

**Board of Selectmen Meeting Notice,  
August 22, 2018**

**The Board of Selectmen will hold a Meeting and Public Workshop for Road Safety on Wednesday, August 22, 2018 at the Chebeague Island Hall at 6:00 PM**

**I. Call Public Meeting to Order**

**II. Workshop-Public Workshop for Road Safety with Patrick Adams of the Maine DOT**

**III. Public Comment for items not on the agenda**

**IV. Regular Business**

18-128 Road Safety

To take any action from the Road Safety Workshop

18-129 Firehouse Road Drainage Project

To approve the drainage plan for Firehouse Road

18-130 Fireworks Ordinance

To review and consider including as a warrant article at the next Town Meeting (date to be determined)

18-131 Sunset Landing Concept Study

To consider a memorandum to provide Collins Engineering further guidance

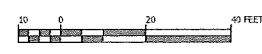
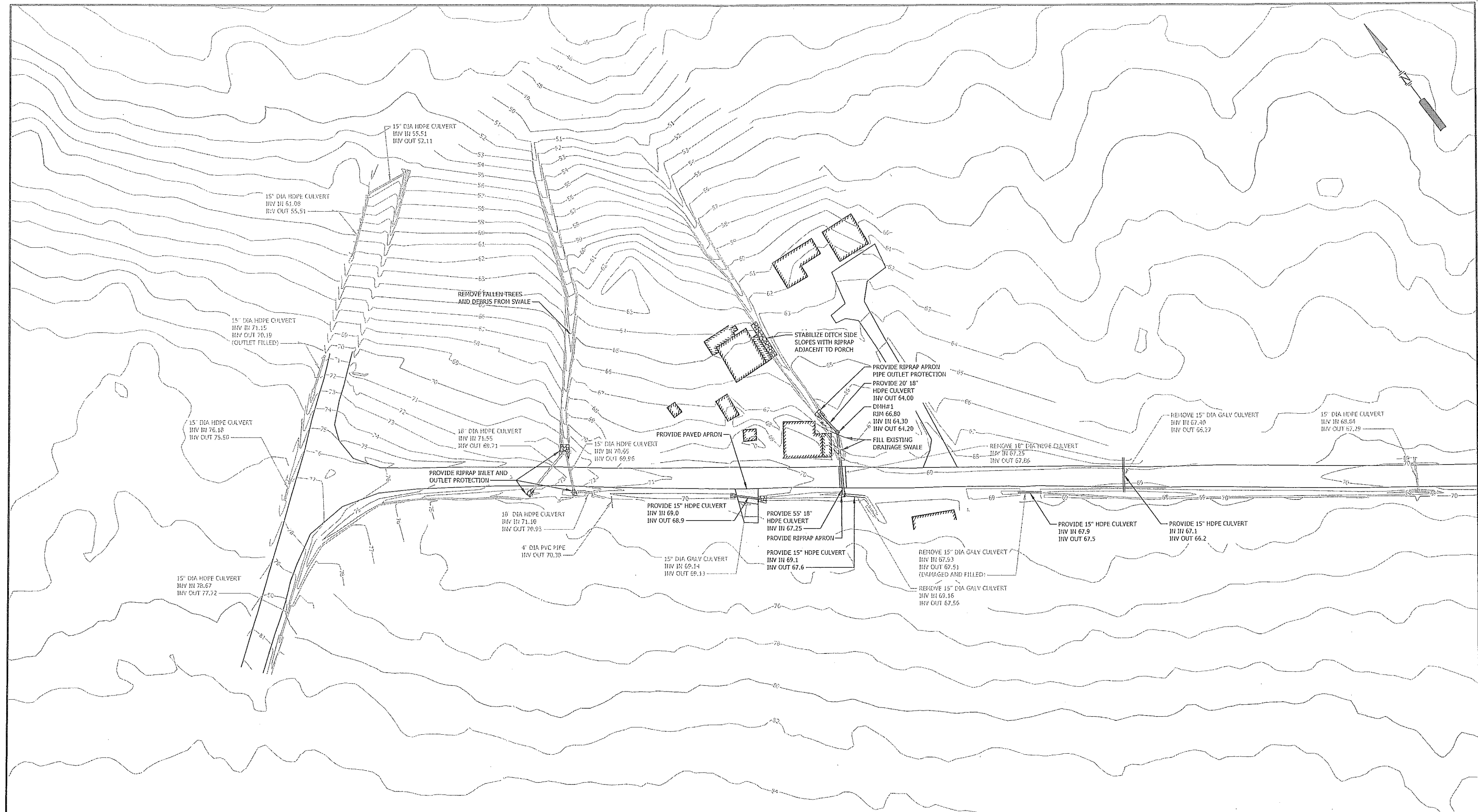
**V. Communications**

**VI. Review and approve prior meeting minutes of August 8, 2018**

**VII. Approval of Expense Warrant(s)**


**VIII. Other Business**

**IX. Adjourn Meeting**



- NOTES**
- EXISTING TOPOGRAPHY AND SITE FEATURES FROM GPS SURVEY PERFORMED BY SEVEE & MAHER ENGINEERS, INC, CUMBERLAND, MAINE. HORIZONTAL DATUM: MAINE STATE PLANE COORDINATE SYSTEM WEST 1802 ZONE NAD 1983. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM 1988.
  - HORIZONTAL AND VERTICAL DATUMS ADJUSTED USING OPUS (ONLINE POSITIONING USER SERVICE) SOLUTION USING GEOID2012.
  - STANDARD PRACTICE DICTATES THAT PLANS COMPILED IN THIS MANNER SHOULD BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO ENGINEER. THE ACCURACY AND COMPLETENESS OF SUBSURFACE INFORMATION IS NOT GUARANTEED. VERIFY SITE CONDITIONS INCLUDING TEST PITS FOR LOCATIONS AND DEPTHS OF UTILITIES AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO PROCEEDING WITH THAT PORTION OF THE WORK.

REV.	BY	DATE	STATUS

<b>FIREHOUSE ROAD DRAINAGE</b> <b>TOWN OF CHEBEAGUE ISLAND</b> <b>CHEBEAGUE ISLAND, MAINE</b>	
<b>SITE GRADING, DRAINAGE AND EROSION CONTROL PLAN</b>	
 <b>SME</b> <b>SEVEE &amp; MAHER</b> <b>ENGINEERS</b>	DESIGN BY: DPD DRAWN BY: SJH DATE: 4/2018 CHECKED BY: LHM: C-102 CTB: SME-STD
JOB NO. 17303.00    DWG FILE BASE	
<b>C-102</b>	

D:\Projects\17303.00\Firehouse Road Drainage\DWG\C-102.dwg 4/20/18 11:31:59 AM

*Revised Friday, August 17, 2018*

**DRAFT ARTICLES FOR TOWN MEETING**

Article X: Shall an ordinance entitled “PROHIBITION OF SALE OR USE OF CONSUMER FIREWORKS,” identified in Exhibit A, be enacted.

*Explanation: This ordinance prohibits the sale or use of consumer fireworks except as allowed under a fireworks display permit issued by the State of Maine pursuant to Title 8 MRSA Section 227-A.*

Article Y: Contingent on the defeat of Article X, shall an ordinance entitled “CONSUMER FIREWORKS ORDINANCE,” and identified in Exhibit B, be enacted?

*Explanation: If Article X fails and the Town votes to allow the sale or use of consumer fireworks, this ordinance controls the use of such fireworks, limiting the days and locations when and where they may be used.*

*If Article X passes, and the Town votes to prohibit the sale or use of consumer fireworks, this article will be declared null and void and will not be voted upon.*

**NOTE:**

**Title 8: AMUSEMENTS AND SPORTS  
Chapter 9-A: FIREWORKS**

**§223-A. Sale of consumer fireworks**

**2. Municipalities.** The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. **Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption.**

## **PROHIBITION OF SALE OR USE OF CONSUMER FIREWORKS**

### **Section 1. Purpose**

No person shall use, sell, possess with the intent to sell or offer for sale consumer fireworks within the Town of Chebeague Island or from any watercraft within the waters of the Town of Chebeague Island except as hereinafter provided.

### **Section 2. Definitions**

- i. For the purposes of this ordinance, "consumer fireworks" shall have the same meaning as provided in Title 8 MRSA Section 221-A. The term consumer fireworks does not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.
- ii. This section shall not apply to a person issued a fireworks display permit issued by the State of Maine pursuant to Title 8 MRSA Section 227-A.

## CONSUMER FIREWORKS ORDINANCE

### **Section 1. Purpose**

The purpose of this Ordinance is to prohibit the sale and restrict the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Chebeague Island and of the general public.

### **Section 2. Authority**

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S. § 3001, and the provisions of 8 M.R.S. § 223-A.

### **Section 3. Definitions**

The following words, terms and phrases, when used in this Ordinance, shall have the same meanings ascribed to them as in 8 M.R.S. § 221-A, as may be amended from time to time, except where the context clearly indicates a different meaning:

**Consumer Fireworks.** "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

*Note: The products listed above in subsections A, B, and C are illegal to sell, use or possess in Maine except by State licensed pyrotechnicians as part of a permitted fireworks display.*

**Fireworks.** "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound;  
or
- E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

**Section 4. Sale of Consumer Fireworks Prohibited**

No person shall sell or offer for sale consumer fireworks within the Town of Chebeague Island.\*

**Section 5. Consumer Fireworks Use Permit Required**

Under conditions specified here and below, a person must first obtain a written consumer fireworks use permit from the Town of Chebeague Island before using consumer fireworks. An application for a permit must be filed with the Town at least five (5) days before the proposed date of use and include, at a minimum, the name and address of the applicant, date of application, date of proposed use, hours and duration of use, location of use, written permission of landowner if location is not on land owned by applicant or the Town, and signature of applicant. If the proposed location is in the intertidal zone, written permission must be provided by abutting landowner(s). No permit may be issued to an applicant who is less than 21 years of age.

The Town may issue a permit if it is found that the use meets the following requirements and will not create a fire danger, a danger to the persons at the location of the anticipated use, or a danger or nuisance to the general public.

- (a) The Town assumes no liability for injuries that result from the use of consumer fireworks regardless of the status of a permit.
- (b) A permit only may be issued for the following days and during the following times:
  - i. July 3<sup>rd</sup>, beginning at 9:00 a.m. and ending at 10:00 p.m.;
  - ii. July 4<sup>th</sup>, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
  - iii. December 31<sup>st</sup>, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
  - iv. January 1<sup>st</sup>, beginning at 9:00 a.m. and ending at 10:00 p.m.
  - v. Other dates and rain dates may be determined at the discretion of the Town Administrator.
- (c) A written permit may be issued to use consumer fireworks at the following locations, with written permission of the owner, any abutting landowners, and the Fire Chief:
  - i. Hamilton Beach;
  - ii. The Niblic;
  - iii. Bennett's Cove;
  - iv. Chandler's Cove;
  - v. The Hook;
  - vi. Offshore barge at any location at least 100' from shore;
  - vii. Other locations with permission of owner and Fire Chief.

A map or plan depicting these specific areas and abutting properties will be maintained and posted at the Town Office.

- (d) Applicants will be responsible for cleaning up any debris left by fireworks displays and restoring the area to its previous condition.

## **Section 6. Acts Prohibited by State Law**

Pursuant to 8 M.R.S. § 223-A, as may be amended from time to time, a person may not knowingly procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks.

## **Section 7. Violation and Enforcement**

- (a) **Penalty for sale violation.** Any person who sells consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of one thousand dollars (\$1,000.00) plus attorney's fees and costs, to be recovered by the Town of Chebeague Island for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
  
- (b) **Penalty for use violation.** Any person who uses consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of two hundred dollars (\$200.00) plus attorney's fees and costs, to be recovered by the Town of Chebeague Island for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
  
- (c) **Injunction.** In addition to any other remedies available at law or equity, the Town of Chebeague Island, acting through its Town Administrator, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
  
- (d) **Seizure & disposal of consumer fireworks.** The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

## **Section 8. Exception**

This Ordinance does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S. § 227-A. Display has the same meaning as in 8 M.R.S. § 221-A(3).

## **Section 9. Severability**

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.



**Section 10. Effective Date**

This Ordinance shall become immediately effective upon approval at Town Meeting.

*\*Note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, which are small fireworks devices as defined under state law. See 8 M.R.S. §§ 221-A, 223. By prohibiting the sale of consumer fireworks, the Town is effectively prohibiting the sale of all fireworks in the Town of Chebeague Island.*

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**DRAFT 20180816**

Memorandum

To: Cheryl Coviello, Collins Engineering  
From: The Board of Selectmen, Chebeague Island  
Cc: Marjorie Stratton, Town Administrator  
Re: Sunset Landing Concept Study  
Date: 8/22/2018

The Board of Selectmen subcommittee have reported to the Board regarding the 8/15/2018 stakeholders meeting. The Board wishes to provide the following input regarding the nature of the options to be provided under Task 3 of the proposal dated January 5, 2018. While the proposal provides for up to 3 options the Board has left the third option open.

Option #1 Should be configured so that the Board can compare the costs between similar designs at the Stone Wharf and Sunset. Therefore, the uses and capacity (cars, boats and others) are more or less equivalent. The Board has selected the option titled "EAST COVE & WEST BUILD-OUT" (See attached) as the benchmark from the Stone Wharf. The estimated cost for planning purposes of 6.5 million dollars will be used to compare the cost of the same services at Sunset.

Estimated capacities based on report and GoogleEarth™ measurements and components may be refined or altered as the consultant sees fit:

Facility Component	Benchmark	Existing
Total Parking Spaces	88 + 35 = 123	58 + 35 = 93
Transportation Service Float	1250 SF	550± SF
Small Craft / off-loading (seasonal)	2320± SF	2075± SF
Commercial Floats	1000±SF	525± SF
Boat Ramp of Similar size	20' Width	20' Width
Covered Passenger area	150 SF	NA
Commercial Fishing Gear Loading (seasonal)	125± LF	200± LF
Adjacent Gear Temporary Storage	1500± SF	2000± SF
Bicycle Rack	2-3	2-3
Pedestrian walk ways		

Additional design considerations:

If space is potentially available for future expansion of parking, gear storage or other services it should be noted on the plan as a dotted outline and labeled appropriately.

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Option #2 should be configured to prioritize commercial operations such as barging. It should be designed to accommodate all island barging traffic not only Stone Wharf traffic. It should have a dedicated staging area and optimized grading for the heaviest of barged vehicles such as concrete trucks.

Other considerations:

For the purpose of the conceptual plan the access road should be included as a design specification, a unit cost estimate and an estimated number of units. The details of the exact placement and existing easement or future easements are outside the scope of this concept study.

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