

Town of Chebeague Island
Minutes of the Regular & Workshop meeting of the Board of Selectmen
Wednesday, March 11th, 2009 @ 6:00PM
Chebeague Island Hall & Community Center

Regular Meeting:

1. Meeting called to order at 6:07PM.

2. Approval of prior minutes:

Leon Hamilton, motion to approve minutes of February 11th, 2009

Herb Maine seconded

Discussion: Donna Damon turned in written request for corrections

Vote: Three in favor, two abstained

Leon Hamilton, motion to approve minutes of February 25th, 2009.

Herb Maine seconded.

Discussion: Donna Damon turned in written request for corrections.

Vote: Three in favor, two abstained.

3. Approval of Warrant #10-2009.

Discussion: Donna Damon asked Scott if he thought the amount of General Assistance the Town has in the budget is enough. Scott advised that he is not sure, but due to the economy it may change if other agencies change. Donna Damon asked about the Doughty's Market charge. Susan explained that this was for coffee items when Auditor's, Training individuals in office.

Herb Maine asked Scott about the Child's Engineering reimbursement plan. Scott advised that he is working on it. Donna Damon asked about the reimbursement from the Town of Cumberland. Scott advised it should be in anytime.

Herb Maine asked about the payment for the GIS Software maintenance. Scott was not sure, but it does cover support of the system.

Donna Damon asked about copies made at Staples for the Curit Farm. Susan explained that this was done at the request of Leila Bisharat. She had a copy of a map of Town owned property next to the Curit Farm and advised it was the only copy she knew of. One will be held by the Land Trust the others will be at the Town Office and Historical Society Building.

Herb Maine asked Scott about road salt and barging. Scott advised that the accounts are over budget.

Donna Damon asked about the Tracfone charge. Doug Ross explained that this is in the Rescue Unit as the crew needs to talk to Yarmouth Rescue and radios do not always pick each other up.

Leon Hamilton: motion to approve Warrant #10-2009 dated March 4, 2009 in the amount of \$88,471.04

Herb Maine second.

Vote: Unanimous.

4. Town Administrator Report:

Scott advised that we would be posting the roads on Thursday the 12th, until May 1st or sooner if possible.

Scott stated that the audit was completed.

Scott advised that the new web site is up and working.

Scott advised that he needs the Board to take action on a new General Assistance appendix. He advised that there has been a slight increase in the food benefit.

Leon Hamilton – motion to adjust the General Assistance fund to comply with the new appendix for increase of benefit.

Donna Damon second.

Vote: Unanimous.

Town Administrator Report continued:

Scott advised that the Sheriff Department will be foregoing a couple of day coverage so that they can give us coverage over the Memorial Day weekend. Mark Dyer thanked the task force for all their work.

Leon Hamilton – motion to amend Sheriff contract to reflect the four (4) days in the spring so that the Department can cover the amount of thirty-two (32) hours over the Memorial Day weekend.

Herb Maine second.

Vote: Unanimous

Scott stated that the Selectmen need to develop a policy to deal with unpaid parking tickets.

Scott asked that the Selectmen start considering a date for the Annual Town Meeting.

5. Public Comment:

Jeff Putnam referred to a letter to the Selectmen about the treatment that he got by the Harbormaster about fishing at Chandlers Cove Wharf. I want to address it a little bit, because I want you to know that I did not come to this Board or write a letter every time I got a call from the Harbormaster. This is something that has built up of several occasions. I didn't call the Selectmen when the Harbormaster called my wife and said that Jeff needs to move his boat right now, it was blowing 35 South West and I was tied up at Chandlers Wharf. I didn't call the Selectmen when I got call after call when I was trying to take traps up at Chandlers Wharf in January when the Stone Pier was frozen in. I didn't call the Selectmen when I was threatened with fines. I didn't call when I received notice of violation or when I got calls from Maine Marine Patrol. It was after I was loading traps into my truck on the wharf I was asked when I was going to move these. I knew I had to air the issue with the Selectmen and my point of that, I think it's unfortunate that a group of five or six need to get involved in an issue between two people. It's unfortunate. This group of Selectmen including Scott need to address the issue and decide if you want to take a stance of no fishermen at all use the Chandlers Wharf for any reason, for taking up or setting gear, or do they want to take the position a little discretion be used if it's January and no one else is using it and your respectful of CMP, take your traps up. I think that's fair. There's over, probably ten (10) people that take up or set traps from Chandlers Wharf and they are all respectful for the most part there was a bad apple a couple of years ago, but that's not the case anymore. So, I would ask the Selectmen to take the position in it and give the Harbormaster some direction. Make that direction and I'll respect it, if that direction is that ***no one should use Chandler's Wharf and if they do you should call the Marine Patrol and have them call the individual or fine them or send a notice of violation. I will respect that if that's your position, but I would be surprised it would be. My opinion is the position is to direct the Harbormaster to use a little discretion and allow fisherman to use Chandlers Wharf when necessary. It's not the best situation, Casco Bay Lines, CMP, contractors and the propane depot down there all using the same wharf at the same time, but it's part of what you have to do when you are a fisherman. It's that simple. I ask again for some resolve to this issue and would appreciate if you would take up this matter.

Mark Dyer addressed Scott Seaver. Scott, I think that you will **reiterate** to Jeff and anyone else that I have specifically asked you, if you believe it's time to call a session of this body and yourself and the parties mentioned. I haven't heard that it's going to happen yet it's certainly not my authority to make that happen even though I'm the Chair of this Board. My point being is that I recognize the issue that I think I have spoken to you about this. So, I don't want you to think this has been ignored, something like that can be touchy ground about who is suppose to be handling the situation and who the Supervisor is. I'm not averse to a get together. I'm not saying that anyone else is.

Donna Damon, I'm not averse to a meeting. I want to look at the Ordinances that regulate the floats at Chandlers Cove compared to what we have at the Stone Pier. We need to know what our legal authority is on wharf itself and maybe expanding the float system at Chandlers and maybe having tie-ups permits if we make improvements down there. I do not know anything about this, but we have ordinances that are on the books down there. We need to be supporting those and if there are problems with those we need to know specifically what the problems are within the ordinances or rules so we can address it.

Public comment continued:

As long as we have something on the books and I don't know what they are, maybe we should take a broader look for some recommendation of what's should be going on down there. We can't have one set of rules and another some place else. I've had people with concerns that people at the Stone Pier are buying permit and Chandlers does not. We have a lot of different issues that I think we need to look at that would help provide some guidelines to help you and to help the Harbormaster more direction. It's almost like looking at master plan to work towards to make the place more usable. Usually we get in a situation like this because the location is stretched or stressed or we do not have clear rules.

Leon Hamilton advised he had been in contact with the State about a year and half ago and I asked them what we had for authority at Chandlers Cove and they directed me to Casco Bay Lines. Basically the State expects that the Town would enforce ordinances at Chandlers Cove. The only thing they said to me was to contact Casco Bay Transit District and to work together on what they want for enforcement, nobody wanted to stop the fishermen from putting their traps down there. They want to make sure to keep things clear for passengers of Casco Bay Lines, picking up of the mail. I passed that on to our Harbormaster at that time and she had been in contact with them. I ask her what result she had or if she had contacted Casco Bay Transit District. In my view I thought we needed something in writing, from Casco Bay Transit District requesting our assistance in enforcing an ordinance on that wharf. With the State, we need to know what they expect us to do to enforce an ordinance. That's basically what they said, I have been working on it so we can take it up at a town meeting.

Herb Maine, I guess if what you're doing is filing a complaint against a Town employee then this is a personnel matter. If it has gone through the appropriate paths, such as they are, and it still hasn't been resolved then I think we need to address it. . We may need to look at the appropriate section of the ordinance in order to get into this, but the letter didn't reference the ordinance can you give us any clarification on that?

Jeff Putnam, the black and white of the ordinance is clear. There is a line. The gray area is the way it was handled is poor, very poor.

Leon Hamilton, you're not saying the Harbormaster was wrong in enforcing the ordinance, you're saying it should have been different?

Jeff Putnam, I'm saying that if this is the direction you give the Harbormaster in enforcing the ordinance the way she did with me, then that direction is wrong, poorest direction. Also, off that a little bit I think that changing ordinances and all that, it is simplest if nobody was using it, then what is the big deal?

Donna Damon, This is where I think we end up with a problem. If we did that up at the Stone Wharf or anywhere else on Chebeague and said it doesn't matter nobody's around, if want to go fifty miles an hour to get to the Stone Wharf in the morning its okay. The reasons we have rules is so that everyone works on the same page, we need to review if it's not working what the rules are, but it puts who ever is in charge of enforcement, it's like up on the Stone Wharf when they ticket people are they suppose to turn around because there's not that many cars on the wharf so they leave and do not give any tickets.

Jeff Putnam, that's an interesting analogy, another analogy that I have drawn from this is that there is no time limit on the commercial float at the Stone Wharf there is no time limit on how long you can tie up there and everyone respects that for the most part I think there is no need for a change although it's not in the ordinance about a time limit somebody could just tie up there and completely disrespect the fact that it's not , use a little common sense, it's not a berth to tie up, a little common sense would tell you not to tie up there. A little common sense would tell me I can use Chandlers Cove float to take traps up.

Donna Damon, that's why I suggested looking at that facility down there to have a working float, it's getting more and more use down there.

Mark Dyer, would the Board consider setting a date for an Executive Session to assist in this personnel complaint.

Leon Hamilton, I do not think we are talking about a Town employee complaint. I think what we are talking about is someone trying to enforce the ordinance to the "T" and someone doesn't like it. I'm not saying anyone is wrong all I'm saying is, what Jeff is saying that there is no discretion used in the law and using it by the letter and because of the time of the year and the number of fisherman that are there it shouldn't be enforced that well, isn't that what you are saying?

Jeff Putnam, what I originally wrote was the way I was treated down there is all.

Leon Hamilton, okay, this wasn't a personnel complaint that you brought us tonight was it?

Jeff Putnam, no it was a follow up on a personnel problem.

Mark Dyer, we are getting dangerously close to discussing something improper. I am asking the Board right now if we need to discuss now or at another time to hold a meeting to get this resolve to this situation.

Donna Damon, do we need a legal opinion on how to do it?

Mark Dyer, I do not believe I do, but the others should speak for them selves.

Scott Seaver, just let me say that nothing has been done. The issue is more complex, Jeff makes it complex enough, but the issue is more complex. On Friday, Chris Leon and I got together and one of the issues we have to get back to is the whole discussion that was held during transition about job positions, job descriptions. What are people memories on how things were to be handled? It could mean that the ordinances do not reflect what the wish of the Town was. That's one thing I need to get straightened out before we go too far.

Mark Dyer, I guess what I would suggest that Jeff sit's down with Scott Seaver and at least one or two Selectmen. Just so that I know as Chairman of this Board that we are trying to handle something from the public that may or may not be proper within our operations.

Donna Damon, Jeff did you talk to Scott direct?

Jeff Putnam, I went to his office.

Donna Damon, I guess what the next step is for Scott to talk to personnel and the next step is to see if this was justified.

Mark Dyer, what do you guys think?

Leon Hamilton, I will tell you right now that I would not sit down with just one of these individuals unless the other one is there.

Mark Dyer, that's why I suggested a group venture on this, I do not want take up to much more time on this.

Jeff Putnam, I'm sorry to take up so much of your time.

Mark Dyer, that's okay Jeff, I'm not blaming you at all.

Mark Dyer, we are not the Supervisor or the day to day overseer's of the people that work for the Town we are in charge, but we are in charge of the Town Administrator. If that individual seems to be at an impasse and needs some help it might be our duty to step in and help. I agree if there is more than one party involved that both parties should definitely know what is going on and probably have the right to be present.

Public Comment continued:

Scott Seaver, let me just say this. If we reach a point that I can not resolve this I will certainly ask for help. There are just things that I need to understand from past discussions.

Leon Hamilton, as you remember that I mentioned having a discussion with Med Bowen in regard to his property on North Road. He is willing to set down and talk to the Town.
The other subject is the use of ATV's on Chebeague Island roads. I gave Susan a copy of a bill that is going into the State. Leon asked the name of the person that is involved. Susan advised it is Meredith Strang Burgess. This will involve State roads. Donna, we do not have State roads. Leon, they do not allow them on State roads now. Donna, what will this do to us? Leon, we will have to do our own ordinance.
Mark Dyer, I am going to recommend having something on this subject on the April regular meeting agenda to set a date for a public discussion.
Leon Hamilton, it will take a little work. We need to make sure the ordinance is clear. I think it could have a big impact on the parking at the wharf.
Donna Damon, maybe Scott would know. If we wanted to create an ordinance and vote at the town meeting in June how many days do we need. Scott, zoning ordinances are the only ones with time frames.
Herb Maine if it's on the warrant it can be voted on.
Mark Dyer, this will be to consider setting a date for a discussion.

Deb Bowman, as a citizen and the librarian I would like to express my concern for police protection all the time. I have put in numerous requests through the Town Office and have not yet had anyone stop by. I would like to have them stop in as just general principal.
Herb Maine, Doug, Scott and myself, we have conveyed these concerns to the Sheriffs Office. Like I said before when you and I discussed this. We would have a lot more power if they had a letter stating concerns, something to put in their folder.
Donna Damon, they have renegotiated the contract so that they will be here over the Memorial Day weekend. In order to do this they will not be here four (4) random days.

Leon Hamilton, he would like to express my appreciation for all the support from everyone during the loss of my mother. I appreciate it and the whole family does. Thank you.

6. New Business:

6.1 To have the Selectmen set a date for hearings for new and renewal of 2009-2010 Victualer's and Special Amusement permits.

Mark Dyer, list includes but is not limited to:

: Calder's Clam Shack – renewal of Victualers Permit
Chebeague Inn – renewal of Victualers and Special Amusement
Chebeague Boat Yard – renewal of Victualers and Special Amusement permit
Doughty's Island Market – renewal of Victualers Permit
Slow Belle Café – renewal of Victualers and Special Amusement permit
Sunset House B&B – renewal of Victualers Permit
Orchard Inn – New Victualers and Special Amusement Permit under new ownership by lease.

Leon Hamilton, motion to set the hearing date for the next regular meeting of the Board of Selectmen to approve new and renewal licenses for the upcoming year.

Herb Maine second.

Discussion: Scott asked one of the business owners that were present if that gives them enough time.

Paul Belesca stated, yes.

Herb Maine asked to be sure the agenda is stated correctly.

Vote: Unanimous.

7. Old Business:

7.1 To have the Selectmen discuss a proposal from the Coastal Water Commission.

Mark Dyer, basically what they have asked us to do is consider a reconfiguration and addition of floats at the Stone Pier. They have asked us to consider taking a float that is at Public Works, it's the old spare float for CTC it's a bigger float than what is there now and take the commercial float and consider putting it off the end of the new structure of the Stone Pier.

Ken Hamilton, I'm rather embarrassed to say this because I think I jumped the gun on this whole situation. The reason being I have looked at the diagram or chart. When I finally got up there to do my own measurements I found that things were not as I suspected. Therefore I cannot support my own design. What I would like to do is table and I would like to see Coastal Waters Commission get together with the CTC people and hopefully Public Works and sit down and talk about some of the problems that I can see happening. I don't want to start something that will add to the problems or go to the cost of moorings that are holding the floats now. That's my request and I think we can figure something out. I still think we should be using that float to an advantage.

Leon Hamilton motion due to Ken Hamilton's recommendation we table this item.

Donna Damon second.

Discussion: Mark Dyer advised that he had done a little bit of homework and agrees that CTC, Coastal Water Commission and Public Works be involved. Mark to Scott as you know I have passed along several suggestions and will be adding more. I think are some things we need to do and some of them are general maintenance. Leon Hamilton maybe we need to build a spare float so if something happens we have a spare.

Scott Seaver, I have a couple of CTC Captains discuss that when the new hook up for the ramp the CTC float actually moved six or eight feet forward which at low tide can create a problem for the boat if there is a commercial boat tied up it can create an issue and we need to look at that too. Ken Hamilton discussed the size of the float and what the size difference to do. Scott, I think functionally when we put the new ramp that will go between the commercial float and CTC we can find a way to move that float forward, but I do not know what it does to the rest of it.

Ken Hamilton, as I say if I can set down with someone from Public Works and CTC to find out what they need we will go from there.

Vote to table: Unanimous.

7.2 Old Business:

To have the Selectmen set a date for the continuation of the public hearing for a subsurface wastewater permit for Map 103 Lot 096.

Donna Damon motion to set a date of March 28th @ 8:45AM at the Island Hall.

Herb Maine second.

Discussion: Leon, do the people involved have a preference. Scott no one has contacted anyone. Donna, after the last hearing I do not want to be involved in a situation that we run out of time due to the boat schedule. I think we should hold it on a Saturday morning.

Vote: Unanimous.

8. New non-agenda items to be presented by Selectmen.

Herb Maine, we need to set aside some time to approve the warrant for April 4th. Scott we can do this on the 19th and combine them together.

Leon Hamilton, date for the public hearing for Cousins Island. Mark advised that it is Thursday, March 19th @ 6PM at the Hall.

Donna Damon, will there be a mailing? Scott, yes.

9. Adjourn:

Herb Maine motion to adjourn, Leon Hamilton second. Meeting adjourned at 7:25PM

Vote: Unanimous.

Respectfully submitted by Susan Campbell, Town Clerk

