

Town of Chebeague Island
Minutes of the Board of Selectmen Meeting
Wednesday, Oct 12th, 2011

Present: David Hill, Mark Dyer, John Martin, Chris Rich & Eric Dyer.
Absent: Herb Maine

1. Meeting called to order at 6:00PM.
2. Town Administrator Report.

Eric Dyer spoke on the following:

- Finance & Audit
- Personnel
- Transfer Station hours changing to winter hours
- Committee Meetings
- Town projects
- Treasury Report

Mark Dyer: Have you had concerns about the delay with the audit from the School Department?

Eric Dyer: Yes. I have spoken to Bump and explained the situation. Hopefully this will not happen in the future.

Mark Dyer: I have looked at the crack sealing and striping. It looks good.

David Hill: Did the Handicap striping get done out in front of this building? It's there because of regulations with voting. We may be violation.

Eric Dyer: No, it did not get done. There is a sign out front.

3. Public comment.

Maggie Vaughan: I sent you a letter about three weeks ago in regard to warrant article. Can you give me the status report?

David Hill: I have received a response from MMA today about this item. Maggie would you give us some background of the letter.

Maggie Vaughan: I think back in June at the Town Meeting we all walked away a little discouraged with the election process. We all felt a little rushed. One individual had put out to the public interest in serving as a Selectman. It looked like this individual would not be challenged and then the day of Town Meeting there was a nomination from the floor. It all happened so fast that none of us had time to evaluate what was going on. I was hoping due to that situation that we might look at the Administration Ordinance and reevaluate the process we use to elect our representatives. Right now we are using an open format. I think now we are a sophisticated town that we look into using a ballot form of election. In that situation individuals would file nomination papers. This way we could have a candidate night and have absentee ballots available. As you know right now absentee ballots are not available. So I am hoping the Selectmen would consider moving to a secret ballot form of voting. This would be for the Board of Selectmen and School Board. I have been reading the Title30-A Maine Municipal resource and found this can be done.

David Hill: What I did when I received Maggie's request I sent a request to Maine Municipal to find out what the process is and if it is consistent with the Town Meeting form of government. The answer I got today is that as long as the legislative body to adopt an article at a town meeting. What has to happen is that we put this on a warrant as a town meeting article. I'm sure this has to be done ninety (90) days prior a town meeting, but we can check out.

Maggie Vaughan: This would need a special meeting.

David Hill: Yes, this would be done at a special town meeting to be used at the annual town meeting. Candidate papers would need to be ready and a number of days that the papers would be turned in to the town. The answer is that, yes we can do this. If we want to put this on our next town meeting which is scheduled for November 19th and that could be done. If you do not it would not take effect until 2013. Are we discussing what is going on the warrant to night or are we setting a public hearing date?

Eric Dyer: We are not deciding anything we will be discussing a draft warrant and the content. We will be setting a date for a public hearing for the ordinances.

David Hill: With the Boards permission we can move item 6.D to this point and have the discussion now or what until that point and have a full discussion. If we wait we can have a full discussion on the wording from MMA.

Eric Dyer: This is for the hearing?

Public comment continued:

David Hill: Yes.

Mark Dyer: I do not want my comment to be taken out of context, but we should be cautious about discussions that are not on the posted agenda. The public does not know we are holding this discussion.

David Hill: That exactly right. The only thing we will be doing is setting a date for a public hearing for this item. We are not ready to move this on to town meeting tonight. What I am suggesting is that we set a date for a public hearing and make that one of the items to be discussed and possibly move it to the Town Meeting scheduled in November.

Donna Damon: I spoke to Eric a while ago about adopting the Town Seal. This fell through the cracks over the years and needs to be completed.

David Hill: I'm certain that can be added to the Town Warrant. We will talk about that when we get to Item 6.D.

John Martin: We need to communicate with Bump and the School Board.

David Hill: Definitely

Maricel Hahn: I know that the Town purchased a new fire truck. I would like to ask how the town is going to service the Deer Point Road area. How will the town be providing service? Is the Town going to be providing training in getting in and out of the area in case there is a fire?

David Hill: I know one of the problems is turning around at the end of the road. I believe we have had discussions on working with land owners and maybe developing something. Maybe Eric can talk to our Fire Chief about that.

Eric Dyer: I would be glad to do that. One thing I want to mention is that in doing the FEMA project on that road there will be some widening of the road so that they can do the work and not interfere with traffic.

Mark Dyer: Maricel, is your question to have the Town ask the Fire Department to hold a practice down in that area?

Maricel Hahn: Yes, I did not know how to request this. Do I do it as a resident or in a public forum?

David Hill: I guess you could go to the Fire Chief directly or work with Eric.

Eric Dyer: I will be glad to follow up on this.

Maricel Hahn: Can you give me a time line?

Eric Dyer: I shouldn't take long. Give me a call and I will let you know.

David Hill: Anything else? If not let's move along.

4. Committee Reports.

David Hill: Are there any committee reports tonight?

John Wilson: From the Capital Finance Committee. When we did our minutes for the marine committees meeting, Mark Dyer has stated it would be nice if we reflected items that had discussion and/or action items. I do not know if the minutes make their way to the Selectmen. Is this something that will happen?

Eric Dyer: I have them, but they are not in your packet.

David Hill: I would suggest that they do.

Mark Dyer: My suggestion was that the committees have a standardized form that needs to be filled out if any action and/or vote taken on items. An individual within the committee gets that form to the Town Administrator to be distributed to the Board. The Town Administrator should develop a standardized form to be used and given out to all committees. This should be done with the understanding that the forms be sent to the Town Administrator.

David Hill: Anything else?

Mark Dyer: I went to the Coastal Waters Meeting. It was the first one I have attended and it was a good meeting. They sent a memo by email to the Board on Sept 29th, 2011 the subject was maintenance dredging at the Stone Wharf. The Coastal Waters Committee is extremely concerned that the maintenance dredging is not being treated with more urgency. In the past several committee members remember what happened in Cumberland with permits. They are concerned about coming up on the expiration of our permits. I believe it is 2015, but I'm not sure. Our ten (10) year permit by rule is over at that time and that is not good. So I am going to make a motion

Mark Dyer: Motion to direct the Town Administrator to start the process with any personnel and resources needed to start looking into what it will take to plan the process of maintenance dredging at the Stone Wharf.

Chris Rich: Second.

David Hill: I would like to have this standing item that we are kept up to date so that we do not forget.

Vote: Unanimous.

Eric Dyer: On this item. Ron and I have discussed this and we are staying on top of it.

David Hill: Any other committee reports? Seeing none we will move onto Old Business.

5. Old Business.

5.A To have the Selectmen discuss the Selectmen Workshop on October 22, 2011.

Eric Dyer: The meeting for the 22nd is not a workshop, but a retreat for the Selectmen. This will be an opportunity for the Selectmen, Town Administrator along with Carol Sabasteanski of Sabasteanski Associates the Towns Consultant to discuss the priorities of the town.

Carol Sabasteanski: This is part two of what we started in August.

David Hill: With the permission of the Board I would like to take item F.i Capitalization Policy at this time. This is the third reading of this ordinance.

Eric Dyer: The most significant change made at the last reading was requested by the Board on page three under the extraordinary repairs and improvements sections was confusing and add a definition of infrastructure. This was discussed by the Capital Finance Committee and you will read the changes in this report.

David Hill: Is it your request that we move to adopt this report.

Eric Dyer: Yes.

John Martin: Motion to accept document as written.

Chris Rich: Second.

Discussion: Mark Dyer: So your intent is not to bring this to town meeting, but to adopt this as a policy. David Hill: Yes. Mark Dyer: So when this policy needs updating how do you envision being done? Eric Dyer: As with any other town policies they should be reviewed annually.

Vote: Unanimous.

David Hill: Let's move on to Item F.ii Entertainment Ordinance (first reading).

John Wilson: What we are doing is actually redundant. What are we trying to accomplish here? I think it's more immediate control. What I am envisioning is a broad scale all encompassing permit for entertainment. Entertainment I described as anything with a charge.

David Hill: Correct me if I'm wrong, but did I hear that it is not to control it is to have control if needed.

John Wilson: Yes.

David Hill: If we did not have an ordinance and we had issues that needed attention what authority would we have?

John Wilson: State law is very vague. With this in place we could specify noise levels that would be written into the Zoning Ordinance. This would refer to other ordinances.

David Hill: What you are saying is that we approve an ordinance like this to stake our claim?

John Wilson: Exactly. Is this the right approach?

Donna Damon: I think that anyone having entertainment should go through a process. They should have to report what time an event would end. I think there should be a discussion and come up with what a reasonable ending time would be.

Ron Tozier: When we do the inspections every year it gives Ralph and I the opportunity to see what the situations are at each facility. That is a lot of help. With a general permit it will help in knowing the activity such as sanitation issues.

David Hill: This is an annual permit.

Ron Tozier: I'm just referring to Donnas' point that it help to know what's going on.

John Wilson: This does not cover private events. The way this is written now is that the Common's Wine Tasting would be a good example of someone that would need a permit even though it happens once a year. If there is a charge it would need a permit.

Mark Dyer: Right now we have a Victualers and Special Amusement Permit. In those are life safety inspections. Is there anything else required. We have requests and discussions pertaining to hours of operation. It included discussions of live music and how loud it is. When someone had a request from a Police Officer to shut down the event shut down. Would this apply? I know we do not have an officer on the island all the time so where would the enforcement come from? I'm not willing to support this moving forward at this time. I'm not sure we need to replace the Victualers and Special Amusement Permit.

David Hill: That's my question. Are we replacing the Victualers and Special Amusement Permits?

John Wilson: It would not replace. I could of called this Special Amusement. What I tried to do is encompass all kinds of events.

David Hill: The question is does the Board want to make a motion to move this on to a second reading or not? Hearing and seeing nothing we will move on to the next item of business.

Old Business continued:

5.B To have the Selectmen discuss and possibly act on the continuation of services provided by Sabasteanski Associates.

Eric Dyer: I suggest that the Board continues this service.

David Hill: What amount are you asking for?

Eric Dyer: \$5,000 (five-thousand dollars)

Mark Dyer: Have we spent money out of the \$30,000 (thirty-thousand dollars) Contingency Account this year?

Eric Dyer: Yes.

Mark Dyer: How much?

Eric Dyer: I'm drawing a blank right now, but we do have other commitments out of the contingency account. We do have the first \$5,000 (five thousand) for Carol, but do not remember the others.

Mark Dyer: I would like to know before I make a motion.

John Martin: Do we have other budget lines for training?

David Hill: I believe that would work.

Eric Dyer: This will have to come from contingency. The administration training budget is not that big.

John Martin: Will the balance get Carol through the October 22nd meeting?

Eric Dyer: It should.

Carol Sabasteanski: No, it will not.

Mark Dyer: David can you remember what we have spent out of the Contingency Account?

David Hill: No, I cannot

Eric Dyer: We have spent roughly \$3,000 (three thousand dollars). We will be over that with the coming events. As of what we spend last year was \$850 (eight hundred and fifty dollars) . I'm sorry it was \$446 (four hundred and forty six dollars) and roughly \$4,500 (four-thousand five hundred dollars). This is a \$30,000 (thirty-thousand) dollar account.

David Hill: So that gives us \$25,000 (twenty-five thousand) dollars?

Eric Dyer: Yes.

John Martin: This is since July 1?

Eric Dyer: Yes.

Mark Dyer: Motion to authorize the Town Administrator to expend up to \$5,000 (five thousand dollars) for consultant services from Sabasteanski Associates out of Contingency for the existing Fiscal year budget.

John Martin: Second.

David Hill: Anyone else?

Maricel Hahn: This is just a question, but when I go to the web site there is nothing in the Administration Ordinance. This does exist, correct?

David Hill: Administrative Ordinance?

Maricel Hahn: How will this affect the ordinance that will define the treatment of employees?

David Hill: Do you mean the employee handbook?

Maricel Hahn: What is the Administrative Ordinance? I cannot down load anything.

Eric Dyer: We have a Town Administrator Ordinance.

Mark Dyer: We also have a Selectmen Ordinance. This may need to be deleted or modified if town meeting goes ahead with any new way of operating this town.

Maricel Hahn: I am trying to understand the need for the service. I just cannot find anything on the web site.

Donna Damon: Maricel, you can go to Bev's web and look under the Transition information. This may supply what you need.

Mark Dyer: Maricel is part of your question on why we perceive the need of this motion.

Maricel Hahn: What I am asking does this motion in some way is connected to a need under Administrative issues.

Mark Dyer: This need was identified arose when Eric was hired. Eric, you have been to one or two Maine Municipal personnel training sessions?

Eric Dyer: Just one. The second one did not work out.

David Hill: We know the web site needs attention. It does not have a lot on it. Any other questions? Are we ready for a vote?

Vote: Unanimous.

Old Business continued:

5.C To have the Selectmen discuss and possibly act on the re-opening of the Brush Dump and policy recommendation for the facility.

Eric Dyer: Submitted a memo to the Board in reference to the brush dump. It has not been well managed in the past. I have seen issues arise and see issues in the future if some action is not taken. Just for an update the grinding Marshall Grinding will be here by the end of the month. As far as I know there has never been a formal policy for this facility.

I would like to submit the following as a management effort:

1. The brush dump will be open only during the hours in which the Transfer Station is open.
2. No stumps or logs will be accepted. No limbs larger than four (4) in diameters will be accepted.

I would also like to consider charging contractors for large amounts of debris to keep everything consistent. Right now we charge for contractors to use the Transfer Station to dispose of demolition debris.

Mark Dyer: How would this affect the Solid Waste Ordinance?

Eric Dyer: It does not affect the ordinance. The ordinance does allow regulation of the area.

Mark Dyer: Where did you get the four (4) inch diameter? Did you come up with it or did someone recommend this to you.

Eric Dyer: It's a size that can be handled by smaller chippers. What I hear from residents if we use that size maybe the Public Service Department can go down every couple of months and do some chipping.

Mark Dyer: If this facility is open only during Transfer Station hours do we envision people driving up through the Transfer Station entrance as opposed using the back gate?

Eric Dyer: Yes it would give us access control. Gail will have to look at the load and agree to it.

Mark Dyer: Have you spoken to Gail about this?

Eric Dyer: Yes.

Maggie Vaughan: This is a very important service that is provided.

David Hill: I agree. We need to clean it up and provide management policies for it. We have had a lot of abuse of this facility.

Barney Baker: I am the Supervisor of the Hamilton Beach project. We were told we can put four (4) inch material in the facility. If the facility is closed that causes us some problems. You have been burning the debris. The only thing we can do is take it off island.

David Hill: What about a lay down area?

Barney Baker: The problem is that the lay down area is on private property.

Mark Dyer: If we accept these recommendations and only have the facility open during operational hours of the Transfer Station will this be acceptable.

Barney Baker: Yes.

David Hill: What is the will of the Board?

Mark Dyer: Motion to accept the recommendations from the Town Administrator. This will mean the brush dump will only be open during Transfer Station hours, no stumps or logs will be accepted and nothing over four (4) inches in diameter.

John Martin: Second.

David Hill: Right now the brush dump is closed is that correct?

Eric Dyer: Yes.

David Hill: Would it be possible to grant an exemption to the Hamilton Beach Project as part of the town's participation in the project.

Eric Dyer: Yes, but remember that everyone else has waited. They still have staging time so this may work out without any conflict.

Mark Dyer: The motion did not include any reference of fees.

Eric Dyer: No, no fees are being discussed.

Vote : Unanimous.

5.D To have the Selectmen discuss the FY 2012-2013 budget process and milestones.

Eric Dyer: Asked that this time be tabled until November

Old Business continued:

5.E To have the Selectmen discuss and possibly act on warrant articles for the Special Town Meeting on November 19th, 2011 (see also time 6-D).

David Hill: Let's set the date and time for a public hearing for the warrant articles.

Eric Dyer: Oct 26th 2011 for the hearing. Then on November 9th we will finalize the warrant and post on November 12th.

Mark Dyer: Motion to set a date for a Public Hearing on October 26th, 2011 at 6:00PM at the Island Hall for the purpose of going over the Special Town Meeting Warrant, article structure and ordinances.

Chris Rich: Second.

Vote:

Eric Dyer: We need to add a regular Selectmen meeting at the end of this hearing as we need to vote on the General Assistance Ordinance to adopt appendices.

Mark Dyer: I am going to rescind my original motion.

Mark Dyer: Motion to set a meeting for Wednesday, Oct 26th, 2011, 6:00PM at the Island Hall. It will start as a public hearing followed by a business portion.

Chris Rich: Second.

Vote: Unanimous.

Eric Dyer: Article #1 & #2 I would ask that we vote on the agreement with Chebeague.net and then vote on the funding separately. We will have one that will just vote on the contract and a second that will vote on the funds coming from the undesignated fund balance.

David Hill: I personally think one article will be fine.

Mark Dyer: As long as it is clear. As long as it is clear that we are entering into a contract and authorizing funds.

Eric Dyer: I have enclosed an Amusement Ordinance. Do we delete this?

David Hill: What do we do? Do we have anything in place?

Donna Damon: What John presented tonight needs work.

David Hill: Yes, let's scratch Article #7.

Eric Dyer: the Building Codes and Dog Ordinance should go on the warrant.

Mark Dyer: Do we move ahead on the town seal?

Eric Dyer: Has this been through hearings?

Donna Damon: This was designed in 2007 and never was formally adopted.

David Hill: Make sure this warrant goes on the web site.

6. New Business.

6.A To have the Selectmen discuss and possibly act on the Hazard Tree Dropping bids.

Eric Dyer: This is the first part of the project. We put out requests for bids and have had two site visits.

The contract bids were from: T.W. Enterprises, Roland's Landscape & Tree Service, Whitney Tree Service and Davey Tree Expert Co. We had a bid opening last Friday. In your packet are the projected costs.

- T.W Enterprises - \$73,000
- Roland Landscape & Tree Service - \$171,200
- Whitney Tree Service - \$175,000
- Davey Tree Expert Co. - \$188,000

Mark Dyer: To accept the recommendation of the Town Administrator and to authorize him to enter into any agreement that is necessary that is satisfactory with FEMA with T.W. Enterprises in the amount of \$73,000. I would encourage Eric to seriously consider any offer from any one with management in forestry.

John Martin: Second.

Discussion: David Hill: I am going to vote against this. I am very uncomfortable with it. I am worried that we will not get what we are hoping for. Chris Rich: Eric if we didn't go with the low bidder that FEMA would not do anything more. Eric Dyer: We will stop everything. David Hill: So we have more of a chance of getting more from FEMA is we go with an inadequate bid. Eric Dyer: I wouldn't call it inadequate. David Hill: Well if it turns out that way. Eric Dyer: Yes, absolutely.

Eric Dyer: Yes, absolutely. David Hill: Well if it turns out that way. Eric Dyer: Yes, absolutely.

Vote: Three (3) in favor, with One (1) Opposed.

New Business continued:

6.B To have the Selectmen discuss and possibly act on a request for support of the Hamilton Beach Project. The Selectmen held a discussion for funds for the Hamilton Beach Project. At this time the selectmen choose not take up the issue.

6.C To have the Selectmen discuss and possibly act on a letter from Gillian Ratcliffe. This item has been tabled until October 26th, 2011 agenda.

6.D To have the Selectmen discuss and possibly act on a public hearing for ordinances to be voted on at the November 19, 2011 Special Town Meeting. See discussion in prior items.

6.E To have the Selectmen discuss and possibly act on travel compensation for the Town Administrator.

Mark Dyer: Motion to cover all travel costs of the Town Administrator.

John Martin: Second.

Vote: unanimous.

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

8. Approval of prior minutes.
None.

9. Approval of Expense Warrant;
Mark Dyer: Motion to approve Expense Warrant dated 10/11/11 in the amount \$490,648.16
Chris Rich: Second
Vote: Unanimous.

10. Adjourn meeting.
Mark Dyer: Motion to adjourn at 9:28PM
John Martin: Second
Vote: Unanimous.

Respectfully submitted by Susan Campbell, Town Clerk