

**Town of Chebeague Island
Board of Selectmen – Minutes
Wednesday, May 7th, 2008
Time: 7:00PM
Island Hall & Community Center**

1. Meeting called to order 7:04PM.

Present: Mark Dyer, Herb Maine, Donna Damon, Leon Hamilton, Chris Rich and Interim Town Administrator Scott Seaver.

2. Approval of prior minutes:

Mark Dyer asked for motion to approve minutes of March 19th, 2008.

Herb Maine – Motion – To approve minutes of March 19th as written.

Leon Hamilton seconded.

Discussion – none.

Vote: unanimous.

Mark Dyer asked for motion to approve minutes of April 16, 2008.

Leon Hamilton – Motion – To approve minutes of April 16th as written.

Herb Maine seconded.

Discussion: Donna Damon asked to correct spelling of name. Herb Maine asked that date on page three be corrected to read May 1st.

Vote: Unanimous.

Mark Dyer asked for motion to approve minutes of April 23rd, 2008.

Leon Hamilton – Motion – To approve minutes of April 23rd as written.

Chris Rich seconded.

Discussion – none.

Vote: Unanimous – four (4) in favor, 1 abstention (Herb Maine)

3. Approval of Warrant #19:

Mark Dyer asked for motion to approve Warrant #19.

Leon Hamilton – Motion – To approve Warrant #19 as written.

Herb Maine seconded.

Discussion – none.

Vote: Unanimous.

4. Town Administrator Report:

Scott Seaver discussed trying to find funding for Indian point. FEMA must have five to ten years of expenses to maintain road and we do not have this information. He discussed the David estimates six (6) loads of ledge and will cut some of the cost by using boulders he has at garage. Scott also advised that he is still looking for some funding to help with the John Small Road project. The estimate for the culvert came in a little less than anticipated.

Scott discussed that the Fire House roof bid request were mailed out and posted with a May 15th cut off date.

Scott advised that we are entering information into Trio. We probably will not use the lock box again as it creates book keeping problems.

Scott advised that Paul White and Anita Anderson had been to an island residence to inspect the septic system that needs attention.

Town Administrator Report continued:

Herb Maine asked Scott about preparation of the warrant book. Scott advised that it should be ready by the meeting of the 21st and asked if we will be using the same format. Donna Damon discussed the ordinance changes and if we needed public hearings. Donna Damon asked if Departments will be writing a report for the book. Scott suggested waiting and doing for 07/08 after we have been a town for a year or more.

5. Public Comment:

David Stevens asked that the web site be updated more. He was advised about the situation. Jeff Putnam discussed the crowding at the Stone Wharf. He asked that a float and ramp be added at an angle so it would not impede traffic. This may have to be done with a mooring system. He discussed using the float at Public Works that is designed for Cousins Island, if it was off and we have problems at Cousins Public Works could take it. Mark Dyer stated he had looked at wharf and talked to Scott about resources needed and feels this needs further discussion. Leon Hamilton putting float and ramp on the outside of the breakwater to the south east. Jeff Putnam stated the Prock recommended that nothing be attached to the breakwater. Donna Damon stated that she had been advised the same.

6. Old Business:

6.1 To see if Selectmen will discuss the position of a Parking Attendant for the Island. Herb Maine asked if we had a job description. Mark Dyer advised that one was drafted a while back. Leon Hamilton asked about Coastal Water ordinance and parking written into it. Mark Dyer discussed that we had \$4,000 in 07/08 budget and how this number was arrived at. Donna Damon asked if this will be re-advertised. If it is the job description should not include training course. Leon Hamilton discussed that Maine Criminal Justice required training under the job description we had for reserve officer. David Stevens asked why this job couldn't be done by the Harbormaster at no additional cost to the Town. Leon Hamilton stated concerns and that the Harbormaster and Shellfish job were year round positions. David Stevens asked again why we could not utilize a person already working for the Town. Cheryl Buxbaum stated that the duties are different in the winter than the summer when the Sheriff was on island. Cheryl Stevens suggested that we need to prioritize duties. Leon Hamilton discussed that the Harbormaster was to enforce when and if a car was in the way of the ramp or if it makes wharf inaccessible. David Stevens stated that we pay our Harbormaster more than we need to and asked why are the other Towns pay less than we do. David Stevens, once again why the Harbormaster why couldn't do this job. Mark Dyer suggested a discussion with the Town Administrator and Harbormaster to see if possible and asked David Stevens if this was acceptable. David Stevens, yes. Mark Dyer then asked if we want year round parking enforcement. Jeff Putnam stated that he noticed that in the calendar there was a parking reminder and asked you had authorized this to be done. Donna Damon stated she had authorized it. I wanted a reminder put out about traps, 24 hours parking, as she is receiving complaints every day. Residents need to know the rules in order to follow them. Cheryl Buxbaum stated that it has to be equal. A parking ordinance is needed, but not in the Coastal Waters Commission Ordinance. David Stevens discussed notifying people maybe by putting notices in the calendar as people that park on the wharf need to know that we will be enforcing by towing or using a boot, something that will prove enforcement. Herb Maine discussed need of an ordinance. Herb discussed the need of doing the job the same time everyday and the need of a job description. Herb stated that we need enforcement of the contractors and people that leave vehicles for days and week at a time. Also, we need an alternative as they will pay the fines and keep leaving the vehicles and the problem will still exist. Donna Damon asked to revisit fee system and level of fines. Donna Damon also stated we have the issue of the tides the Harbormaster and Shellfish Warden have to do this job the same time everyday. It may interfere with duties that need to be performed.

OLD BUSINESS CONTINUED:

Herb Maine stated that it would be easier to with-draw this part of the Coastal Waters Ordinance. Donna Damon suggested taking out only what pertains to parking at wharf. Scott Seaver advised that the Selectmen have the ability to enact parking ordinance.

Mark Dyer recommended deletion of references to parking in Coastal Waters Ordinance, but the Selectmen will not enact any ordinance until Town Meeting June, 2008.

HERB MAINE – MOTION – TO DIRECT TOWN ADMINISTRATOR TO PREPARE AN ORDINANCE THAT DELETES ALL PARKING REFERENCES OUT OF THE COASTAL WATERS COMMISSION ORDINANCE.

Leon Hamilton asked for amendment “all non-marine parking issues”. Herb Maine agreed.

Leon Hamilton seconded.

Donna Damon asked for second amendment that an ordinance be drafted and ready for public hearing. Scott Seaver advised he will have one ready. David Stevens stated that we have the ordinance in place and the people to enforce it, just do it. Mark Dyer advised that Jeff Putnam and the Coastal Waters Commission should get in touch with the Town Administrator and discuss this. Herb Maine seconded motion.

Vote on first Motion – Unanimous.

Vote on Amendments – Unanimous.

****Public Hearing****

6.2 To see if the Selectmen will discuss and act on the request of the Shellfish Commission to close the shellfish area known as Indian Island Cove for purposes of conservation from May 15, 2008 to November 15, 2009.

Mark Dyer opened the floor for public meeting. Mark Dyer read a letter from Don Card with approval of closure. Mark Dyer asked if the clams in the closure area were under legal size at 1 1/2 inches. Claire Ross stated, yes. Leon Hamilton stated that the closure recommendation is a good thing and it shows we are serious about conservation. Cheryl Buxbaum asked if no one can dig. Claire Ross stated that this area is closed to everyone. Herb Maine asked that the memo of April 14th be entered into evidence. Donna Damon advised that the Shellfish Committee went out and conducted a survey and wanted to give the Shellfish Warden praise for work well done. Claire Ross discussed the data that was obtained from the survey, which indicated the 89% by count of the shellfish stocks in that location are under the legal size for harvest. Mark Dyer asked for further comments, seeing and hearing none closed Public Hearing at 8:40PM.

Leon Hamilton – MOTION – To approve closure of Indian Island Cove to clamming from May 15th, 2008 to November 15th, 2009 in accordance with Chapters 7, 7.50 and Town of Chebeague Island, Coastal Waters Ordinance 10.14.

Chris Rich seconded.

Leon Hamilton asked how this closure will be communicated to the public. Claire Ross stated by land marks, cove end of point by boat house, to the wharf owned by the Belesca family. She advised that she will post signs and put it in the calendar. Also, a map will be handed out when a license is sold at the Town Office.

VOTE: Unanimous.

Below is the fact finding of the Selectmen:

After review of the Chebeague Island Shellfish Conservation Commission memo dated 4/10/2008, A letter from the Maine Department of Marine Resources dated 4/15/2008, the results of the 2008 soft shell clam survey from the Maine Department of Marine Resources dated 5/9/2008 and hearing testimony at a public hearing held on Chebeague Island on 5/7/2008 and pursuant to 12 M.R.S.A. §6671, DMR Regulations: Chapter 7 Section 7.5 and local ordinance Chapter 18, Article I, Section 10.14, the Board of Selectmen finds the following facts:

- 1. The Chebeague Island Shellfish Conservation Commission recommends closure of the area known as Indian Island Cove from 05/15/08 to 1/15/09 documented in a memo to selectmen dated 4/14/08.*

2. *The Maine Department of Marine Resources has approved the closure in a letter to the Town Clerk dated 4/15/08 and signed by Donald J. Card, Area Biologist.*

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PUBLIC HEARING CONTINUED:

3. *The Town Clerk testified that the public hearing on 5/7/08 was properly noticed.*
4. *No testimony in opposition to the closure was presented at the public hearing on 5/7/08.*
5. *The Shellfish Warden presented the results of the Soft-shell Clam Survey carried out on 4/16/08, 4/17/08 and 4/18/08 and testified that the population above the legal limit at Indian Island Cove is at 38.57% and the three other areas are all above 70%.*

6.3 *To see if Selectmen will discuss the space available for Stone Wharf tie-up permits:*

Mark Dyer asked for comments.

Mark Dyer advised that more permits than ever before have been sold. Claire Ross advised that selling a certain amount of permits is within the ordinance, but anything over is violating the ordinance. Mark Dyer asked Jeff Putnam how he views this as the ordinance does not specify amount. Jeff Putnam stated the tie-ups are not the problem it's the wrap around of the floats. Claire Ross advised she brought this to the meeting so that the Selectmen are aware of the problem. Mark Dyer stated he would not like to think of setting a hard number to be sold. Leon Hamilton stated he would stand behind Harbormaster without limits, but everyone will need to have a sticker. Donna Damon stated we need a dedicated space for loading and unloading. Claire Ross stated that this was discussed at a Coastal Waters meeting and the issue of large heavy boats should be looked at. Herb Maine advised that Selectmen should hold a workshop to discuss this matter and not take any action tonight. Jeff Putnam asked that the Selectmen act on adding a float. Herb Maine advised that Coastal Waters Committee meet with the Town Administrator to discuss cost of proposal. Mark Dyer asked that Coastal Waters, Town Administrator and Public Works Department meet. Mark Dyer asked for further discussion, seeing and hearing none closed discussion.

6.4 *To see if the Selectmen will discuss and act on an agreement for the Town Assessor.*

Mark Dyer open discussion stating to appoint Robert Konczal as Town Assessor with proposed work contract. He advised that legal had reviewed. Scott Seaver advised that Robert was aware of this. Herb Maine – MOTION – Moved to approve the proposed agreement between Robert Konczal and the Town of Chebeague Island for assessing services and to authorize the Chairman of the Board of Selectmen to sign the agreement on behalf of the Board of Selectmen.

Donna Damon seconded.

Scott Seaver discussed the contents of the agreement. David Hill asked if the amount stated would have any further expenditures added to it. Scott Seaver advised that we may have to add mechanism to do assessing such as extra software (Trio or Vision). Donna Damon advised that this needs to be decided as there is a lap-top for \$500 from the Town of Cumberland with existing information. Mark Dyer asked for further discussion, seeing and hearing none closed discussion.

VOTE: Unanimous.

7. *New Business:*

7.1 *To see if Selectmen will discuss and approve the Contract for the Cumberland County Sheriff Department:*

Mark Dyer opened floor for discussion. Mark Dyer discussed that this is our only option for the off season and would like to see more coverage. Mark Dyer also advised that he asked the County if we need more is it available. County advised that this is unknown due to staffing problems. Donna Damon stated she has had people make comments that we need more. Mark Dyer read an e-mail from Nancy Hill, EMT

Paramedic for the Town of Chebeague. She would like to see the Town look into other possibilities. Her recommendation; Talk to the County now. Have the Town form a committee to look into this.

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7.1 CONTINUED:

David Hill spoke about having better line of communication. Form a Task Force to look at full picture. Doug Ross spoke about the mutual aid agreement with other towns. It is not signed yet and has not been pursued. Herb Maine suggested that they be invited to a Town Meeting and here recommendations from the Town. David Hill asked that the Selectmen not sign the contract tonight, take time and talk to the County. Mark Dyer asked the will of the Board. Herb Maine stated that we do not need to approve the contract, form a committee to work on it. Doug Ross asked that the Selectmen sign the contract and meet with County and discuss issues. Scott Seaver advised that they know there are issues, do not let them stand in the way of the contract

Donna Damon – MOTION – To authorize signing of the Cumberland County Sheriff contract with stipulation of a meeting being set up with County.

Leon Hamilton seconded.

Herb Maine amendment to motion: To authorize Chairman of the Board of Selectmen to sign contract.

VOTE: Unanimous.

7.2 To see if the Selectmen will discuss setting a date for a public hearing on a request from the Island Commons for a permit to hold a wine & cheese tasting fundraiser:

Ann Thaxter asked the Selectmen to set a date for a hearing for a permit to hold event. They are still looking into the possibility of hiring a caterer. Donna Damon asked who will serve the wine at event. Ann stated no one under twenty-one (21) will serve.

Herb Maine – MOTION – To hold public hearing for the Island Commons request for permit to hold wine and cheese fund raising event.

Donna Damon seconded.

VOTE – Unanimous.

7.3 Set location and time for the Annual Town Meeting on June 7th, 2008.

Mark Dyer asked for discussion. Chris Rich stated he thought the Recreation Center should be the location.

Donna Damon asked the for a starting time of 9AM.

Herb Maine – MOTION – To hold the Annual Town Meeting at the Chebeague Island Recreation Center on June 7th, 2008 starting at 9AM.

Donna Damon seconded.

Discussion: Donna Damon asked that a sound system be available at the meeting.

Vote: Unanimous.

Discussion: Donna Damon asked about the liquor license at the Inn. She has been approached by residents and they advised that they had been told that the bar will be in the tent that is being set up.

Mark Dyer stated he had been approached that there will be large groups and music every night. Mark Dyer suggested that there be a meeting with the Inn's management, Town Administrator and a couple of the Selectmen.

Mark Dyer advised that he and Donna will finish draft of the personnel handbook to be voted on.

Donna Damon discussed that the report from the Greenshoe Group and been reviewed by legal and areas had been blacked out that cannot be public. Donna asked if she can pass out copies.

Herb Maine advised that it was okay.

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Donna Damon advised the need of road descriptions and people putting things in the way of roads. Herb Maine discussed the propane tanks are under the Code Enforcement Officer. Mark Dyer advised the truck should fall under the Sheriff. Donna Damon discussed the Stone Wharf improvements and to talk to Anne. Mark Dyer suggested that someone from the Town talk to the Holbolms about the improvements that we would like to do.

Herb Maine advised that there are three ordinance changes that need public hearings. They include Shellfish, Coastal Waters and Zoning.

Discussion continued:

Herb Maine – MOTION – To hold Public Hearing on May 21st, 2008 for proposed ordinances changes: Shellfish, Coastal Water and Zoning.

Chris Rich seconded.

Discussion – none.

VOTE: Unanimous

Mark Dyer asked for motion to adjourn.

Herb Maine – MOTION – Adjourn meeting.

Chris Rich seconded.

Vote: Unanimous.

Respectfully submitted by Susan Campbell, Town Clerk.