



**Town of Camden**  
**Minutes of the Select Board Meeting**  
**March 20, 2012**  
**7:00pm**

**PRESENT:** Chairperson Martin Cates, Vice Chairperson Morgan Laidlaw, John French, Jr., James Heard, Donald White, Town Attorney Kelly and Town Manager Finnigan. Also present were members of the press and public.

**1. Call to Order**

**2. Citizen Comments**

Gian-Angelo Gallace of Camden spoke to the Board about the Searsport LPG storage tank issue, saying that the recent moratorium had failed and that the DEP and MDOT permits are now in place for the project. He urged representatives of the Town to communicate with those in other nearby towns to present a unified perspective and suggested that the Town look at how emergency management may be impacted in the case of an accident. Gallace offered several websites where citizens can get more information.

Seeing no further citizen comments, the Chair opened the floor to comments from the Board.

John French noted that there would be a memorial service for Don Gross at the Camden Opera House on Sunday, March 25<sup>th</sup> at 2pm. All who were present concurred that Don will be greatly missed and that he will be remembered for his many community service contributions to our Town as well as the important leadership role he played through the years.

Don White said he had attended the Penobscot Bay Regional Chamber of Commerce Business Expo on March 14<sup>th</sup> and that it was a great success. He said he had also attended the second Downtown Master Plan public meeting at the Knox Mill as had the other Select Board members, and over 100 people had attended.

**3. Approval of Board Minutes**

A. Meeting of March 6, 2012

There was a correction of the spelling of Don White's name on page 4, line 141.

*Donald White made a motion to approve the minutes of March 6<sup>th</sup> as corrected. The motion was seconded by Morgan Laidlaw and unanimously approved.*

**4. Consent Agenda**

Approval of the following renewal victualer/and or lodging license applications:

1. Wen Ming Gao, d/b/a Asian Gourmet at 133 Elm Street for a victualer license

2. Soldatos Zafiris, d/b/a Express House of Pizza at 12 Mechanic Street for a victualer license
3. Stuart Smith, d/b/a Fresh at 1 Bay View Landing for a victualer license
4. Anita Zeno, d/b/a Belmont Inn at 6 Belmont Avenue for a victualer & lodging license
5. David & Karen Kallstrand, d/b/a Timbercliffe Cottage Bed & Breakfast at 64 High Street for victualer and lodging license

*John French made a motion to approve the Consent Agenda as presented. The motion was seconded by James Heard and unanimously approved.*

## 5. **Communications, Presentations, and Recognitions**

### A. **Recognition of the U.S. Toboggan National Championships Committee**

Members of the Toboggan National Championship Organizing Committee were honored for their dedication to their community and thanked by the Select Board for all their work to put on this event each year. Chairman Cates read a statement of appreciation. Since its beginning in 1991, the Toboggan Nationals event has grown to attract over 6,000 people and now generate an estimated economic impact of \$400,000. Sharon Gilbert, who has chaired the Committee, will be resigning this year and was presented with a special gift.

### B. **Duck Derby – May 26, 2012**

There was a presentation by the West Bay Rotary Club asking the support of the Board for a fundraising event planned for May 26. Rotary Club members Mark Masterson and Bob Williams described the event where 2500 rubber ducks would be released in the river to race to the harbor. The ducks would be sponsored by supporters and each duck assigned a number. The sponsor of the fastest ducks would receive prizes. The Rotarians said that there would be a net to collect the ducks before they get too far into the harbor and that they would take efforts to make sure the ducks didn't get caught up on the banks along the way. The Select Board expressed their support for the event.

### C. **Report on the Knox County Airport Public Advisory Committee – Jim Kierstead**

Jim Kierstead asked the Board to consider his re-nomination to the Knox County Airport Public Advisory Committee (APAC) for a second three-year term. He gave a brief update of activities at the Airport.

*John French made a motion to support Jim Kierstead's re-appointment to the Knox County Airport Public Advisory Committee for a second three-year term and to ask the Town Manager write a letter that would be signed by the Board Chair and sent to the County Commissioners, with a copy going to Jeff Northgraves at the airport. The motion was seconded by Donald White and unanimously approved.*

## 6. **Public Hearing**

Chairman Cates read the procedures and opened a Public Hearing to consider a permit to erect a pier at the property of William Kirill on Shermans Point.

Attorney Kelly told the Board that since the Harbor Committee had reviewed the request and had recommended approval, the next step was for the Select Board to perform a finding of fact to determine whether the applicant does or does not meet the criteria in the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2:

That the project did not:

- a) Interfere with, or pose a hazard to, the navigational channels between the Inner Harbor and the Bay and from the public boat ramp to the main channel;
- b) Eliminate or interfere with existing and designated mooring and anchorage areas and access thereto;
- c) Reduce or interfere with existing shellfishing and clamming areas, and access thereto;
- d) Interfere with public boat launching and pier facilities;
- e) Block or interfere with public rights of passage and uses of the shores and flats;
- f) Adversely affect small recreational boating activities.

Attorney Kelly said that the Select Board's charge was to determine whether the application is complete and apply these criteria to the evidence submitted and to decide whether the permit is to be issued to allow for construction. He explained why Section 2 of Article VI did not to be addressed by the Select Board.

Attorney Paul Gibbons, representing the applicant, presented information about the project and distributed an aerial view of where the pier would be located, saying that his feeling was that the pier would be unlikely to interfere with any navigation or harbor activities. He said that the pier meets the requirements as far as size, height and location. Gibbons also disclosed that his client had appealed the Planning Board's decision that had originally denied the permit due to its location being less than 300 feet from an existing pier. Gibbons said that he and his client maintain that the structure next door is not a pier and that if it were; the plans for Kirill's pier would only have to be moved 4.5 feet.

Gibbons talked about plans that Tom Jackson has to build a stone stairway down to the pier in an effort to make the approach visually appealing. Tom Jackson briefly described the design for the stairway and said his goal would be to make the landscaping look as natural as possible. He showed the Board some photos of similar projects he has done.

Attorney Kelly asked Gibbons to note for the record the review materials he had presented to the Board. Attorney Gibbons listed the materials in the packet: the State of Maine Department of Environmental Protection letter approving the pier, the Army Corps of Engineers' list of approval, the site plan, and the elevation of the structure, the pier section, a map showing the area in question, and his letter to the Select Board outlining the standards to be addressed.

John French asked the Code Enforcement Officer if he had found the application to be complete, and Steve Wilson confirmed that he had.

Attorney Kelly asked Harbor Master Steve Pixley to come forward to offer testimony as to the criteria that had to be met in order for the permit to be granted. He asked Pixley whether he was familiar with the aerial photograph that had been distributed, and the Harbor Master answered that he was. Kelly asked about his responsibilities with regard to safe navigation and identifying and setting locations of moorings, and whether he was aware the locations of

shellfishing and clamming areas as well as public boat launching facilities. Pixley confirmed that safe navigation and the setting of moorings were his responsibilities and that he was aware of the locations of shellfishing areas, clamming areas and boat launching facilities. Attorney Kelly then asked the Harbor Master if he was familiar with the criteria under consideration in the ordinance, and he reviewed each one. His final question was whether, based on his responsibilities as Harbor Master, he had any concerns with the criteria if this permit were to be issued. Pixley answered that he did not have any concerns regarding the criteria.

Hearing no comments or questions from the public, Chairman Cates closed public comments so that the Board could deliberate.

*John French made a motion that the finding of fact by the Select Board under the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (a) was that the proposed pier would not interfere with, nor pose a hazard to, the navigational channels between the Inner Harbor and the Bay and from the public boat ramp to the main channel. The motion was seconded by Donald White and was unanimously approved.*

*John French made a motion that the fact relied on for the conclusory statement was the testimony of the Harbor Master that the proposed pier met the criteria of Article VI, Section 7, F.2. (a). The motion was seconded by Morgan Laidlaw and was approved unanimously.*

*John French made a motion that the finding of fact of the Select Board under the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (b) was that, as attested to by the Harbor Master, the pier would neither eliminate nor interfere with existing and designated mooring and anchorage areas and access thereto. The motion was seconded by Donald White and was approved unanimously.*

*John French made a motion that the finding of fact of the Select Board under the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (c) was that the pier would not reduce or interfere with existing shellfishing and clamming areas or access thereto, as attested to by the Harbor Master. The motion was seconded by James Heard and was approved unanimously.*

*John French made a motion that the finding of fact of the Select Board under the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (d) was that, as attested to by the Harbor Master, the proposed pier would not interfere with public boat launching and pier facilities. The motion was seconded by Donald White and was approved unanimously.*

*John French made a motion that the finding of fact of the Select Board under the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (e) was that the proposed pier would not block or interfere with public rights of passage and uses of the shores and flats as attested to by the Harbor Master. The motion was seconded by Morgan Laidlaw and was approved unanimously.*

*John French made a motion that the finding of fact of the Select Board under the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (f) was that the proposed pier would not adversely affect small recreational boating activities as attested to by the Harbor Master. The motion was seconded by Donald White and approved unanimously.*

*John French made a motion to approve the Kirill pier because it met the criteria set forth by the Camden Harbors and Waterways Ordinance Article VI, Section 7, F.2. (a) through (f), with*

*approval of the permit contingent upon the applicant receiving all necessary federal, state and local approvals. The motion was seconded by Morgan Laidlaw. It was unanimously approved.*

**7. New Business**

**A. Maine Downtown Network Application**

Brian Hodges, Development Director for the Town of Camden, showed an enlarged version of an advertisement recently developed by the Town that was currently running in *Maine Biz* and which will be used for other marketing and communications as well. The ad features the slogan, “We roll out the red carpet, not the red tape.” The ad is aimed at attracting new businesses to the Town of Camden.

Hodges then spoke about the Maine Downtown Center, a project of the Maine Development Foundation. He described that the Center has developed a program that is intended to help communities enhance and revitalize their downtowns called “Maine Street, Maine.” The program offers communities access to resources through a stringent application process. He told the Board that the first step toward being accepted into the program is to apply to become a Maine Downtown Network community. If Camden is granted this designation, it would open grant opportunities that are only available to Network and Main Street communities. Hodges said that this would be an important step to support the implementation of the Downtown Master Plan.

The Development Director emphasized that in order to be successful, the effort must be a collaborative effort involving more than town employees. To this end he said he had spoken with the Downtown Business Group, the Chamber of Commerce, CEDAC, and other organizations, and that all are on board and willing to send representatives to meetings and workshops. Hodges said that he is working toward a March 30 application deadline and asked for the Board’s support of the application.

Morgan Laidlaw asked about a specific grant related to green downtowns that Hodges had mentioned in his comments and made note of the “Citizens for a Green Camden” organization that has been working to stop the use of chemicals in our downtown area. He suggested that this organization could be linked into a green project for the Town under this program.

Martin Cates asked what types of grants the Town would qualify for and what these grants might support in terms of downtown projects. Hodges said that the Main Street program often looks at building improvements, historic preservation, signage, green space enhancement, trails, promotional projects and events, community branding, and economic restructuring efforts. Cates also asked whether funds flow through the Town, and whether municipalities can propose projects to be funded by these grants. Hodges said as long as a municipal project has public support and involvement, it would qualify to be funded by a Maine Downtown Center grant.

*Donald White made a motion that the Select Board endorses the submission of a Maine Downtown Network Community application by March 30, 2012 with the understanding that the Camden Select Board would participate as available in associated downtown development opportunities and projects.*

*James Heard amended the motion to indicate that the Board would authorize the Town Manager*

*to submit an application to the Maine Development Foundation to be considered as a Maine Downtown Network community.*

*The amended motion was seconded by Morgan Laidlaw. It was unanimously approved.*

**B. State Planning Office Coastal Program Competitive Grant**

The Town Manager told the Board that the State Planning Office had announced a second round of Maine Coastal Program grants, and that staff is proposing to submit two applications. First, they are recommending that the Town apply for a grant to replace thirty pilings at the Public Marina. Finnigan said that the Harbor reserve has sufficient funds for the local match. The estimated cost would be \$18,000 and the cost share would be \$4,500.

The second project, she said, concerns water quality at Laite Beach. She told that Board that the beach has had to be closed periodically during summer months due to results of water tests that indicate the presence of bacteria. Staff is recommending that a grant application for \$10,000 be submitted to help address and remediate the water quality problem. The grant would require a \$2,000 match.

There was some discussion among Board members about the Laite Beach water quality issue. Harbor Master Steve Pixley provided details about studies that had been done to date.

*Donald White made a motion to authorize the Town Manager to submit an application to the State Planning Office for Maine Coastal Program grants for two projects: (1) piling replacement at the Public Marina requiring a match of \$4500 from the Town, and (2) water quality improvements at Laite Beach, requiring a \$2000 match. The motion was seconded by Morgan Laidlaw and unanimously approved.*

**8. Select Board Member Reports**

- A. Donald White said he had attended the Planning Board meeting on March 7<sup>th</sup> where they took up the Maine Uniform Building and Energy Code and the proposed amendments. Addressing the board were State Senator Chris Rector and State Representative Joan Welsh. The code will take effect July 1<sup>st</sup> and is mandatory for towns exceeding a population of more than 4,000. White said that the new code will likely impose more regulations and costs on property owners, and that the Planning Board had voted to pass the code on to the Select Board.

White told the Board that on March 13<sup>th</sup> he had attended the Historic Resources Committee meeting. Kit Parker had resigned as Chair and the committee had decided to continue without a formal chair for a few months. White described the projects that the committee is working on, one being developing an educational program about the importance of the Town's historic buildings and sights. He said that a discussion at the meeting about the committee's goals had included agreement to be involved in the Downtown Master Plan.

- B. Morgan Laidlaw said he had spoken with the Chair of the Conservation Commission, Bob Gassett, who had applied for a Maine Conservation Commission "mini-grant" on behalf of the Commission. The grant would provide up to \$2,000 for invasive species work at the Tannery site. He said that Gassett realizes that it would have been better to come before the Select Board prior to submitting the grant. Laidlaw had told Gassett that his group's efforts to enhance Tannery site were much appreciated.

- C. Jim French said that he had attended the Knox County Budget Committee meeting. Many citizens who were there spoke against the pay increases that had been included in the original County budget. After the commissioners deliberated, French said they had agreed on a 9% cap on salary increases which affected all but 23 employees and that by the end of the meeting they had arrived at an approximate savings of \$54,000 from the original budget. French told the Board that \$35,000 in funding for the Maine Coast Economic Alliance had been cut as part of this process. Select Board members discussed some of the reasons behind this decision and asked the Town Manager about implications for the Alliance. She said that it represented about 40% of the Alliance's budget.
- D. Jim Heard talked about the Town of Camden Budget Committee meeting that had been held the previous week. He and other Board members said they felt that the Town Manager had done a superb job with the budget discussions and that she had been prepared with detailed information to help answer questions.

**9. Town Manager Report**

Pat Finnigan reported on the budget process, saying that the upcoming meeting would focus on Capital Improvements. She asked Select Board members to keep her informed as to questions and concerns they might hear from the public. She also asked Board members to encourage people to apply for the Comprehensive Planning Committee, either for the overall Steering Committee or for a shorter-term working group. Forms are on the website, she said. Morgan Laidlaw noted that this is a great opportunity for residents to become involved in the process and have input.

The Town Manager reported on the Downtown Master Plan Community Meeting that had been held at the Knox Mill. It had been very successful, and she thanked Michael Nash for his community service in offering the use of the Waterfall Event Center. She also thanked both Brian Hodges and Steve Wilson for working hard to present a positive Town image that we are eager to work with businesses that wish to open doors in Camden.

Martin Cates asked the Town Manager about impact that the cut in funding for the Maine Coast Economic Alliance will have. Finnigan said that there would be an emergency meeting of the Alliance Board on March 30<sup>th</sup> to address the issue. There was some discussion on the cut and its potential effects.

**10. Adjourn**

*John French made a motion to adjourn the meeting. The motion was seconded by Donald White. It was unanimously approved and the Board adjourned at 8:35pm.*

Respectfully submitted,

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Karen Brace  
Recording Secretary