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**Camden Select Board
Minutes of Meeting
April 5, 2011**

PRESENT: Chairperson Karen Grove, John French, Morgan Laidlaw, Martin Cates, and Town Attorney Bill Kelly. Also present were members of the public and press.

ABSENT: Town Manager Roberta Smith and Vice Chairperson Deborah Dodge

Minutes of Meeting

Chairperson Grove called the meeting to order at 7:00 pm.

1. Public input on non-agenda items.

Resident Nancy Caudle-Johnson – gave testimony to some inaccuracies that have been done in the marketing of the Apollo Tannery property on Washington Street. The Town has been marketing it as a 3.5 acre when it is really 2.8 acres. The Camden of Town voters on November 4, 2008 voted to create a conservation easement to retain the permanent ownership of the .77 acre riverwalk. At that time this reduced the parcel to 2.8 acres. Town officials have been describing the 25 foot riverwalk as an easement or a trail corridor rather than a separate piece of property that the town is suppose to keep forever.

In September 2009 Landmark Corporation was hired to develop conceptual plans for use in marketing the property. The four concept designs are based on a 3.5 acre site not a 2.8 acre site. This makes a big difference in far as buildings and parking. Because this property is zoned in the River Business District only 70% of the site can be covered with buildings and parking which is only 85,277 square feet of the site and not 106,722 square feet which is what has been advertised on the “Free Land in Maine” website, news media, for sale signs on the property and in the front office window. Landmark also told her they were told it was only a conservation easement on the property for the riverwalk not a separate parcel.

As far as the appraisal of the property it was reappraised in March 2010 and this is also inaccurate stating the property is 3.5 acres in size and a photo of Megunticook River is captioned stating “riverfront property”.

She wants the town to take immediate steps to correct the record in going forward to ensure documents, press releases and whatever else accurately represents the property that is being sold is a 2.8 acre parcel and that the riverwalk is a separate property boundary and not just an easement on the survey map of the property. She stated the town is open to liability because information is inaccurate. Her concern is if we don’t correct it now and wait until a buyer shows up what happens if someone wants more access to the river.

Chairperson Grove thanked Nancy for the information and stated first of all she does not think she is wrong in the information she presented however the purchase and sale agreement with B’D Turman’d clearly stipulates the riverfront is not for sale and told her the town would correct the inaccuracies. (documentation attached provided by Nancy Caudle-Johnson for the record)

51 Town Attorney also responded to Nancy stating he has not forgotten about the separate
52 deeded parcel for the riverwalk. Although, he was not involved in the marketing piece, he
53 was involved in the Purchase & Sale Agreement and it expressly states the buyer is not
54 buying the trailer corridor and the wording could not be much clearer. He wanted to assure
55 Nancy that the buyers do know what they are buying.

56
57 Fire Chief Farley inquired if any meetings had been set about the regionalization discussion
58 regarding the Fire & Police Departments of Camden and Rockport that was brought up at
59 the last Select Board meeting. The Board responded that nothing has been discussed since
60 the last meeting when the Board asked about it.

61
62 **2. Approval of Select Board Meeting Minutes from March 1, March 15, and March 23,**
63 **2011.** *Martin Cates made a motion to accept the Board minutes from March 1, March 15, and*
64 *March 23, 2011 as presented. John French seconded this motion. The motion passed on 4-0-0*
65 *vote.*

66
67 Chairperson Grove read the rules and regulations for conducting public hearings in preparation of
68 the public hearings to be held this evening.

69
70 **3. Public hearing on proposed amendment to the Camden Subdivision Ordinance:**
71 **Amend Article 9, Inspections and Enforcement, Section 4, to add the following**
72 **sentence: require at least 75% of subdivision lots have been issued certificates of**
73 **compliance.** The Board heard from Planning Board Chair Chris MacLean and Vice
74 Chairman Lowrie Sargent regarding the proposed amendment to release the Town from
75 possible liability for damages to these roads during the construction phase. The concept
76 behind this amendment is to create a threshold before the Town would accept the
77 responsibility for subdivision roads that have been developed. This change is being
78 proposed because the Planning Board has been concerned that the Town is put at risk of
79 making repairs to roads for damage caused during the development of subdivision lots.
80 This burden of wear and tear caused by development would fall to the taxpayer instead of
81 to the developer. By placing a 75% threshold of developed lots the risk of the Town
82 incurring expenses for repairs caused by damage to the roads during development of the
83 remaining lots is reduced to a more acceptable level.

84
85 Lowrie Sargent stated the situation addressed by the proposed amendment does not
86 happen very often because there are not very many subdivisions being built. The concern is
87 that the most likely time for damage to these roads to occur is during construction – heavy
88 trucks and equipment can easily damage roads. It is unfair for the public to be responsible
89 for these repairs. But if the developer has financial responsibilities for these roads the
90 developer has an interest in following through on making those responsible for damage pay
91 for repairs. Also, even though inspections are routinely conducted during construction of
92 sewer systems and drainage systems, until they are actually used any problems with their
93 proper function won't surface. This amendment is a further safeguard that the taxpayer
94 won't have to pick up the bill for this work. Planning Board members do not feel it is not
95 fair for taxpayers to bear the financial burden of taking on roads when a subdivision
96 developer either misjudges the market or the market isn't there.

97
98 Chairperson Grove asked to hear from any proponents. There were none.

99 Chairperson Grove asked to hear from any opponents. Dana Strout – member of the
100 Camden Affordable Housing Organization, this ordinance amendment will put a stake in the
101 heart of any future affordable housing project. The money is not there for the carrying cost
102 and for the maintenance during that period of time. At the rate we are going it would be 10-
103 12 years before we had 75% sell out. We are on such a thin margin that we are barely able
104 to do it. Carrying cost and maintenance costs over that period of time would devastate the
105 project.

106
107 Chairperson Grove closed the public portion of the hearing, Board discussion ensued.

108
109 Board member French has the same concerns he had last Fall which is this change will sink
110 our affordable housing complexes. They will need to factor into their financial plan that
111 they will need to pay for maintenance of the road until 75% of the homes have been built.

112
113 Planning Board Chair MacLean noted that the only opposition raised before was that there
114 could be a significant adverse impact on any public housing developments. Throughout the
115 process the Board has been encouraging the one entity that had been encouraging that
116 opposition to please come forward to present information about how the adoption of this
117 amendment would serve as the death knell of any future public housing development in
118 Camden. Although the Board was provided general information about public housing
119 development in Camden, the Chair does not feel that he was provided with any specific
120 information that the passage of this amendment would create any particular hardship other
121 than the general financial hardships that follow any housing development in this economy.
122 There were no other comments received. The real question is should this be a taxpayer
123 burden.

124
125 *Morgan Laidlaw made a motion to include this question on the June Annual Town Meeting*
126 *Warrant. Martin Cates seconded this motion. The motion passed on a 3-1-0 vote. (French*
127 *opposed)*

128
129 4. **Public hearing on proposed changes by the Parking, Traffic, & Transportation**
130 **Committee regarding raising parking violation fees in the Parking Ordinance (Part IV**
131 **of the Camden Police Ordinance).** Jeff Sukeforth, Parking Enforcement Officer reported it
132 has been some time since the parking citation fees have been updated. The Parking
133 Committee along with himself have collected informational data regarding the fees and
134 associated revenues over the past year. These fees will bring the town more in line with
135 other communities. He also stated the biggest offenders are the people working here not
136 the people coming here to shop and eat.

137
138 Resident Anita Brosius-Scott stated it is important to increase the prices but she proposes
139 for only second offenses. She has concerns about finding our visitors. She would prefer to
140 have a low fine for the first ticket and increase them for subsequent offenses.

141
142 Chairperson Grove asked to hear from any proponents. There were none.

143
144 Chairperson Grove asked to hear from any opponents. There were none.

145
146 Chairperson Grove closed the public portion of the hearing, Board discussion followed.

147

148 Board member Laidlaw stated he agrees with Anita's concerns however on the other hand
149 these parking fees are also on the low side.

150
151 Board member French stated these increases might keep employees and employers off the
152 street to allow for visitors to find a parking spot.

153
154 *John French made a motion to approve the proposed changes to the Parking Ordinance*
155 *relative to parking violation fees. Martin Cates seconded this motion. The motion passed on a*
156 *4-0-0 vote.*

157
158 5. **Discussion regarding Gateway 1 with Don White.** Don White presented a Gateway 1
159 Report to the Select Board. He also discussed with the Board a proposed Resolution relative
160 to the Gateway 1 program. The resolution states that the town wishes to continue working
161 collaboratively with other communities along the corridor to finalize work on
162 transportation and land-use, including a corridor-wide transit study.

163
164 *John French made a motion to support the resolution presented and forward it to legislature*
165 *for consideration. Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.*

166
167 6. **Consideration of the following recommendations from the Personnel Board:** Town
168 Attorney Kelly raised the question about whether or not there was a need for public
169 hearings for such matters. Town Attorney William Kelly asked for time to meet with the
170 personnel board and/or Town Manager and to review the Town Charter and Personnel
171 Policy in more depth to clarify the requests and the procedure for enacting these items. He
172 did not have time to look into these items because he did not know about them until this
173 afternoon.

174
175 The Board discussed with the Fire Chief the rationale of creating a new position. Questions
176 were raised about the added responsibilities and the duties that would be added and the
177 rationale of increasing from pay grade 7 to 13.

178
179 Fire Chief Farley stated by creating this new position we would be adding more
180 responsibilities in order to provide some stability and create supervisory and management
181 duties. When he is not available someone has to be available to manage 40 part-time
182 personnel. This position has more responsibility than managing 10 full time personnel.
183 Part of the reason for creating this position was created to help share the management
184 responsibilities of the Fire Department.

185
186 Select Board member Cates stated he attended the Personnel Board meeting where this was
187 discussed he recalls the discussion was more on the level of pay then what the job
188 description (Ellsworth) entailed. After further Board discussion, it was felt they needed
189 more clarification before they could vote on this. It is not their intent to submarine this but
190 without more clarification not comfortable taking action.

191
192 *John French made a motion to table both creation of a new career Assistant Fire Chief Position*
193 *and the adoption of a storm closing policy index for the Personnel Policy until they receive*
194 *clarification from the Town Attorney what the next proper steps should be. Martin Cates*
195 *seconded this motion. The motion passed on a 4-0-0 vote.*

196

197 7. **Consideration of Bid Award:** Police Chief Randy Gagne reported on the bids received for a
198 new photocopier for Public Safety Building. The photocopier they have now is the same one
199 they had when they moved to the new location and this purchase is a replacement for a
200 black and white photocopier. They received four bids and they have reviewed them and
201 feel the low bidder, Oce' North America which is a Canon model meets the specifications
202 requested.

203
204 *Martin Cates made a motion to award the bid of the new photocopier for the Camden Public*
205 *Safety Building to the low bidder, Oce' North America for a bid price of \$2,912. Morgan*
206 *Laidlaw seconded this motion. The motion passed on a 4-0-0 vote.*
207

208 8. **Consideration of new application for North Woods Evolution LLC, d/b/a 57 Bay View**
209 **Bar & Bistro at 57 Bay View Street for a victualer license.** The codes office has signed
210 off on the application and the life safety inspection has been completed by the Fire
211 Department.

212
213 *John French made a motion to approve the application of North Woods Evolution LLC, d/b/a*
214 *57 Bay View Bar & Bistro at 57 Bay View Street for a victualer license.*
215

216 9. **Consideration of appointment of Peter Brown as alternate member to the Parks &**
217 **Recreation Committee.** *John French made a motion to appoint Peter Brown as an alternate*
218 *member to the Parks and Recreation Committee. Martin Cates seconded this motion. The*
219 *motion passed on a 4-0-0 vote.*
220

221 10. **Public Hearings on the following liquor license and special amusement permit**
222 **applications:** All liquor license applications had no incidents on record for the
223 establishments listed below and the establishments requesting a renewal special
224 amusement permit have completed their life safety inspections with the fire department.

- 225 a. **Application of Camden Deli at 237 Main Street for a Class I Restaurant Malt,**
226 **Spirituos, and Vinous Liquor License.**
227 b. **Application of Cappy's Chowder House, Inc. at 1 Main Street for a Class XI**
228 **Restaurant/Lounge Malt, Spirituous, and Vinous Liquor License.**
229 c. **Application of Village Restaurant at 5 Main Street for a Class I Restaurant**
230 **Malt, Spirituous, and Vinous Liquor License.**
231 d. **Application of Brevetto, LLC, d/b/a 40 Paper at 40 Washington Street for a**
232 **Class I Restaurant, Malt, Spirituous, and Vinous License.**
233 e. **Application of Anita Zeno, d/b/a The Belmont Inn at 6 Belmont Avenue for a**
234 **Class V Bed & Breakfast Malt, Spirituous, and Vinous Liquor License.**
235 f. **Application of Elm Street Grill at 115 Elm Street for a Class I Hotel &**
236 **Restaurant Malt, Spirituous, and Vinous Liquor License.**
237 g. **Application of Cuisine de Coueur, d/b/a Atlantica at 1 Bay View Landing for**
238 **a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.**
239 h. **Application of Atlantica at 1 Bay View Landing for a Special Amusement**
240 **Permit.**
241 i. **Application of 40 Paper at 40 Washington Street for a Special Amusement**
242 **Permit.**
243 j. **Application of Cappy's Chowder House at 1 Main Street for a Special**
244 **Amusement Permit.**
245

246 Chairperson Grove asked to hear from any proponents. There were none.
247 Chairperson Grove asked to hear from any opponents. There were none.
248 Chairperson Grove closed the public portion of the hearing, no Board discussion followed.

249
250 *John French made a motion to approve the applications a-j as listed above. Martin Cates*
251 *seconded this motion. The motion passed on a 4-0-0 vote.*

252 **11. Designation of the Registrar of Voters' office hours for the upcoming Special Town**
253 **Meeting Tuesday, May 10, 2011.** *John French made a motion to designate the Registrar of*
254 *Voters' office hours as the regular business hours of the finance office for the upcoming May*
255 *10, 2011 Special Town Meeting Referendum. Martin Cates seconded this motion. The motion*
256 *passed on a 4-0-0 vote.*

257
258 **12. Confirmation of the Town Clerk's appointment of Election Warden for the Special**
259 **Town Meeting Tuesday, May 10, 2011.** *John French made a motion to confirm the Town*
260 *Clerk's appointment of Abe Baggins as Election Warden for the Special Town Meeting,*
261 *Tuesday, May 10, 2011. Martin Cates seconded this motion. The motion passed on a 4-0-0*
262 *vote.*

263
264 **13. Committee Reports.** There were none.

265
266 **14. Manager's Report.** There was no report; the Town Manager was not present at the
267 meeting.

268
269 *John French made a motion to close as Select Board and reconvene as Board of Assessors.*
270 *Martin Cates seconded this motion. The motion passed on a 4-0-0 vote.*

271
272 **BOARD OF ASSESSORS**

273
274 **1. Consideration of abatement request from Peter Blake at 162 Bay View Street for the**
275 **2010-2011 property tax year.**

276
277 After review of documentation from Assessor's Agent,
278 *John French made a motion to approve a 5% reduction in the land valuation of 162 Bay View*
279 *Street which would value his property comparable to neighboring properties having the same*
280 *site conditions. This would be an abatement of \$76,900 in land valuation, which represents a*
281 *reduction in assessed valuation from \$1,538,900 to \$1,462,000. This change reflects a*
282 *reduction of \$1,035.85 collected for the 2010-2011 property year. Martin Cates seconded this*
283 *motion. The motion passed on a 4-0-0 vote.*

284
285 *John French made a motion to adjourn at 10:00 pm. Martin Cates seconded this motion. The*
286 *motion passed on a 4-0-0 vote.*

287
288
289 Respectfully submitted,

290
291
292
293 _____
294 Janice L. Esancy
Recording Secretary