

Town of Chebeague Island
Minutes of the Board of Selectmen Meeting
January 25th, 2012, 6PM at the Island Hall

Present: David Hill, Mary Holt, Chris Rich, Herb Maine & Eric Dyer.
Arrived after meeting called to order: John Martin.

1. Meeting called to order at 6:00PM.

2. Public Comment.

David Stevens: The Coastal Waters Commission and Shellfish Commission would really like to see the Harbormaster take the one hundred (100) hour course law enforcement course. We keep hearing maybe, maybe not. We feel it is critical in performing both duties.

David Hill: I thought we discussed this and were in agreement that the individual hired would take the course. Eric can you address that? Is he or is he not taking the course and when?

Eric Dyer: I did not know if the Board had come to a formal decision it is a \$2,000 course. I did not remember if the decision was made for the individual, someone else or multiple people. The discussion was started and not finished. I felt it was better not to give the impression that we would go in that direction.

David Hill: When are the classes held and when we should consider our options?

Eric Dyer: I am not sure, but I think it's in the spring. I haven't spent much time on it.

David Hill: Please look into this and if the course is offered in the spring bring the information back to the Board on the February agenda.

3. Old Business:

3.A To have the Selectmen discuss and possibly act on a contract for Town Administrator services with the current Town Administrator.

David Hill: Last week we had a review with Eric Dyer. I think it was an open and frank discussion of what has been working and what need to improve we came to the conclusion that we would like to keep Eric in the employ of the Town and have drafted an agreement, employment agreement that basically that is renewable over three years. We cannot discuss the agreement until it is voted on under State Law. I would at this time ask for a motion to accept the Administrators agreement.

Mary Holt: Motion to accept the Administrator agreement.

Herb Maine: Second.

David Stevens: Regardless of who the Town Administrator is, I am talking about the Town Administrator position. Does the fact the Town is entering into an agreement with the Town Administrator how does that coincide with the ordinance, Section 109A appoint a Town Administrator, reappointments' and the process of dismissal would that void the ordinance in any way.

David Hill: No it does not. In the agreement we may dismiss the Town Administrator at any time without cause and the individual may leave at any time. I will read the section in the agreement "we have the right to terminate with or without cause at any time and the Town Administrator is not obligated to work for the town". It does not go against the ordinance in any way.

Vote: Unanimous.

David Hill: This now becomes a public document. I sign it, Eric signs it and basically it lays out the duties and responsibilities and as David mentioned termination. Nothing in this agreement shall prevent, limit or otherwise interfere with the rights Board of Selectmen to terminate the services of the Town Administrator as established under Section 109A of the Selectmen's Ordinance of the Town of Chebeague Island. That's part "A". Part "B" is that nothing shall prevent or interfere with rights of the Town Administrator resigning with thirty (30) days of a written notice of resignation.

David Hill: Any further discussion? Then let's move on to the next item of business.

Old Business continued:

3.B To have the Selectmen discuss and possibly act on the removal of the lower cost riparian fee category from the mooring fee schedule and establish a flat rate for all mooring owners.

Eric Dyer: The flat rate reference is not exactly correct. The only thing this will do is to remove the riparian category from the fee structure. All else will remain the same. Included in your Selectmen packet is a copy of the page two from the Coastal Waters Ordinance. It states that the mooring fees will be reviewed annually if necessary by the Board of Selectmen.

The second piece of this information is a letter from the Coastal Waters Commission to the Board on August 11, 2011 regarding the fee schedule. The letter states that the Coastal Waters Commission has reviewed the fee structure at its July 20, 2011 meeting and is recommending the following.

- The first recommendation is that the Shellfish Commission review the fee structure for Shellfish Licenses.
- The second recommendation is that the Riparian Mooring Fee Category be removed.
- The third recommendation is that the Coastal Waters Commission endorses the current fee structure for moorings.
- The Coastal Waters Ordinance is currently under review.

The third piece to this is a page is a draft of a fee schedule that is being worked on. It references removing the fee for Riparian moorings. This is also supported by the Harbormaster.

Eric Dyer: David (Stevens) do you want to add to this?

David Stevens: We do not actually remove the riparian moorings. That's State Statute. What we are recommending here is that the fee be the same as any other mooring due to the fact that it creates a lot of confusion. They were having issues at the Town Office of people coming in a feeling they were entitled to a Riparian mooring fee because their family land got a riparian mooring. I'm trying not to confuse this. They thought because of the location of the family land they could have a Riparian mooring. Riparian mooring is just for one mooring. We feel that it would remove the confusion if we remove the fee for Riparian and make it the same as the rest of the fee structure. The intent is not to remove the riparian moorings just revise the fee.

Herb Maine: The memo does say Riparian should be deleted.

David Stevens: Only the fee category.

David Hill: We can change the Riparian fee, but not the rights.

David Stevens: Exactly.

Herb Maine: The Riparian right is to have a mooring out in front of your house.

David Hill: There is more to it than that, but let's not get into all of it.

Herb Maine: It implied on the old schedule that you could have more than one Riparian mooring.

Herb Maine: Motion to remove the Riparian category out of the fee structure.

Chris Rich: Second.

David Hill: Any discussion?

David Hill: I am strongly opposed to this and have been since I got my first mooring. My thinking is that we have a problem with solution. What happens to shore owners that pay high taxes for having their land touch the water. It seems that anyone that pays that kind of taxes should be able to drop a mooring in front of their house without the cost going up. The cost will go up from \$25 to \$40. I think we are going in the wrong direction.

David Stevens: I felt the same way. We are trying to remove confusion.

David Hill: What if the Riparian rights apply just to the land owner not the extended family members

Herb Maine: What if there are multiple owners.

David Stevens: We have multiple owners and trusts. There is the confusion.

Donna Damon: If you remember during the discussion of the Coastal Waters Ordinance that this part of the ordinance is in contradiction of state law. State Law only allows one Riparian mooring, only requires one Riparian mooring. The Marine Committee was being generous. If you change this to say that each property could only have one Riparian mooring that would eliminate the problem. You would be consistent with State Law.

David Hill: My solution would be one (1) Riparian mooring for free and after that everyone pays commercial, resident and so on.

Donna Damon: The only thing that Riparian allows is one (1) mooring out in front of your house. If we want to not have a fee for that one mooring it can be done by changing the ordinance.

Mary Holt: Is there a limit on how far out the mooring is from your property. The reason I ask is some waterfront property is tight; can we put it out in the mooring field?

Old Business continued:

Donna Damon: I speaking off the top of my head, but I believe the property has to have seventy-five (75) feet of shore frontage.

David Stevens: I believe it is one-hundred (100) feet.

Herb Maine: The point was if you own shore frontage how far out can the mooring be from your property and still be free, anywhere on the island?

Donna Damon: It has to be out in front of your property. It has to be in that trajectory.

Herb Maine: The intent of this is in places that have many moorings and if you buy shore front property and the prior owner did not have a mooring all this does is put you at the top of the list for a mooring in a particular mooring field.

David Hill: The motion on the floor is to eliminate the Riparian fees which would leave in place the fee for first, second and third mooring.

Herb Maine: The intent is to eliminate the Riparian category from the fee schedule.

Donna Damon: In the ordinance is there verb age for Riparian? So that's why I suggested doing a revision of the ordinance.

David Stevens: The State law says one. Riparian is a river word.

John Wilson: Does a non-riparian mooring owner get a break on multiple moorings.

David Hill: Read the fee structure of application.

David Stevens: Do you want Coastal Waters Commission to take another look at this?

David Hill: Yes that's what I am suggesting.

Herb Maine: Why is that? If we remove the word Riparian why define it?

Mary Holt: Are we going to say that each shore front property gets one free mooring?

Herb Maine: My motion is just to remove the category Riparian.

David Stevens: What if the fee for a Riparian mooring.

Herb Maine: There is no Riparian mooring anymore. If you live on the shore you pay a resident fee.

David Hill: So what do you want to do eliminate it and have no Riparian for the Town of Chebeague Island?

David Stevens: The person is entitled to one mooring out in front on their house and pay the standard fee.

Donna Damon: I think all you have the authority to do is eliminate the fee. In order to eliminate more than the fee it has to go to Town Meeting.

Herb Maine: At Town Meeting we decided to put all fee structures in all of the ordinances into a fee schedule that the Selectmen can control.

David Hill: That's right. We can control the fees, but we cannot control the definition of Riparian that is in the ordinance.

Herb Maine: What I am saying is the ordinance that we passed allows us to modify fees.

Donna Damon: It doesn't say you can take it out completely so you should show zeros in the fee chart.

David Hill: Is this a subsequent argument? The fees would not go to zeros.

Herb Maine: No it will go to \$40, 20, and 20.

David Stevens: There is still a fee for Riparian. All Riparian does is guarantee you a mooring in front of your house.

Herb Maine: I would like to amend my motion.

David Hill: Go ahead.

Herb Maine: Motion to set the fees for a Riparian mooring to \$40 for the first mooring, \$20 for any additional moorings.

David Stevens: You cannot have more than one Riparian mooring.

Herb Maine: Show me where it says that.

David Stevens: It is very vague.

Herb Maine: The ordinance needs working as noted in the memo in states that the ordinance is being reviewed.

Eric Dyer: This does have some gray areas. I personally don't see an issue the way the ordinance is. The Selectmen do have authority to add or remove fees within categories. With respect to the Transfer Station the fees were discussed.

David Hill: So we have a motion to raise the Riparian fees from \$25 to \$40 for the first mooring and second/third mooring from \$5 to \$20. Is that right?

Herb Maine: Yes.

Chris Rich: Second.

David Hill: Okay, but I think we are going in the wrong direction. We can vote on this if there isn't any discussion or comments from the Board or Public.

Old Business continued:

John Wilson: One of the things I understood when the Selectmen decided to take on the schedule of fees and I think it was a policy fees are set to cover costs. These are differential taxations and that to me is inconsistent what the Board agreed to when you set up a schedule of fees basically you are assessing fees to cover costs. How do we define a non-resident?

Chris Rich: I just wanted to say there are two categories for Non-resident's.

Donna Damon: We did the same thing with Shellfish Licenses.

David Hill: Are we ready for a vote?

Vote: Three (3) in favor with Two (2) opposed.

4. Non-agenda items to be presented by Selectmen.
None.

5. Approval of Expense Warrant.

John Martin: Motion to approve Expense Warrant in the amount of \$18,292.90.

Mary Holt; Second.

Vote: Unanimous.

6. Adjourn.

Herb Maine: Motion to adjourn and move into the Workshop at 7:15PM.

Mary Holt: Second.

Vote: Unanimous.

Respectfully submitted by Susan Campbell, Town Clerk.

