

*Town of Chebeague Island
Special Meeting of the Board of Selectmen
Wednesday, September 3rd, 2008 @ 7:00PM
Island Hall & Community Center*

Present: Mark Dyer, Herb Maine, Donna Damon, Chris Rich, Leon Hamilton & Scott Seaver.

Meeting called to order at 7:04PM.

Mark Dyer discussed warrant and need of Special Town Meeting. The Special Town Meeting is scheduled for September 13th, 2008 at 9AM at the Island Hall & Community Center.

Scott Seaver advised that Article #1 is always to vote in a Moderator for the meeting.

Article #2 – To see if the Town of Chebeague Island will vote to enter into a "Wharf Use Agreement with the Town of Yarmouth", to expire on January 1st, 2033 as shown in Exhibit A.

Scott Seaver discussed Article #2 in regard to the Cousins Island Wharf Agreement. He advised that not much that was changed and it's a little more flexible.

Donna Damon discussed the Capital Repair Fund needs some kind of descriptor to explain the financing chart. Scott Seaver stated that estimated cost based on present day cost of project can be added. This will be part of the annual budget and will be voted on at Town Meeting.

Donna Damon asked why repair schedule for the next thirty years is being included with the Wharf agreement when we haven't agreed to it?

Scott Seaver advised that the wharf repair part is in the current agreement and Nat Tupper lumped the turnaround costs with the wharf replacement.

Donna Damon asked if the project is contingent on this particular schedule?

Mark Dyer as for more information be put in to the warrant packet to explain the chart.

Herb Maine asked if The Town of Yarmouth approved these numbers.

Scott Seaver advised, no. He advised he put it in as it was mentioned in current agreement. Scott also advised that it will be a 80 – 20 split. The previous agreement was a 75-25 split for replacement/repair.

Leon Hamilton asked if we should put in warrant article "not to exceed \$5000".

Donna Damon stated, no, because we don't know what might happen to the wharf in the case of a hurricane.

Mark Dyer asked if this agreement is not approved does it become null & void?

Scott Seaver advised, yes.

Mark Dyer also stated the \$5000 is an annual contribution.

Leon Hamilton stated that the other agreement says "not" to exceed \$5000.

Donna Damon advised that not to exceed \$5000 is only the annual contribution.

Leon Hamilton disagreed and stated he thought it stated "not" to exceed. He asked if there was anything to worry about?

Scott Seaver stated, no. We are not approving any money.

Donna Damon advised that some of the money that has built up over the years has been spent on paving and maintenance at the Cousins Island lot.

Mark Dyer asked that the proposed capital fund sheet be removed. All Selectmen in agreement.

Herb Maine stated he had a hard time summarizing articles. It was good to have paragraph's of explanation.

Mark Dyer agreed with Herb Maine.

Herb Maine stated the agreement maintains character and spirit of previous agreement, but the cost of maintenance will increase.

Leon Hamilton stated that people have already approved \$5000 at Town Meeting.
Scott Seaver advised that it will be an annual budget amount.
Leon Hamilton stated that if we are asking everyone to pay more, we need to make it clear.
Scott Seaver advised he will add a summary and add an explanation sheet.
Donna Damon asked that we send a mailing of the entire warrant, because people need to be prepared.
Leon Hamilton & Mark Dyer asked about expense of mailing.
Donna Damon stated it shouldn't matter people need to read the warrant in advance so they can be informed and actively participate at Town Meeting.
Leon Hamilton suggested mailing out the summary and have copies available at Town Office.
Mark Dyer asked that complete copies also be available at the library and store.
Scott Seaver advised we will have complete copies available at the meeting.
Donna Damon asked if we have a bulk rate permit? Scott advised, no. Donna suggested that we investigate the cost. Can the School and Town use the same permit?
Mark Dyer stated that one change in the wharf agreement is the fueling of the CTC barge & boats. Scott advised that it was not really a concern.
Leon Hamilton asked Mark & Donna if they had any concerns with the agreement.
Mark Dyer advised that he was a little disappointed in the over the hill ordinance. He had hoped to have it removed, but instead Yarmouth promised to consider it if the turn around is built.
Scott Seaver asked if emergency use included Cumberland County. Leon Hamilton advised, yes.
Scott Seaver reminded the Selectmen that Yarmouth has already passed this agreement.
LEON HAMILTON – MOVED – TO APPROVE ARTICLE 1 (ONE) FOR THE WHARF AGREEMENT BETWEEN THE TOWN OF CHEBEAGUE ISLAND AND THE TOWN OF YARMOUTH WITHOUT THE CAPITAL FUND PAGE EXHIBIT "A" OF THE AGREEMENT. DONNA DAMON SECONDED. DISCUSSION – NONE. VOTE: UNANIMOUS.

Article 3: To see if the Town will vote to amend the "Shellfish Conservation Ordinance" as shown in Exhibit B.

Herb Maine asked if we have a shellfish conservation ordinance.
Claire Ross advised that A-10 is within the Coastal Waters Ordinance, and is a sub-set.
Herb Maine asked if we are changing the Coastal Waters Ordinance.
Claire Ross stated that we are.
Leon Hamilton stated that shellfish isn't part of the Coastal Waters Ordinance, it's just in one book.
Donna Damon stated that we accepted Coastal Waters as one ordinance not individually at Town Meeting.
Herb Maine stated it was a good time to fix it. We should remove A-10 and make it a chapter.
Herb Maine asked if Harbor Master approves creating a separate ordinance?
Claire Ross stated that shellfish should stand alone. She also stated that there are gray areas and that Coastal Waters Commission wants it separate.
Scott Seaver stated that this can be done at a future Town Meeting.
Mark Dyer asked that a summary be done.
Scott Seaver suggested that he and Claire work on this together.
Donna Damon asked about changes in 10.4.5 referencing clam rake or clam hoe.
Leon Hamilton also spoke about 10.4.5 in regard to hand implement. He would like to have wording stating that a hoe not be longer than three (3) and at a ninety (90) degrees from forks. We should only have forked or tined in nature. We should not allow spades and shovels.
Claire Ross stated hoe should be at least ninety (90) degrees from the fork, but not make it too restrictive.
Herb Maine suggested less specific language including the intent such as: 'that a proper hand implement should be used, as not to damage clams.'

Leon Hamilton stated that a lot of people do not know how to clam.
Scott Seaver advised that changing too much may create problems for everyone including Shellfish Warden.
Also, the Shellfish Committee may not agree with some of the changes.
Leon Hamilton asked that the word "preferred" be taken out.
Scott Seaver suggested wording of "clam hoes of a tined design".
HERB MAINE – MOVED – 10.4.5 – SHELLFISH MAY BE DUG BY HAND IMPLEMENT ONLY, SUCH AS CLAM HOES. SPADES AND SHOVELS WILL NOT BE ALLOWED. DONNA DAMON SECONDED.
VOTE: UNANIMOUS.

Article #3 continued:

Donna Damon asked that in 10.9 a sentence stating "no agents or power of attorney" be removed.
Claire Ross advised that we have written acceptance of changes from DMR. She also discussed that we want to try doing this by mail. She advised that the Town Clerk decides how to sell licenses.
Donna Damon stated that this will work as long as we do not have fixed numbers.
Donna Damon voiced concerns in 10.6.15 that creates a Senior Commercial Shellfish License for residents over sixty-five (65) year of age with a reduced fee. She asked if it is in proportion with other license fees. .
Claire Ross explained State regulations.
HERB MAINE – MOVED – TO ACCEPT ARTICLE #3 , SECTION "B" WITH AMENDMENTS.
CHRIS RICH SECONDED. VOTE: UNANIMOUS.

ARTICLE 4: To see if the Town will vote to amend the "Town of Chebeague Island Zoning Ordinance", as shown in Exhibit C.

Herb Maine asked about camping.

Beth Howe advised that it was taken out.

Beth Howe stated that she does not know.

Donna Damon discussed registered and un-registered sub-divisions. She noted that we do not treat the grandfathered lots the same way, which was not the intent of the changes that were made to grandfathered lots.

Beth Howe stated that the wording in the first paragraph is exactly what is was under Cumberland Zoning. We wanted to change the ending.

Mark Dyer asked about set backs prior to 1975 and after.

Beth Howe stated that this will not change.

Donna Damon stated that we should accept it and then send it back to the Planning Board.

Leon Hamilton asked why the changes?

Beth Howe stated it has to do with home occupation or business.

Leon Hamilton, do we hold this up?

Donna Damon stated, no.

LEON HAMILTON – MOVED – TO ACCEPT EXHIBIT "C" AS WRITTEN. CHRIS RICH SECONDED.

DISCUSSION: DONNA DAMON ASKED IN REGARD TO HOME OCCUPATION HOW MUCH OFF STREET PARKING FOR CUSTOMERS WILL BE SUPPLIED. BETH HOWE STATED THAT ORDINANCE DICTACTS THAT.

VOTE: UNANIMOUS.

HERB MAINE – MOTION - TO APPROVE WARRANT FOR TOWN MEETING SEPTEMBER 13, 2008.

LEON HAMILTON SECONDED.

DISCUSSION: DONNA DAMON REQUESTED MAILING OF SUMMARY.

VOTE: UNANIMOUS.

LEON HAMILTON – MOVED – TO ADJOURN MEETING AT 8:50PM.

HERB MAINE SECONDED.

VOTE: UNANIMOUS.

Respectfully submitted by Susan Campbell, Town Clerk.

