

**TOWN OF CHEBEAGUE ISLAND  
MINUTES OF SPECIAL TOWN MEETING  
SEPTEMBER 13<sup>TH</sup>, 2008 @ 9:00AM  
CHEBEAGUE ISLAND HALL & COMMUNITY CENTER**

1. Meeting called to order at 9:05AM.

*Article #1: To choose a Moderator to preside at said meeting;*

*Susan Campbell, Town Clerk opened floor for nominations for moderator.*

*Herb Maine nominated Jim Millinger for moderator.*

*Leon Hamilton seconded.*

*Susan Campbell, Town Clerk asked for further nominations. Leon Hamilton – moved to close floor for nominations. Leslie Clark seconded.*

*Susan Campbell, Town Clerk asked for vote to elect Jim Millinger as Moderator.*

*Vote: Unanimous.*

*Susan Campbell, Town Clerk swore in Jim Millinger as Moderator.*

*Jim Millinger as Moderator asked for any announcements from the floor, none received. He asked that everyone turn cell phones off during the meeting (unless emergency situation).*

*Jim Millinger read statement on how the meeting would be conducted. All questions will be directed to the Moderator, not to each other on the floor. Everyone will stand and state name after being recognized. He asked if there were any non-voting residents in attendance and asked if they would like to speak during the meeting. Will Sharpe stated he would like to be able to if he felt it was necessary. Jim asked for unanimous consent to allow non-voters to speak at this meeting; receiving no objections he took vote from floor to confirm on this subject and had a unanimous vote. Jim asked for unanimous consent to forego the reading of exhibits attached to articles; receiving no objection he confirmed with a show of hands.*

*Jim Millinger read Article #2 and asked for motion to approve.*

*Mark Dyer moved to approve Article #2 as written.*

*Beverly Johnson seconded.*

*Discussion:*

*Leon Hamilton thanked Mark Dyer and Donna Damon for all the work they have put into this agreement. He stated he thought the agreement was too much and the Town of Yarmouth had been uncooperative. He also stated that the agreement was the same as we already have. He feels that the Town of Chebeague Island was putting all this money into this for what.*

*Donna Damon stated that they had done the best they could. They have been going to meetings almost weekly. She stated that is not the best, but it's all that could be agreed on. She thanked David Hill for the support from CTC with this agreement. They did get one change that was made is that CTC can fuel all vessels at the Cousins Island dock. She then discussed the payment level had changed to 80/20 instead of 75/25. This increases replacement charges for the Town. The Town of Yarmouth wanted 90/10. Also, agreed on was that after the turn around was completed the over the hill ordinance can be opened back up for discussion. Donna advised that if this agreement does not go forward we go back to the drawing board.*

*David Hill discussed some of the twenty-five (25) year history and thanked the Town of Chebeague for letting CTC be involved in this process. He spoke about taking the old agreement and comparing it to the new one and it is almost identical. Also, he spoke about the second amendment of the court decree that dictates what the parking lot and barge can do. He stated that having the privilege of fueling and also if one of the scheduled runs has more than one-hundred-nineteen (119) passengers that the Islander can make a double trip.*

*Leon Hamilton asked someone to explain the 80% increase from 70% of expenses. He would like to know how this is considered an improvement.*

*Jim Millinger took question as he felt it was out of order.*

*Donna Damon stated that the Town of Yarmouth wanted ninety-percent (90%) and we kept negotiating until we got to eighty-percent (80%).*

*David Hill stated that finances are not between CTC and the Towns. He is waiting on a response from the Town of Yarmouth in regard to parking lot at Cousins Island. He stated that they will work with both Towns.*

*Vote to approve Wharf Agreement was held.*

**VOTE: UNANIMOUS IN FAVOR WITH ONE OPPOSED.**

*At this point Jim Millinger noted that State stature does not allow the language of an ordinance to be amended at Town Meeting. The next two (2) articles are to approve amendments to existing ordinances so no amendments can be made to the ordinances in this meeting, it must go to a future town meeting.*

*Article #3: To see if the Town will vote to amend the "Shellfish conservation Ordinance" as shown in Exhibit "A".*

*Cheryl Buxbaum moved to approve Article #3.*

*Peter Rice seconded.*

*Discussion:*

*Mabel Doughty stated there was a language mistake in 10.7.3 the word void should be valid.*

*Kenneth Hamilton discussed 10.4.5 in regard to a long handled clamming device. He stated that without a long handle people will have to bend over to dig clams. What is the reasoning behind this? People are going to break clams no matter what they dig with.*

*Jim Millinger asked if any Shellfish Committee members would like to speak. Seeing and hearing none continued with meeting.*

*Donna Damon noted that the warrant passed out at the meeting did not reflect changes that had been made at the previous Selectmen's meeting and asked if she had correct warrant.*

*Beverly Johnson asked what the difference is between a spade and a shovel?*

*Leon Hamilton advised that a spade has a pointed end and a shovel is flat ended.*

*Leon Hamilton discussed that digging with a spade damages clams. That's why we use hoe's. He has watched people dig with other implements and it damages resource.*

*Scott Seaver in response to Donna's comment retrieved the posted warrant and read from it the language under 10.4.5 warrant change. It reads as follows: Harvest by hand only by hoe, spade and shovel are not allowed. Scott announced that some of the handouts picked up this morning do not have the correct language.*

Article #3 Continued:

*Audrey Collins stated that she digs with a spade and does no damage to the clams. She asked if anyone else digs that way?*

*John Martin asked if other Towns have the same ordinances?*

*Claire Ross stated that other Towns ordinances do not specify spades & shovels.*

*Jane Frizzle asked what percentage uses spades.*

*Claire Ross stated only a few people. She explained why spades and shovels should not be used. We do not want to be too restrictive so people do not enjoy the resource.*

*Mable Doughty stated that she had observed people clamming with toilet plungers.*

*Kenneth Hamilton discussed his clam hoe is one he sawed the handle off and bent it. If people aren't objecting there is no merit for amending the ordinance.*

*Beverly Johnson stated that all that is changing is the wording to add spades & shovels.*

*Claire Ross advised that the length is not the issue, only spades & shovels.*

*Donna Damon discussed concerns about the Senior Commercial Clamming license. Why should the senior diggers get a reduced rate when they are making money from the resource.*

*Leon Hamilton discussed that older commercial diggers should be rewarded and receive a break.*

*Cecil Doughty stated that a Senior Citizen Commercial License would create another category and we may not have to sell a non-resident license. He stated Senior Recreational License is free and commercial diggers do not get a reduced rate.*

*Cheryl Stevens asked if we are eliminating shovels and spades what else are we voting on?*

*Jim Millinger referred her to the mail out.*

*The vote to amend the Shellfish Ordinance as recommended by the Shellfish Committee was held.*

**VOTE: PASSED TWENTY-SEVEN (27) IN FAVE AND TWENTY-FOUR (24) OPPOSED..**

Article #4: To see if the Town will vote to amend the "Town of Chebeague Island Zoning Ordinance".

*Beth Howe advised that the changes include some provisions identified by MEDEP in its review of Chebeague's Shoreland Zoning for conformance with the State law. Other corrections were discovered in using the ordinance. These changes do not change the meaning or intent of the ordinance. The changes in Sections 415.1 on home occupations and in Section 417.5 on fuel storage tanks for manufactured housing are substantive changes. On Shoreland Zoning she explained that in Table 1: Land Uses in the Shoreland Zone, the wording of 15-A is supposed to refer to Footnote 9, which is included in the text, but the "9" had been left out in 15-A. and in section 10.9 which refers to Boarding Kennels the word "which" had been left out.*

**Article #4 Continued:**

**Beth Howe stated that in Section 415.1 Home Based Occupation are in the section, but we changed only the home occupation wording no the home-based occupation wording.**

**The number of employees that are "not" family members was fairly restrictive and the Planning Board is recommending that it be increased to three non-family members. She explained that the employee cars should be parked off the road and should not take up customer parking spaces.**

**Beth Howe discussed the language in 417.5 the "Mobile Home Park" part of the ordinance. She advised that after a conversation with Tom Calder that in the "any fuel tank" section it should state that "no" tanks will be buried, but must be enclosed.**

**Peggie Jones asked if this includes modular homes. Beth Howe advised, no. This is for "mobile" home parks only.**

**Dianne Calder stated that if this is not approved as written the Clam Shack can not operate effectively.**

**Beth Howe advised that we adopted Cumberland's Zoning Ordinance. This needs a complete over haul based on the future findings developed by the Comprehensive Planning Committee . We are trying to do a few things at a time.**

**Cheryl Buxbaum asked if we were taking Rural Resident #1 and Rural Resident #2 out.**

**Beth Howe advised that the two (2) districts are only for the mainland so they will be removed.**

**Cheryl Buxbaum stated that she sees home occupation as inside the home and not outside. She would not look at the Clam Shack as a home based.**

**Beth Howe advised that home based is "out" and home occupation is "in". She also stated that this was approved by the Town of Cumberland as home based occupation.**

**Doug Clark asked if This exhibit was also incorrect in the handout as was the Shellfish.**

**Donna Damon stated that the Selectmen only modified language in the Shellfish Ordinance and that the land use ordinance was not modified and should be consistent in the posted warrant and the hand out.**

**Beth Howe explained the modification should be uniform in all copies.**

**Sally Ballard asked does this mean the Calder's can't have more employees?**

**Beth Howe stated that the ordinance currently allows only two (2) employees that are not family this proposed change makes it possible for three (3) non-family employees. It will make it easier to staff when the family is not around.**

**Donna Damon stated Home occupation falls into different criteria than a commercial business like the store.**

**Leila Bisharat asked about non-conforming lots #205, what is it? She stated that this is a very complex ordinance. She suggested to call on the Planning Board to hold meetings before the next Town Meeting to explain these kinds of complicated changes.**

***Beth Howe stated that she had asked MMA what format was for proposing changes in an ordinance at Town Meeting and had followed the advice they gave.***

***Herb Maine asked if the proposed changes received a properly noticed Public Hearing?***

***Beth Howe, yes.***

***Donna Damon suggest that Public Hearings such as Planning Board and Shellfish Committee hold hearings together or combine them with the Selectmen meetings. We would save on advertising. We need to figure out a way to engage the public. Donna Damon also stated that we need to do a better job communicating with the public before Town Meetings and that the Selectmen should hold joint public hearings with the committees proposing changes.***

***Beth Wiles asked that a complete warrant be mailed out. She advised that residents can not always attend meetings.***

***The vote to amend the Zoning Ordinance as recommended by the Planning Board was held.***

***VOTE: UNANIMOUS.***

***Leon Hamilton – moved to adjourn meeting at 10:07AM.***

***Cheryl Buxbaum seconded.***

***Vote: Unanimous.***

***Respectfully submitted by Susan Campbell, Town Clerk.***

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