

**Camden Select Board  
Minutes of Meeting  
December 20, 2011**

**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.

*Contents*

**A. Select Board**

**1. Public Hearing regarding a proposed Ordinance to Regulate the Sale and/or Use of Consumer Fireworks.**

The Select Board meeting was recessed and the Special Town Meeting was opened.

**B. Special Town Meeting**

A Special Town Meeting was held to consider adopting an ordinance to ban the sale and use of Consumer fireworks. Katrina Oakes, Town Clerk, read the Warrant. (See Special Town Meeting Minutes attached.)

***Following adjournment of Special Town Meeting, the Select Board Meeting resumed at 7:20pm.***

**2. Public input on non-agenda items**

- a. Barney Appleton of Camden spoke about a recently posted ban on dogs at the Snow Bowl. He said he felt it had come up quickly without a chance for public input.
- b. Leonard Lookner of Camden also spoke about the dog ban at the Snow Bowl, saying that the signs indicate that the ban will be only in place for the duration of the ski season, December 1 through April 1.
- c. Rob Iserbyt of Rockport spoke, asking that the dog ban at the Snow Bowl be discussed in a format where the public can weigh in on it.
- d. Martin Cates said that since he had not been present at the Parks and Recreation meeting where the issue had been addressed, he was not prepared to offer more at this time but will take the comments under advisement. He recommended that the item be put on the agenda for the next meeting for further discussion.
- e. Ray Andresen, Chair of the Parks and Recreation Committee, said that Parks and Recreation Director Jeff Kuller had reviewed the policy change, and that the committee had supported his recommendation with the primary concerns being both people safety and dog safety.
- f. Jeff Kuller, Parks and Recreation Director, said that he had issued the policy change and that notices had been posted on the Snow Bowl website and Facebook, and that Village Soup had run an informational article that details the rationale behind the policy.
- g. Pat Finnigan confirmed that the dog ban issue will be placed on the January 3, 2012 agenda.
- h. Donald White wished everyone a happy and safe holiday.
- i. Morgan Laidlaw added his wishes for a happy holiday season.
- j. Martin Cates said that the Board has been working with the Town Manager on goal-setting for the coming year, in order to identify priorities and set strategies to follow them. The plan, to be presented on January 3, will include such goals as

strengthening Camden's business climate, preserving its unique quality of life, regional transportation and development that makes sense for Camden, among others. He said the board is also reviewing how it wants to conduct its meetings to achieve both maximum effectiveness and efficiency. Toward that end, a new agenda format has been developed that the board will begin use on January 3<sup>rd</sup>. He noted that copies of the new format are available both at that meeting and at the town office.

**3. Approval of Meeting Minutes from November 16, 2011, November 29, 2011, and December 12, 2011.**

*Donald White made a motion to accept the minutes from November 16, 2011, November 29, 2011, and December 12, 2011 as presented. James Heard seconded the motion.*

Discussion: Martin Cates noted that on line 132 of the November 16<sup>th</sup> minutes, the name cited should be corrected to Susan Michaud. John French noted that he would only be voting on the first two sets of minutes and abstaining from the third.

*The motion was passed by a vote of 4-0-1 (John French abstaining).*

**4. Consideration of 2012 Commercial Fisherman Dock Applications.**

Harbor Master Steve Pixley spoke about Fisherman Dock Applications for the 2012 season. There is one new fisherman applying this year and all other renewing permit applications are in. The Harbor Committee recommended approval of all applicants.

*Morgan Laidlaw moved to approve the nine 2012 Commercial Fisherman applications as recommended. The motion was seconded by John French and was unanimously approved.*

**5. Consideration of 2012 Daysailer Applications and Daysailer Schedule.**

Harbor Master Steve Pixley presented the 2012 Daysailer Applications and Schedule, saying that no one had requested a change in the schedule.

*Morgan Laidlaw moved to approve the five 2012 Daysailer applications as recommended by the Harbor Committee. James Heard seconded the motion, and it was unanimously approved.*

**6. Approval of the 2012 Harbor Rate Schedule: Dockage Fees.**

Harbor Master Steve Pixley presented information to the board on dockage fees. He said that the Harbor Committee had voted to recommend that the fees remain the same for vessels of less than 40'; to change the *classification* of vessels between 40'-60' to 40'-70'; to change the largest classification from over 60' to over 70'; and to increase the fee for the latter classification by \$1.00. The recommended dockage fees are as follows:

Vessels of less than 40' \$2.00/FT (remains the same)  
40' to 70' \$3.00/FT (currently for vessels 40 to 60')  
Over 70' \$4.50/FT (currently over 60' is \$3.50)

Steve Pixley reviewed for the board the history of what the fees have been and discussed the rationale behind the proposed fee scale. He estimated that the average size boat we see in Camden Harbor is about 55' and said that the committee has always wanted to keep dockage accessible for all sizes of boats.

*John French made a motion to amend the 2012 dockage fees as recommended by the Harbor Committee. Donald White seconded this motion. It was unanimously approved.*

**7. Bid Award: Snowmobile for Camden Snow Bowl.**

Jeff Kuhler, Director of Parks and Recreation, said that the Town had solicited bids for a new snowmobile from several prospective vendors and had received one usable response from Kramer's, Inc. Specifics of the snowmobile were discussed.

*Morgan Laidlaw made a motion to award the bid to Kramer's, Inc. based on their bid price of \$7599. Donald White seconded the motion which was approved unanimously.*

**8. Public Hearing on the following applications:**

- a. **Application of James & Cynthia Ostrowski, d/b/a Blackberry Inn at 82 Elm Street for a renewal Class V Bed & Breakfast Malt, Spirituous and Vinous Liquor License**
- b. **Application of North Winds, Inc., d/b/a The Waterfront Restaurant at 48 Bay View Street for a renewal Class I Restaurant Malt, Spirituous and Vinous Liquor License**
- c. **Application of Jennifer Thieme, d/b/a Old World Potato Company at 31 Elm Street for a new Class I Restaurant Liquor License**

Martin Cates commenced the public hearing.

Leonard Lookner of North Winds, Inc. noted that this was the 34<sup>th</sup> consecutive application for a license for the Waterfront Restaurant.

The hearing was closed to public comments.

*John French made a motion to approve the above liquor licenses. The motion was seconded by Morgan Laidlaw and was unanimously approved.*

**9. Consideration of renewal victualer licenses:**

- a. **Application of Mike's Catering d/b/a French & Brawn at the Camden Snow Bowl**
- b. **Application of Claude Latanza, d/b/a Maine Stay Inn at 22 High Street**

*John French made a motion to approve the victualer license renewals. The motion was seconded by Donald White and was approved unanimously.*

**10. Consideration of Taxi Operator License Applications:**

- a. Breanna Little of So. Thomaston, Maine
- b. Kenneth Lent of Rockland, Maine

*Donald White made a motion to approve the Taxi Operator's Licenses for Breana Little and Kenneth Lent. The motion was seconded by John French and was approved unanimously.*

#### **11. Consideration of committee appointments for Parks & Recreation.**

The board considered committee appointments for Parks and Recreation.

*Martin Cates made a motion to reappoint David Olivas as regular member of the Parks and Recreation Committee for a three year term expiring June 30, 2014 and to reappoint Peter Brown as an alternate member with a term expiring June 30, 2012. John French seconded the motion.*

Discussion: Ray Andresen told the board that Molly Mulhern had asked not to continue, and that Ed Libby had agreed to serve as one of the five regular members instead of an alternate. The board extended their thanks to Molly for her service.

*Martin Cates moved to amend the motion to include the appointment of Ed Libby as a full-time member of the of the Parks and Recreation Committee for a 3 year term expiring June 30, 2014. John French seconded the amended motion which was unanimously approved.*

#### **12. Committee Reports**

- a. Donald White reported that he had attended the December 8 meeting of the Planning Board where a public hearing was held concerning the Tannery Riverwalk. Following some discussion, the board had agreed to approve the plans set forth by the Pathways Committee and supported by the Parks and Recreation Director.
- b. Donald White reported on the Camden Opera House Committee meeting on December 12 where a proposal to renovate the third floor using the town's TIF funding was discussed. Currently a rendering by Chris Fasoldt is being reviewed and a timeline for the project is being drawn up. The committee will hold a strategic planning session on January 10.
- c. James Heard reported on the Harbor Committee meeting, the results of which had been presented that evening to the Selectmen.
- d. Martin Cates had attended the recent CEDAC meeting where the role of the Parking, Transportation and Traffic Committee was considered. It is possible that CEDAC may recommend that the board discuss altering the mission for this committee from what its mission has been in the past. There has been only one member of the Parking, Transportation and Traffic Committee, and that member has decided not to continue. As the Downtown Master Plan takes shape it may generate more excitement and interest around this committee. Shorter terms than three years may be talked about in the future to encourage participation.

#### **13. Manager's Report**

- a. Town Manager Finnigan reported that the Town had received favorable publicity in a recent Bangor Daily News article on this area's regional approach to economic

development efforts. Brian Hodges and Dan Bookham had met with Betsy Biemann of the Maine Technology Institute to begin work on a grant toward attracting more IT business to this area.

- b. The Police Chief is reporting that the department's call volume is up 10% this year over last year, which can either mean that people are more comfortable calling or that there are things going on in the community that we need to be aware of. She and the Chief had talked about ways to get citizens to be more proactive such as starting a crime-watch program. Code Enforcement Officer Steve Wilson reports that he is receiving a lot of questions from contractors regarding the new building code that takes effect in January.
- c. The Town Manager added her best wishes to everyone for a happy holiday season, noting that it was the first night of Hanukkah - the Festival of Lights.

***Motion to Adjourn as Select Board and convene as Board of Assessors.***

*There was a motion (Cates) and a second (French) to adjourn as Select Board and convene as Board of Assessors. The motion was passed unanimously and the Select Board adjourned at 8:00pm.*

**BOARD OF ASSESSORS**

**Consideration of a property tax abatement for the tax years 2011 and 2012 for Scott Davis at 14 Powder Mill Road in the amount of \$239.67.**

Town Manager Finnigan explained that this abatement is for taxes on a mobile home where the renter was evicted for non-payment of rent. The owner of the mobile home has abandoned it, and the owner of the property where the trailer is located wants it removed from the property since it is no longer habitable. In order to have the trailer moved, the taxes have to be paid, and staff is recommending that the board abate taxes and interest that has been accrued.

*Donald White made a motion to approve a property tax abatement for the tax years 2011 and 2012 for Scott Davis at 14 Powder Mill Road in the amount of \$239.67 plus accrued interest. Morgan Laidlaw seconded this motion and it was approved unanimously.*

***Motion to adjourn***

*John French made a motion to adjourn the meeting. Donald White seconded this motion. The motion passed unanimously and the board adjourned at 8:05pm.*

Respectfully submitted,

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Karen Brace  
Recording Secretary

**Minutes of Special Town Meeting, December 20, 2011**

**24 VOTERS CHECKED IN**

The meeting was called to order at 7:00pm. Town clerk, Katrina Oakes read Warrant greeting and return.

Donald Gross was elected To Moderate the Meeting.

The Moderator read the Warrant article. There was a motion and a 2<sup>nd</sup> to adopt the ordinance as proposed.

The moderator asked for discussion. Brandon Kimble asked for explanation of procedure for ordinance adoption. Also stated that he was not necessarily for or against fireworks but that an adoption of the ordinance would take away one more freedom.

Raymond Andresen commented that the State just changed the law regarding fireworks after all these years and most people did not think that it was a good idea.

Mr. Greenwood asked who issues permits for fireworks displays. The Moderator explained that those were issued by the State Fire Marshall, but that this ordinance would not affect those permits.

Deborah Oliver spoke in favor of the ordinance by making three points: A: The town's appearance is respected by residence and visitors but fireworks would create mess and debris. B: Neighbors would have to contend with the noise and lights that fireworks cause. C: Governor says new law will generate jobs which she would agree with (medical field) because of all the accidents, etc. that fireworks would cause.

With no other discussion, the Moderator called for a vote. The ordinance was adopted with the greater majority voting in favor.

Meeting was adjourned approx. 7:15 pm

Respectfully submitted,

Katrina Oakes, Town Clerk

## **TOWN OF CAMDEN ORDINANCE TO REGULATE THE SALE AND/OR USE OF CONSUMER FIREWORKS**

### **Section 1. Findings and Purpose**

- (a) The Town of Camden finds that the Maine state legislature approved legislation to make the sale and/or use of consumer fireworks legally permissible, and that said amendments to the M.R.S.A., Title 8, Amusements and Sports, Chapter 9-A, Fireworks, take effect on January 1, 2012. Said legislation also allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of consumer fireworks.
- (b) The Town of Camden finds that the sale and use of the consumer fireworks identified in the State law could pose a threat to the public health, safety and/or welfare. The Town of Camden further finds that it is in the best interests of the Town of Camden and public to prohibit the sale and use of consumer fireworks in the Town of Camden by adopting local ordinance provisions, as allowed by the relevant State law.

### **Section 2. Definitions**

The following definitions shall apply in this section:

- (a) *Consumer fireworks* shall have the same meaning as set forth in Title 27 Code of Federal Regulations, Section 555.11 or subsequent provision. Consumer fireworks shall include only those products that have been tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, established pursuant to Title 15 United States Code, Chapter 47. “Consumer fireworks” shall not include the following products:
  - (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
  - (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - (3) Sky rockets and bottle rockets. For purposes of this paragraph, “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.
- (b) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

### **Section 3. Prohibition**

No person or legal entity shall use or sell consumer fireworks in the Town of Camden. This section, however, does not apply to a person or legal entity issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A, as amended.

### **Section 4. Penalties, Prosecution and Legal Fees.**

Any prosecution under this Ordinance shall be initiated and conducted by the Camden Police Department.

(a) Any person who uses consumer fireworks within the Town of Camden shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus court costs shall be imposed;

(b) Any person who sells consumer fireworks within the Town of Camden shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed;

(c) The Town of Camden may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance; and,

(d) Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the Town of Camden's legal fees incurred in any prosecution under this ordinance.

#### **Section 5. Seizure and Disposal.**

The Town of Camden may seize consumer fireworks that the Town of Camden has probable cause to believe are sold or used in violation of this section and shall forfeit seized consumer fireworks to the State Fire Marshall's office, or such other authorized State Department, for disposal.\

**Historical Note:** Adopted by Special Town Meeting Vote on December 20, 2011.