the woods, fields and views of Rockport from both land, and the bay.

Are you interested in serving on other committees?

I might be. I would have to see how much the workload of one committee would fit into my other responsibilities first.

Interview comments:

Appointment Date: _____

APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: JEFFREY RUNGE

Home Address: 17 Spear St, Rockport Work Address: Darling Marine Center, Walpole.

Mailing Address (if different): _____

Phone Number: (Home) 603-502-7933 (Work) _____

E-mail Address: jeffrey.runge@maine.edu

Committee you wish to serve on: Rockport Conservation Commission (RCC)

Why do you want to serve on this committee?

I have a special interest in conservation issues and see
the RCC as a good fit to provide a service to my new
hometown. It is also a ^{good} way to get to know
my fellow townspeople.

Do you have any background that would be helpful to this committee?

I am Professor of Oceanography in the School of Marine Sciences at
the University of Maine. I am also currently the director of the Integrated
Sentinel Monitoring Network, part of NERACOOS, a regional association
that oversees a national Marine Biodiversity Network monitoring program in the
Gulf of Maine. I have strong writing skills, training in ecology and I really
like working with data. I believe my skills and connections would be helpful to the RCC.

Land Use philosophy: (if applicable)

My land use objectives are: (1) conserve the natural beauty of Rockport,
(2) promote policies at the local, state and national levels to reduce CO₂ emissions,
the greatest existential threat to our world, (3) careful attention to minimize
plastic waste and application of chemicals harmful to life and (4) maintain the
economic and social well being of the town. I think a rational balance
can be achieved to meet all these objectives.

APPLICATION FOR COMMITTEE SERVICE – continued

Are there objectives you wish to see accomplished?

Continued monitoring of water quality in Rockport lakes
and coastal waters. Enhanced efforts to reduce browntail
moth infestation with ecologically safe methods.

Are you interested in serving on other committees?

Interview comments:

Appointment Date: _____

Action Items

- b. Act on Acceptance of Criminal Forfeiture of Assets

Manager's Comments: Action item

The Rockport Police Department participated in an investigation in a criminal case in which a criminal forfeiture of funds occurred. The Maine Attorney General's Office is authorizing the sum of \$2,991.00 be transferred to the Town for the Police Department's assistance. The Board should accept these funds.

Suggested Motion:

I move the Board approve the transfer of the Defendant in Rem #1 (\$2,991.00 U.S. Currency), or any portion thereof, pursuant to 15 M.R.S.A section 5824(3) and section 5826(6).

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

August 31, 2020

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

Rockport Police Department
Randy Gagne, Chief
85 Main Street
Rockport, ME 04856

RE: State of Maine vs. Jason Moholland
Knox County Unified Criminal Court Doc. No. CR-20-320 - **Criminal Forfeiture**
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Gagne:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law

enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey Baroody for".

Jeffrey Baroody
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Knox, ss

UNIFIED CRIMINAL COURT
Docket No. CR-20-320

State of Maine	}	
	}	
v.	}	Municipality of Rockport
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Jason Moholland,	}	
Defendant;	}	
	}	
And	}	
	}	
\$13,917.00 U.S. Currency	}	
Defendant(s) In Rem #1	}	
	}	
One Glock, Model 22 .40 cal. Handgun	}	
Serial # BKWE505	}	

NOW COMES the municipality of Rockport, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem #1 (\$2,991.00 U.S. Currency), or any portion thereof, on the grounds that the Rockport Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Rockport, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Rockport municipal legislative body on or about

Dated: _____

Municipal Officer
Rockport, Maine
(Impress municipal legislative body seal here)

Action Items

- c. Act on Donation from Seaview Cemetery Association for Columbarium Fund

Manager's Comments: Action item

The Seaview Cemetery Association has disbanded and is providing a donation of \$13,000.01 to the Town for the Columbarium Fund.

Suggested Motion:

I move the Board accept the donation of \$13,000.01 from the Seaview Cemetery Association for the Columbarium Fund with appreciation.

Action Items

- d. Review Parking Lot Concept and Act on Engineering Proposal

Manager's Comments: Action item

Part of the engineering work funded by the Shore and Harbor Grant, and completed by William Lane of Gartley and Dorsky Engineers, included reviewing a potential location for additional parking. Bill Lane has prepared a schematic design for a parking lot that can be constructed on the hill on the east side of the harbor near the current wastewater pump station location, utilizing the same entrance as the pump station off Main Street. Bill has designed two different sizes for the potential parking lot, one with 17 parking spaces and one with 28 parking spaces.

Bill will present the potential plans at the meeting and answer questions. In addition, in your materials is a proposal for further engineering and design for the potential parking lot for the Board to review and act on if desired. The cost for the engineering work and bid administration is \$10,500 with an estimate and recommendation for geotechnical services in the amount of \$6,500 for a total of \$17,000. Funding for this additional design and engineering work can be allocated from the Public Works budget and/or the Downtown TIF account.

Suggested Motion:

I move the Board accept the engineering proposal for a parking lot from Gartley & Dorsky as submitted.

September 24, 2020

William S. Post
Town of Rockport
101 Main Street
Rockport, ME 04856
Email: wpost@rockportmaine.gov

Town of Rockport: Harbor Park, Professional Services Proposal
Project 2020-022

Dear Mr. Post:

Thank you for the opportunity to present this proposal for professional services associated with the proposed new parking lot project at Rockport Harbor Park. Proposed services include civil engineering and bid administration. This proposal is based on our recent discussions and the schematic plans our office has previously developed.

PROJECT UNDERSTANDING

It is our understanding that the Town wishes to finalize a parking lot design for Rockport Harbor Park, and issue the project for bid with construction plans, specifications, and contract documents.

PROPOSED WORK SCOPE

Based on the understanding outlined above, we propose to perform the following services:

CIVIL ENGINEERING DESIGN (\$7,500.00)

1. We anticipate the town will direct us to proceed with one design, selected from among the schematic options. We will attend a design kick-off meeting with the town to refine the selected schematic plan.
2. We will finalize aspects of the design including, but not limited to, drainage, grading, parking lot configuration, access paths and steps, and finishes.
3. If lighting is selected for implementation, we will work to lay out lighting and prepare a performance specification for the lighting and electrical work.
4. We will prepare construction details and specifications for the civil site design elements of the project.
5. We will prepare final construction drawings that will include plan sheets, construction cross sections and details.

BID ADMINISTRATION (\$3,000.00)

1. We will prepare bid documents and specifications for the work.
2. We will coordinate the bid process, attend a pre-bid meeting, and answer questions from the bidders.
3. Based on questions and additional data received, we will issue addenda as necessary bid.
4. We will attend the bid opening, provide a tabulation of the bid results, report the apparent low bidder, identify potentially defective bids, and provide a recommendation regarding award if requested.

PROPOSED FEE

Our fee for the proposed professional services described above is \$10,500.00 plus reimbursable expenses. This includes all project management and project coordination as necessary to perform the tasks above. This proposal is limited to the services described above. If we encounter any change in the description of services, we will communicate the amendment to the work scope and associated fee prior to completion.

APPROVAL

If you are in agreement with the proposed scope of work and associated fee for professional services, please sign your approval below and return this contract to our office.

In addition to our services, we recommend the town retain a geotechnical engineer to perform an investigation of subsurface conditions, including assessments for global stability and the presence of ledge. We anticipate the fee for these services to be \$6,500.00. We are happy to coordinate and secure a proposal for these services.

Thank you for contacting us to provide a proposal for this work. If you have any questions, please feel free to contact me at (207) 236-4365.

Sincerely,

Gartley & Dorsky Engineering & Surveying, Inc.

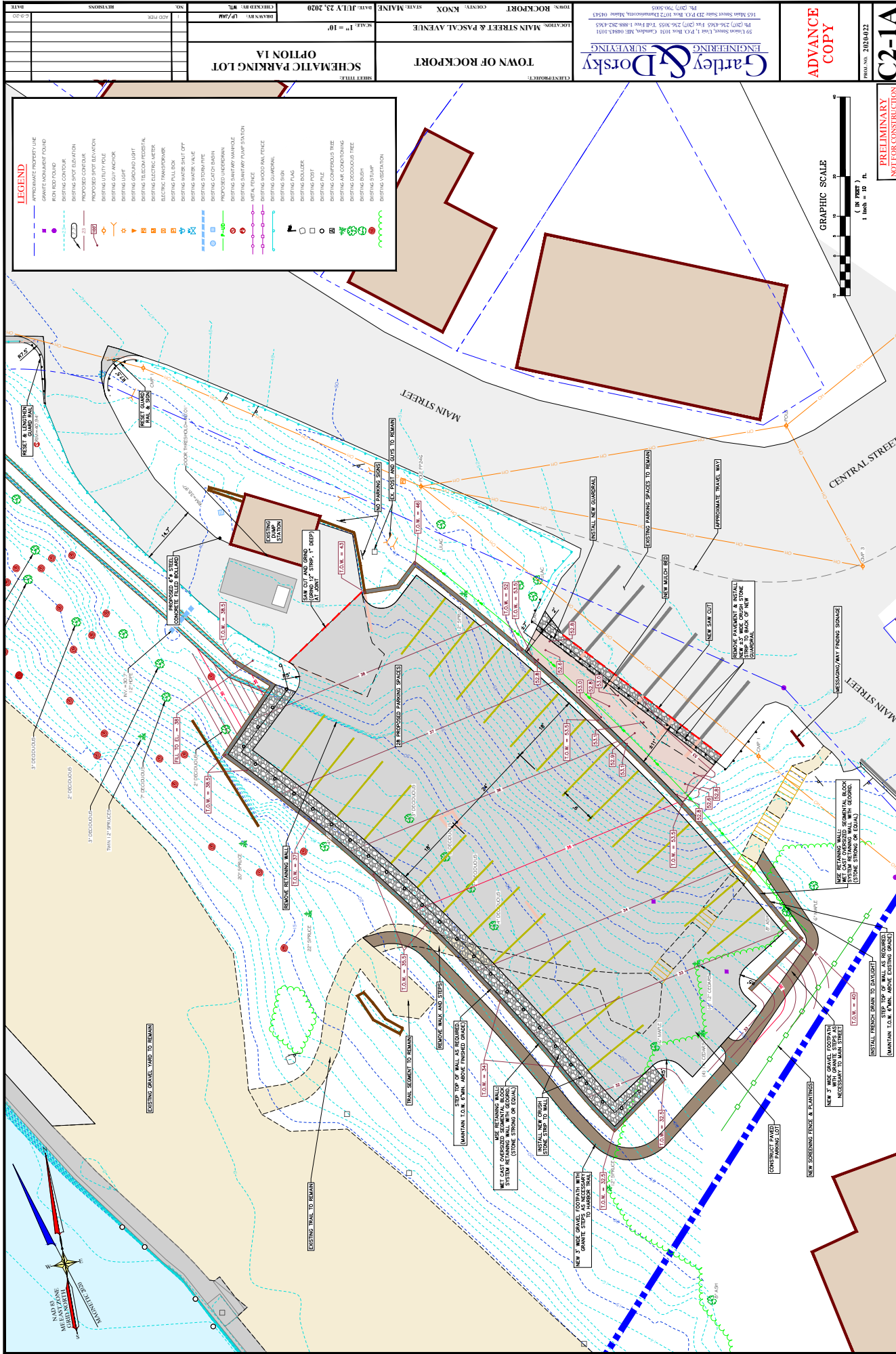
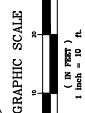


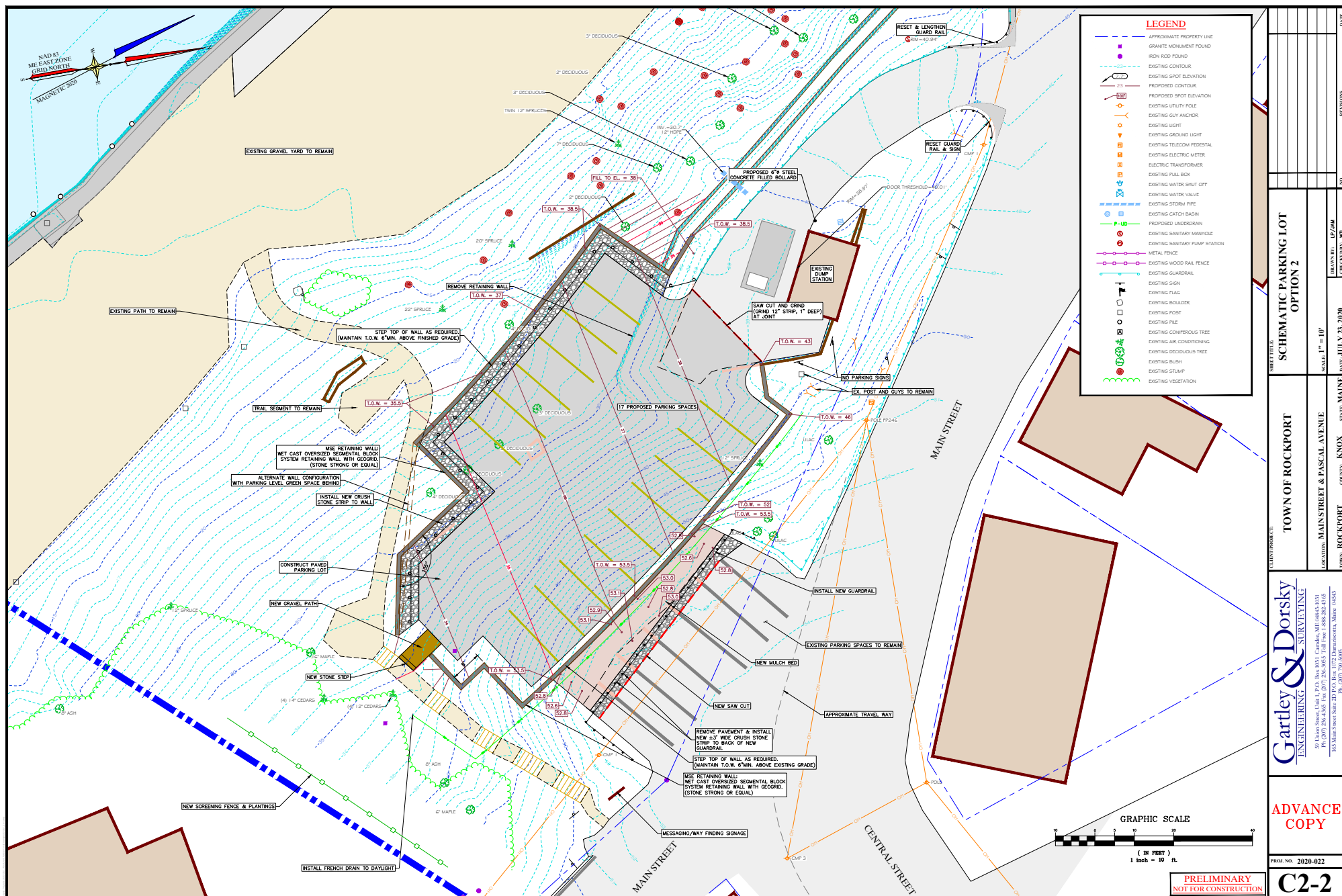
William T. Lane, PE
Vice President

ACCEPTED BY:

Town of Rockport

Date _____





Discussion Items

- a. Discuss Goal Setting Workshop

Manager's Comments: Discussion item

Chair Hall will lead this discussion item and seek input from the Board members.