



Peaks Island Council MEETING MINUTES

Wednesday, December 20, 2023, 6:15 p.m.

Hybrid ZOOM/in-person meeting in the Community Center

NEXT Regular Monthly PIC Meeting
January 24, 2024

CALL TO ORDER: 6:17 p.m.

ROLL CALL

Present: Scott Mohler, Rhonda Berg, Peter McLaughlin, Jess Burton, Fred Somers, Natasha Markov-Riss (via zoom), Jerzy Sylvester(via zoom)

Absent: n/a

Number of Audience Members (AM) in attendance: 17

APPROVAL OF MINUTES

Mohler made the motion to accept the November 15, 2023 meeting minutes. McLaughlin seconded. Motion to accept minutes passed unanimously.

ANNOUNCEMENTS

As it was their last meeting, McLaughlin thanked Natasha Markov-Riss and Rhonda Berg for their service to the Peaks Island Council.

TREASURER'S REPORT

Bill Patnaude said that the current balance as of December 20, 2023 is \$7,668.90. Expenditures during November included \$142.50 for needs-based tickets and \$65 for bike tickets.

McLaughlin made a motion to accept the budget update. Somers seconded. Motion to accept the Treasurer's Report passed unanimously.

COMMITTEE REPORTS & UPDATES

• Parking

Timmi Sellers said the Parking Committee will be sending a letter for the full council to consider sending to the city, based on a meeting with the city's Parking Committee. The goal is to designate the Ocean Gateway parking lot as Island Only parking.

Rhonda Berg said she spoke with Margo Maller about asking the VA to use their parking garage on Commercial Street as island parking on weekends. Margo is going to help identify the proper person to ask about this.

Berg will be leaving the PIC Parking Committee. Sellers said someone from the council should join. McLaughlin said the committees will be reviewed at the January 2024 meeting.

AM asked how the 72-hour limit for longer stays in the island parking lot are being enforced. McLaughlin said the Parking Committee will take up that issue.

- **Golf Cart**

No update.

- **Ferry Service**

No update.

- **Anti-racism Committee – update**

No update.

- **Environmental and Sustainability**

No update.

- **Housing – ReCode Zoning survey**

McLaughlin said the PIC ReCode Zoning Committee has put together some recommendations to send to the Planning Department. Those recommendations will be reviewed during the Old Business portion of this the meeting.

- **Jetport Flight Path**

No update.

- **Voter Education Committee**

No update.

- **Communication and outreach committee**

No update.

- **Ordinance Review Committee**

McLaughlin said the Ordinance Review Committee (Somers and McLaughlin) will meet with the City Manager early in January to discuss Ordinance Review and provide input from the island for the City's Capital Plan.

- **Executive Committee**

Ellen Mahoney will attend the January meeting to provide an update about the Maine Island Coalition.

OLD BUSINESS

- **Capital Improvement Plan Submissions (public comment)**

Regarding the City's Capital Improvement Plan, Somers said that islanders should reach out if they have something that they want included in the letter in the city. Items include sidewalk infrastructure, more public restroom capacity, drainage issues on specific island roads, charging station in Welch Street parking lot for electric vehicles (specifically Island Taxi), items identified in the Landside Study Report regarding car ferry queueing, Trott Littlejohn Park. The Committee will report back in January.

AM asked if request for a camera down front will be included in the letter. Somers said yes, although it's not intended to be a security camera. It is intended to let people monitor the ferry queue. AM said that it could help resolve some of the issues with stolen freight.

AM asked about sidewalk repairs coming up from the boat. Somers said that is included as a recommendation in the Landside Study Report.

AM said that Peaks Island needs a public dinghy dock so that anyone can access the water. Somers said that work to the old Army dock is in the Capital Improvement plan, although it still must be funded. AM said that there is \$424,000 allocated to repair the Army dock.

McLaughlin moved that PIC approve the draft of Peaks Island's input to the City's Capital Improvement Plan, with the addition of the Trott Littlejohn and Ballfield-related items. Moher seconded. (Sylvester did not vote due to technical issues.) All other councilors voted in favor.

- **Ryefield Street paper road/public right of way (public comment)**

McLaughlin said that this issue was previously raised (a year ago) and the PIC was asked to weigh in on the issue. Councilors felt they did not have enough information at the time to become involved. McLaughlin said the Peaks Island Council discussed that a general rule is that the council should not get involved in neighbor disputes. However, in this case, there could be a precedent set about paper roads and public right of way in general.

McLaughlin made a motion that PIC reach out to city staff and ask for more information on the status of the paper road dispute at the end of Ryefield Road with the city's legal team. Mohler seconded.

Mohler said it is important for PIC to maintain impartiality in neighbor disputes.

McLaughlin agreed but said that more information is required as to the legal determinations made by the city's lawyers.

Public comment:

AM said this is not a neighbor dispute, it is a problem with the city not doing the paperwork to do a thorough examination of the law regarding this paper road, before declaring it vacated. Back in 1997, this paper road does not appear named on the map. This could lead to removal of public access to the shore land at the bottom of Ryefield Road. The AM is asking the PIC to request more legal investigation into the paper road situation, via a letter to the city council.

AM said the city should provide a list of all the other paper roads on Peaks Island that have been vacated.

AM reiterated that this is not a neighbor dispute. It is an issue about paper roads. The City should look at the situation again and get islander input via a public forum so that the island can have input on this important issue – for legal precedent, coastal access, and right of way.

AM said the members of the Brackett Plan must file a claim by February 24, 2024. The individuals interested in taking possession of the property filed their claim on February 24, 2023, and the city gives counterclaimants one year to file a counter claim. The Brackett Plan is a neighborhood of the island with 300 residents. AM said the city owns some land within the Brackett Plan neighborhood.

AM asked who on City Council will receive the letter? McLaughlin said it will go to the city's Corporation Counsel and the Mayor.

AM said that it is clear that the people at 1 Ryefield are trying to prohibit people from walking on public land that is along the shore between Monadnock Cottage and Ryefield.

AM said that before the city vacates a paper road, the city should do their due diligence to investigate legality of the vacation. AM asked PIC to be the advocate for the neighbors who are trying to preserve the paper road. AM said that the city should not decide based on only the information filed by the property owner trying to vacate the paper road.

AM said that the property owner has written a letter that people should read and people should ask questions from the property owner rather than guess about the status of the issue.

AM said that he supports the council getting impartial information from the city to better understand this issue. AM owns the property in question that is seeking to vacate the paper street. He said provision has been made to encourage public access with a “Welcome” sign. He asked the public to listen to every side of the story.

Motion passed unanimously.

McLaughlin made a motion to move the first two items of New Business so that Bill Patnaude can have input before he leaves on the boat. Mohler seconded. Motion passed unanimously.

NEW BUSINESS

- **Nominating Committee recommendations for PIC appointments (public comment)**

Mohler made a motion to appoint Gary Fox and Sheilagh Reiser as councilors to one-year seats for 2024. Berg seconded. Motion passed unanimously.

- **Swearing-in of new Peaks Island councilors**

Bill Patnaude swore in Gary Fox (1 year), Fred Somers (3 year), and Jess Burton (3 year) as Peaks Island Council councilors. Sheilagh Reiser was not able to attend the meeting and has not been sworn in. Gary Fox joined the PIC at this meeting, Berg and Markov-Riss are no longer councilors on the Peaks Island Council at this time.

OLD BUSINESS cont’d

- **ReCode recommendations (public comment)**

Laura Glendenning said that the Housing and Zoning Committee met to discuss the city’s response to the committee’s recommendations to the city.

Regarding smaller lot sizes: The committee supports the small island lot allowance (lot size of 3,000 square feet) for Peaks Island in IR-2. Lot sizes are currently specified at 4,000 square feet.

Regarding residential use permissions: The committee recommends extending permission to home businesses that have no impact on the neighborhood in IR-1 and IR-2 – i.e. artists, writers.

Regarding light industrial zone: The committee recommends an area around the transfer station.

Regarding island parking: The committee recommends the city create a parking lot for commercial tow trucks and dump trucks to get them off the street.

Regarding short term rentals: The committee wants to make sure that new land use code supports year-round housing for IR-1 and IR-2. The committee recommends no additional short-term rentals in IR-1 and IR-2 when the ReCode goes into effect. It wouldn’t affect people who are already running short term rentals now. They would be grandfathered in.

Regarding paper roads: The committee makes a further point that the process used by the city to determine whether to vacate paper roads is critical and requires examination.

McLaughlin said that he believes the recommendation for smaller lot sizes should go even lower, to 2,500 square feet.

Timmi Sellers said the committee discussed lowering lot size to 2,500 square feet, but it seemed severe and that islanders would be more likely to accept the reduction from 4,000 to 3,000 instead of from 4,000 to 2,500.

AM asked if fire hazard is a consideration for keeping the lot size at 3,000. Mohler said that fire hazard affects setbacks more than lot size.

McLaughlin recommended that the committee remove their recommendation about short term rentals. He said the city has already said they are not going to address short-term rentals in this phase of the ReCode, but PIC is committed to exploring the issue during 2024 with a new committee dedicated to exploring the issue. Glendenning said it is critical to include it as a concern of our small island community.

McLaughlin said the residential conditional use permissions are not being addressed yet by the City's Re-Code Committee. That is also being addressed in the next phase of the ReCode project. He said that during this phase of the ReCode project the city is trying to bring more island lots into zoning conformity by creating a "small island lot."

AM suggested adding a paragraph saying that the Peaks Island Council Re-Code Committee is looking at residential use permissions and short-term rentals and would like the chance to discuss these two important issues with the City's Re-Code Committee before any work is done on those issues.

McLaughlin moved that the Peaks Island Council send the Housing and Zoning Committee's recommendations to the City's planning department with these changes:

- 1) amending the island small lot size to 2,500***
- 2) removing the Housing and Zoning Committee's recommendation about residential use, short term rentals, and paper roads.***
- 3) informing the city council that PIC would like the chance to discuss these important issues with the City's Re-Code Committee before any work is done on those issues.***

Mohler seconded. Passed unanimously.

● **Review of FY 2025 budget process (public comment)**

Somers said PIC would like to re-focus the budget allocation of funds to transportation-related items, like needs-based tickets, funding the taxi, bike tickets, etc. An initial draft of criteria for budget allocations is:

- 1) focus on transportation-related items
- 2) benefit to the broader Peaks Island community, not a small segment of the population
- 3) improve the health of the organization applying for the budget allocation

McLaughlin said Bill Patnaude recommended starting earlier to develop a budget. Public announcement will be mid-January, with decisions about application criteria to be made at the January meeting. Deadline for applications would be mid-February. The PIC budget must be fully approved by the end of the February meeting.

McLaughlin made a motion that PIC will approve the budget criteria proposed above with an amendment to specify that the first criteria is to fund projects related to transportation and the extension of city services. Somers seconded. Motion passed unanimously.

NEW BUSINESS cont'd

● **Nominating of PIC 2024 officers (public comment allowed but no public comment made)**

McLaughlin made a motion to nominate Jerzy Sylvester as secretary, Fred Somers as vice chair, McLaughlin as chair. Mohler seconded. Motion passed unanimously.

● **Setting 2024 PIC monthly meeting schedule (public comment allowed but no public comment made)**

McLaughlin made a motion to accept the proposed schedule of PIC monthly meetings shown below. Burton seconded. Motion passed unanimously.

January 24th
February 28th
March 27th
April 24th
May 22nd
June 26th
July 24th
August 28th
September 25th
October 23rd
November 20th
December 18th

PUBLIC COMMENT

AM asked if it is possible for the technology in the community room to be in working order. McLaughlin said the projector cables that are usually here are missing tonight. He will follow up with Diane Riciotti.

AM asked if it is possible to get a microphone because it is difficult to hear the councilors. McLaughlin said he would try to arrive early to the January meeting to set up a microphone.

AM asked if PIC would write the letter to city staff asking for more information on the status of the paper road dispute at the end of Ryefield Road with the city's legal team before the January meeting. McLaughlin said he would write the letter and let other councilors review it before it was sent to the city in January.

AM asked if the new criteria for budget allocations would allow funding of projects that focus on ferry queueing. McLaughlin said that would be appropriate.

AM asked if the camera at the top of Welch Street would be considered as part of the budget allocations. Somers said yes.

ANNOUNCEMENTS/UPDATES

Next PIC Meeting: Wednesday, January 24, 2024, at 6:15 pm in the community room and on Zoom.

Somers made motion to adjourn. Mohler seconded. Motion passed unanimously.

Meeting Adjournment: 7:58 p.m.