

NAME	ATTEND
Denise Munger, Chair	
Eric Boucher, Vice-Chair	
Jim Annis	
Kim Graffam	
Michael Thompson	
Jonathan Duke, Town Manager	
Rockport AV Staff	
General Public	

.....

August 28, 2023 – 6:00 p.m.

Library

**- PUBLIC MEETING -
Rockport Select Board**

Monday, August 28, 2023

Rockport Room at the Library - 6:00 p.m.

https://www.youtube.com/playlist?list=PLa_oEsFzrKUU4-MMNdCIVf-1-7HXDeqF

AGENDA

I. Call Meeting to Order

II. Town Manager's Report/Update

III. Public Input on Non-Agenda Items

IV. Amendments to the Agenda

V. Consent Agenda

- a. Approve Meeting Minute(s):
 - July 31, 2023

VI. Action Items

- a. Act on Tax Lien Map T02, Lot A05-016
- b. Act on Tax Lien Map T02, Lot A01-038
- c. Act on Warrant Article Development for Charter Amendments

VII. Discussion Items

- a. Knox County Regional Communications Center Update
- b. Discuss Parking Traffic Ordinance amendments.
- c. Discuss Select Board Goals

VIII. Select Board Liaison Reports

IX. Adjourn

Future Meetings, Office Closures, Etc.

Monday, September 4, 2023 – Labor Day – Town Offices Closed

Monday, September 11, 2023 – Select Board Meeting - Library

Monday, September 18, 2023 – Tabletop Exercise – Town Office 10-12:30

Monday, September 25, 2023 – Workforce Housing Workshop – Town Office 6:00 pm

Wednesday, October 5, 2023 Town Office Closed MMA Convention

Monday, October 9, 2023 – Indigenous Peoples' Day – Town Offices Closed

Tuesday, October 10, 2023 – Select Board Meeting

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

Jonathan Duke, Town Manager

Email: jduke@rockportmaine.gov

Diane Hamilton, Executive Assistant and General Assistance Administrator

Email: dhamilton@rockportmaine.gov

Town Manager's Report & Update August 28, 2023

Knox County Dispatch:

Many residents have read in the local media of staffing shortages at the Knox County Regional Communications Center. These shortages put in peril the ability for the dispatch center to operate and put the leaders of Rockport's public safety agencies, Fire Chief Peasley and Police Chief Gagne, into action to attempt to resolve this crisis. Both chiefs have worked diligently with their counterparts across the county to remind Knox County's commissioners and administration of their responsibility to manage this service without interruption. Thanks to sufficient pressure placed by our area public safety chiefs, Knox County entered into an agreement with Waldo County Regional Communications Center to receive 911 calls from Knox County municipalities. Then the information from those calls can be re-routed to dispatchers at Knox County Regional Communication Center before being relayed to the appropriate agency for response whether that is fire, police, or EMS.

I am thankful Chief Peasley and Chief Gagne have led on this matter and are working closely with their colleagues, but I am dismayed this situation was able to progress to this point before municipal leaders rang the alarm. For a quarter of a century, KCRCC has been a valuable piece of the puzzle keeping Rockport and our neighbors as safe as one can expect. KCRCC's creation is a testament to the idea that working with our neighbors can be beneficial and provide results beyond what our single community could expect in terms of services provided. With so many challenges facing shortages of police officers, fire fighters, and EMTs; Knox County desperately needs its communities and its county leaders to band together to meet these issues head on. That county government could let KCRCC slide to the point where the doors nearly closed is unconscionable but unironically it was a lack of communication and involvement by municipal leaders that let that potential exist. None of us in Knox County leadership have a monopoly on good ideas and the problems we face are too numerous to count. Honest and transparent conversations about success and struggles can help us all face an uncertain future for public safety in Midcoast Maine. Chief Peasley, Chief Gagne, and I remain ready and willing to sit down and participate in solving what ails but we need partners on all sides to make a solution possible.

General Assistance:

We have had an uncharacteristically overwhelming amount of financial support our General Assistance department has been asked to provide this summer. This situation is manifold but changes in the state's General Assistance program to address homelessness at the outset of the

pandemic and the tight housing market make it very difficult for those struggling. Many may suggest homelessness is not an issue in an area such as Midcoast Maine, but the lack of available resources and places to lay one's head at night cause challenges for so many of our residents. The General Assistance program is not set up to be a long-term solution for those seeking help but the lack of answers from state resources has left municipalities to fill gaps they are not usually asked to support. One such still unresolved circumstance this week involved our police officers trying on multiple occasions to reach those at DHHS to send a case worker to assist a family in need. This system is at no longer at a breaking point... it is broken. While all involved are doing their best to assist families in need, small municipalities are not well equipped to tackle these issues. If that is what we are tasked to do to ensure residents in our community can have a roof over their head we will, but our town and our region need support.

Emergency Management:

Town Employees and Select Board members will have a tabletop exercise with Knox EMA on Monday, September 18th on "Major Rain/Wind Event causing road closures and washouts" to help prepare us for upcoming storms.

Assessing:

Given the recent letters to property tax payers concerning new values, I thought it might be helpful to use this space with some information from Assessor Kerry Leichtman explaining how property valuation works and how it impacts the taxes all of us pay.

HOW IS YOUR PROPERTY VALUE ESTIMATED?

The assessor estimates the value of your property typically by first examining and collecting information on the physical characteristics of the property. Physical characteristics can include, among others, the square footage of land and improvements, the number of bedrooms in a home, whether the improvements include a garage, the number of bathrooms, and the nature of amenities such as swimming pools and fireplaces. For some properties such as income-generating properties, the assessor estimates the amount of income the property can generate. On other properties, nonphysical characteristics such as easements can affect the value of improvements. Location also is a key characteristic affecting value. Using a mass appraisal system, the assessor analyzes sales, income, and cost data to arrive at an estimate of value. In some instances where warranted, the assessor may rely more heavily on sales or income or cost data to estimate the value. Also, the assessor may find in some instances that particular properties cannot be analyzed through mass appraisal and require individual appraisals to estimate the value.

WHAT CAUSES PROPERTY VALUES TO CHANGE?

A property's value can change for many reasons. The most obvious is that the property changes: a bedroom, garage, or swimming pool is added, or part of the property is destroyed by flood or fire. Sometimes, a change in use can affect the property's value, such as an apartment building being converted to condominiums. The most frequent cause of a change in value is a change in the market. If a town's major industry leaves, property values can collapse. As decaying neighborhoods with good housing stock are discovered by young homebuyers, prices gradually rise and then soar as the neighborhood becomes fashionable. A shortage of detached houses in a desirable city neighborhood can send prices to ridiculous levels. In a recession, larger homes may stay on the market for a long time, but more affordable homes are in demand, so their prices

rise. In a stable neighborhood with no extraordinary pressure from the market, inflation can increase property value.

The biggest questions I am sure are:

If assessed value rises, do taxes have to rise?

The answer is NO.

If assessed value falls, do taxes have to fall?

The answer is NO.

To express your concern effectively, you must understand the two parts of the property tax system: valuation and taxation. Your assessor's office determines the value of your property; your taxing authority determines the amount your property will be taxed. It is the combination of these two parts that determines how much you will pay in taxes.

Taxing authorities decide the amount of the property tax that is owed each year, including whether the overall property tax rises, falls, or stays the same. Subject to state and local limitations, the taxing authority can determine property taxes either by adjusting the total dollars requested or by adjusting (or not adjusting) the tax rate. The amounts set by the taxing authority in combination with your assessed value determine how much you pay in taxes.

For example, suppose tax authorities decide to raise \$1 million in property taxes and the assessor estimates the total assessed value of all taxable property in your community at \$100 million. Then the property tax rate would be calculated by dividing the amount of tax to be raised by the total assessed value: $\$1 \text{ million} / \$100 \text{ million} = 1 \text{ percent}$.

If your home's assessed value is \$100,000, your property tax bill will be: $1 \text{ percent} \times \$100,000 = \$1,000$.

For another example, suppose the total assessed value of your community doubles from \$100 million to \$200 million and the amount to be raised stays the same. The tax rate will be: $\$1 \text{ million} / \$200 \text{ million} = 0.5 \text{ percent}$.

Your taxes, even though your home has doubled in value, will be the same: $0.5 \text{ percent} \times \$200,000 = \$1,000$.

Town Clerk:

Online Tax Payments. With tax bills soon to be in the mail, this is a reminder our online tax payment system is now live on the Town website. Reminder letters have recently gone to those who have not yet paid property taxes and we will soon lien properties. This online tax payment service will always be live, and we will be including information on the upcoming tax bills about how to use this service.

Planning and Community Development:

Staff. Annie McGowan, Planning and Codes Administrative Assistant has resigned, we wish her all the best in her future endeavors.

Fire Department:

New Hire. After a brief search, I am pleased to announce the hiring of Michael Root as a full-time Firefighter/EMT starting on Monday, August 28th. Michael has done considerable training as an EMT but will be working to complete his certifications in this area. Michael comes to the Town from the KCRCC but also served as a member of the fire department in Thomaston. We expect to have Mike and his soon-to-be hired counterpart work during the day shift (7am to 7pm) when the vast majority of Rockport's fire and EMS calls come in but like anything new I'm sure there may be some tweaks along the way. Feel free to stop by the fire department to welcome Michael to the crew!

For those interested in learning more about joining the fire department in a volunteer capacity, please contact Chief Peasley at jpeasley@rockportmaine.gov

Calls. We are once again on pace to set a new record for calls for the department for a year with 180 calls thus far this calendar year.

Opera House:

The Opera House auditorium and stage are nearly complete as we regroup following sprinkler damage from this winter. Many thanks to Alex, Tim, Bettina and the whole team at Hayrunner as they have worked diligently to get this project completed on time for a library event in early September. More work remains on the lower level to repair the Parker Room through the fall, so we are not yet back to 100% capacity however the light is at the end of the tunnel.

Event. Mark your calendars! We will be hosting a New Years Eve Party with the outstanding local band Creatures of Habit. More information soon.

Staff. We are sad to report Nancy Albertson, our Marketing & Booking Agent, has resigned. Nancy's involvement has been truly fantastic, and she is a huge loss for us as we move toward re-opening the Opera House. Thank you, Nancy!

Library:

Events. The Rockport Library Foundation is sponsoring a sold-out event on September 8th with New York Times Crossword Puzzle Master Will Shortz at the Opera House. This will be the first event at the Opera House since repairs were completed to the auditorium this summer.

Many events are happening at the library so please keep an eye on the Rockport Public Library website and Facebook page. We will also provide a list of events in our Rockport Resource Newsletter.

Book Sale. Once again, the Friends of Rockport Public Library will be holding a book sale on August 25th and 26th from 8 a.m. – 3 p.m. Stop by and refresh your own personal library with summer reading now in the rearview mirror.

Website. The library is excited to launch their brand-new website at RockportLibrary.net. While the old website address works, this new web address should help us all find the library's website so much easier!

Building Improvements. Library director Ben Blackmon applied for and received a grant from Broadband County for a cell phone repeater to address poor cell reception on the lower level of the building. We hope to have the new antenna installed soon.

Finance:

As fall rolls in, our finance department has been engaged in preparing our annual capital improvement plan, assisting with a staffing needs assessment, and beginning preparations for our annual audit. Our new finance clerk, Coleen Narofsky, has begun cross training with our clerk's office staff as we extend our needs for cross training throughout the town office building.

Buildings and Grounds:

Parks. Throughout the summer our Buildings and Grounds crew have worked on a series of projects in our parks around their usual mowing schedule. In particular, Walker Park was in need of some careful attention with the roofs above the picnic tables and the steps from the parking lot both in need of some real help. Many thanks to Matt and Glen for their efforts in getting those projects wrapped up and if I didn't already mention it in this space, thanks to our public works staff who installed the new merry go round. The absence of the merry go round at Walker Park was notable over the last few years but the Parks and Beautification Committee worked to see funds were set aside for the purchase of a new merry go round.

Our Buildings and Grounds crew will now turn their attention to the park in Glen Cove. Despite some extensive brush cutting in recent years, the view from the parking spots is nearly fully obstructed. Glen and Matt will be opening up that view while being mindful of Poison Ivy throughout the bank above Glen Cove.

Public Works:

Projects. Our public works crew has been working in preparation for paving in a number of spots throughout town. I suspect most residents have already noticed Performance Paving has completed the bulk of their work on Park Street and Meadow Street last week. Last summer we reclaimed the entire stretch of road from the Camden town line to the Route 90 intersection and paved a single binder coat of pavement with the expectation of letting the road settle before completing the project this summer.

Other roads in process toward paving this fall include Winding Way, Forrest Glen/Forrest Street West, Amsbury Hill, Birch Street, Franklin Street, Pine Street, Kathy's Lane, Bonny Street, Karen Lane, Wellington Drive, Ashley Terrace, Terrier Circle, and Lexington Drive. Improvements to the gravel roads on Chapel Road and Beauchamp Point Road are also due to be completed this fall. Of course, weather can always cause issues as we attempt to complete these projects and the consistent rains of June have put us further behind schedule than we would hope, but our crews are working hard to get these roads in top shape before paving must conclude by mid-November.

Promotions. We've promoted a trio of public works employees to new positions within our public works department to support our staff. Keith Massengale and Devin Field have been promoted as crew leaders and Kevin Grierson has been elevated to mechanic. Kevin, Keith, Devin, and all of our public works employees have been working quite hard this summer to address the planned work to prepare for paving but also to respond to concerns and requests from our residents.

Harbor:

Events. There are still two more events planned for the Summer Concert series. Truth About Daisies with Mehuman on September 3rd and Pine Tree Flyers with Springtide on September 17th. As always, keep an eye on the Harbor's Facebook page for any weather issues. Food trucks open at 4pm and the music starts at 5pm, so let us keep summer rolling through these next two events next month!

Recreation Committee:

Marge Jones Field. A new irrigation pump system with timers was installed with two new spickets, one in the concession building and one at the softball field. Huge thanks to Tom Farley for all his help. We have also paved a portion of the entrance to help with some of the potholes.

If you want to schedule the use of a field for next year, email rockportrec@rockportmaine.gov.

Wastewater:

Maine Water Assistance Program. Is a federally funded program to help support eligible households in having access to drinking water and wastewater utility services. Households will be required to have water liability to be eligible for the drinking water/wastewater program. To receive an application, you can call 888-623-6762 or email water@mainehousing.org.

Rockport Resource Newsletter:

If you would like to receive the Rockport Resource Newsletter via email you can sign up through our website. A new edition of the newsletter will be sent out in early October so if you are not yet on the list, now is the time!

Civic Ready:

We encourage all residents to sign up for this, if you are interested in knowing what is happening in the Town of Rockport. What is great about this system is that you decide which types of information you receive whether it is a reminder when property taxes are due to information on an upcoming event at the Opera House or when a public works project is happening in your neighborhood; Civic Alert can keep you informed. Those interested can also sign up for alerts on our website at <https://rockportmaine.gov/civicready>

Employment Opportunities:

We have several job openings with the Town of Rockport, stop by the Town Office for an application or call and we can email you an application. Also, job applications are available on our town website, along with a detailed job description. <https://rockportmaine.gov/jobs>

All applications will be accepted until the positions are filled. The Town of Rockport is an Equal Opportunity Employer.

- **Patrol Officer** - The patrol position is a responsible and professional position. Patrol duties vary from carrying out general patrol to responding to crises calls that protect the lives of the citizens of Rockport. Patrol Officers are expected to be familiar with the State laws and Town Ordinances.

- **Opera House - Marketing and Booking Agent** – The Marketing/Booking Agent is responsible for marketing the Opera House to any individual or group for private events. The House Marketing/Booking Agent will be involved with the renter on all aspects of the event, including but not limited to, rental contracts and licensing, logistics and table floor plans. The Marketing/Booking Agent will be present during events as needed, quite often this requires working evenings and weekends. The Marketing/Booking Agent collaborates with local organizations for Community events, as needed. The Marketing/Booking Agent is responsible for developing and implementing a marketing strategy, materials and advertisements, for the Opera House, and other events as needed.
- **Planning and Codes – Office Assistant** – This position serves as the Office Assistant to the Planning & Development Office. The position requires a person capable of managing multiple tasks and one that is well organized. The job requires a person who pays attention to detail, can work in a varied work environment, can process payments and handle cash and receipt, and deals well with the public. This position will be the primary point of contact for incoming phone calls and walk-in traffic for the Town office. Clerical skills, managing multiple ongoing tasks, communication skills (written and oral), ability to learn code enforcement and land use knowledge, a strong computer skill set, and a positive attitude are requirements of the job.
- **Public Works - Truck Driver/Equipment Operator/Laborer** - This position involves manual work in road construction, repair, and maintenance, snow and ice removal, and other seasonal public works projects. A CDL is preferred. This is a full-time year-round position for an anticipated opening in the spring.
- **Video Technician** – This position is primarily responsibilities are to operate the video and audio equipment at the Rockport Opera House for recording and Livestreaming meetings and events. This is a part-time year-round position with a lot of flexibility (most hours are evenings with some occasional weekends needed).

Consent Agenda

- a. Approve Meeting Minute(s):
July 31, 2023, Meeting Minutes

Suggested Motion:

I move the Board Approve the Consent Agenda as presented (or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

NAME	ATTEND
Denise Munger, Chair	X
Eric Boucher, Vice-Chair	✓
Jim Annis	✓
Kim Graffam	✓
Michael Thompson	✓
Jonathan Duke, Town Manager	✓
Rockport AV Staff	✓
General Public	
Orion Thomas	✓
Megan Brackett	✓
Abbie Leonard	
Sam Temple	
Amanda	
Jason	

George

July 31, 2023 – 6:00 p.m.

Library

Consent Agenda

- a. Committee Resignation(s):
 - Nancy Albertson – Comprehensive Plan Committee
 - Scott Warren – Harbor Committee
- b. Approve Meeting Minute(s):
 - July 10, 2023, Meeting Minutes

Suggested Motion:

I move the Board Approve the Consent Agenda as presented (or amended)

NAME	MOTION	SECOND	A B T A N	YES	NO	Time
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair	X			X		
Jim Annis		X		X		
Kim Graffam				X		
Michael Thompson				X		

Action Item

a. Act on Committee Application(s):

Manager's Comments: Action item

Patrick Annis will be replacing Scott Warren and finishing his term. Patrick will not be able to attend this meeting but is looking forward to being on the Harbor Committee.

Suggested Motion:

I move the Board approve the Harbor Committee Application for Patrick Annis with term ending June 2024 as Alternate.

NAME	MOTION	SECOND	A B T A N	YES	NO	Time
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair	X			✓		
Jim Annis			X			
Kim Graffam		X		✓		
Michael Thompson				✓		

Action Item

- b. Act on Construction Contract – West Rockport Fire Station/Maine Coast Construction

Manager's Comments: Action item

The Town and Maine Coast Construction have been in the process of amending the contract for the West Rockport Fire Station over the last couple of weeks. After some changes from our Town Attorney, attached in the draft is the redlined version agreed to by Maine Coast Construction. Unfortunately, these contract formats are very challenging to work with so we were unable to compile a clean copy in time for the packet to be sent to the Board.

Suggested Motion:

I move the Board approve the Construction Contract with Maine Coast Construction as presented (or amended)

NAME	MOTION	SECOND	A B T A N	YES	NO	Time
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair				X		
Jim Annis				X		
Kim Graffam	X			X		
Michael Thompson		X		X		

Additional Comments:

Action Item

c. Act on Purchase and Sale Agreement – 280 Rockland Street

Manager's Comments: Action item

The Board reviewed a copy of a Purchase and Sale agreement for the 280 Rockland Street property which had been acquired via tax foreclosure. This is an amended version of the original agreement removing several sections which better reflect the dilapidated state of the property.

- subject to attorney review

Suggested Motion:

I move the Board approve the Purchase and Sale Agreement for 280 Rockland Street as presented (or amended)

[Signature]

NAME	MOTION	SECOND	A B T A N	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

<i>No motion, subject to attorney review.</i>



Discussion Item

a. Comprehensive Plan Update/Timing

Manager’s Comments:

An effort to develop a new comprehensive plan began prior to the start of the pandemic in 2020. Since that time turnover of the membership of the comprehensive plan committee has slowed progress and limited the drafting of a new document. While several sections of the draft plan are complete, many more require assistance over the coming months to prepare the draft for vote in November 2024.

NAME	MOTION	SECOND	A B T A N	YES	NO	Tim e
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Discussion Item

b. Charter Review Update

Manager’s Comments:

An initial draft has been compiled from the existing charter which is being redlined. Staff and the chair and vice chair have had a chance to make some suggestions but more work remains to put this into a final draft before working with the Town Attorney to gauge the best steps forward in preparing warrant articles by the end of August.

NAME	MOTION	SECOND	A B T A N	YES	NO	Tim e
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

\$250 / \$20/month

Wastewater Commissioners

Suggested Motion:

Motion to enter into Wastewater Commissioners

NAME	MOTION	SECOND	A B T A N	YES	NO	Tim e
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair		X		X		
Jim Annis				X		
Kim Graffam	X			X		
Michael Thompson				X		

a. FY2024 Wastewater Budget Approval

Manager's Comments: Action item

Attached is the draft FY 2024 Wastewater Budget. The most notable decision point in this budget is the added use of reserves to decrease the rate of increase for users of the system. Due to our mediation with the Town of Camden we are expecting to pay a significantly higher rate than budgeted in past years. We are proposing to increase the amount of use from reserve to \$553,800 (\$200,000 higher than we typically use) to fund amounts owed to Camden in arrears and to meet the needs of their rate. This would put the rate for wastewater users in Rockport at \$20 for this coming year, an increase of \$4.50 from our current rate of \$15.50. The Board could choose to not use this higher amount from reserve, but this would lend a rate closer to \$26. For the average wastewater system user an increase to a rate of \$20 would average to a \$260 increase over the course of an entire year from what they currently pay.

Suggested Motion:

I move the board approve the FY 2024 Wastewater Budget as ~~presented~~ (or amended)

NAME	MOTION	SECOND	A B T A N	YES	NO	Tim e
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair				X		
Jim Annis		X		X		
Kim Graffam				X		
Michael Thompson	X			X		

- b. Act on Wastewater Appeal - Timothy Killoran

Manager's Comments: Action item

Letter from Orion Thomas, Planning and Development Director in your packet urging the Wastewater Commissioners to deny this appeal based on the information provided pertaining to the Ordinance.

Suggested Motion:

I move the board deny this appeal as presented (or amended)

NAME	MOTION	SECOND	A B T A N	YES	NO	Tim e
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair	X			X		
Jim Annis				X		
Kim Graffam				X		
Michael Thompson		X		X		

Suggested Motion:

Motion to Exit Wastewater Commissioners and return back to regular session

NAME	MOTION	SECOND	A B T A N	YES	NO	Tim e
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair		X		X		
Jim Annis				X		
Kim Graffam	X			X		
Michael Thompson				X		

Additional Comments:

Executive Session

- a. Discussion of a Personnel Matter pursuant to 1 M.R.S. Section 405 (6) (A)
Town Manager Goals
- b. Discussion with Town Counsel pursuant to 1 M.R.S. Section 405(6)(E)
Legal – To discuss pending litigation

Suggested Motion:

Motion to enter into Executive Session to discuss Personnel Matter pursuant to 1 M.R.S. Section 405 (6) (A) and Town Counsel pursuant to 1 M.R.S. Section 405(6)(E)

NAME	MOTION	SECOND	A B T A N	YES	NO	Time
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair	X			X		
Jim Annis				X		
Kim Graffam		X		X		
Michael Thompson				X		

8:10 PM

Suggested Motion:

Motion to Exit Executive Session and return back to regular session.

NAME	MOTION	SECOND	A B T A N	YES	NO	Time
Denise Munger, Chair				X		
Eric Boucher, Vice-Chair				X		
Jim Annis				X		
Kim Graffam	✓			X		
Michael Thompson		✓		X		

Additional Comments:

9:37

Motion to Go into ^{Adjourn} Regular Session
Kim Motion
Jim Second
unanimous vote

Action Item

- a. Act on Tax Lien Map T02, Lot A05-016

Manager's Comments: Action item

This is a time share unit we are turning back to the owners following full payment.

Suggested Motion:

I move the Board approve tax lien map T02, Lot A05-016 as presented. (Or amended).

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Municipal
QUITCLAIM DEED
(Maine Statutory Short Form)

The Inhabitants of the Municipality of Rockport, a body corporate and politic, located at Knox County, Maine, for consideration paid, release to
Catherine Cambell & Heather Greene
of 54 Pinkham Rd Knox County,
Damariscotta, ME 04543

the land in Rockport Knox County, Maine: (here insert Description, and Encumbrances if any)
Being the Premises described as Map T02 Lot A05-016 of the Tax Maps of the
Town of Rockport.

The purpose of this deed is to release any interest the Town
of Rockport may have acquired by reason of the following liens for unpaid taxes, recorded
at the Knox County Registry of Deeds:

2020 Tax Lien, Book 5792 Page 239

2021 Tax Lien, Book 5938 Page 304

The said Inhabitants of the Municipality of Rockport have caused this instrument to be
signed in its corporate name by Denise Munger, Eric Boucher, James Annis, Michael Thompson and
Kimberlee Graffam, its duly authorized, this 28th day of August, 2023.

Denise Munger, Chair

Eric Boucher, Vice-Chair

James Annis

Michael Thompson

Kimberlee Graffam

State of Maine County of Knox ,ss August 28, 2023.

Then personally appeared the above Denise Munger, Eric Boucher, James Annis, Michael Thompson and
Kimberlee Graffam of said body corporate and politic, and acknowledged the foregoing instrument to be
their free act and deed in their said capacity and free act and deed of said body corporate and politic.

Before me,

Notary Public
Elizabeth M. Lowe
Printed Name

Action Item

b. Act on Tax Lien Map T02, Lot A01-038

Manager's Comments: Action item

This is a time share unit we are turning back to the owners following full payment.

Suggested Motion:

I move the Board approve tax lien Map T02, Lot A01-038 as presented. (Or amended)

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Municipal
QUITCLAIM DEED
(Maine Statutory Short Form)

The Inhabitants of the Municipality of Rockport, a body corporate and politic, located at Knox County, Maine, for consideration paid, release to
of Brent Alward & Catherine Chisholm
 76 Swanton Dr
 Dartmouth, NS B2W 2C8, CANADA
Knox County,

the land in Rockport Knox County, Maine: (here insert Description, and Encumbrances if any)
Being the Premises described as Map T02 Lot A01-038 of the Tax Maps of the
Town of Rockport.

The purpose of this deed is to release any interest the Town
of Rockport may have acquired by reason of the following liens for unpaid taxes, recorded
at the Knox County Registry of Deeds:

2020 Tax Lien, Book 5792 Page 224
2021 Tax Lien, Book 5938 Page 288

The said Inhabitants of the Municipality of Rockport have caused this instrument to be
signed in its corporate name by Denise Munger, Eric Boucher, James Annis, Michael Thompson and
Kimberlee Graffam, its duly authorized, this 28th day of August, 2023.

Denise Munger, Chair

Eric Boucher, Vice-Chair

James Annis

Michael Thompson

Kimberlee Graffam

State of Maine County of Knox ,ss August 28, 2023.

Then personally appeared the above Denise Munger, Eric Boucher, James Annis, Michael Thompson and
Kimberlee Graffam of said body corporate and politic, and acknowledged the foregoing instrument to be
their free act and deed in their said capacity and free act and deed of said body corporate and politic.

Before me,

Notary Public
Elizabeth M. Lowe
Printed Name

Action Item

- c. Act on Warrant Article Development for Charter Amendments

Manager's Comments: Action item

The Board took time at their workshop prior to the July 10th meeting to discuss a variety of items which it felt on a consensus basis required amendment to the town charter. The bulk of these changes are grammatical, reflect changes in state law, or cause the pronouns used to be gender neutral. Additionally, the Board wished to see included in the charter items which Town Meeting voters would authorize without debate on an annual basis. Lastly, there are some items which reflect the needs of Rockport town government in 2023 from adjustments to how an interim town manager is selected to alterations within the Town's budget process to removal of the Board of Assessment Review. All of these changes have been vetted by the Town Attorney and town staff, but further review will occur between this meeting and the Board meeting on September 11th when a warrant will be considered.

Suggested Motion:

I move the Board authorize the town clerk to draft warrant articles for inclusion in the November 7, 2023 referendum ballot as presented (or amended).

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Warrant Articles for Charter amendments

Article 1. Shall miscellaneous changes to the Town of Rockport Charter that revise pronouns, update terminology, remove inapplicable language, make language use consistent throughout the Charter, and add clarifying language, but make no substantive change in the operation of the Charter with respect to these revised sections, be enacted?

Article 2. Shall the following amendments to the Town of Rockport Charter, Article II, Section 7. B. be enacted to read as follows?

Without limitation, the Select Board shall have the power to:

- B. Remove for cause, after notice and hearing, in accordance with state law, the Town Manager and members of the Planning Board and the Zoning Board of Appeals. Said hearing may, at either party's request, include sworn testimony and the opportunity for cross-examination of witnesses.

~~Without limitation, the Select Board shall have the power to:~~

- ~~B. Remove for cause, after notice and hearing, in accordance with state law, the Town Manager, Tax Assessor, members of the Planning Board, Board of Assessment Review, the Zoning Board of Appeals, and members of all other Town boards, commissions and committees appointed by the Board. Said hearing may, at either party's request, include sworn testimony and the opportunity for cross-examination of witnesses.~~

Article 3. Shall Article II, Section 17 of the Town of Rockport Charter, be removed?

Section 17 Codification of Ordinances

~~Within three years after adoption of this Charter, the Board shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by a majority vote of the Board and shall be in loose leaf form together with this Charter and any amendments thereto, and with such codes of technical regulations and other rules and regulations as the Board may specify. This compilation shall be known as the Rockport Code.~~

~~This Rockport Code shall be maintained currently by there being inserted all new ordinances and other pertinent material including an indexed record of rescinded ordinances and other changes, and at least every ten years shall be reviewed and updated. Copies of the Code and of new ordinances as enacted shall be made available on request to officials, libraries and public offices for public reference, and made available for purchase at a reasonable price fixed by the Board.~~

~~State Law Reference: Title 30-A, MRSA, Section 3006~~

Article 4. Shall the following amendments to the Town of Rockport Charter, Article III, Section 3. A. and N be enacted to read as follows?

Section 3 Powers and Duties

Except where specifically exempted, the Town Manager shall:

A. be the administrative official of the municipality;

N. [Removed]

~~Section 3 Powers and Duties~~

~~Except where specifically exempted, the Town Manager shall:~~

~~A. be the chief executive and administrative official of the municipality;~~

~~K. prepare a draft of the annual budget, present it to the Select Board and the Budget Committee as outlined in Article VI of this document, and be~~

~~N. not interfere with the operation of the various departments of the Town except through the department head and shall not independently direct employees except in the absence of a person in authority; and~~

Article 5. Shall the following amendments to the Town of Rockport Charter, Article III, Sections 5 and 6, be enacted to read as follows?

Section 5 Interim Town Manager

In the event of a planned absence that is less than 30 days, the Town Manager may name a qualified person to serve as Interim Town Manager. In cases of a longer absence, or any mental or physical disability, removal from office, death, resignation or other departure from office, the Select Board shall appoint a properly qualified person, not a member of the Select Board, as Interim Town Manager to perform the duties of Town Manager. At that time, the Select Board shall also determine the compensation and hours of employment.

While acting as Town Manager, the Interim Town Manager shall have the same powers and duties as the Town Manager. Before taking office, the Interim Town Manager shall give bond to the Town in a sum and with surety or sureties to be approved by the Select Board. The premium on said bond shall be paid by the Town.

The Interim Town Manager may be an employee of the Town.

The Interim Town Manager may apply for the position of Town Manager in the same manner as any other applicant.

~~Section 5 Absence or Disability~~

~~The Town Clerk shall perform the duties of Town Manager during the Town Manager's temporary absence or disability. Temporary, for the purposes of this Section, is defined as not more than 30 days.~~

~~In the event of a planned absence, the Manager may recommend to the Select Board a qualified candidate to serve as temporary or Manager.~~

~~If the position of Town Manager becomes vacant because of the death, resignation, or removal of the Town Manager, or any other cause, the Town Clerk shall perform the duties of the Town Manager until a new Town Manager or interim Town Manager is appointed.~~

~~Whenever for six months the Town Manager has been continuously unable to perform the duties of Town Manager because of mental or physical disability, the position of Town Manager shall be deemed vacant. Whenever the Town Manager is unable to discharge the duties of the position, the Town Manager may so notify the Select Board in writing, in which case, the Town Clerk shall perform the duties of Town Manager until the Town Manager notifies the Select Board in writing that they can return to duty.~~

Section 6 Interim Town Manager

~~Should an extended absence or disability of the Town Manager occur or the office of Town Manager becomes vacant (see Section 5 of this Article), by majority vote the Select Board shall appoint a properly qualified person, not a member of the Select Board, as Interim Town Manager to perform the duties of Town Manager. At that time, the Select Board shall also determine the compensation and hours of employment.~~

~~While acting as Town Manager, the Interim Town Manager shall have the same powers and duties as those given to and imposed on the Town Manager. Before entering these duties, the Interim Town Manager shall give bond to the Town in a sum and with surety or sureties to be approved by the Select Board. The premium on said bond shall be paid by the Town.~~

~~The Interim Town Manager may be an employee of the Town.~~

~~The Interim Town Manager may apply for the position of Town Manager in the same manner as any other applicant.~~

Article 6. Shall Article IV, Part B. Section 4 of the Town of Rockport Charter be removed?

Section 4 Exempt Positions and Specially Classified Positions

~~The following persons and positions shall be exempt from the Personnel Policies and Procedures, document's rules and regulations, except where the document specifically addresses that person or position. There shall be no exemption pertaining to equal opportunity and other non-discrimination provisions of the Personnel Policies and Procedures document for any person or position.~~

- ~~A. Elected officials, including all persons chosen by popular election or appointed to fill an elective office, shall be exempt.~~
- ~~B. Members of Boards and Commissions appointed by the Select Board, whether permanent or ad hoc shall be exempt.~~

- ~~C. The following designated positions in the Town: Sealers of Weights and Measures, Town Attorney and Emergency Preparedness Defense Director shall be exempt.~~
- ~~D. The following designated positions in the Town of Rockport shall be specially classified positions: Town Clerk, Town Manager, Police Chief, Fire Chief, Director of Public Works, Assessor, Planning and Community Development Director, and Finance Director.~~
- ~~1. Any position which is designated as specially classified shall be subject to the Personnel Policies and Procedures of the Town of Rockport and the rules and regulations pertaining thereto except to the extent that the specially classified employee has an agreement in a written contract with other terms and conditions.~~
 - ~~2. In addition, the Select Board is authorized, upon recommendation from the Town Manager, to offer special employment benefits or conditions which vary from the provisions of the Personnel Policies and Procedures of the Town of Rockport. Any such variations or differences from the Personnel Policies and Procedures of the Town of Rockport shall be in writing and retained in the personnel file of that employee and shall be reviewed annually.~~
 - ~~3. New department head positions may be established after the enactment of this Charter. The Select Board may designate any such new department head position as specially classified and subject to the provisions contained herein for specially classified personnel. Such designation of a new position as specially classified shall not require any additional amendment of this Charter.~~

[The following amendments remove the Board of Assessment Review]

Article 7. Shall the following amendments to the Town of Rockport Charter, Article IV, Part A, Section 1, 2nd paragraph; and Part C, be enacted to read as follows?

Article IV, Part A, Section 1, 2nd paragraph.

The Select Board, whenever an opening occurs, also shall appoint members of the Planning Board and the Zoning Board of Appeals, which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; and shall also appoint members to committees created by the Select Board. All board and committee appointments shall be made by procedures adopted through the Select Board bylaws.

Article IV, Part C

The head of the Department of Assessment shall be the Town Assessor. The Town Assessor shall be appointed by the Town Manager based on character, executive and administrative qualifications, and education and experience in municipal administration, and shall have all the legal qualifications required by the State of Maine for this position. The Town Assessor shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine

State Law Reference: Title 30-A, MRSA, Section 2526(5)

Article IX, Section 10.D.4.

The Planning Board and the Zoning Board of Appeals, which are quasi-judicial boards whose responsibilities are derived by action of the state legislature and, as such, do not serve at the pleasure or direction of the Select Board except as provided for under Article II, Section 7.B and are also bound to comply with the provisions set forth in Subsections B and C of this Section.

Article IV, Part A, Section 1, 2nd paragraph

~~The Select Board, whenever an opening occurs, also shall appoint members of the Planning Board, Zoning Board of Appeals, and Board of Assessment Review, which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; and shall also appoint members to committees created by the Board. All board and committee appointments shall be made by procedures adopted through the Board bylaws.~~

Section 1 Assessor

~~There shall be established a Department of Assessment, the head of which shall be the Town Assessor. The Assessor, appointed as herein before provided, shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine.~~

State Law Reference: Title 30-A, MRSA, Section 2526(5)

~~The Appointed Assessor of the Town of Rockport shall have all the legal qualifications for this position. Both the Assessor and those who appoint him or her shall take into consideration the many skills necessary to be successful in this position including:~~

- ~~A. — thorough understanding of the complexities of valuation in a Maine coastal community;~~
- ~~B. — the ability to communicate well, especially the ability to explain complex legal, land value situations to laypeople;~~
- ~~C. — excellent peer connections to Assessors in other communities that share the Town's assessing issues;~~
- ~~D. — high quality professionalism;~~
- ~~E. — attention to~~
~~detail; and~~
- ~~F. — demonstrated ability to complete tasks on time.~~

Section 2 Board of Assessment Review

~~There shall be a Board of Assessment Review to consist of five (5) members appointed by the Select Board. The Select Board shall appoint registered voters in the Town of Rockport for three~~

~~year terms, to be staggered. Members may be removed for cause and notice and hearing under the By-Laws of this Board. The Board of Assessment Review shall perform all duties and responsibilities provided for Boards of Assessment Review under the laws of the State of Maine.~~

~~A majority of the members of the board shall be a quorum. The board shall elect its own chairman. Vacancies in the membership of such a board shall be filled by appointment by the Select Board for the unexpired term.~~

State Law Reference: Title 30-A, MRSA, Section 2691(3)

~~Section 3 Board of Assessment Review: Powers; Duties~~

~~The Board of Assessment Review shall have the power to:~~

- ~~A.— review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Assessor;~~
- ~~B.— administer oaths;~~
- ~~C.— take~~
~~testimony;~~
- ~~D.— hold hearings; and~~
- ~~E.— adopt regulations regarding the procedure of assessment review.~~

State Law Reference: Title 30-A, MRSA, Section 2526(6)

Article IX, Section 10.D.4.

~~The Planning Board, the Board of Assessment Review (BAR), and the Zoning Board of Appeals (ZBA) which are quasi-judicial boards whose responsibilities are derived by action of the state legislature and, as such, do not serve at the pleasure or direction of the Select Board except as provided for under Article II, Section 7.B and are also bound to comply with the provisions set forth in Subsections B and C of this Section.~~

[The following are amendments to remove Budget Committee]

Article 8. Shall the following amendments to the Town of Rockport Charter, Article III, Section 3.K; Article VI, Sections 3, 4, 5, 6 and 9, ; and Article IX, Section 10.D.3., be enacted to read as follows?

Article III, Section 3 Powers and Duties

Except where specifically exempted, the Town Manager shall:

- K. prepare a draft of the annual budget, present it to the Select Board as outlined in Article VI, and be responsible for its administration after adoption;

Article VI, Section 3 Submission of Budget to Select Board

Not later than the last week in February, the Town Manager shall submit to the Select Board a budget for the ensuing fiscal year and an explanatory message.

The Town Manager's budget report shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline their proposed financial priorities of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Manager deems desirable or the Select Board shall request.

Section 4 Select Board Action on the Budget

- A. Review and Approval. The proposed budget prepared by the Town Manager shall be reviewed for approval by the Select Board at a Select Board meeting(s). At such meeting(s), the Select Board shall consider the recommendations of the Town Manager and Department Heads before voting to approve the proposed budget with or without amendment.
- B. Public Meeting. Following the Select Board's approval of the budget in Section A above, a public meeting shall be held to allow public comment or questions on the Select Board approved budget. The Select Board will consider the information and comments received at the public meeting and will finalize the budget at a subsequent Select Board meeting.
- C. Publication of the Budget. The Select Board shall publish a general summary of the budget in the annual Town Report. Copies of the budget and the Budget Committee's recommendations shall be available at the Town Office following the final approval of the budget by the Select Board.
- D. Vote on Budget. The budget shall be included in appropriate articles in the Town Warrant and shall be voted on at the Town Meeting.
- E. Adoption.
1. An article shall be placed in the Warrant to authorize expenditures chargeable to the appropriations for the year when adopted in amounts sufficient to cover the necessary expenses of the various departments, from the beginning of the fiscal year to the adoption of the Warrant at Town Meeting.
 2. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute

a levy of the property tax thereby required; and a copy of the budget as finally adopted shall be certified by the Select Board and filed by them.

Article IX, Section 10.D.3 [Removed]

~~Section 3 Budget Committee~~

~~In addition to articles in the Town Warrant for the election of officers required in the Charter, there shall be an article for the election of a committee of citizens, representing all sections of the Town, to cooperate with the Select Board, Town Manager, Treasurer, and department heads, in making recommendations concerning articles in the Warrant calling for appropriations; and this committee of citizens shall submit recommendations for consideration by the voters at the annual Town Meeting; said committee to be known as the Budget Committee, and shall consist of nine members.~~

~~Section 4 Submission of Budget and Budget Message~~

~~Not later than the third week in April, the Town Manager shall submit to the Select Board and Budget Committee a budget for the ensuing fiscal year and an explanatory message.~~

~~The Manager's budget report shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline his or her proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Manager deems desirable or the Select Board shall request.~~

~~Section 5 Budget Review Process~~

~~The Select Board shall review the Town Manager's proposed budget in a preliminary manner and shall reconsider the budget for final approval after the Budget Committee has reported its recommendations to the Select Board; such final approval shall be in accordance with the provisions set forth in Section 6 below.~~

~~The Budget Committee may meet during the development of the proposed budget and shall meet upon completion of the proposed budget prepared by the Town Manager in order to review and to make recommendations concerning such budget. Prior to the adoption of a final budget by the Select Board to be included in a Town Warrant at the Town Meeting, the Budget Committee shall meet and adopt recommendations concerning such final budget.~~

~~The Budget Committee shall receive copies of the proposed final Town budget at least 72 hours prior to the Budget Committee's final vote. The recommendations of the Budget Committee shall be reported to the Select Board prior to the final approval of the budget by the Select Board and those recommendations shall be included in the Town Warrant.~~

~~Section 6 Board Action on the Budget~~

- ~~A. Final Review and Approval. The budget prepared by the Town Manager shall be reviewed for final approval by the Select Board at a Select Board's meeting after the receipt of the recommendations of the Budget Committee. At such a meeting, the Select Board shall consider the recommendations of the Budget Committee and approve the proposed budget with or without amendment.~~
- ~~B. Publication of the Budget. The Select Board shall publish a general summary of the budget and the recommendations of the Budget Committee in the Town Report. Copies of the budget and the Budget Committee's recommendations shall be available at the Town Office following the final approval of the budget by the Select Board.~~
- ~~C. Vote on Budget. The budget shall be included in appropriate articles in the Town Warrant and shall be voted upon at the Town Meeting.~~
- ~~D. Adoption.~~
- ~~1. An article shall be placed in the Warrant to authorize expenditures chargeable to the appropriations for the year when adopted in amounts sufficient to cover the necessary expenses of the various departments, from the beginning of the fiscal year to the adoption of the Warrant at Town Meeting.~~
 - ~~2. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the property tax thereby required; and a copy of the budget as finally adopted shall be certified by the Select Board and filed by them.~~

~~Section 9 Voter Authority~~

~~The qualified voters of the Town shall have power under this article to require consideration or reconsideration of any budget item prior to adjournment of the Town Meeting.~~

****[Note to Phil and Jon – does the removal of Section 9 above need to be a separate Warrant Article?]**

~~Article IX, Section 10.D~~

- ~~3. The Budget Committee, also elected by Town-wide secret ballot, serves as a citizen watchdog group, and while it therefore does not serve at the pleasure or direction of the Select Board, it is bound to comply with the guidelines set forth in Subsections B and C of this Section.~~

Article 9. Shall the following amendments to the Town of Rockport Charter, Article VIII, Sections 1, 2 and 3 be enacted to read as follows?

Section 1 Elected or Appointed Officers: Terms

The term of any elected or appointed officer shall begin not later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for their prescribed term or until their successor is elected or appointed.

Section 2 Swearing in Officers

Every Town officer or municipal officer shall be sworn to the faithful discharge of the duties incumbent upon them in accordance with Maine law, the Charter and ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: Title 30-A, MRSA, Section 2526(9)

Section 1 Initiative and Referendum

~~A. Definitions. Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote.~~

~~State Law Reference: Title 30-A, MRSA, Section 2528(5)~~

~~B. Procedure. The details of procedure by which both of these rights are fulfilled are described in Title 21, Section 1351 et seq. of the Maine Revised Statutes Annotated of 1964 and amendments thereto. Nothing in this Charter shall be construed to diminish the rights granted by law.~~

Section 2 Elected or Appointed Officers: Terms

~~The term of any elected or appointed officer shall begin not later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for his or her prescribed term or until his or her successor is elected or appointed.~~

~~The Office of Treasurer, Tax Collector and Clerk may be held by duly appointed individuals even though such individuals may not be residents in the Town of Rockport during his or her term of office.~~

Section 3 Swearing in Officers

~~Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him/her to the Constitution and laws of the State of Maine, and the Charter and ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.~~

~~State Law Reference: Title 30-A, MRSA, Section 2526(9)~~

Oath of Office

~~Every officer of the Town shall, before entering upon the duties of office, take and subscribe to the following oath, to be filed and kept in the office of the Town Clerk.~~

~~“I, _____, do solemnly swear (or affirm) that I will support the Constitutions of the United States and the state of Maine, so long as I shall continue a citizen thereof, (so help me God).”~~

~~“I, _____, do solemnly swear (or affirm) that I will in all respects observe the provisions of the Town Charter and ordinances of the Town of Rockport, (so help me God).”~~

~~“I, _____, do solemnly swear (or affirm) that I will faithfully discharge all the duties incumbent upon me as _____ according to the Constitution and laws of the State, (so help me God).”~~

Article 10. Shall the following amendments to the Town of Rockport Charter, Article VIII, Section 4, be enacted to read as follows?

Section 4 Conflict of Interest

It is the policy of the Town of Rockport that the proper operation of democratic government requires that public officials and members of all boards and committees be independent, impartial and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government. The purpose and intent of this Section is to promote the objective of protecting the integrity of Town government against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.

This Article shall not prevent the Select Board from adopting additional procedures and standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of Town business.

- A. Any Town official or employee with a financial or personal interest or bias for or against a person, an applicant or application in any matter that comes before any board or committee must state, for the public record, the nature of their relationship with the person or item being discussed.
 - 1. Financial Interest means having a direct or indirect stake, or by reason of ownership of stock in any corporation, in any contract with the Town, by an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity, which is making an application to a Town board or committee, and who is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

State Law Reference: Title 30-A, MRSA, Section 2605

- 2. Personal Interest means the Town official or employee is placed in a situation of temptation to serve their own personal interest to the prejudice of the interests of those for whom the law authorized and required them to act.
- 3. Bias means any Town official or employee who is predisposed against a person, an applicant or project such that they could not make an impartial

decision, or would have the appearance of not being impartial, thereby depriving the applicant of due process right to a fair and objective hearing.

- B. A board or committee member must disqualify himself if the board or committee member must make a quasi-judicial decision which involves a person (1) to whom the board or committee member is related by blood or marriage within the 6th degree (parents, grandparents, great-grandparents, great-great grandparents, brothers, sisters, children, grandchildren, great-grandchildren, aunts, uncles, great aunts/uncles, great-grand aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second cousins, nephews, nieces, grand nephews/nieces, great grand nephews/nieces); or (2) who formerly supervised the board or committee member at such time as the board or committee member was a Town employee.

State Law Reference: Title 1, MRSA, Section 71 (6)

- C. Even if no legal conflict of interest exists, a Town official, Town employee, or a board or committee member should avoid the appearance of a conflict by abstaining from a board's or committee's discussion and voting in order to maintain the public's confidence in the board's or committee's work.

State Law Reference: Title 30-A, MRSA, Section 2605

- D. A board or committee member with a conflict of interest shall abstain from the discussion and from the vote. This abstention and its reason must be permanently recorded in meeting minutes.
- E. A board or committee member who fails to abstain may be required to recuse himself by a majority vote of the board's or committee's remaining members.
- F. Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit their office or position. Violation of this section, with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale void.

Section 4 Conflict of Interest

~~It is the policy of the Town of Rockport that the proper operation of democratic government requires that public officials and members of all boards and committees be independent, impartial and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government. The purpose and intent of this Section is to promote the objective of protecting the integrity of Town government against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.~~

~~This Article shall not prevent the Select Board from adopting additional procedures and standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of Town business.~~

- ~~A. Any official or employee of the Town with a financial or personal interest or bias for or against an applicant or application in any matter that comes before any~~

board or committee must state, for the public record, the nature of their relationship with the person or item being discussed.

1. Financial Interest means having a direct or indirect stake, or by reason of ownership of stock in any corporation, in any contract with the Town, by an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity, which is making an application to a Town board or committee, and who is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

State Law Reference: Title 30-A, MRSA, Section 2605

2. Personal Interest means the Town official or employee is placed in a situation of temptation to serve their own personal pecuniary interest to the prejudice of the interests of those for whom the law authorized and required them to act.
3. Bias means any Town official or employee who is so predisposed against an applicant or project that they could not make an impartial decision, thereby depriving the applicant of due process right to a fair and objective hearing.

B. A board or committee member must disqualify themselves if a situation requires that board or committee member to be disinterested or indifferent and the board or committee member must make a quasi-judicial decision which involves a person to whom the board or committee member is related by blood or marriage within the 6th degree (parents, grandparents, great-grandparents, great-great-grandparents, brothers, sisters, children, grandchildren, great-grandchildren, aunts, uncles, great-aunts/uncles, great-grand-aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second cousins, nephews, nieces, grand-nephews/nieces, great-grand-nephews/nieces).

State Law Reference: Title 1, MRSA, Section 71 (6)

- C. Even if no legal conflict of interest exists, a board or committee member should avoid the appearance of a conflict by abstaining from a board's or committee's discussion and voting in order to maintain the public's confidence in the board's or committee's work.

State Law Reference: Title 30-A, MRSA, Section 2605

- D. A board or committee member with a conflict of interest shall abstain from the discussion and from the vote. This abstention and its reason must be permanently recorded in meeting minutes.
- E. A board or committee member who fails to abstain may be required to recuse themselves by a majority vote of the board's or committee's remaining members.
- F. Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit their office or position. Violation of this section, with the knowledge,

~~express or implied, of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale void.~~

Article 11. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 11?

Section 11 Budget Provisions

The Select Board shall authorize (a) the transfer of all unexpended balances to fund balance, (b) the overdrafts that may occur in the Town operations in each budget year to be taken from fund balance; and (c) the payment of tax abatements and applicable interest from the property tax overlay account?

Article 12. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 12?

Section 12 Real Estate Disposition

The Select Board is authorized, on behalf of the Town to sell and dispose of any real estate acquired by the Town for non-payment of taxes and/or wastewater charges thereon, on such terms as they deem advisable, and to execute quit claim deeds without covenants for the property.

Article 13. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 13?

Section 13 Tax Installment Due Dates

The Select Board will set tax installment due dates for each fiscal year of October 15 and April 15 or, if those dates fall on a weekend or holiday, the first business day after those dates. The Select Board will set October 16 and April 16 as the tax delinquency dates or, if those dates fall on a weekend or holiday, the first business day after those dates, and to fix the rate of interest on delinquent taxes and on delinquent wastewater charges at the rate specified by Maine statute for that year.

Article 14. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 14?

Section 14 Acceptance of Gifts

The Select Board and Treasurer, on behalf of the Town, are authorized to accept gifts, real estate, and certain funds, including trust funds, that may be given or left to the Town.

Article 15. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 15?

Section 15 Easements

- A. Conservation Easements. The Select Board is authorized to accept those conservation easements which the Select Board deems appropriate in the name of the Town of Rockport.
- B. Boundary Lines. The Select Board is authorized to enter into boundary line agreements with abutting property owners to establish the boundary line of any property of the Town, including the boundary lines of the rights-of-way of roads.
- C. Utility Easements. The Select Board is authorized to grant utility easements for Town property which the Select Board deems appropriate in the name of the Town of Rockport.

Article 16. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 16?

Section 16 Foreclosure Lien Waiver

The Treasurer is authorized to waive the foreclosure of tax lien mortgages pursuant to 36 M.R.S.A. sec. 944 upon a finding by the Select Board that ownership of the property subject to the lien would be contrary to the Town's best interest.

Article 17. Shall the following provision be added to the Town of Rockport Charter, Article XIII, new Section 17?

Section 17 Tax Club

The Tax Collector shall be authorized to enter into a standard agreement with taxpayers establishing a "tax club" payment plan for commercial and/or residential real estate property taxes, whereby:

- (1) The taxpayer agrees to pay specified monthly payments to the Town based on their estimated and actual tax obligation for current year real estate property taxes;
- (2) The Town agrees not to charge interest on timely payments made pursuant to the tax club agreement;
- (3) The Town authorizes the Tax Collector to accept tax club payments for current year taxes which may be due prior to the commitment of those taxes;
- (4) The agreement is automatically terminated if a scheduled payment is late, and the taxpayer then becomes subject to the same due date(s) and interest date(s) and rate as other taxpayers who are not participating in the tax club;

(5) Only taxpayers who do not have outstanding tax obligations for prior tax years are eligible to participate in the tax club program; and

(6) Taxpayers wishing to participate in the tax club for a particular property tax year shall enter an agreement with the Town by a publicly advertised deadline determined by the Tax Collector.

TOWN OF ROCKPORT



CHARTER

*ADOPTED BY THE VOTERS OF ROCKPORT ON
NOVEMBER 8, 2005
and AMENDED ON NOVEMBER 4, 2014,
NOVEMBER 7, 2017, and November 8, 2022*

C H A R T E R

The TOWN OF ROCKPORT ADOPTED BY THE VOTERS ON NOVEMBER 8, 2005

Certified: /s/Jonathan Duke
Chair of Select Board

Date: November 10, 2005

Town Clerk: /s/Linda M. Greenlaw

Date: November 10, 2005

AMENDED BY THE VOTERS ON NOVEMBER 4, 2014, and NOVEMBER 7, 2017, and NOVEMBER 8, 2022

Certified: /s/William Chapman
Chair of Select Board
Town Clerk: /s/Linda M. Greenlaw

Date: November 4, 2014

Certified: /s/Kenneth McKinley
Town Clerk: /s/Linda M. Greenlaw

Date: November 7, 2017

Certified: /s/Michelle Hannan
Chair of Select Board
Town Clerk: /s/Linda M. Greenlaw

Date: November 8, 2022

Preamble

Rockport is a lovely Town. From the harbor that defines us as a maritime community to the surrounding hills, pastures and blueberry lands that further define us as rural, we are blessed with many natural attributes.

In coming together to write Rockport's first Charter, a commission of elected and appointed citizens held neighborhood meetings, met with Town employees and with many of the volunteers who serve on Town committees and boards.

We listened as people described Rockport, and their service to the Town, from their various perspectives. Together, we spoke about how changing times requires us to adjust. The advent of Rockport's first Charter is one of these adjustments.

Writing the Charter provided us with the opportunity to fix what needed fixing and to identify what didn't, and then try to craft both into a document intended to guide future residents and public servants.

After all, a town is not a collection of institutions, it is a population of people; and its government is not just a set of rules and regulations, it is a representative sampling of that population – professionals and volunteers – working together for the common good. The Charter that follows is intended to help us all achieve that modest but admirable goal.

I N D E X
Charter of the Town of
Rockport

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Charter of the Town of Rockport

ARTICLE I Powers of the Town

Section 1 Incorporation

The Town of Rockport is a municipal corporation by the name of the Town of Rockport, Maine, established by Maine law in February of 1891.

Section 2 Powers of the Town

The Town shall have all powers possible for a municipality to have under the Constitution and laws of Maine. The powers of the Town under this Charter shall be construed liberally in favor of the Town, and no mention of particular powers in the Charter shall be construed to be exclusive or as limiting in any way the general power stated in this article.

Section 3 Intergovernmental Relations

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agencies thereof to the extent permitted by law.

Section 4 Town Meetings

Annual Town Meetings shall be held in the Town ~~of Rockport, County of Knox,~~ on the second Tuesday in June of each year. The Town Meeting shall commence with the election of a moderator, and shall proceed with voting, by secret ballot, as established by law, on Warrant articles, citizens' petitions, election of Town officers, election of School Board members, and all other business. The Moderator, as established under State law, shall re-convene the Town Meeting in open session on the immediately following day for the consideration of any remaining articles.

The complete Warrant shall be posted in at least three conspicuous places seven days before the

Town Meeting. State Law Reference: Title 30-A, MRSA, Sections 2521-2524

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Section 5 School Administration

Rockport voters elect, ~~by secret ballot,~~ representatives to serve on the SAD 28 and Five Town CSD School Boards. School Board members are elected for three-year staggered terms in which they serve on both boards (SAD 28 and CSD) simultaneously. Although these elected School Board members serve in accordance ~~to~~ with State law and the by-laws of the ~~respective school boards, aforementioned boards,~~ they are elected to represent the interests and, concerns and public education-oriented ambitions of Rockport residents, and as such should be responsive to concerns and requests for information and dialogue ue with Rockport's Select Board, committees and boards, and the resident~~citizenry~~ in general.

Terms of Service

~~School Board members are elected for three-year staggered terms in which they serve on both boards (SAD 28 and CSD) simultaneously.~~

Vacancies; Forfeiture of Office; Filling of Vacancies; Tie Election Result

- A. Vacancies. Office of a School Board member shall become vacant upon failure to qualify for office, non-acceptance, resignation, death, permanent disability, removal in any manner authorized by law, or this Charter, or School Board by-laws, or forfeiture of office.
- B. Forfeiture of Office. A School Board member shall forfeit ~~their~~his or her office if ~~they~~he or she:
 - 1. lacks at any time during ~~their~~his or her term of office any qualification for the office prescribed by this Charter, or by law; or
 - 2. violates any express prohibition of this Charter.
- C. Filling of Vacancies. A vacancy on the School Boards shall be filled by the Select Board for the remaining unexpired term, except where such vacancy occurs within 120 days of an election. Then the seat may remain vacant, at the Select Board's option, until filled by regularly scheduled election. In filling the vacancy, the Select Board may communicate with the School Board, but the choice is the Select Board's to make.
- D. Tie Election Result. If the election results in a tie, the Select Board shall schedule a special runoff election to be held ~~A runoff election will occur~~ within 60 days of the original election.

State Law Reference: Title 20-A, MRSA, Part 2, generally

Charter of the Town of Rockport

ARTICLE II Select Board

Section 1 Composition

The Select Board shall consist of five members.

Section 2 Eligibility and Qualifications

Only qualified voters of the Town shall be eligible to hold the office of Select ~~Board member~~~~man~~. Select Board members shall not hold any other compensated Town office or position of employment and shall not have business relationships with the Town for which they receive compensation.

Section 3 Election and Terms

Select Board members shall be elected to serve staggered three-year terms. New members shall be elected to fill vacated positions at ~~the Town Meeting~~~~annually held June elections~~. In the event a Select ~~Board member~~~~man~~ cannot serve out ~~their~~~~his or her~~ term and more than 120 days remain in that term, a special election shall be held to fill the vacancy.

Section 4 Organizational Meeting

The members of the newly constituted Select Board shall meet within twenty-four hours of their election to elect a chair~~man~~ and vice-chair~~man~~. The positions of chair~~man~~ and vice-chair~~man~~ are offices of merit rather than seniority. The Select Board shall endeavor to elect officers whose previous work on the Select Board, or other Town boards or committees, indicates an ability to lead, manage and work toward consensus.

Section 5 Compensation

Members of the Select Board shall each receive annual compensation for their services as approved at the annual Town ~~M~~meeting. Members serving unexpired terms shall be paid on a prorated basis for time served. Members shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office.

Section 6 Chair~~man~~

The chair~~man~~, or vice-chair~~man~~ in ~~their~~~~his or her~~ absence, shall preside at meetings of the Board and is responsible for the legal and orderly transaction of Board business at all regular and special meetings. The chair~~man~~ shall exercise ~~their~~~~his or her~~ vote in Town affairs as a regular member of the Board.

The Board chair~~man~~ shall be recognized as head of Town government for all ceremonial purposes and by the Governor for purposes of military law, but ~~they~~~~he or she~~ shall have no regular administrative duties.

The chair~~man~~ is responsible for calling special meetings of the Board when such meetings are warranted.

Section 7 Powers and Duties

The Select Board (and all other ~~Municipal Officials~~~~municipal officials~~, either elected or appointed by the Select Board) represent the executive branch of the municipal government, of which the Select Board members are the chief executive officers. The duty of the Select Board is to execute the will of the people, to manage Town affairs, and to provide leadership and oversight on issues of importance to the Town.

The Select Board shall act as a unit settling all questions by formal vote in authorized meetings. Members must not act individually unless specific authority related to a particular duty has been delegated to them by the Board. A formal minority report may be issued by Board members voting in the minority.

Without limitation, the Select Board shall have the power to:

- A. Annually appoint Town ~~O~~fficers as described in Article IV-A, Section 1.
- B. Remove for cause, after notice and hearing, in accordance with state law, the Town Manager, ~~Tax Assessor~~, members of the Planning Board, ~~Board of Assessment Review~~, ~~and the Zoning Board of Appeals~~, ~~and members of all other Town boards, commissions, and committees appointed by the Board~~. Said hearing may, at either party's request, include sworn testimony and the opportunity for cross-examination of witnesses.
- C. Create by ordinance, change and abolish offices ~~and~~, departments, ~~agencies~~ and committees, other than the offices ~~and~~, departments ~~and~~ agencies established by this Charter. The Select Board, by ordinance, may assign additional functions or duties to offices ~~or~~ departments ~~or~~ ~~agencies~~ established by this Charter, but may not discontinue or assign to any office ~~or~~ department ~~or~~ agency, any function or duty assigned by this Charter to a particular office ~~or~~ department ~~or~~ agency. The Select Board may, however, vest in the Town Manager all or part of the duties of any office under this Charter.
- D. Inquire into the conduct of any office ~~or~~ department ~~or~~ agency of the Town and make investigation as to municipal affairs.
- E. Adopt an annual budget and recommend same to the Town Meeting for approval.
- F. Appoint an auditor and provide for an annual audit.
- G. Fill vacancies for elected positions if the vacancy occurs more than 120 days before the next election.
- H. Provide oversight, liaison and leadership to the volunteer committees ~~and~~ boards ~~and~~ ~~advisory groups~~ which serve at its pleasure.
- I. Manage all reserve accounts established by Town meeting vote, supplement those accounts with non-budgeted revenue, including but not limited to income from the sale of Town property and donations, and make expenditures from those accounts in order to accomplish the purposes for which the accounts, were established, all in accordance with the Rockport Reserve Account Policy, as amended.

Commented [DK2]: I don't think we have any agencies in Rockport. Make consistent throughout document.

Commented [DK3]: advisory groups is not a term used elsewhere in the charter. Committees and boards is the term used throughout.

State Law Reference: Title 30-A, MRSA, Section 2635

Section 8 Prohibitions

- A. Appointments and Removals. Neither the Select Board nor any of its members shall dictate the appointment or removal of any Town administrative officers or employees whom the Town Manager or other persons in authority are empowered to appoint or employ.
- B. Interference with Administration. The Select Board, or its members, shall deal with Town officers or employees who are subject to the direction and supervision of the Town Manager, or other persons in authority, solely through the Town Manager or persons in authority. Neither the Board, nor its members, shall give orders to any such officer or employee either publicly or privately.

State Law Reference: Title 30-A, MRSA, Sections 2605, 2606

Section 9 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. Office of a Select Board member shall become vacant upon failure to qualify for office within ten days after written demand by the Town Clerk, non-acceptance, resignation, death, permanent disability, removal in any manner authorized by law, or this Charter, or forfeiture of office.
- B. Forfeiture of Office. A Select Board member shall forfeit ~~their~~his or her office if ~~they~~he or she:
 - 1. lacks at any time during ~~their~~his or her term of office any qualification for the office prescribed by this Charter, or by law;
 - 2. violates any express prohibition of this Charter; or
 - 3. ~~are~~is recalled by voters (see Article VIII, Section 8).
- C. Filling of Vacancies. A vacancy on the Select Board must be filled by election for an unexpired term, except where such vacancy occurs within 120 days of an election. Then the seat may remain vacant until filled by the election process.
- D. Tied election result. In the case of a tie election result, The Select Board shall schedule a special run off election to be held within 60 days of the original election.

State Law Reference: Title 30-A, MRSA, Section 2602

Section 10 Investigations

The Select Board, or authorized committees, boards or commissions of its own members, or of resident~~citizens~~ appointed by the Select Board, may make investigations into affairs of the Town and the conduct of any Town department or ~~office or agency~~.

Section 11 Procedure

- A. Meetings. The Select Board shall, at its organizational meeting or as soon thereafter as possible, establish a time and place for holding its regular meetings and shall meet regularly at least once a month. The location of special meetings shall be determined by the Select Board and shall be held at such time and place as is legal and proper to transact the necessary business ~~at hand~~. All meetings of the Select Board shall be open to the public; however, the Select Board may, by a majority vote, discuss matters in an ~~closed~~ or executive session to the extent that the matter is a permitted deliberation as identified in Title 1, Section 405(6) Maine Revised Statutes Annotated, and in accordance with the procedures specified in that statute or any other applicable existing statute. Final action on any matter taken up in such closed sessions, except those matters which are permitted or required by law to be acted upon in closed session, shall not be taken by the Select Board until such matter is placed on the agenda of a regular or special meeting and voted upon thereafter.
- B. Rules, Record Keeping and Journal. The Select Board shall determine, at its organizational meeting, its own rules and order of business for the ensuing year; such rules to be recorded and made available for public inspection and publication. In developing rules, the Select Board shall endeavor to establish and follow parliamentary procedures.

The Select Board shall provide for the keeping of an accurate permanent recording of its meetings and for maintaining a journal of its proceedings; such recordings and journal to be public record.
- C. Voting and Quorum. Voting, except on procedural motions, shall be by roll call and the ayes

and nays and abstentions shall be identified and recorded in the journal. Three members of the Select Board shall constitute a quorum.

No action of the Select Board shall be binding or valid unless it receives at least three affirmative votes. Each Select Board member in attendance shall vote on all issues and questions presented for vote except when a ~~valid~~ conflict of interest ~~clearly~~ exists. If any member does abstain from a vote, other than because of a ~~recognized~~ conflict of interest, ~~they~~~~he or she~~ shall be considered to have cast a vote in the affirmative and the record shall so show.

- D. Training. Select Board members shall receive training on boardsmanship and municipal governance as provided by the Maine Municipal Association and Town Attorney, and may participate in other training opportunities, at the Town's expense and the Select Board's discretion.

State Law Reference: Title 1, MRSA, Section 71

Section 12 General and Administrative Ordinances

The authority for the enactment of all ordinances authorized to be enacted by the municipality shall be held in the legislative body except for emergency ordinances as provided in Section 15 of this Article. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective ~~7seven~~-days after adoption unless otherwise specified therein. The Select Board shall have the responsibility for the preparation and publication of the Annual Town Report, and for making copies available to the public at least ~~seven~~(7) days prior to Town Meeting.

State Law Reference: Title 30-A, MRSA, Section 2801

Section 13 Articles for the Warrant

The Select Board, on ~~its~~~~their~~ own initiative, may, by majority vote, place on the Town Warrant any article relating to the welfare of the ~~Town~~municipality.

State Law Reference: Title 30-A, MRSA, Section 2523

Section 14 Petitions for Articles in the Warrant

Any qualified voter may request of the Select Board that an article be placed in the Town Warrant and shall present in written form the substance of the article. Should the Select Board decide against placing the article in the Warrant, citizen petitioners may submit a written petition with voter signatures equal to at least ten (10) percent of the number of votes cast in the Town at the last gubernatorial election. After certification of said petition by the Town Clerk, the Select Board shall insert that particular article in the next Warrant issued, or shall call a special Town Meeting for its consideration.

State Law Reference: Title 30-A, MRSA, Section 2522

Section 15 Emergency Ordinances

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that pre-adoption, publication and notice of public hearing requirements may be omitted, provided the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the Select Board, with or without amendment, at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the ~~sixty-first~~(61st) day following the date on which it was adopted.

Section 16 Authentication and Recording of Ordinances

All ordinances and resolutions adopted by the Select Board shall be authenticated by the signatures of the Select Board chair~~man of the Board~~ and recorded in full by the Town Clerk in a properly indexed book kept for this purpose.

All ordinances and resolutions adopted by the legislative body shall be authenticated by the Town Clerk and recorded in full by the Town Clerk in a properly indexed book kept for this purpose.

~~Section 17 Codification of Ordinances~~

~~Within three years after adoption of this Charter, the Board shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by a majority vote of the Board and shall be in loose leaf form together with this Charter and any amendments thereto, and with such codes of technical regulations and other rules and regulations as the Board may specify. This compilation shall be known as the Rockport Code.~~

~~This Rockport Code shall be maintained currently by there being inserted all new ordinances and other pertinent material including an indexed record of rescinded ordinances and other changes, and at least every ten years shall be reviewed and updated. Copies of the Code and of new ordinances as enacted shall be made available on request to officials, libraries and public offices for public reference, and made available for purchase at a reasonable price fixed by the Board.~~

~~State Law Reference: Title 30-A, MRSA, Section 3006~~

Charter of the Town of Rockport

ARTICLE III Town Manager

Section 1 Appointment; Qualifications; Compensation

The Select Board shall appoint a Town Manager on the basis of character, executive and administrative qualifications, and education and experience in municipal administration.

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The Select Board shall appoint a Town Manager for a specific term, as specified by contract, the first ~~6~~^{six} months of which shall be probationary. The Select Board shall, by contract, fix the compensation, benefits, holidays, vacation, and other terms, and provide for the reimbursement of the actual and necessary expenses incurred in the performance of the Town Manager's duties. The Select Board may renew the Town Manager's contract, for a specific term, within ~~6~~^{six} months of the current contract's expiration, or at any time after its expiration.

A. The Select Board ~~may shall~~ consult with the Maine Municipal Association to determine the usual salary range and benefits provided to Town Managers of (1) towns similar in administrative size and population to Rockport ~~and (2) of various experience, education and training.~~

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~~B. The Select Board shall consult with the Maine Municipal Association to determine the usual salary range and benefits provided to Town Managers of various experience, education and training.~~

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The Town Manager need not be a resident of the Town at the time of appointment but, if a resident of the Town at the time of appointment, may reside outside the Town while in office only with the approval of the Select Board, which and may reside outside the Town while in office, provided that the Select Board in office at the time of the appointment approves, by majority vote, said approval may not ~~to be rescinded during the Town Manager's term of office.~~

The Town Manager may not serve as a member of the Select Board, ~~Assessor,~~ member of the School Board, or any other Town board, committee or commission.

State Law Reference: Title 30-A, MRSA, Section 2632

Current or former municipal officers may be appointed Town Manager even if the Town Manager's compensation was increased during the municipal officer's term of office. When a current municipal officer is appointed Town Manager, they he or she must immediately submit in writing to the Select Board ~~their his or her~~ resignation from the municipal office.

State Law Reference: Title 30-A, MRSA, Section 2606

Section 2 Appointment Process

The procedure leading to the appointment of a Town Manager shall be as follows:

- A. The Select Board shall circulate an advertisement for no less than ~~14~~^{fourteen} ~~(14)~~ days to seek applicants for the ~~vacant~~ position of Town Manager.
- B. The Select Board may establish a Search Committee consisting of ~~5~~^{five} ~~(5)~~ residents to review the applications and provide a group of finalists for the Select Board to interview. All meetings of the Search Committee shall be held within Executive Sessions and all information

and discussions are confidential to the extent allowed by law.

- C. The Select Board shall, as a group, interview in person in executive session, each of the finalists for the position of Town Manager.
- D. Appointment of a Town Manager requires a majority plus one vote of the Select Board, all members being present

Section 3 Powers and Duties

Except where specifically exempted, the Town Manager shall:

- A. be the ~~chief executive and~~ administrative official of the municipality;
- B. be responsible to the Select Board for the administration of all departments as established under Article IV, Part A, Section 2, and offices over which the Select Board has control;
- C. execute all laws and ordinances of the municipality;
- D. serve in any office as the head of any department under the control of the Select Board when so directed by the Select Board;
- E. appoint, subject to confirmation by the Select Board, supervise and control the heads of departments under the control of the Select Board when the department is not headed by the Town Manager under paragraph D of this section;
- F. appoint, supervise, and control---unless otherwise provided by municipal ordinance--all Town officers and employees whom the Town officials are required by statute to appoint, except members of boards, commissions, and committees; and appoint, supervise and control all other officials, subordinates, and assistants subject to the limitations given in subsection N in this section. The Town Manager may delegate this authority to a head of a department, and report all appointments to the Select Board;
- G. act as purchasing agent by establishing purchasing procedures for all departments, except the school department and wastewater department, provided that the Town or the Select Board may require that all purchases greater than a designated amount shall be submitted to sealed bid;
- H. attend all meetings of the Select Board, and such other meetings as the Select Board may designate;
- I. make recommendations to the Select Board for the more efficient operation of the municipality;
- J. keep the Select Board and the residents of the municipality informed regarding the financial condition of the Town;
- K. prepare a draft of the annual budget, present it to the Select Board ~~and the Budget Committee~~ as outlined in Article VI ~~of this document~~, and be responsible for its administration after adoption;
- L. assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices;
- M. have exclusive authority to remove for cause after notice and hearing, and in accordance

Commented [DK5]: Art. II, Sec. 7 says the SB members are the chief executive officers.

with the Town Personnel Policy, all persons whom ~~they are~~ he or she is authorized to appoint. The Town Manager shall ~~and~~ report all such ~~the~~ removals to the Select Board; and

- N. ~~not interfere with the operation of the various departments of the Town except through the department head and shall not independently direct employees except in the absence of a person in authority; and~~

- O. cause to be prepared an annual Town Report pursuant to Title 30-A MRSA Section 2801.

State Law Reference: Title 30-A, MRSA, Section 2636

Section 4 Removal

The Town Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure:

- A. The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Town Manager within five (5) business days of filing.
- B. The Town Manager may within 10 ~~ten~~ business days of receiving the preliminary resolution reply in writing and may request a hearing. The Town Manager shall specify whether that hearing is to be held in public or executive session.
- C. Upon request for a hearing, the Select Board shall hold one not earlier than five (5) business days after the request is filed and not later than 20 ~~twenty (20)~~ business days after the request is filed.
- D. After the hearing or at the expiration of the time permitted the Town Manager to request the hearing, if no such request is made, the Select Board may adopt or reject the preliminary resolution of removal.

Removal of a Town Manager requires a majority plus one vote of the Select Board, all members being present.

- E. The Select Board may suspend the Town Manager from duty in the preliminary resolution, but in no event, shall the Town Manager's salary be affected until the final resolution of removal has been adopted.

State Law Reference: Title 30-A, MRSA, Section 2633

Section 5 Absence or Disability

Section 5 Interim Town Manager

In the event of a planned absence that is less than 30 days, the Town Manager may name a qualified person to serve as Interim Town Manager. In cases of a longer absence, or any mental or physical disability, continuous inability to perform the duties of office, removal from office, death, resignation or other departure from office, the Select Board shall appoint a properly qualified person, not a member of the Select Board, as Interim Town Manager to perform the duties of Town Manager. At that time, the Select Board shall also determine the compensation and hours of employment.

Commented [DK6]: This is odd, it is not a power but a limit of power. I would suggest deleting this – we have to trust our Town Manager to know when it's appropriate to intervene or not.

~~The Town Clerk shall perform the duties of Town Manager during the Town Manager's temporary absence or disability. Temporary, for the purposes of this Section, is defined as not more than 30 days. If they so wish, the Select Board may name an Interim Town Manager.~~

~~In the event of a planned absence or departure from office, the Town Manager may recommend to the Select Board a qualified candidate to serve as temporary or Interim Town Manager.~~

~~If the position of Town Manager becomes vacant because of the death, resignation, or removal of the Town Manager, or any other cause, the Town Clerk shall perform the duties of the Town Manager until a new Town Manager or Interim Town Manager is appointed.~~

~~Whenever for six months the Town Manager has been continuously unable to perform the duties of Town Manager because of mental or physical disability, the position of Town Manager shall be deemed vacant. Whenever the Town Manager is unable to discharge the duties of the position, the Town Manager may so notify the Select Board in writing, in which case, the Town Clerk shall perform the duties of Town Manager until the Town Manager notifies the Select Board in writing that they he or she can return to duty, or until the Select Board appoints an Interim Town Manager.~~

~~In the event the Town Clerk is unable or unavailable to perform the duties of Town Manager, the Deputy Town Clerk shall perform those duties until a new Town Manager or Interim Town Manager is appointed or the Town Manager or Town Clerk returns to duty.~~

~~State Law Reference: Title 30-A, MRSA, Section 2634, generally~~

Section 6 Interim Town Manager

~~Should an extended absence or disability of the Town Manager occur or the office of Town Manager becomes vacant (see Section 5 of this Article), by majority vote the Select Board shall appoint a properly qualified person, not a member of the Select Board, as Interim Town Manager to perform the duties of Town Manager. At that time, the Select Board shall also determine the compensation and hours of employment.~~

~~While acting as Town Manager, the Interim Town Manager shall have the same powers and duties as those given to and imposed on the Town Manager. Before taking officecentering these duties, the Interim Town Manager shall give bond to the Town in a sum and with surety or sureties to be approved by the Select Board. The premium on said bond shall be paid by the Town.~~

~~The Interim Town Manager may be an employee of the Town.~~

~~The Interim Town Manager may apply for the position of Town Manager in the same manner as any other applicant.~~

~~State Law Reference: Title 30-A, MRSA, Section 2634, generally~~

Commented [DK7]: Is this the right designee? Megan suggests Finance Director. I'm inclined to think Town Clerk is the right officer to do this, but this provision now gives the SB the option to select someone else.

Charter of the Town of Rockport

ARTICLE IV Administrative Organization

PART A General Provisions

Section 1 Appointments

The Select Board shall, by majority vote, at no later than their third regular meeting, review, appoint, renew, or reappoint all necessary Town officers as provided by ~~Maine law~~general statute, this Charter, or Town ordinance, and will appoint a Town Attorney per Article IV-D of this Charter and a Town Auditor both of whom shall serve at the will of the Board. They may also appoint the Town Manager to act as their agent/~~overseer~~, and may elect one or more of their own members to act as authorized representatives to sign warrants for the expenditure of funds.

State Law Reference: Title 30-A, MRSA, Sections 2601

The Select Board, whenever an opening occurs, also shall appoint members of the Planning Board and ~~Zoning Board of Appeals and Board of Assessment Review~~, which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; and shall also appoint members to committees created by the Select Board. All board and committee appointments shall be made by procedures adopted through ~~rules of the~~ Select Board bylaws.

The Town Manager shall appoint department heads subject to the confirmation of the Select Board, and shall have the power to remove such appointees when necessary and in accordance with the laws of the State of Maine. All other administrative officers and employees shall be appointed or may be removed by the Town Manager or ~~their~~his or her authorized subordinate except as otherwise provided in this Charter.

Section 2 Creation of Departments

The Select Board may establish departments ~~or offices, or agencies~~ in addition to those created by this Charter, and may prescribe the functions of all departments and ~~or offices or agencies~~, except that no function assigned by this Charter to a particular department ~~or office or agency~~ may be discontinued or assigned to any other, unless this Charter specifically so provides.

Section 3 Department Heads

All departments and offices under the direction and supervision of the Town Manager shall be administered by an officer or department head appointed by and subject to the direction and supervision of the Town Manager.

Section 4 Duties and Obligations of Office

In addition to those duties and responsibilities established by statute, ~~it is provided that~~ the Town Clerk, Tax Collector and Treasurer shall maintain their offices at the municipal building. All documents, books and records pertaining to their office shall be maintained at the municipal building, and all business transacted on behalf of the Town by these officers shall be carried on at the municipal building.

Section 5 Bonds

The Select Board shall require a bond by a reputable surety company, or other acceptable sureties

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Commented [DK9]: is this necessary? Heading of section is Departments. Does this include the office of Town Manager? Is that the only job in addition to the departments?

satisfactory to the Board, from all persons trusted with the collection, custody, or disbursements of any moneys of the Town. ~~T provided, however, that~~ the Town shall pay the costs of providing such bonds.

Part B Personnel Administration

Section 1 Municipal Policy

The Town of Rockport is an equal opportunity employer. It shall be the policy of the Town of Rockport to appoint, assign and promote personnel on the basis of merit and fitness, without regard to race, color, religious creed, national origin, gender, ancestry, age, sexual orientation, physical handicap, military status or political or religious opinions or affiliations unless related to bona fide occupational qualifications.

Section 2 Personnel Director

The Town Manager or, with the consent and approval of the Select Board, a person appointed by Town Manager, shall serve as personnel director.

It shall be the duty and responsibility of the personnel director to administer the personnel policy as established in Section 3 of this Article.

Section 3 Preparation and Presentation of Personnel Policies and Procedures

It shall be the duty of the personnel director to review the personnel policies and procedures on a regular basis, or as directed by the Select Board.

The Select Board may appoint an ad hoc committee to review personnel policies. The committee shall include the personnel director, one Select Board member and other employees and residents of the Town ~~of Rockport.~~

After holding a public hearing, the Select Board shall vote to approve or reject ~~(by a simple majority)~~ the amended Personnel Policies and ~~p~~rocedures, ~~and its rules and regulations.~~ Until a new or amended Personnel Policies and Procedures document is approved by the Select Board, the previous version shall remain in effect.

~~Section 4 Exempt Positions and Specially Classified Positions~~

~~The following persons and positions shall be exempt from the Personnel Policies and Procedures, document's rules and regulations, except where the document specifically addresses that person or position. There shall be no exemption pertaining to equal opportunity and other non-discrimination provisions of the Personnel Policies and Procedures document for any person or position.~~

- ~~A. Elected officials, including all persons chosen by popular election or appointed to fill an elective office, shall be exempt.~~
- ~~B. Members of Boards, Committees and Commissions appointed by the Select Board, whether permanent or ad hoc shall be exempt.~~
- ~~C. The following designated positions in the Town: Sealers of Weights and Measures, Town Attorney, and Emergency Preparedness Defense Director shall be exempt.~~
- ~~D. Department Heads shall be exempt. The following designated positions in the Town of Rockport shall be specially classified positions: Town Clerk, Town Manager, Police~~

~~Chief, Fire Chief, Director of Public Works, Assessor, Planning and Community Development Director, and Finance Director.~~

- ~~1. Any position which is designated as specially classified shall be subject to the Personnel Policies and Procedures of the Town of Rockport and the rules and regulations pertaining thereto except to the extent that the specially classified employee has an agreement in a written contract with other terms and conditions.~~
- ~~2. In addition, the Select Board is authorized, upon recommendation from the Town Manager, to offer special employment benefits or conditions which vary from the provisions of the Personnel Policies and Procedures of the Town of Rockport. Any such variations or differences from the Personnel Policies and Procedures of the Town of Rockport shall be in writing and retained in the personnel file of that employee and shall be reviewed annually.~~
- ~~3. New department head positions may be established after the enactment of this Charter. The Select Board may designate any such new department head position as specially classified and subject to the provisions contained herein for specially classified personnel. Such designation of a new position as specially classified shall not require any additional amendment of this Charter.~~

PART C Assessment Administration

Section 1 Assessor

~~The head of the re shall be established a~~ Department of Assessment, ~~the head of which~~ shall be the Town Assessor. The ~~Town Assessor shall be appointed by the Town Manager on the basis of character, executive and administrative qualifications, and education and experience in municipal administration, and shall have all the legal qualifications required by the State of Maine for this position. The Town Assessor, appointed as herein before provided,~~ shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine.

State Law Reference: Title 30-A, MRSA, Section 2526(5)

~~The Appointed Assessor of the Town of Rockport shall have all the legal qualifications for this position. Both the Assessor and those who appoint him or her shall take into consideration the many skills necessary to be successful in this position including:~~

- ~~A. thorough understanding of the complexities of valuation in a Maine coastal community;~~
- ~~B. the ability to communicate well, especially the ability to explain complex legal, land value situations to laypeople;~~
- ~~C. excellent peer connections to Assessors in other communities that share the Town's assessing issues;~~
- ~~D. high quality professionalism;~~
- ~~E. attention to detail; and~~
- ~~F. demonstrated ability to complete tasks on time.~~

~~Section 2 Board of Assessment Review~~

~~There shall be a Board of Assessment Review to consist of five (5) members appointed by the Select Board. The Select Board shall appoint registered voters in the Town of Rockport for three year terms, to be staggered. Members may be removed for cause and notice and hearing under the By Laws of this Board. The Board of Assessment Review shall perform all duties and responsibilities provided for Boards of Assessment Review under the laws of the State of Maine.~~

~~A majority of the members of the board shall be a quorum. The board shall elect its own chairman. Vacancies in the membership of such a board shall be filled by appointment by the Select Board for the unexpired term.~~

~~State Law Reference: Title 30-A, MRSA, Section 2691(3)~~

~~Section 3 Board of Assessment Review: Powers; Duties~~

~~The Board of Assessment Review shall have the power to:~~

- ~~A. —review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Assessor;~~
- ~~B. —administer oaths;~~
- ~~C. —take testimony;~~
- ~~D. —hold hearings; and~~
- ~~E. —adopt regulations regarding the procedure of assessment review.~~

~~State Law Reference: Title 30-A, MRSA, Section 2526(6)~~

PART D Legal: Town Attorney

~~The Select Board shall appoint re-shall be a Town Attorney, who appointed by the Select Board. He or she shall serve as chief legal adviser to the Select Board, the Town Manager, and all Town departments, boards, committees and commissions and agencies with the approval of the Town Manager. The Town Attorney shall represent the Town in all legal proceedings and shall perform any other duties prescribed by ordinance and law. In addition, the Select Board may, from time to time, hire other lawyers to assist the Town Attorney in matters of complexity or magnitude.~~

Charter of the Town of Rockport

ARTICLE V Wastewater

Section 1 Organization

The Town-~~of Rockport~~ is ~~hereby~~-authorized and empowered to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate a revenue-producing wastewater facility consisting of a sewer system or part thereof within or without or partly within and partly without the corporate limits of the Town-~~of Rockport~~, in accordance with MRSA Title 30-A, Part2, Subpart 5, Chapter 161 and Title 38, Chapter 12.

All ordinances, rules, and regulations presently existing pertaining to the wastewater facility shall remain in full force and effect until amended. The Town's current Sewer Use Ordinance and Appendices serves as primary municipal regulation.

Section 2 Wastewater Commissioners

The Select Board, acting as Wastewater Commissioners, are hereby authorized and empowered to perform all duties and functions authorized and established by state and municipal law statute or law or ~~by municipal ordinance~~ for fulfilling the purposes outlined above.

State Law Reference: Title 30-A, MRSA, Section 3402

Charter of the Town of Rockport

ARTICLE VI Financial Procedures

Section 1 Fiscal Year

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each year.

State Law Reference: Title 30-A, MRSA, Section 5651

Section 2 Budget

The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Town Manager deems desirable or the Select Board may require. In organizing the budget, the Town Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, and all proposed expenditures, including debt service, for the ensuing fiscal year; and be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year, and actual income and expenditures of the preceding fiscal year.

~~Section 3 Budget Committee~~

~~In addition to articles in the Town Warrant for the election of officers required in the Charter, there shall be an article for the election of a committee of citizens, representing all sections of the Town, to cooperate with the Select Board, Town Manager, Treasurer, and department heads, in making recommendations concerning articles in the Warrant calling for appropriations; and this committee of citizens shall submit recommendations for consideration by the voters at the annual Town Meeting; said committee to be known as the Budget Committee, and shall consist of nine members.~~

Section 4 Submission of Budget and Budget Message to Select Board

Not later than the ~~last third~~ week in ~~February~~April, the Town Manager shall submit to the Select Board ~~and Budget Committee~~ a budget for the ensuing fiscal year and an explanatory message.

The Town Manager's budget report shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline ~~their his or her~~ proposed financial ~~priorities~~olicies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Manager deems desirable or the Select Board shall request.

~~Section 5 Budget Review Process~~

~~The Select Board shall review the Town Manager's proposed budget in a preliminary manner and shall reconsider the budget for final approval after the Budget Committee has reported its recommendations to the Select Board; such final approval shall be in accordance with the provisions set forth in Section 6 below.~~

~~The Budget Committee may meet during the development of the proposed budget and shall meet upon completion of the proposed budget prepared by the Town Manager in order to review and to make recommendations concerning such budget. Prior to the adoption of a final budget by the Select Board to be included in a Town Warrant at the Town Meeting, the Budget Committee shall meet and adopt recommendations concerning such final budget.~~

~~The Budget Committee shall receive copies of the proposed final Town budget at least 72 hours prior to the Budget Committee's final vote. The recommendations of the Budget Committee shall be reported to the Select Board prior to the final approval of the budget by the Select Board and those recommendations shall be included in the Town Warrant.~~

Section 6 ~~Select~~ Board Action on the Budget

- A. ~~Final Review and Approval.~~ The proposed budget prepared by the Town Manager shall be reviewed for ~~final~~ approval by the Select Board at a Select Board's meeting(s) ~~after the receipt of the recommendations of the Budget Committee.~~ At such a meeting(s), the Select Board shall consider the recommendations of the Town Manager and Department Heads before voting to the Budget Committee and approve the proposed budget with or without amendment.
- B. Public Meeting. Following the Select Board's approval of the budget in Section A above, a public meeting shall be held to allow public comment or questions on the Select Board approved budget. The Select Board will consider the information and comments received at the public meeting and will finalize the budget at a subsequent Select Board meeting.
- B. Publication of the Budget. The Select Board shall publish a general summary of the budget ~~and the recommendations of the Budget Committee~~ in the annual Town Report. Copies of the budget and the Budget Committee's recommendations shall be available at the Town Office following the final approval of the budget by the Select Board.
- C. Vote on Budget. The budget shall be included in appropriate articles in the Town Warrant and shall be voted upon at ~~the~~ Town Meeting.
- D. Adoption.
 1. An article shall be placed in the Warrant to authorize expenditures chargeable to the appropriations for the year when adopted in amounts sufficient to cover the necessary expenses of the various departments, from the beginning of the fiscal year to the adoption of the Warrant at Town Meeting.
 2. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the property tax thereby required; and a copy of the budget as finally adopted shall be certified by the Select Board and filed by them.

Section 7 Administration of Budget

At such time as the Town Manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year and duly signed by the department head. The Town Manager shall review and authorize

such allotments with or without revision as early as possible in the fiscal year. ~~The Town Manager~~~~He or she~~ may revise such allotments during the year if ~~they~~~~he or she~~ deems it desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made.

Section 8 Tax Anticipation Borrowing Guidelines

In the event that the Town ~~of Rockport~~ finds it necessary to borrow money in anticipation of taxes, the following guidelines shall be followed:

- A. Invitations to bid shall be extended to all local banks at the same time;
- B. Invitations shall be dated and delivered to the invited banks at least ten (10) complete banking days prior to the bid opening and awarding of the bid;
- C. Invitation to bid shall specify the maximum amount to be borrowed;
- D. The method of borrowing shall be clearly defined; i.e., as needed or lump sum;
- E. Invitation shall specify planned maturity dates of said notes, and may require the option to prepay;
- F. Invitation shall show estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump-sum basis.);
- G. Invitation shall state date, time and place bids are due, and shall indicate date bids will be opened and awarded;
- H. Invitation shall inform of the Town's right to accept or reject any or all bids, provided that it is in the Town's best interest to do so;
- I. Bidder shall be asked to submit interest rates in multiples of one- hundredth (1/100) of one percent (1%); and
- J. The Town must specify the method in which interest shall be calculated; i.e., actual number of days outstanding over a 365-day period.

Commented [DK10]: Megan question re rounding up

State Law Reference: Title 30-A, MRSA, Section 5771

~~Section 9 Voter Authority~~

~~The qualified voters of the Town shall have power under this article to require consideration or reconsideration of any budget item prior to adjournment of the Town Meeting.~~

Section 10 Public Records

Copies of the budget and the capital program as adopted shall be public records.

State Law Reference: Title 1, MRSA, Section 401

Section 11 Lapse of Appropriations

General fund appropriations, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement. Such funds shall be transferred to a surplus account. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

State Law Reference: Title 30-A, MRSA, Section 5801

Section 12 Annual Audit

The Select Board shall each year appoint a certified public accountant or accountants for the purpose of conducting the annual audit of the prior fiscal year municipal finances, as authorized by law.

State Law Reference: Title 30-A, MRSA, Section 5823

Charter of the Town of Rockport

ARTICLE VII Nominations and Elections

Section 1 Conduct of Elections (See Article 1, Sec. 4)

The Town will conform to the nomination and election procedures established in ~~current Maine state~~ law.

State Law Reference: Title 21-A, MRSA, Chapter 9

Section 2 Nomination by Petition Method

A. Petitions

1. Candidates for election to any elective office whose names appear on a written ballot must be nominated by petition. Any registered voter of the Town may be nominated for election by a petition signed by registered voters of the Town, not less than ~~25~~~~twenty-five~~ and not more than 100 in number.
2. The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in ~~their~~~~his or her~~ presence and that ~~they~~ ~~he~~ believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to ~~their~~~~his or her~~ signature the date of ~~their~~~~his or her~~ signing and ~~their~~ street address, ~~where he or she resides.~~

~~3. a.~~ Petition circulators must be residents of the Town.

- B. Filing and Acceptance of Nomination Petitions. Completed nomination papers, including all separate papers comprising the nomination petition, shall be assembled and filed with the Town Clerk during business hours, in accordance with Title 30-A MRSA, Section 2527 as that statutory provision may be amended from time to time. The Clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of nomination.
- C. Procedure After Filing Nomination Papers. Within five days after the filing of a nomination petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not it satisfied the requirements prescribed by this Charter. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. The Town Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Section 3 Order of Candidates' Surnames

Where two or more candidates have been nominated for any office, the names of such candidates shall appear on the ballot in ascending alphabetical order.

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Section 4 Determination of Election Results

- A. Number of Votes. Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- B. Plurality. Election shall be determined by plurality vote. In case of a tie for all elected positions except for Select Board and School Board, a run-off election of those who tied shall be at the November election. ~~Select Board reference: Article II, See 9.D10 E; School Board reference: Article I, See 4.D.5.~~
- ~~B.C.~~ Write-In Candidacy. Write-In candidates for municipal and school offices must file their intention to serve for the office they are elected to in writing to the Town Clerk prior to the opening of polls on the day of the election. Failure to provide a written intention results in ballots cast in that candidate's name to be null and void.

Section 5 Ballots for Ordinances

An ordinance ~~to be voted on by secret ballot~~ shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

Section 6 Voting Machines

The Select Board may provide for the use of mechanical or other devices for voting, or counting the votes, not inconsistent with the law, provided the voting or vote-counting device provides for individual paper "receipts" that reflect each vote cast, are reviewable for accuracy by each voter, and are recountable.

State Law Reference: Title 21, MRSA, Subchapter 6

Section 7 Election Officials

The Town Clerk shall be the supervisor of all elections. The Town Clerk shall appoint a Warden to assist the Town Clerk on Election Day. The Warden shall designate a Deputy Warden. The municipal officers and Town Clerk shall appoint the election clerks as provided by state law.

Charter of the Town of Rockport

ARTICLE VIII General Provisions

Section 1 Initiative and Referendum

~~A. Definitions. Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote.~~

State Law Reference: Title 30-A, MRSA, Section 2528(5)

~~B. Procedure. The details of procedure by which both of these rights are fulfilled are described in Title 21, Section 1351 et seq. of the Maine Revised Statutes Annotated of 1964 and amendments thereto. Nothing in this Charter shall be construed to diminish the rights granted by law.~~

Section 12 Elected or Appointed Officers: Terms

The term of any elected or appointed officer shall begin not later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for his or her prescribed term or until his or her successor is elected or appointed.

~~The Office of Treasurer, Tax Collector and Clerk may be held by duly appointed individuals even though such individuals may not be residents in the Town of Rockport during his or her term of office.~~

Section 3 Swearing in Officers

Every Town officer or ~~municipal officer official~~ shall be sworn to the faithful discharge of the duties incumbent upon ~~them/him/her in accordance with to the Constitution and laws of the State of Maine, and Maine law,~~ the Charter and ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: Title 30-A, MRSA, Section 2526(9)

Oath of Office

~~Every officer of the Town shall, before entering upon the duties of office, take and subscribe to the following oath, to be filed and kept in the office of the Town Clerk.~~

~~"I, ___, do solemnly swear (or affirm) that I will support the Constitutions of the United States and the state of Maine, so-~~

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~~long as I shall continue a citizen thereof, (so help me God)."~~

~~"I, _____, do solemnly swear (or affirm) that I will in all respects observe the provisions of the Town Charter and ordinances of the Town of Rockport, (so help me God)."~~

~~"I, _____, do solemnly swear (or affirm) that I will faithfully discharge all the duties incumbent upon me as _____ according to the Constitution and laws of the State, (so help me God)."~~

Section 4 Conflict of Interest

It is the policy of the Town of Rockport that the proper operation of democratic government requires that public officials and members of all boards and committees be independent, impartial and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government. The purpose and intent of this Section is to promote the objective of protecting the integrity of Town government against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.

This Article shall not prevent the Select Board from adopting additional procedures and standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of Town business.

- A. Any Town official or ~~employee of the Town~~ with a financial or personal interest or bias for or against a person, ~~an~~ applicant or application in any matter that comes before any board or committee must state, for the public record, the nature of their relationship with the person or item being discussed.

Commented [DK12]: Includes all town employees and Select Board members

1. Financial Interest means having a direct or indirect stake, or by reason of ownership of stock in any corporation, in any contract with the Town, by an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity, which is making an application to a Town board or committee, and who is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

State Law Reference: Title 30-A, MRSA, Section 2605

2. Personal Interest means the Town official or employee is placed in a situation of temptation to serve their ~~his or her~~ own personal pecuniary interest to the

prejudice of the interests of those for whom the law authorized and required ~~them~~^{him} to act.

3. Bias means any Town official or employee who is so predisposed against a person, an applicant or project that they could not make an impartial decision, or would have the appearance of not being impartial, thereby depriving the applicant of due process right to a fair and objective hearing.

- B. A board or committee member must disqualify ~~themselves~~^{himself} if a situation requires that board or committee member to be disinterested or indifferent and the board or committee member must make a quasi-judicial decision which involves a person to whom the board or committee member is related by blood or marriage within the 6th degree (parents, grandparents, great-grandparents, great-great grandparents, brothers, sisters, children, grandchildren, great-grandchildren, aunts, uncles, great aunts/uncles, great-grand aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second cousins, nephews, nieces, grand nephews/nieces, great grand nephews/nieces) ; or (2) who formerly supervised the board or committee member at such time as the board or committee member was a Town employee.

State Law Reference: Title 1, MRSA, Section 71 (6)

- C. Even if no legal conflict of interest exists, a board or committee member should avoid the appearance of a conflict by abstaining from a board's or committee's discussion and voting in order to maintain the public's confidence in the board's or committee's work.

State Law Reference: Title 30-A, MRSA, Section 2605

- D. A board or committee member with a conflict of interest shall abstain from the discussion and from the vote. This abstention and its reason must be permanently recorded in meeting minutes.
- E. A board or committee member who fails to abstain may be required to recuse ~~themselves~~^{himself} by a majority vote of the board's or committee's remaining members.
- F. Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit their office ~~or~~^f position. Violation of this section, with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale void.

Section 5 Prohibitions

- A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office, because of race, color, religious creed, national origin, gender, ancestry, age, sexual orientation, physical handicap, military status or political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under any personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or

attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

State Law Reference: Title 5, MRSA, Chapter 337

Section 6 Separability

If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 7 Public Bulletin Board

There should be a public bulletin board located in the Town Office. The agenda of each meeting of the Select Board, the School Board and all other boards, committees, and commissions should be posted on this bulletin board. Dates, times and meeting places of all regular and special meetings, public hearings and workshops should also be posted on the bulletin board and the Town's web site.

Section 8 Recall of Elected Officials

~~Procedures for recall.~~ Any ~~Five~~ qualified voters may begin at any time proceedings to recall a member of the Select Board, ~~Budget Committee~~, Library Committee or other elected municipal official by a request in writing to the Town Clerk for appropriate petition blanks. These voters shall be referred to as the Recall Committee. Within ~~10~~~~ten~~ days of the Recall Committee's request, the ~~Town~~ Clerk must provide the Recall Committee with petition blanks for such removal, which must be dated, issued with the ~~Town~~ Clerk's signature and official seal, and which shall contain a statement of the reason or reasons for recall and the names of the Recall Committee. Each petition shall be limited to the recall of a single individual. The ~~Town~~ Clerk must retain a copy of the petition in a record book available for public inspection.

The Recall Committee shall have 30 days from the date of issuance of appropriate petition blanks to cause the petition to be signed by at least 40% of the number of votes cast in the Town at the last gubernatorial election. The petition may be circulated by any number of registered voters of the Town, but the recall petitions must be submitted together as one petition to the Town Clerk.

Within 10 days after the circulation period ends the Town Clerk shall certify to the Town Manager and Select Board as to whether the petition has been signed by not less than 40% of the number of votes cast in the Town at the last gubernatorial election. Should less than 40% of the number of votes cast in Rockport at the last gubernatorial election sign the petition, the petition shall have no further force or effect, and no new petition action for recall of the same person can be initiated until 180 days from the end of the previous filing period.

Upon receipt of certification from the ~~Town~~ Clerk, the Select Board shall, at its next regularly scheduled meeting, order a removal election to be held not less than 30 nor more than 60 days from the date of the meeting.

The form of the ballot at the recall election shall be: "Shall [elected municipal official shown on petition] be recalled?" If a majority of those voting vote in favor of recalling that elected official, that official is removed. Any elected official against whom recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking

election to the same or any other office at any election after the date of recall.

If an official is recalled or resigns pursuant to the foregoing process in this Charter or as otherwise provided by law, the vacancy shall be filled in the manner provided.

Section 9 Planning Board Makes Warrant Recommendations

The Planning Board shall make recommendations, the vote count to be published on the ballot, concerning articles in the Warrant having to do with land use.

Section 10 ~~Committee and Board~~ and Committee Service

All boards and committees serve at the pleasure of the Select Board, which is responsible for each board and committee's purpose (~~mandate~~) and direction. The intent of this Section is to provide guidance to all official volunteer boards and committees.

A. Definitions

1. By official, it is meant the board or committee is sanctioned, and its members are appointed to serve, by the Select Board.
2. Conflict of Interest, see Section 4 of this Article.

B. Organization

1. All boards and committees:
 - a. shall operate under by-laws approved by the Select Board and updated as necessary;
 - b. shall annually elect a chair~~man~~ and vice-chair~~man~~, and other officers as are necessary and required by their by-laws;
 - c. shall hold meetings at regularly scheduled, or specially scheduled dates and times, in accordance with their by-laws, that are publicized by the Town in advance of all meetings; and
 - d. all meetings shall be open to the public.
2. Board and committee chair~~men~~:
 - a. shall manage their group according to its by-laws, Select Board directives, and any applicable Town ordinances and state and federal laws;
 - b. shall establish a meeting schedule and set their group's agenda;
 - c. shall keep the Select Board, and any other necessary Town officials, appr~~a~~ised of its work;
 - d. shall run orderly meetings;
 - e. shall provide for recorded minutes if and whenever necessary, and shall review and approve minutes regularly;
 - f. shall make themselves available, within reason, to the press;
 - g. shall ensure their members receive proper training and understand their roles and responsibilities, including boardsmanship and conflict of interest parameters;
 - h. shall work to recruit new members whenever a vacancy occurs; and

- i shall welcome public comment at appropriate segments of their meetings.
- C. Procedure

In developing rules, boards and committees shall endeavor to establish and follow parliamentary procedures.

- D. Exceptions from this section are:

~~Excepted from this section are:~~

1. The multi-town MSAD 28 and Five Town CSD school boards, whose members are elected by Town-wide secret ballot and whose responsibilities, objectives and rules and procedures are established under, and guided by, other parameters;
2. The Library Committee, which is elected by Town-wide secret ballot.

~~3. The Budget Committee, also elected by Town-wide secret ballot, serves as a citizen watchdog group, and while it therefore does not serve at the pleasure or direction of the Select Board, it is bound to comply with the guidelines set forth in Subsections B and C of this Section.~~

- ~~34.~~ The Planning Board, ~~the Board of Assessment Review (BAR);~~ and the Zoning Board of Appeals (ZBA), which are quasi-judicial boards whose responsibilities are derived by action of the state legislature and, as such, do not serve at the pleasure or direction of the Select Board except as provided for under Article II, Section 7.B and are also bound to comply with the provisions~~guidelines~~ set forth in Subsections B and C of this Section.

Section 11 Budget Provisions

The Select Board shall authorize (a) the transfer of all unexpended balances to fund balance, (b) the overdrafts that may occur in the Town operations in each budget year to be taken from fund balance; and (c) the payment of tax abatements and applicable interest from the property tax overlay account?

Section 12 Real Estate Disposition

The Select Board is authorized, on behalf of the Town to sell and dispose of any real estate acquired by the Town for non-payment of taxes and/or wastewater charges thereon, on such terms as they deem advisable, and to execute quit claim deeds without covenants for the property.

Section 13 Tax Installment Due Dates

The Select Board will set tax installment due dates for each fiscal year of October 15 and April 15 or, if those dates fall on a weekend or holiday, the first business day after those dates. The Select Board will set October 16 and April 16 as the tax delinquency dates or, if those dates fall on a weekend or holiday, the first business

day after those dates, and to fix the rate of interest on delinquent taxes and on delinquent wastewater charges at the rate specified by Maine statute for that year.

Section 14 Acceptance of Gifts

The Select Board and Treasurer, on behalf of the Town, are authorized to accept gifts, real estate, and certain funds, including trust funds, that may be given or left to the Town.

Section 15 Easements

- A. Conservation Easements. The Select Board is authorized to accept those conservation easements which the Select Board deems appropriate in the name of the Town of Rockport.
- B. Boundary Lines. The Select Board is authorized to enter into boundary line agreements with abutting property owners to establish the boundary line of any property of the Town, including the boundary lines of the rights-of-way of roads.
- C. Utility Easements. The Select Board is authorized to grant utility easements for Town property which the Select Board deems appropriate in the name of the Town of Rockport.

Section 16 Foreclosure Lien Waiver

The Treasurer is authorized to waive the foreclosure of tax lien mortgages pursuant to 36 M.R.S.A. sec. 944 upon a finding by the Select Board that ownership of the property subject to the lien would be contrary to the Town's best interest.

Section 17 Tax Club

The Tax Collector shall be authorized to enter into a standard agreement with taxpayers establishing a "tax club" payment plan for commercial and/or residential real estate property taxes, whereby:

- (1) The taxpayer agrees to pay specified monthly payments to the Town based on their estimated and actual tax obligation for current year real estate property taxes;
- (2) The Town agrees not to charge interest on timely payments made pursuant to the tax club agreement;
- (3) The Town authorizes the Tax Collector to accept tax club payments for current year taxes which may be due prior to the commitment of those taxes;
- (4) The agreement is automatically terminated if a scheduled payment is late, and the taxpayer then becomes subject to the same due date(s) and interest date(s) and rate as other taxpayers who are not participating in the tax club;
- (5) Only taxpayers who do not have outstanding tax obligations for prior tax years

are eligible to participate in the tax club program; and

(6) Taxpayers wishing to participate in the tax club for a particular property tax year shall enter an agreement with the Town by a publicly advertised deadline determined by the Tax Collector.

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Charter of the Town of Rockport

ARTICLE IX Transitional Provisions

Section 1 Effective Date

After adoption, this Charter shall become effective for all purposes on and after the first day of the next succeeding municipal year.

Section 2 Select Board

All members serving on the Select Board at the effective date of this Charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Initially, each Select Board member shall receive a salary at the existing rate on the effective date.

Section 3 Temporary Ordinances

All existing codes, ordinances, and policies will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this Charter.

Section 4 Officers, Employees, and Board Members

- A. Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the right or privileges of persons who are Town officers or employees at the time of its adoption.
- B. Continuance of Office or Employment.
 1. Except as specifically provided by this Charter, if at the time this Charter takes full effect a Town administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, ~~they~~~~he or she~~ shall continue in such office or position until the taking effect of some specific provision under this Charter directing that ~~they~~~~he or she~~ vacate the office or position or until their term of office expires or is terminated.
 2. All established boards and committees not inconsistent with this Charter shall continue in effect until changed by Select Board action, and the incumbent members shall serve their appointed terms or until replaced.
- C. Personnel System. An employee holding a Town position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for under this Charter.

Section 5 Departments, Offices, and Agencies

If a department, office, or agency is abolished by or under this Charter, the powers and duties given it by law shall be transferred to the Town department, office, or agency designated in this Charter, or if the Charter makes no provision, designated by the Select Board.

All property, records, and equipment of any department, office, or agency existing when this Charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties; but, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices, or agencies designated by the Select Board in accordance with this Charter.

Section 6 Pending Matters

All rights, claims, action, orders, contracts, and legal or administrative proceedings of the Town or any of its departments, pending or unexecuted when this Charter goes into effect shall be enforced, continued, or completed in all respects except as modified pursuant to the provisions of this Charter and in each case, shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Charter.

Section 7 State and Municipal Laws

All Town ordinances, resolutions, orders, and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this Town or its agencies, officers, or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

Charter of the Town of Rockport

ARTICLE X Final Report of the Charter Commission

The Citizens of the Town of Rockport voted November of 2004 in the affirmative to form a Charter Commission to create the Town's first Town Charter. Six members were elected and two appointed by the Select Board.

At its organization meeting, the Commission set up a plan that included reviewing many other town charters from towns including Camden, Lincolnville, Cape Elizabeth, Gray and Lisbon to determine how the members of the Commission would construct the Town of Rockport Charter. The Commission held public hearings and individual meetings with the Town's department heads and committees to gain as much input as possible. From these meetings, the Commission heard suggestions or concerns relative to the Town "moving further away from the citizens", the feeling from certain sections of Rockport that they are not fairly represented, and issues involving the hiring or management of Town personnel. It was also suggested that the Town possess an Ombudsman to be a voice of citizens, potentially intimidated by the municipal process.

The Commission's main objective in this first Charter was to construct a document that took personalities out of the Town's municipal operation. We also wanted to ensure that the Board, Committee Members, and employees of the Town foster a closer relationship between the Town and its citizens. Since this is the first Charter for Rockport, the Commission defined the structure clearly for the Select Board and its Town Manager to operate within.

The Commission proposed changes to the assessing process. This Charter creates the position of Town Assessor. The Board of Assessment Review becomes the second level of appeal (after the Town Assessor). This provides taxpayers with an opportunity to appeal to a Board that is specifically charged and trained with determining whether or not assessing errors have been made.

The Charter also allows citizens to recall elected officials through a process of notice and hearings.

A process for the selection of a Town Manager has been structured. It requires the use of a citizen committee to screen candidates and encourages the use of the Maine Municipal Association as a consultant in the search for suitable candidates. In the event the position of Town Manager is vacant, the Town Clerk will fulfill those duties until a replacement is found or the Select Board appoints a temporary replacement.

The Commission is satisfied with this draft document. Though not every issue brought before us was included in the final version of the document, we believe the Town Charter provides policymakers and committee members with a framework for conducting the Town's business, as well as providing citizens with a guidebook for understanding the workings of Town government.

As soon as this Charter is accepted, the ordinances should be studied and similarly updated to match the more recently adopted provisions. If this Charter is favorably received, it will go into effect on July 1, 2006. If it is rejected, another Commission must be established and given a year in which to produce another Charter.

As the Town's Charter Commission, we have spent a considerable amount of time discussing every facet of municipal government—its successes and its failings. We believe that with the adoption of this Charter the Town of Rockport can make meaningful changes to the workings of its government, creating a structure that is clearly defined and in which we can all have confidence.

Respectfully submitted,

TOWN OF ROCKPORT CHARTER COMMISSION

John Annis

Roger Jones

Alex Arau

Kerry Leichtman

Stephen Bowen

Tracy Lee Murphy, Secretary

Robert Duke, Chairman

Helen Shaw, Vice-Chairman

Charter of the Town of Rockport

GLOSSARY

~~Board—Select Board, when word is capitalized~~

~~Capital expenditure—the expenditure of funds for assets of a permanent or fixed nature~~

Charter – this document, when word is capitalized

~~Clerk—Town Clerk, when word is capitalized~~

~~Codification—the process of collecting or arranging the laws of the Town into a code i.e. into a complete system of positive law.~~

~~Ensuing year—one year from a stated date~~

Fiscal year – July 1- June 30~~the year by which accounts are reckoned~~

Legislative body – voters of the Town

Municipal officials – elected officials including the Select Board and members of the Library Committee

~~Local banks—banks that maintain banking facilities within Knox County~~

~~Manager—Town Manager, when word is capitalized~~

~~Overseers—supervisors, public officers whose duties involve general superintendence of the inhabitants of the municipality with monies furnished to them by the public authority~~

Qualified voter – any person qualified and registered to vote under law in the Town ~~of Rockport~~

~~Recording—a relatively permanent physical record~~

Resident – a person occupying a residence within the Town with intent to make that place his or her permanent home

~~Secret Ballot—a vote cast in such a way that the person voting cannot be identified~~

Town – Rockport, when word is capitalized

Town officers – Department heads, including Assessor, Finance Director, Fire Chief, Health Officer, Office of Treasurer, Planning and Community Development Director, Police Chief, Tax Collector, Town Attorney, Town Clerk and other such officers as the Select Board shall establish.

Town officials – The Select Board

~~(Black's Law Dictionary was used as a reference in defining some of these terms.)~~

Discussion Item

- a. Knox County Regional Communications Center Update

Manager's Comments:

As I mentioned in my report, the County dispatch center has been in crisis for several months, but this crisis reached a breaking point last week when it became evident the center could close due to a shortage of staff. Chief Peasley and Chief Gagne have been actively involved in efforts to keep the center open and ensuring calls for emergency services in Rockport are dispatched appropriately without delays in service. Unfortunately, these efforts have been more challenging than necessary because County leadership have not treated this manner with the same level of concern as our chiefs have shown.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Discussion Item

- b. Discuss Parking Traffic Ordinance amendments.

Manager's Comments:

Last spring, Chief Gagne and Planning and Community Development Director Thomas met to review the long-standing Parking and Traffic Ordinance at the request of the Board. The attached document is the reflection of that effort. This document was last amended in the late 1990's so much of their work revolved around adjusting for the times we live in but there was little done in the way of making great policy strides prior to the completion of the new hotel. I would expect the efforts from the VPI Task Force, and the associated study of Rockport Village parking and traffic may cultivate more changes this coming winter and spring.

This discussion item is meant as a starting point in the Board's discussion on this topic with subsequent approval at a forthcoming Board meeting, perhaps as soon as September 11th.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

PARKING/TRAFFIC ORDINANCE FOR THE TOWN OF ROCKPORT

Adopted July 9, 1979

Amended March 11, 1997

Article I Definitions

Section 101. Words and Phrases Defined

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article. Whenever any words and phrases used herein are not defined, and such words and phrases are defined by the laws of the State of Maine regulating the operation of vehicles, any such definition therein shall be deemed to apply.

ALLEY: A narrow way between buildings or giving access to the rear of buildings.

AUTHORIZED EMERGENCY VEHICLE: Vehicles of fire department, police vehicles, public traffic emergency repair vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Fire or Police Chief or vehicles privately owned by firemen or policemen shall have the same status under this ordinance as a publicly-owned authorized emergency vehicle while actually engaged in or responding to a call for public emergency service.

CROSSWALK: The Chief of Police shall determine and designate and maintain wherever the Chief feels that there is danger to pedestrians, crosswalks, by appropriate devices which are:

- (a). That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway;
- (b). Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface. Wherever the Chief of Police shall have established said crosswalks, pedestrians shall have the right of way over approaching motor vehicles.

CURB: The outer edge of a defined sidewalk, or either edge of the wrought and usually traveled part of a street.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials.

DRIVER: The term "driver" includes the rider or driver of a horse, the rider of a bicycle and the operator of a motor vehicle.

INTERSECTION: The area embraced within the prolongation of connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angles that may come in conflict.

PARK: When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading.

PEDESTRIAN: Any person a foot.

POLICE OFFICER: Every officer of the municipal police department or any officer authorized to direct or to regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in a private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner, but not by other persons.

RIGHT OF WAY: The privilege of the immediate use of a roadway.

ROADWAY: That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

STOP: When required, means a complete cessation of movement.

STOP, STOPPING OR STANDING: When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

THROUGH STREET: Every street or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this ordinance.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together, while using any street for purposes or travel.

TRAFFIC CONTROL DEVICES: Mechanical and Electrical Signals. Whenever traffic is regulated by a mechanical or electrical "stop" and "go" signal:

- (a). Red signals shall mean "stop." Traffic facing the signal shall stop before entering the intersection and remain standing until "green" or "go" is shown alone;
- (b). Flashing red signals shall mean that all vehicles shall stop before entering the nearest crosswalk at an intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;
- (c). Green signals shall mean "go." Traffic facing the signal shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk, or the intersection at the time when such signals was exhibited;
- (d). Amber signals mean to proceed with caution.

VEHICLE: All means of transportation including horses, anything with wheels, tracks or runners is considered a vehicle.

Article II Required Obedience to Traffic Regulations

Section 201 Authority of Police and Fire Department Officials

201. Officers of the Police Department or such officers as are assigned by the Police Chief are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this ordinance. Officers of the Fire Department, when at the scene of a fire, fire threat or in the immediate vicinity of fire may direct or assist the police in directing traffic.

Section 202. Required Obedience to Traffic Ordinance

202. It is a civil infraction for any person to do any act forbidden by this ordinance.

Section 203. Public Employees to Obey Traffic Regulations

203. The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County, or Town, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by State Statute.

Section 204. Exemptions to Authorized Emergency Vehicles

- 204.1 The provisions of this ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in Section 101 of this ordinance, except as follows: A driver when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:
- (a). Park or stand notwithstanding the provisions of this ordinance;
 - (b). Proceed past a red light or stop sign, but only after slowing down as may be necessary for safe operation;
 - (c). Exceed the speed limits so long as he does not endanger life or property;
 - (d). Disregard regulations governing direction or movement of turning in specified directions so long as he does not endanger life or property.
- 204.2 Those exceptions herein before granted in reference to the movement of an authorized emergency vehicle shall only apply when the driver of said vehicle sounds a siren, bell, emergency warning light or exhaust whistle as may be reasonably necessary, as a warning to others.
- 204.3 The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.

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Article III Stopping, Standing and Parking

Section 301. Stopping, Standing and Parking Prohibited in Specified Places

301. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control devices, in any of the following places:
1. In the traveled section of a roadway;
 2. On a sidewalk;
 3. In front of a public or private driveway or alleyway;
 4. Within five feet of a fire hydrant;
 5. On a crosswalk;
 6. Within 20 feet of the nearest corner of the curb at an intersection, except in these areas specifically permitted: see attached schedule;
 7. Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 8. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 9. On the opposite side of a roadway direction of traffic;
 10. Upon a bridge;
 11. At any place where official signs or yellow curbs ~~painting~~ so prohibit.

Section 302. Parking Time Limited on Certain Streets

302. When signs are erected giving notice thereof, no person shall park a vehicle upon any of the streets described in Schedule A attached hereto and made a part of this ordinance for a longer period than so specified in said schedule.

Section 303. Parking Time Limited in Certain Parking Areas

303. When signs are erected in each parking area giving notice thereof, no person shall park a vehicle in any parking area described in Schedule A attached hereto and made a part of this ordinance for a longer period than so specified in said schedule.

Section 304. Regulations and Penalties of Violations of the Stopping, Standing and Parking Code

- 304.1 Whenever a motor vehicle is found stopped, standing or parked for a period longer than allowed by ordinance, signs being erected in each area giving notice of the time limit allowed, said vehicle shall be in violation and each two hours thereafter shall be a separate offense. The officer finding such vehicle shall take its registration number, and any other information which may identify the owner, and shall conspicuously affix to such vehicle a traffic citation on a form provided by the town, for the registered owner to answer to the charge against him. The citation shall bear the time, date, place, and officer's name. A stub containing the same information, along with the registration number of the offending vehicle, shall be retained by the police department, and it shall be prima facie evidence that the registered owner of said vehicle is the violator.
- 304.2 Any person who violates Sections 301, 302, 303, 304, and 305.1 of this ordinance of the Town of Rockport shall be subject to a fine of \$30. not less than \$5.00 nor more than \$25.00. However, such person may, in lieu of such penalty, within 48 hours of the violation, pay the sum of \$1.00 for each offense of said sections. Such payment shall be in no way construed to be an enforced imposition of a fine or penalty but on the other hand, shall be construed to be an amount which the offender may voluntarily contribute toward the cost and expense of furnishing the public a less expensive alternate method of regulating and administering violations.

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Section 305. Parking Prohibited in Hazardous or Congested Places

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- 305.1 The Police Chief, with the approval of the Town Manager, is hereby authorized to determine and designate by proper signs and/or curb markings, places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause delay in traffic.
- 305.2 When official signs are erected and/or curbs marked at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.
- 305.3 When a vehicle is stopped, standing, or parked in such a hazardous or congested place which is posted and/or curbs marked to restrict such stopping, standing, or parking, the officer finding such vehicle shall take its registration number and any other information which may identify the owner, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the town for the registered owner to answer to the charge against him. The citation shall bear the time, date, place, and officer's name. A stub containing the same information, along with the registration number of the offending vehicle, shall be retained by the police department, and it shall be prima facie evidence that the registered owner of said vehicle was the violator.
- 305.4 When the vehicle violating Section 305.2 is causing extremely hazardous conditions, it may be removed at the direction of any police officer at the owner's sole risk and expense.
- 305.5 Any person who violates Section 305.2 of the ordinance of the Town of Rockport shall be subject to a fine of ~~\$30. not less than \$10.00 nor not more than \$50.00. However, such person may, in lieu of such penalty, within 48 hours of the violation, pay the sum of \$1.00 for each violation of Section 305.2. Such payment shall in no event be construed to be an enforced imposition of a fine or penalty, but on the other hand, shall be construed to be an amount the offender may voluntarily contribute toward the cost and expense of furnishing to the public a less expensive alternate method of regulating and administering violations.~~

Section 306. Parking Not to Obstruct Traffic

306. No person, shall stop, stand, park, or leave his vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a police officer, or so as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

Section 307. Parking in Alleys

307. No person shall park a vehicle within an alley in such a manner or under conditions as to leave less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting traffic.

Section 308. Standing or Parking Close to Curb

308. No person shall stand or park a vehicle on any street in a business district other than a parallel with the edge of the roadway, headed in the direction of the lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as follows:
- 308.1 *Angle-parking.* Upon such streets or parts thereof, which have been officially signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- 308.2 *Backing to Curb.* When specifically authorized by a police officer, any person may back a vehicle to the curb for the purpose of loading or unloading merchandise or materials for a period not in

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the excess of 30 minutes. No person shall so back vehicle to a curb unless specifically so authorized by a police officer, and no person shall in any event back a vehicle onto any curb or sidewalk in this Town.

Section 309. Assemblage, Places of

309. The police chief is authorized to place temporary or permanent traffic-control signs in front of the entrance to places of assemblage of any building in which entertainments, plays, shows, exhibitions and the like are given, either regularly or otherwise, and for such periods as the Police Chief in his discretion may deem wise under the circumstances.

Section 310. Large Vehicles

310. No owner, driver, or person in charge of any vehicle which has a carrying capacity of more than three thousand pounds, or which including load is more than 18 feet in length, or which including load is more than twelve feet six inches in height, shall permit the same to stand upon any public street in the town for a longer period than one hour at any one time.

Section 311. Owner's Liability

311. Whenever any police officer shall find any vehicle which has been illegally parked and such police officer is unable to determine the person who is responsible for such parking. The owner of the vehicle shall upon request of the Police Department furnish the name of the driver of the vehicle responsible for such illegal parking. Failure upon the part of the owner to do so shall make him liable to the general penalty under this ordinance.

Section 312. Schools

312. The Police Chief is authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any property, no person shall park a vehicle in such designated place.

Section 313. Snow Removal

313. No vehicle shall be parked within the maintained limits of any street, sidewalk, or way so as to interfere with or hinder the removal of snow from said street or way by the Town, plowing, loading, or hauling. The ~~Chief of Police~~ Officers of the Rockport Police Department may cause any vehicle so parked on any street or way, so as to interfere with or hinder the removal of snow by the Town by plowing, loading, or hauling, to be removed from the street and placed in a suitable parking space off the street at the sole risk and expense of the owner of such vehicle.

Section 314. Public Utility Vehicles

314. Vehicles operated by the Town of Rockport or by public utility companies used for installation, repair and maintenance purposes, are exempt.

Section 315. Penalties

315. Violation of any ordinance hereby stated in Article III of the Town of Rockport's Traffic Ordinance, shall result in a fine of \$30. ~~not less than \$10.00 nor more than \$50.00 unless said sections have penalties dealing expressly with said section or sections of Article III.~~

Article IV Operation of Vehicles

Follows Title 29-A

~~Section 401. Backing Limitation~~

~~401. Backing Limitation.~~ The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

~~Section 402. Bicycles~~

~~402.1 Riding.~~ No person shall ride or propel a bicycle upon any public street in this Town other than astride a permanent and regular seat attached thereto, or use a bicycle to carry more persons at one time than the number for which it was designed and equipped, or ride abreast or to the left of any other person riding or propelling a bicycle.

~~402.2 Equipment.~~ No person shall ride or propel a bicycle upon any public street in this Town unless said bicycle is equipped with a bell, horn or other warning device, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle; nor shall any person ride a bicycle on any street in this Town after dark unless such bicycle shall have attached to it a light so displayed as to be visible from the front and rear thereof, or in lieu of a rear light, a reflector may be attached.

~~402.3 Parking.~~ No person shall park a bicycle on any street except in a standing position against the curb or edge of a roadway or sidewalk.

~~Sidewalks.~~ No person shall ride or propel a bicycle on any sidewalk area except at a permanent or temporary driveway anywhere with the Town.

~~402.4~~

~~402.5 Traffic Laws Apply.~~ Every person propelling or riding a bicycle upon any public street in this Town shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application.

~~402.6 Obedience to Traffic Control Devices.~~ Any person operating a bicycle shall obey instructions of official traffic control signs, signals, and other control devices, including signs indicating that no left, right, or U turn is permitted, applicable to vehicles, unless otherwise directed by a police officer.

~~402.7 Clinging to Vehicles.~~ No person riding upon any bicycle shall attach the same or himself to any moving vehicle upon a roadway.

~~Section 403. Clinging to Moving Vehicles~~

~~403.~~ No person riding upon any motorcycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

~~Section 404. Entering Traffic from Curb~~

~~404.~~ The driver of a vehicle starting from a curb or roadway edge shall yield the right of way to all moving traffic on the roadway; he shall not enter or attempt to enter such moving traffic until he can do so safely.

~~Section 405. Entering Traffic From Alley or Private Driveway~~

~~405.~~ The driver of a vehicle emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the

roadway shall yield the right of way to all vehicles approaching on said roadway.

Section 406. Following Fire Apparatus Prohibited

~~406. —The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm.~~

Section 407. Fire Hose, Crossing

~~407. —No person shall drive a vehicle over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or fire alarm, without the consent of the fire department official in command.~~

Section 408. Heavy Loads

~~During any part of the period between November 1 and June 1, except when the surface of the road is solidly frozen, no driver of a vehicle, the gross weight of which (vehicle and load combined) exceeds three and one-half tons shall drive the same on those streets duly posted to that effect at each end thereof, except those who have received written permission from the Police Department.~~

408. Litter

~~409. — No person shall operate a vehicle upon any street in such a manner that material, rubbish, junk, or litter of any kind, drips, shifts, leaks, drops, or otherwise escapes therefrom, or drops upon the surface of such highway, street or alley.~~

~~*Section 410. Motorcycles*~~

~~410. — No person operating a motorcycle shall ride other than upon the permanent and regular seat attached thereto, or carry any other person nor shall any other person ride upon such motorcycle other than upon a firmly attached seat to the rear or side of the operator.~~

~~*Section 411. One-Way*~~

~~411. — Upon those streets duly marked and posted, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, which signs the Police Chief is hereby authorized and directed to erect and maintain. See attached schedule for list of one way streets. The Police Department may temporarily post streets and ways as one way streets.~~

~~*Section 412. Parades and Processions; Permits*~~

~~412. — No funeral, procession, or parade containing 200 or more persons or 50 or more vehicles, excepting the military forces of the United States and of this State and excepting parades on public holidays shall occupy, march or proceed along any street, to the exclusion or interruption of other persons in this individual right and use thereof, except in accordance with a permit issued by the Police Chief and such other regulations as are set forth herein which may apply.~~

~~*Section 413. Speed Regulations*~~

~~413.1 Intersection. — Fifteen miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection;~~

~~413.2 Elsewhere In Built Up Section. — Unless otherwise posted, twenty five miles an hour in a business or residential district, or built up portion, defined as the territory of the Town contiguous to any way which is built up with structures devoted to business or where the dwelling houses are situated less than 150 feet apart for a distance of at least one quarter of a mile;~~

~~413.3 Outside Built Up Section. — Unless otherwise posted, forty five miles an hour under all other conditions.~~

~~413.4 Excess Speed. — Any speed in excess of the limits established by law shall be prima facie evidence that the speed is not reasonable and proper as defined in the first sentence of this section.~~

~~*Section 414. Traffic Law Violation Tickets*~~

~~414. — No person shall remove from any vehicle a traffic law violation ticket, notice or citation from the town, except for the purpose of answering such notice or citation as required herein.~~

~~*Section 415. Penalties*~~

~~415. — If any of the ordinances hereby stated in Article IV of the Town of Rockport’s traffic ordinances are violated, a fine shall be imposed of not less than \$10.00 nor not more than \$50.00 unless said sections have penalties dealing expressly with said sections of Article IV.~~

Article V Pedestrians’ Rights and Duties

Follows Title 29-A

~~Section 501. Pedestrians Subject to Traffic Control Signals~~

~~501. — Pedestrians shall be subject to traffic control signals as hereby declared, but in all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.~~

~~Section 502. Pedestrians’ Right of Way In Crosswalk~~

~~502.1 — When electric traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be, to yield to a pedestrian crossing the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run in the path of a vehicle which is so close that it is impossible for the driver to yield.~~

~~502.2 — Whenever any vehicle is stopped at a marked crosswalk, or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.~~

~~Section 503. Crossing At Other Than Crosswalks~~

~~503. — Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield right of way to all vehicles upon the roadway.~~

~~Section 504. Crossing At Right Angles~~

~~504. — No pedestrians shall cross at intersections controlled by traffic control devices, except when the walk light is displayed. A pedestrian crosswalk is either a marked highway and/or a pedestrian crossing sign. If legally crossing a street when there isn’t a crosswalk, the pedestrian shall use due caution and cross at right angles with the edge of the road.~~

~~Section 505. Drivers To Exercise Due Care~~

~~505. — Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon seeing any child or any confused or incapacitated person upon a roadway.~~

Article VI Miscellaneous

Section 601. Curfew

~~601. — No child under 17 years of age shall be on, or remain on the streets or any other public place in the Town of Rockport after 9:30 o'clock p.m. (eastern standard time or daylight savings time, whichever may be in effect) or the remaining hours of dark thereafter, unless accompanied by an adult or unless a reasonable necessity or good reason exists therefor; nor shall any parent, guardian, or other person having legal custody of any child under the age of 17, allow or permit any child to do so. Any child under 17 years of age not accompanied by an adult, found on a public street or other public place after 9:30 p.m. and with no apparent necessity or good reason therefor, shall be questioned by any Constable or Police Officer to ascertain whether such necessity or good reason exists. If in the judgement of the Constable or Police Officer no good reason exists, he shall obtain the name and address of said child and the name of its parent or guardian, or the Constable or Police Officer may take said child to the Police Department for such information and the Officer shall notify the parents of said child in custody and the Officer may, in his discretion, file a petition against said child and its parents or guardian, as prescribed in Chapter 152A of the Revised Statutes of Maine.~~

Section 602. Taxi-Cabs

~~602.1.~~ The ~~Selectmen~~ Select Board are hereby authorized and empowered to issue licenses to operate taxi-cabs within the Town of Rockport, making application therefore, within their discretion having due regard to the responsibilities and appropriate qualifications of the applicant, and determine and collect a uniform yearly fee for every taxi operated by him. Any person operating a taxi-cab in Rockport carrying fare or fares, which originate in Rockport, without such license issued by the Selectmen in Rockport shall be subject to a fine for each offense, not to exceed twenty-five dollars. Every vehicle used or to be used for the conveyance of persons for hire from place to place shall be deemed a taxi-cab in the meaning of this ordinance, except a motor vehicle subject to regulation by the Public Utilities Commission of the State of Maine, and motor vehicles collecting fares by ticket or coupons for interstate transportation.

Every taxi-cab owner thus licensed shall have the word "TAXI" and the town license number plainly printed in a conspicuous place on every taxi-cab operated by him, in letters not less than two inches in height.

Section 603. No Overnight Parking

602.1 There shall be no overnight parking at the following places: Library; Rockport Marine Park, (*without permission of Marine Park Supervisor*); Public Landing, (*where two hour parking signs are posted*); and Walker Park.

602.2 Violations of Section 604.1 shall be a fine of ~~\$30~~ not less than \$10.00 nor not more than \$50.00.

Section 604. Loitering; About Private Dwellings

~~604. — No person shall loiter or lurk in any of the streets or public places or adjacent to either, for malicious or unlawful purposes, and no person shall loiter unnecessarily in or about any private dwelling or peep into the windows of any private dwelling to the discomfort or alarm of the inmates of such dwelling, the neighbors or any person going to and from the same. Whoever violates this section shall be punished by a fine of not less than \$20.00 and not more than \$50.00.~~

Section 605. Loitering; on Street

~~605. — No person shall loiter in any public place or street, or in the doorway of any store after being ordered to move on by the owner or manager of the store, or by any police officer.~~

Section 606.3. Penalties — under Title 17-A

Article VII. Rockport Schedule of Roads; Current

1. AMSBURY STREET: .96 miles from Pleasant Street to Birch Street; .96 miles from Birch Street to Pleasant Street; Posted speed 15 mph from Pleasant Street; Stop sign at the corner of Amesbury Street intersecting Pleasant Street.
2. ANNIS LANE: .30 miles from Main Street; 40 mph speed limit not posted.
3. BEAUCHAMP AVENUE: 1.10 miles from Mechanic Street to Russell Avenue; 1.10 miles from Russell Avenue to Mechanic Street; Posted speed 20 mph; Stop sign intersecting Mechanic Street.
4. BEAUCHAMP STREET: .30 miles from Russell Avenue to Spear Street; .30 miles from Spear Street to Russell Avenue; 25 mph speed limit not posted; Stop sign intersecting Russell Avenue.
5. BEECH HILL ROAD: 2.10 miles from U.S. Route 1 to South Street; 2.10 miles from South Street to U.S. Route 1. Posted speed limit 25 mph starting at the junction of Route 1 and extending northerly to a point opposite pole #17, a total distance of 0.35 mile; 35mph starting at a point 0.35 mile north of the intersection of Route 1 and/or at a point opposite pole #17 and extending north and westerly to the intersection of South Street, a total distance of 1.4 miles.
6. BIRCH STREET: .10 miles from High Street; 15 mph speed limit.
7. CALDERWOOD LANE: .90 miles from Russell Avenue to Chapel Road; .90 miles from Chapel Road to Russell Avenue; 40 mph speed limit not posted; Stop sign intersecting Russell Avenue.
8. CAMDEN STREET: .80 miles from U.S. Route 1 to the Town line; .80 miles from Town Line to U.S. Route 1; 25 mph speed limit not posted.
9. CENTRAL STREET: .10 miles from Pascal Avenue to Russell Avenue; .10 miles from Russell Avenue to Pascal Avenue; 25 mph speed limit not posted.
10. CHAPEL ROAD: .25 miles from Beauchamp Avenue to Calderwood Lane; .25 miles from Calderwood Lane to Beauchamp Avenue; 40 mph speed limit not posted.
11. CHURCH STREET: .10 miles from Franklin Street to Union Street; .10 miles from Union Street to Franklin Street; 25 mph speed limit not posted.
12. CROSS STREET: .60 miles from West Street to Main Street; .60 miles from Main Street to West Street; 35 mph starting at the junction of Route 90 and extending northerly to the intersection of Main Street, a total distance of 0.6 mile.
13. ELM STREET: .10 miles from Pascal Avenue to Sea Street; .10 miles from Sea Street to Pascal Avenue; 25 mph speed limit not posted.
14. FRANKLIN STREET: .05 miles from Church Street to Central Street; .05 miles from Central Street to Church Street; 25 mph speed limit not posted.

15. GROVE STREET: .25 miles from Camden Street to Union Street; .25 miles from Union Street to Camden Street; 25 mph speed limit not posted; Stop sign intersecting Camden Street.
16. GURNEY STREET: .80 miles from Route 17 to Rockland Town line; .80 miles from Rockland Town Line to Route 1; 30 mph starting at the intersection of Old Route 17 and extending northerly to the intersection of Mill Street and Bog Road, a total distance of 0.84 mile.
17. HIGH STREET: .30 miles from Route 1 to Birch Street; .30 miles from Birch Street to Route 1; 25 mph speed limit not posted; Stop yield intersecting Birch Street.
18. HOPE STREET: .60 miles from Route 17 to Town line; .60 miles from Town line to Route 17; 25 mph posted speed limit.
19. HUSE STREET: .10 miles from Union Street to Limerock Street; .10 miles from Limerock Street to Union Street; 25 mph speed limit not posted; Stop sign intersecting Union Street.
20. LIMEROCK STREET: .30 miles from Russell Avenue; 25 mph posted speed limit.
21. MAIN STREET: 35 mph starting at the junction of Route 1 and extending northerly to the junction of Park Street, a total distance of 1.3 miles; 40 mph starting at the junction of Park Street and extending northerly to the Camden Town Line, a total distance of 0.9 mile.
22. MAPLE STREET: .22 miles from Spruce Street to Sea Street; .20 miles from Sea Street to Spruce Street; 25 mph speed limit not posted.
23. MEADOW STREET: 1.60 miles from Route 17 to intersection of Park Street; 1.60 miles from Intersection of Park St. to Route 17; 35 mph speed limit from Route 17 to Route 90; 40 mph starting at the intersection of Route 17 and extending northeasterly to the intersection of Route 90, a total distance of 0.95 mile; 35 mph starting at the junction of Route 90 and extending northeasterly to Park Street, a total distance of 0.65 mile.
24. MECHANIC STREET: .30 miles from Russell Avenue to Beauchamp Avenue; .30 miles from Beauchamp Avenue to Russell Avenue; 25 mph speed limit not posted.
25. MILL STREET: 1.60 miles from Route 90 to Rockland Town Line; 1.60 miles from Rockland Town Line to Route 90; 30 mph starting at the junction of Gurney Street and extending northeasterly to a point 0.05 mile northeast of that junction, a total distance of 0.05 mile; 40 mph starting at a point 0.05 mile northeast of the junction of Gurney Street and extending northeasterly to the intersection of Route 90, a total distance of 1.7 miles.
26. MT. PLEASANT STREET: 3.40 miles from Route 17 to Town Line; 3.40 miles from Town Line to Route 17; 40 mph speed limit not posted.
27. OLD COUNTY ROAD:
28. PARK STREET: 2.60 miles from Camden Town Line to Route 90; 2.60 miles from Route 90 to Camden Town Line; 40 mph posted speed limit.
29. PASCAL AVENUE: Set by State.
30. PINE STREET: .05 miles from Pascal Avenue to Amesbury Street; .05 miles from Amesbury Street to Pascal Avenue; 25 mph speed limit not posted.
31. PLEASANT STREET: .30 miles from Route 1 to Pascal Avenue; .30 miles to Pascal Avenue to Route 1; 25 mph posted speed limit.

32. PORTER STREET: .90 miles from South Street to Route 17; .90 miles from Route 17 to South Street; 35 mph starting at the junction of Route 17 and extending easterly to the junction of South Street, a total distance of 0.8 mile.
33. ROCKLAND STREET:
34. ROCKVILLE STREET: 1.60 miles from Old Route 1 to Route 17; 1.60 miles from Route 17 to Old Route 1; 40 mph starting at the intersection of Route 17 and extending easterly to the intersection of Route 1; a total distance of 1.55 miles; Stop sign intersecting South Street; Stop sign intersecting Route 1.
35. COMMERCIAL STREET or ROUTE 1:
36. RUSSELL AVENUE: .80 miles from Central Street to Town Line; .80 miles from Town Line to Central Street; Posted speed 25 mph Central Street; Calderwood Lane to Town Line; Posted speed limit 35 mph.
37. SCHOOL STREET: .20 miles from Pascal Avenue to Sea Street; .20 miles from Sea Street to Pascal Avenue; 25 mph speed limit not posted; Stop sign intersecting Sea Street.
38. SEA STREET: .20 miles from Elm Street; 25 mph speed limit not posted.
39. SOUTH STREET: 2.90 miles from Route 1 to Meadow Street; 2.90 miles from Meadow Street to Route 1; 35 mph starting at the junction of Route 1 and extending northerly to the junction of Porter Street, a total distance of 0.7 mile; 40 mph starting at the junction of South Street and Porter Street and extending northerly to the junction of Meadow Street, a total distance of 2.1 miles; Stop sign intersecting Rockville Street.
40. SPEAR STREET: .80 miles from Mechanic Street to Beauchamp Street; .80 miles from Beauchamp Street to Mechanic Street; 35 mph starting at the junction of Route 1 and extending northerly to the junction of Porter Street, a total distance of 0.7 mile; 40 mph starting at the junction of South Street and Porter Street and extending northerly to the junction of Meadow Street, a total distance of 2.1 miles.
41. SPRUCE STREET: .10 miles from Elm Street to Maple Street; .10 miles from Maple Street to Elm Street; 25 mph speed limit not posted; Stop sign intersecting Elm Street; Stop sign intersecting School Street.
42. SUMMER STREET: .10 miles from Main Street to Union Street; .10 miles from Union Street to Main Street; 25 mph speed limit not posted; Stop sign intersecting Union Street.
43. UNION STREET: 1 mile from Central Street to Camden Town Line; 1 mile from Camden Town Line to Central Street; 35 mph posted speed limit.
44. VINAL STREET: 2.90 miles from Gurney Street to Route 17; 2.90 miles from Route 17 to Gurney Street; 40 mph starting at the intersection of Route 17 and extending southwesterly to a point opposite pole #031, a total distance of 1.35 miles; 30 mph starting at a point opposite pole #031 and extending southeasterly to the intersection of Mill Street, a total distance of 0.5 mile; Yield sign intersecting Gurney Street.
45. WARRENTON STREET: .60 miles from Route 1 to Christian School; .60 miles from Christian School to Route 1; 35 mph starting at the junction of Route 1 and extending southeasterly to the Rockland Town Line, a total distance of 1.15 miles.
46. WEST STREET (including Rt 90): Starting at the West St & Pascal intersection heading West to

Rockland Line. 25mph for .2 miles. 35mph once transitioned to Rt 90 for .2 miles. 45mph on Rt 90 for 2.1miles. 35mph on Rt 90 for .4 miles. 55mph on Rt 90 for 1.1 miles to Rockland City line.

47. WINTER STREET: .10 miles from Mechanic Street to Russell Avenue; .10 miles from Russell Avenue to Mechanic Street; 25 mph speed limit not posted; Stop sign intersecting Russell Avenue.

SCHEDULE A

PARKING REGULATIONS

- a. Parking is allowed on any street adjacent to the Town Office and Opera House during balloting or Town Meeting sessions, providing such parking does not hinder the normal flow of traffic and emergency vehicles.
- b. ~~Parking is banned on either side of Summer Street, except for the designated spaces adjacent to the Post Office.~~
- c. ~~**Winter Parking Ban** - All on street parking during the winter months, (November 15 – April 15) between midnight and 6:00 a.m. is prohibited. In case of snowstorms or, if in the opinion of the Rockport Police Officers, illegally parked vehicles are posing a threat to public safety, the vehicles can be towed. Day before the storm, a Winter Parking Ban will be alerted through all notice mediums (such as, but not limited to, Civic Ready, Facebook, Instagram, Town Website) by Town Office.~~
- b. ~~**Overnight Parking** - Overnight parking is allowed at the Marine Park, Kramer Park, and on the east side of the harbor with permission of the Harbormaster for a 48-hour maximum limit, and fee of \$5.00 per night, paid in advance.~~
- c. ~~**Overnight Parking** - Overnight parking is allowed at the Marine Park, Cramer Park, or on the East side of the harbor with permission and permit from the Harbormaster for a fee as determined by the *Harbor Fee Schedule*, and paid in advance. Vehicles will be towed at owners expense after time-limit expires.~~
- d. ~~Overnight Parking of occupied vehicles is not permitted on any street or municipal parking area in Rockport.~~
- e. ~~Charter Bus Parking – Not allowed without prior approval from the Town Manager.~~
~~g.* Access at Marine Park not allowed without prior approval from the Town Manager.~~
- e. ~~**Public Landing Parking Limit – 2 hours.**~~
- f. ~~Parking time limit on a portion of Main Street, from the end of the Pascal Avenue bridge to the intersection of Central Street, then along the north side of Central Street to Union Street, and along the south side of Central Street to the Penobscot Bay Ice Company building (1 hour). From the Penobscot Bay Ice Company building along Central Street to a portion of Union Street, ending at Church Street, (2 hours).~~
- f. ~~Town Parking – Parking time limitations will be posted and enforced. If no parking limitation sign is present, then parking limitations are not in existence and will not be enforced.~~
- g. ~~On-Street parking locations will be posted and striped as determined by Town Manager.~~
- g-h. ~~**No Parking Any Time** - On road leading from Marine Park to Pascal Avenue.~~
- h-i. ~~**Parking Prohibited on Fire Routes** - From the area in front of the fire station in West Rockport to Route 90, and from the area in front of the fire station in Rockport adjacent to the town office, directly out to Main Street.~~

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i.j. **Exception:** The ~~Board of Selectmen~~Select Board may issue a temporary exemption by permit to any person or group from certain parking ordinances. Such permits will be issued by the Police Chief or his/her designee when directed to do so by the ~~Board of Selectmen~~Select Board.
~~A portion of Main Street located in front of the town office, which is presently covered by “No Parking” signs.~~

Discussion Item

- c. Discuss Select Board Goals

Manager's Comments:

Setting goals for the Select Board on an annual basis is a good way for all Board members to have an opportunity to lay out their individual needs for the entire Board to consider. With some consensus on what the Board hopes to accomplish and when it wishes to accomplish those goals, this process can help all members feel included in the Board's work. For the first time two years ago, the annual budget included a section where goals for the Board were set, unlike other departments, and as a measuring tool those goals were used to gauge the success of the Board's work. Rather than administrative needs, I view these goals as policy needs the entire Board wishes to see reviewed and tackled.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						

Additional Comments:

Adjourn

Suggested Motion:

I move the Board adjourn the meeting.

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Denise Munger, Chair						
Eric Boucher, Vice-Chair						
Jim Annis						
Kim Graffam						
Michael Thompson						