

Town of Chebeague Island
Minutes of the Regular Selectmen's Meeting
July 13th, 2011 at 6:00PM
at the Chebeague Island Hall Community Center

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

1. Meeting called to order at 6:02PM.
2. Town Administrators Report.
Mr. Dyer spoke on the following items:
 - An Executive Session was held on 7/14/11 at 5:30PM
 - Board of Selectmen Retreat will be held 7/17/11 from 8AM to 5PM at the Public Safety Building
 - Treasurers Report
 - Committee Meetings
 - Public Service Report
 - FEMA Grants
 - Stone Wharf Project
 - Harbormaster/Shellfish
 - Compliance issues
3. Public Comment.
NONE
4. Committee Appointments.
 - Capital Planning Finance Committee
Nominations:
Ann Thaxter
Aaron Rugh
John Wilson
John Martin: Motion to approve stated slate.
Mark Dyer: Second.
Vote: Unanimous.
 - Road Plan Committee
Nominations:
Malcolm Rice
Wayne Dyer
Third slot vacant
Herb Maine: Motion to approve stated slate.
Chris Rich: Second.
Vote: Unanimous.

4.A Committee Appointments continued:

- Aquaculture Committee
Robert Earnest
Ernie Burgess
Third slot vacant

Herb Maine: Motion to approve stated slate.

John Martin: Second.

Vote: Unanimous.

5. Appointment of Municipal Officials.

- Treasurer: Eric Dyer
- Tax Collector: Susan Campbell
- Town Clerk: Susan Campbell
- Code Enforcement Officer: Ronald Tozier
- Health Officer (three year term): Anita Anderson
- Assessor (three year term): Robert Konczal

Mark Dyer: Motion to appoint slate as stated the Municipal Officers for the Town.

Chris Rich: Second.

Vote: Unanimous.

6. Committee Reports.

John Wilson spoke on issues to do with the Finance Committee.

7. Old Business.

7.A To have the Selectmen discuss and possibly act on the delivery of Harbormaster/Shellfish Warden services to the Town of Chebeague, including possible interim appointments.

Eric Dyer: I sent email a week or so ago that gave the first half of the story and we finished up with a conversation(s) with a few other individuals. Mike Morrill (Chief Morrill) from Yarmouth, Mark and I had a meeting with him yesterday. It was productive, but did not yield the results we were looking for. The conversation to put it quickly it reaffirms what he said in his email, but they will not be able to coverage this summer. Their Harbormaster is new and still in training with no surplus resources. During the conversation we talked about police coverage and sharing of services in all areas. They are interested in continuing the discussion about Harbormaster and possibly some Shellfish. They are looking a full time/part time/ temporary Harbormaster. The Harbormaster is there in the summer and then not at all during the off season. The most recent contact has been with Ian Selleck from Yarmouth and formally on Marine Patrol. Mr. Selleck called today and asked what the hours would be, his availability and additional cost that would be covered. Mr. Selleck advised that he was not interested at this time.

Eric Dyer: Bob Earnest did show interest in the Shellfish Warden position, but do to our discussions with Amos Doughty that we are covered.

Eric Dyer: What we should consider is the short term, interim and in the future is not to combine the two (2) positions.

David Hill: As far as the Shellfish position we have already voted to appoint Cecil Amos with back ground check.

Eric Dyer: Yes, I have run the background check on Amos and Ron Tozier and both came back with not problems.

David Hill: So the Shellfish Warden position is essentially filled?

Eric Dyer: Essentially filled, yes. Amos worked last Saturday or Sunday for three (3) hours. He took some notes and talked to three (3) or four (4) people. Yes, he is underway.

7.A Continued:

Eric Dyer: Talked to Ron Tozier about his interest and ability. He continues to be interested. I feel he will be our best choice, but before I get to that I want to mention that I talked to John Wallace from Long Island who is their Harbormaster. He has a full time job and is part time as Harbormaster. He possibly could come by once or twice a week, but would be very minimal coverage. We have looked around a basically exhausted our options. I would like to recommend that we hire Ron Tozier, to appoint him to that position. He is already an employee and he has coverage under our workers comp that is position based not individual, but that's an issue. He had requested \$25.00 (twenty-five-dollars) an hour with pro-rated benefits. I think that's a very fair compensation, basically I did the math and compared to what it would cost relative to what we were paying Claire and her benefits and the difference is about \$3.00 an hours. In effect over a four (4) month period and I would suggest a four (4) month period. The difference would be fifteen (15) percent surplus premium for interim coverage. I have had complaints about services. I think we absolutely have to get someone in the position and Ron would do a good job of it.

David Hill: We voted on the 27th we voted on \$25.00 (twenty-five dollars) and hours with a maximum of thirty (30). Has Ron agreed to that?

Eric Dyer: Yes he has. With the issues of the benefits. That's the piece that makes it more expensive.

David Hill: In other words to accept the Town Administrator recommendation to appoint Ron Tozier as the interim Harbormaster we need to add to our motion of last week to include pro-rated benefits.

Eric Dyer: To be clear of what that would be he would be effectively be a forty (40) hour per week employee so he would get vacation that a fulltime employee would have received in the four (4) month which would be four (4) days. He would receive any holidays. He would also receive a quarter of the opt out of the health insurance plan. It would be \$1,500 (one thousand five hundred dollars) for the year so it would be \$375 (three hundred and seventy five dollars) which would also include four (4) vacation days and two (2) holidays.

David Hill: So this package has ten (1) hours of Code Enforcement hours on top of the Harbormaster.

Eric Dyer: Yes we can't really separate them out. It doesn't pass the straight face test.

David Hill: I guess the question is do we want to accept the recommendation from the Town Administrator to appoint Ron Tozier under those conditions.

Kenneth Hamilton: Question, has this position been advertised in any manner for the island folk?

David Hill: The idea of doing it interim is to address the immediate issues that we have and for us to advertise it, talk to people and interview the summer will be pretty much gone. Our thought is to address the immediate issue that's why it is a four (4) month appointment then do the normal procedure of hiring.

Kenneth Hamilton: I understand that. I have all along thought that Cecil as someone that could handle the job.

David Hill: When the job description and advertise we would be more than glad to talk to Cecil.

Mark Dyer: Has Amos been spoken to about anything?

Eric Dyer: Yes, as I stated he was on the flats last week. I still need to get a W-2.

Mark Dyer: What was his reaction in your opinion?

Eric Dyer: He is willing to do the Shellfish stuff, but this time of the year he is really busy. It's not his first choice, but he is willing to help out. I think he is good for the position as a support to if we do appoint someone full time for 25 (twenty five) hours up to 30 (thirty) hours Harbormaster/Shellfish and have them be the lead on that because they will be around a lot more. Amos I think if he checked the flats once a week that would be a support role. He is okay with that.

7.A Continued:

Mark Dyer: Before I make any kind of a motion which I may be prepared to do. How much in your opinion will this if any stretch the existing budget or will it?

Eric Dyer: With the way things were scheduled previously the intent was the budgeting had been done for, to switch to an hourly position for the Harbormaster/Shellfish Warden. The budget was done for a forty (40) hours per week with eight (8) hours overtime at that \$20.00 (twenty-dollars) an hour. I do not think we will approach forty (40) hours a week so I really don't see this but anything but a savings. That being said we will only be getting 25 (twenty-five) to 30 (thirty) hours per week service. There is a diminish in the level of service, but that's what we got.

Mark Dyer: Motion to appoint Ron Tozier as interim Harbormaster for the Town of Chebeague starting 7/15/2011 at \$25.00 (twenty-five) dollars an hour not to exceed 30 (thirty) hours a week for four (4) months with pro-rated benefits during this time as negotiated by the Town.

David Hill: We need a clarification on this Mark. You said Harbormaster it is actually Harbormaster slash (/) Shellfish Warden I believe.

Eric Dyer: Yes, I guess that would be my recommendation.

Mark Dyer: I am okay with that I was not sure.

Eric Dyer: State Harbormaster/Shellfish just to be clear. We need to define the position.

Herb Maine: Second.

David Hill: Further discussion?

John Martin: Please stop me if this is inappropriate. Barring any unforeseen change in the Harbormaster position what would happen or what would be the case?

David Hill: I think it goes without saying that if that turns out to be the case we would have to revisit this.

John Martin: Would this create a possibility of a tail to the motion or is it necessary?

Mark Dyer: If we feel something is needed like that and want to add it to the motion I am fine with that.

Herb Maine: Will there be or do we need a contract.

Eric Dyer: That's up to you, but I think it makes sense.

Herb Maine: I think it makes sense.

Eric Dyer: Just so you know I did speak to Ron of the possibility. He understands that it is out there and he is okay with it. We do have a motion that states up to four (4) months and if you find in a month that something is up then we are covered in that respect.

David Hill: What we are dancing around is a public request from our former Harbormaster to be reinstated and it is to be decided if that possibility exists.

Herb Maine: Eric, do you need any direction with this motion regarding a contract.

Eric Dyer: Some direction would be helpful.

David Hill: I think a very simple contract or agreement which you might bring back to us would be sufficient.

Mark Dyer: I am okay to amend and add contract and/or arrangement.

David Hill: Clarification of amendment: motion to include the following. The arrangement will be documented in agreement to be signed by Ron Tozier and the Town Administrator.

Mark Dyer: I have spoken to Ron Tozier and he is aware that any appointment is temporary. I think he is a decent choice.

John Martin: When will this person start?

Mark Dyer: I put in the motion July 15th.

7.A Continued:

Kenneth Hamilton: The Coastal Waters Commission. I do not know where Ron Tozier will fit in. I assume you took the Harbormaster direction away from the Coastal Waters Commission and moved it to the Town Administrator. So that has left that experience or suggestion or what ever you want to call it education out of the mix. It's really what's it's there for and know I do not know. I assume he will report directly to Eric and whether we will have any input from him or not. With Claire she had lots of ideas and she would bring them to the table. Some made sense maybe some may not have. I think it is helpful.

David Hill: Actually our next order of business is to discuss job descriptions or various positions. One of them is actually the Harbormaster/Shellfish Warden. One of the responsibilities is to work with the Shellfish Conservation Committee and Coastal Waters Commission.

Vote: Unanimous.

7.B To have the Selectmen discuss and possibly act on job descriptions for the following positions.

- Shellfish Warden/Harbormaster
- Office Assistant
- Clerk/Tax Collector
- Transfer Station Attendant

Herb Maine: I have mentioned these things to Eric.

1. Pay rate and range issue. I really think a need a position of what the Town if willing to spend.
2. What is the most and least we are willing to pay?

David Hill: What I am going to suggest that this is the first reading and bring all of them back as revised. I think we wouldn't want to approve them tonight.

Herb Maine: This is to make sure we are all on the same page. In my way of thinking the critical piece that this will allow us a lot more stance in trying to negotiate as we are now talking with the interim positions. Was that position worth it?

David Hill: Instead of saying \$10 (ten-dollars) or \$15 (fifteen-dollars) hourly we would levels (example: level one, level two).

Herb Maine: I am open to anything. My point is during the budget process we need to think this stuff out. I think the paragraphs are to repetitive. I think the description need to be more descriptive of what you will be doing. I will talk about this with Eric. There is no mention of requirements of training.

David Hill: Any comments on the Office Assistant.

Susan Campbell: One request to be added to the Clerk & Office Assistant that the individual hold a Notary Certification. The other request is that the Clerk and Tax Collector be two different job descriptions.

Eric Dyer: I would suggest that the Shellfish Warden and Harbormaster be two job descriptions.

David Hill: My suggestion is that we go through these and bring them back for review.

David Hill: Any questions or comments on Transfer Station.

Herb Maine: Suggestion that public safety, sanitation and environmental protection to be added somewhere.

David Hill: Suggestion that working with Chedemption is added under job responsibility.

David Hill: Any further discussion?

Mark Dyer: Motion to move to final reading.

Herb Maine: Second.

Vote: Unanimous.

7.C To have the Selectmen discuss a fee schedule for fees established in municipal ordinances and policies.

David Hill: We have a workshop scheduled for July 27th at 6PM. This is to discuss the process we will use.

Eric Dyer: Herb has done a tremendous amount of work on this. Basically we were going to review this tonight and move items on to the July 27th meeting.

Herb Maine: To see if we can get some kind of consent from the Board of a reasonable format. It's in the form of a policy. Would like to go through each heading and simply state that we agree with this mission.

Herb Maine: Paragraph #3 reads as follows:

3. Policy:

It is the policy of the Board that fees are assessed in a fair and equitable fashion consistent with the governing ordinance. Waiving of fees, fines or penalties is only permissible if the ordinance specifically allows it. In accordance with Section 109(S) fees will 'reflect the town's estimated cost of administering and enforcing the various ordinances'.

David Hill: Do we have a motion to adopt the policy as laid out in paragraph #3?

Herb Maine: Motion to adopt the policy as laid out in paragraph #3.

John Martin: Second.

Vote: Unanimous.

Mark Dyer: I have a question. If we have to defend that will we be able too?

David Hill: It sets the stage for discussion.

Mark Dyer: It may not apply and you can tell me, but the tie up fees at the wharf. Does it say that those have a basis? All I can say is that we carried this over from Cumberland and it is what it is.

David Hill: Further discussion on the motion?

Herb Maine: The Ordinance Review Committee is still very active at looking at some of these things. They will be working with the Coastal Waters Commission and Shellfish Committee on the ordinances. The Dance Hall Ordinance has not even been looked at. The Solid Waste Ordinance has no one to refer it to.

David Hill: What is the will of the Board?

Mark Dyer: Motion to refer any of these ordinance headline areas back to the Ordinance Review Committee and discuss the ones that are already in place as of Town Meeting.

Herb Maine: Second.

Vote: Unanimous.

Herb Maine: Coastal Waters is under way we will not discuss this along with the Shellfish as these will be split. Dance Hall, Dog Ordinance, Public Pool are under discussion. Flood Plain and Growth Management I would refer to the Planning Board. I would take Beth's suggestion if the Planning Board needs to review it.

David Hill: What we will discuss at the July 27th Workshop.

Public Pool Ordinance: Refer to Ordinance Committee

Solid Waste Ordinance: Discuss at Workshop

Special Amusement Ordinance: Refer to Ordinance Committee

Victualer's Permit: Discuss at Workshop

Zoning: Refer to Planning Board

Cemetery: Discuss at Workshop

Town Office: Discuss at Workshop

Dog Ordinance: Refer to Ordinance Committee

Dance Hall: Refer to Ordinance Committee

David Hill: Eric, please send all information to Committees.

7.D Ordinance review Committee.

- i. To appoint a committee chairman
Herb Maine: Motion to appoint John Wilson
Chris Rich: Second.
Vote: unanimous
- ii. Firearms Ordinance (second reading)
Herb Maine: Motion to accept Firearms Ordinance with addition of the 22 (twenty-two) caliber rim-fire guns as stated in memo of 4-04-2011 for inclusion on next Town Meeting Warrant.
Mark Dyer: Second.
Vote: unanimous.
- iii. Solid Fuel Ordinance Building Codes (amended) (first reading)
Herb Maine: Motion to move to second reading.
Mark Dyer: Second.
Vote: Unanimous.
- iv. Public Swimming Pool Ordinance (first reading)
Herb Maine: Motion to move to Town Meeting for repeal.
Mark Dyer: Second.
Vote: Unanimous.

8. New Business.

8.A To have the Selectmen discuss and possibly act on an aquaculture lease application near Indian Point on Great Chebeague Island.

Eric Dyer: Basically this is just an experimental application an experimental facility. I have reviewed the application briefly, but mainly have forwarded it to the various committees. Bev Johnson put it up on the web site which was very helpful. I have received an email from the President of Indian Island Corporation. He is actually meeting with the owners of this outfit to discuss the lease application and will report on the meeting and asked if we had any correspondence that we let him know. Basically this is out for public debate and discussion.

David Hill: Do they light the rafts at night?

Mark Dyer: Yes.

David Hill: What is the wish of the Board? Apparently they are not having a public hearing?

Eric Dyer: The Aquaculture part of the Coastal Waters Ordinance refers to the Committee and the Board basically having a hearing. So I guess that my thought would be you may consider scheduling a public hearing you may want to invite the owner of the company to do a presentation.

David Hill: Ken (Hamilton) has the Coastal Waters Commission discussed this at all?

Mike Porter: Not this one.

Mark Dyer: Was there a public hearing on this?

David Hill: This is a modification.

Mark Dyer: This is a brand new lease.

Herb Maine: Are they suggesting that they do not need a hearing?

Eric Dyer: I have not seen that, but again this is has come from the owner not the State.

Herb Maine: You have not had anything from the State?

Eric Dyer: Non what so ever. Other than the piece that is included in this correspondence.

8.A Continued:

Mark Dyer: Do you think we can find out if the State must be required to hold a hearing on this and we must be notified. The hearing would be out of DMR (Department of Marine Resources) in Augusta right? My suggestion would be to find out has it had a hearing. Has the application been filed?

Eric Dyer: Yes I believe it has according to this letter. I would be happy to work with the Aquaculture Committee and Coastal Waters on this.

John Martin: Ernie Burgess has spoken to me about this wondering how I had made out with the conversation I offered to have with an attorney. I will try again to make contact with his office. I'm sure there are other Town's in this situation.

David Hill: I think we have two directions here. One is to have John keep working on contacting the attorney and two to have Eric to determine to the best of his ability if there is a hearing and what that schedule is. If there to make it public.

John Martin: This may be a starting point for Ron (Tozier) as he starts on the 15th.

Herb Maine: Eric is you need help with be sure to come back to the Board for direction.

Kenneth Hamilton: Ernie and I went an met with Eric one night about this subject.

8.B To have the Selectmen discuss municipal involvement with the Chebeague Island Taxi.

Eric Dyer: John Holt approached me with the suggestion of the Town being involved in the taxi service either taking it over or operating it or some how collaborating on it.

David Hill: The question is do we have any interest in talking about this or requesting a presentation on this?

Herb Maine: I would suggest that he bring detailed information to the Board.

David Hill: This was presented to CTC Board and received very little interest.

Mark Dyer: This will add more employees and maintenance.

David Hill: I suggest that John bring more information to the Board.

9. Non agenda items to be presented by Selectmen.

David Hill: Postpone Selectmen Retreat scheduled July 17th, 2011.

Mark Dyer: Motion to reschedule retreat to August 7th, 8AM to 5PM, location TBD.

Herb Maine: Second.

Vote: Unanimous.

Eric Dyer: Asked Beth Howe to sit on the Road Plan Committee.

Beth Howe: Yes I would be glad to.

Herb Maine: Motion to appoint Beth Howe to the Road Plan Committee.

Mark Dyer: Second.

Vote: Unanimous.

Beth Howe asked the Board to sign the final paper work on the transfer of land approved by Town Meeting for the Affordable Housing Project with CICA.

All Board members signed the document.

Non Agenda items continued:

Susan Campbell: Asked the Board to vote on moving the Regular Selectmen's Meeting to Wednesday, August 17th due to availability of the Island Hall.

Herb Maine: Motion to hold the next Regular Meeting of the Board of Selectmen on August, 17th, 2011

John Martin: Second.

Vote: Unanimous.

10. Approval of prior minutes.

Chris Rich: Motion to approve minutes from June 8th & 27th, 2011

Herb Maine: Second.

Vote: Four (4) in favor with One (1) abstention for minutes of June 8th, 2011

Vote: Minutes of June 27th, Unanimous.

11. Approval of Expense Warrant.

Mark Dyer: Motion to approve Expense Warrant in the amount of \$287,487.44

John Martin: Second.

Vote: Unanimous.

12. Adjourn meeting.

Mark Dyer: Motion to adjourn at 9:02PM.

Herb Maine: Second.

Vote: Unanimous.

Respectfully submitted by Susan Campbell, Town Clerk.

