

Town of Chebeague Island
Minutes for Special Town Meeting
April 4, 2009 @ 9:00AM
Chebeague Island Hall & Community Center

Susan Campbell, Town Clerk called meeting to order at 9:10AM

Article 1: To choose a Moderator to preside at said meeting;

Susan Campbell, Town Clerk opened floor to nominations for Moderator.

Leon Hamilton nominated James Millinger for Moderator.

Beverly Johnson seconded.

Vote: Unanimous.

Susan Campbell, Town Clerk swore in James Millinger as Moderator.

Mr. Millinger discussed the business to be conducted as approving the two remaining articles in the warrant before us. Article #2 to approve twenty percent (20%) cost for the ferry access and Article #3 to approve \$67,342 from the Undesignated Fund Balance for Debt Service Expense.

Mr. Millinger advised if there is no objection I will be guided by the Maine Moderators Manual in the conduct of this meeting. Seeing and hearing no objections Mr. Millinger continued.

Mr. Millinger announced the guidelines on how he would be conducting the meeting. He asked that all questions be addressed through the Moderator, not to a particular member of the community, Selectmen or Committee please direct them to me and I will look to that person. All the voters of the Town of Chebeague Island are invited to speak to any of the motions. Are there any non-voters of the Town of Chebeague Island that would like to speak to any of the motions? Seeing none we will move on.

Mr. Millinger stated that the ground rules will be that I will read the article; ask for a motion to approve and for a second. Then we will have a discussion. During the discussion period please stand and state your name, state what you would like to say and I would like to attempt to alternate the pros and cons of the article(s) during the discussion. I will ask you if you are ready for the question and we will vote. There are five ways of voting at Town Meeting one is a voice vote, show of hands, a rising vote (standing), division of the house and finally a written ballot.

Mr. Millinger read Article #2: To see if the Town of Chebeague Island will vote to participate in a locally administered project in conjunction with Maine Department of Transportation to improve the roadway and construct a turnaround facility on Wharf Road, Cousins Island in the Town of Yarmouth, Maine, said project being known as "Cousins Island Ferry Access, Yarmouth, Maine MDOT Pin#7871.00, and to fund the Town's portion of 20% of the project costs (estimated to be \$770,000) by appropriating up to \$154,000 from Undesignated Fund Balance.

Mr. Millinger asked for a motion to approve Article #2.

Herb Maine asked Mr. Millinger to allow a general discussion to explain what an Undesignated Fund Balance is prior to the vote. Mr. Millinger approved request.

Herb Maine explained that what is being asked is to take money out of an Undesignated Fund Balance. The Selectmen thought due to the fact that this is the first time we have done this that a little bit of an explanation of what an Undesignated Balance Fund is and how the Selectmen manage fund balance in the future would be appropriate. Herb advised that an Undesignated Fund Balance simply put is all the money we have left over at the end of a fiscal year. At the end of the fiscal year 2007-2008 our audit report tells us that we have almost a half million dollars left over from that budget, the exact number is \$495,304. That money is sitting there and becomes undesignated because we didn't use it within that budget year. We appropriated these funds and didn't use it. Except for a few accounts, any money that is not used goes into an undesignated (or general account) and no one can touch it except this body. Neither the Selectmen nor the Town Administrator can use it, only this body can say how it will be used. That's why we are here today to ask you to do that. This is something we have to manage every year, if becomes to low and in danger of having to borrow money to meet our commitments before the taxes come in and if unexpected expenses come up also if we take much its not responsible.

Herb Maine explanation continued:

On January 14th, 2009 the Selectmen adopted a policy that says we will calculate the operating costs based on the current budget and we will not allow or will take measures to keep the Undesignated Fund Balance from going below eight percent (8%) and above fifteen (15%). We have right now about a half of a million dollars. In making this request we are within that policy. We do not expect to have a half a million dollars left over (this is unordinary circumstances) every year, more in the order of \$20,000 your always going to have a little left over with decent job of budgeting. The balance of this fund is due to the Transition Committee budgeted for a debt service payment. We didn't have a debt service payment that year. The Transition Committee budgeted for it and now we have this windfall. Another one that was budgeted for was a County Tax was less than anticipated. Also, our Contingency budget had \$33,000 left in it out of \$40,000. We ended up with this fund balance and the Transition Committee did a great job trying to figure out what our expenses would be. The rest is due to Public Safety had \$32,000, Benefits and Insurance had \$30,000, Administration had \$45,000, and other accounts that added up to around \$28,000 and Education had \$30,000 left over and another piece of this is unanticipated revenue. We brought in more money than we thought we would bring in, we where over by \$35,000 and most of that was excise tax and some other things like mooring fees and some State money we didn't expect. We have asked the Town Administrator to estimate what will be left over at the end of next year. That's going to be on the order of \$60,000, we are projecting about \$20,000 expenses with a projected \$40,000 in unexpected revenue so that means we've done a pretty good job of budgeting. So, the bottom line is we have this \$175,000 minimum and \$350,000 maximum, last year we were at almost half a million dollar at the end of this year we expect to be around \$560,000. So that's the context to look at these next two articles in. We say we are going to take money out of the Undesignated Fund and as long as we do not go below eight percent (8%) we feel it's fiscally responsible. Herb Maine asked for questions.

Cheryl Stevens, Thank you Herb that was a really good explanation and it appears to me that if we approve these to articles we will still have \$273,962 left and that would be projected surplus from this year we should be at about fifteen percent (15%). Herb estimate right know puts at about 16%.

One of the things I didn't say is that we can use this money for just about anything. We can use it for lowering our tax rate for the following year, a project that has been defined, Capital Improvement. It can be used for other things, but this is what we are recommending at this time.

Cheryl Stevens, the Town of Yarmouth took \$600,000 out of what they call a rainy day fund. Is that the same thing as Undesignated Funds?

Scott Seaver, they can call it anything, but they are taking funds from funds that are not designated for any other purpose. Herb Maine, no more questions? Thank you.

Mr. Millinger, I would welcome a motion to approve Article #2.

Nancy Hill, I would like to make a motion to approve Article #2.

Elizabeth Howe second.

Discussion:

Mr. Millinger asked for someone to speak in favor of the motion.

Ruth Slagle, How will overrides for the project will be handled?

Scott Seaver, the project has a ten percent (10%) contingency. There is an amount built in of \$60,000 for contingency.

Leon Hamilton asked to make an explanation. I'm not speaking for or against the project. I just want to make an explanation.

We are voting to receive approximately \$616,000 from the State and \$154,000 of our own money for approximately \$770,000. The thing concerns me a little bit is and this is all part of what we will actually be voting on today. There is a \$15,000 maintenance fee that goes along with this article and that's just for this year. The projected amount in the cost to Chebeague in thirty-five (35) years is \$1.2 million dollars. This is referenced in the Yarmouth Wharf agreement. I want to make it clear that we are not just voting for \$154,000 and you're not just voting for \$15,000. Remember we're voting for on a long term commitment.

Scott Seaver, we have been paying \$5,000 a year for the long term replacement fund that Cumberland and Yarmouth had set up. Basically what happened when we redid the wharf agreement Yarmouth's Town Manager sat and figured out the long range maintenance cost and replacement cost would be and based that on a thirty (30) year or thirty-five (35) year formula. If no funds were expended which there will be, but if no funds were expended will provide for the replacement of the structure at that time which would be approximately one and half million dollars. In the present budget we are paying \$5,000 and in the next years (2009-2010) budget it will be \$15,000.

David Hill, Scott is there a Yarmouth component to this?

Scott Seaver yes Yarmouth contributes eighty five percent (85%) and Chebeague contributes fifteen percent (15%). The other thing to remember is that the entire structure and improvements will become, the maintenance will become Yarmouth's.

Ken Hamilton, will there be a group of people overseeing this and how will Chebeague going to make sure that repairs are done.

Donna Damon, I think this will continue to go on as it's been going the last few years with the Joint Standing Committee. A couple of Selectmen from Chebeague and Councilmen from Yarmouth along with staff meet on a regular basis. That model seems to work and I think this will continue.

Ken Hamilton, I wasn't aware that there was a Joint Standing Committee that answers my question.

Donna Damon, the Joint Standing Committee came out around 2000 they did a study to try to relocate the ferry terminal, Cumberland and Yarmouth Town Councilors, CTC was advisors and we followed that model.

Ernest Burgess, it says here that Yarmouth "may" rescind the over the hill rule. It seems that if we are going to put all that money in over there we should have some kind of an agreement that they will rescind this rule; this is the only stumbling block that I can see.

Mark Dyer, I agree with that Ernie I go over there with Donna Damon and Scott Seaver with the Joint Standing group. What I am hearing right now is that they are not going to lift them until we see if this project goes forward and how it works down there. After we see if the project goes forward we will go back to Yarmouth and see if they will put it in writing. That's the best I can tell you there's no guarantee to anything. I'm optimistic that it will happen.

Donna Damon, the best way to describe it is that's it's a traffic ordinance with the Town of Yarmouth and it restricts the access to the wharf during certain periods of the week. It was put in to regulate the number of people going down over the hill. It's going to take a little time for people to get use to new traffic patterns. What's got to happen is people have got to follow what makes sense over there and you can't have people parking in the middle of it and everyone trying to work around it. It will not be seamless. We did the best we could.

Dianne Calder asked that our guest Ralph Norwood from Gorrill & Palmer show people how this will work using the diagram.

Ralph Norwood, I will give a brief overview of the project. Essentially the purpose of the project is to construct a turn a round at the bottom of Wharf Road. This will allow the bus to drive forwards down over the hill instead of backing down. The bus will drive into the newly constructed area and then back up and go up over the hill. That was the main purpose of the project. There are several other things we are doing as well we are constructing a side walk on the water side of Wharf Road. There will be lighting along the side walk. The road will be slightly wider it will be a constant sixteen (16) feet. We will be cutting into the bank to accomplish this. There will be a retaining wall installed. The construction will start around Labor Day and take ten (10) to twelve (12) weeks. The only thing that may not get finished this fall is the final pavement of the roadway other than that everything else will be completed.

Beth Howe, can you explain what the bus does as it is coming down over the hill and where does the bus stay.

Ralph Norwood explained that the bus will have a couple different options one is it will pull into the newly constructed area and stay in that area or it can back up into a space like it does now.

Doug Damon, if you are going to start this thing how are you going to get good prices if you bid it now and the contractors have to wait until fall to start. With the paving costs going up and down you need to pull the trigger and start. You will not get a good contractor is you don't.

Jennifer Hamilton is the existing natural beauty of the coves on either side going to be effected by this.

Ralph Norwood the new construction will be extended out a little ways we are fairly close to the existing pier. It will look very similar as it does today there will be a concrete retaining wall.

Jennifer Hamilton, will the coves be filled in at all?

Ralph Norwood, this is a concrete retaining wall structure that is actually vertical. It will have a minimal footprint.

Ken Pelton, this may be a little of schedule has there been any consideration of putting lighting on the existing wharf. It probably should have been brought up sooner.

Scott Seaver, we didn't include this in the project basically because we were trying to keep that kind of thing being included in Yarmouth's infrastructure. CTC has recently put a solar light it's very effective and not intrusive and maybe we can do something like that along the rail or on the wharf. We did not include that in this project.

Jane Frizzell, I would like to go back for a minute to the over the hill restriction. I would like to ask Donna, Mark or Scott in your opinion is it more likely that the restriction will go away.

Scott Seaver, for one that has not been involved as long as any of you I think what I have heard from both of them and Nat Tupper of Yarmouth is that this is kind of a new time in the relationship on this project and we have had nothing but support from the Yarmouth Planning Board and their staff on getting this thing accomplished. I'm pretty confident that they do not want an ordinance on their books and they would take the opportunity if the traffic patents works to get rid of this. They need to see it work first.

Karen Hamilton, what about the people that live down on Wharf Road are we going to have law suits? Are they in favor of this construction and new turn a round or is it just the Town of Yarmouth. Because if we go forward with this and get stumbled by a law suit.

Donna Damon, we can never be sure about a law suit with anything. All the easements are in place. When we were part of Cumberland they actually bought the land adjacent to the right of way from the people on the right had side of the hill and that has been transferred to Yarmouth as part of this whole thing. That legally has been taken care of. The people on the other side have all been involved in this all the way along. We saw the most resistance from the people on Harmony Hill. The people that are on the road they all had concerns such as how the Harmony Hill Road would come into the road. We tried to address that with the engineers. Due to the width of the right of way it was better for them to be part of the positive side of this. The Chairman of the Planning Board has been involved in this whole issue and had public hearing in Yarmouth and people tried to recreate the battle of Chebeague and Cousins again she was very clear that this isn't the issue he issue is creating this project and not going back and fighting battles. She was very positive and I think that's what Scott is alluding to this is a new time and we are hoping that this is done in a sensible way so we can move forward.

Ernie Burgess, I'm just curious that if the State is going to put all this money into this project and I would like to mention what went on in Rockland with the parking. Did Rockland have any restrictions? This is a lot of money with no guarantees of any restrictions.

Donna Damon, that's a good question. That's why the State seriously considered taking Wharf Road at the same time as the parking lot. They decided to use this project and Wharf Road contingent of sitting down and coming up with a Wharf Agreement. The State is trying to get us to work together.

Sally Ballard, what is the primary reason for this project is it safety?

Mark Dyer, back in 1998 & 99 the CTC Board started looking at the problems with the Cousins Island parking lot lease running out and whether it would continue. Negotiations were falling apart so the DOT decided they needed to step in and assist us. That's when they took Cousins Island parking lot be eminent domain after that the DOT included long term plan for Chebeague access an improvement project based on their observations and discussions with the Town of Cumberland on how the system works or dose not. If everyone remembers the first project was extremely large. That's were this project was born at the DOT level and here we are. The reason I am backing this project is not that I think this is the ultimate answer to all our operational and safety problems. We need to complete the project and move ahead.

Sam Ballard, who will be making the rules for the bus and how it parks?

Scott Seaver how the bus operates needs to be left to CTC.

Sam Ballard, I would feel better is we had something in writing.

Scott Seaver, Yarmouth is not going to get involved in how the bus turns around that's an operational issue for CTC.

Ester Knight, I'm a long time commuter and have observed a lot of near misses and I think it's a large safety issue. I think if people are concerned about law suits they should think about what will happen when somebody gets killed.

Claire Ross, I would just like to add something to the picture that Mark had drawn and I remember being involved with the Transportation Company back in 1999. This was a three phase project from MDOT and I remember that we used to park in a dusty lot on Drowne Road and that was the part of the land being given to the Town of Cumberland on Route 1 for a parking lot. This is the third piece one piece is the Blanchard Lot and safety of the wharf head. We need to remember how long this has been going on.

John Ash, you people that are racing down the hill to drop their stuff off and get back up again. The safety is right here in this room. It's you guys that are going to control it not the bus. The bus will be out of way. The only thing I can see is getting the bus in to where it will go is that people will be parked in the turn, but that will be ironed out.

Peggie Jones, I have lived here for thirty years and watched it get more dangerous by the year. The safety is much worse because of the way people are coming down the hill. I think this is the best compromise we can get and if we don't take it we will loose the money. I move we go to vote.

Mr. Millinger, the article has been moved and seconded to approve Article #2 as printed.

I am going to call for a voice vote and see what happens.

Mr. Millinger, those in favor of the motion please say "I"

Mr. Millinger, those that oppose the motion please say "nay"

The "I"s have it.

Mr. Millinger, read Article #3:

To see if the Town of Chebeague Island will vote to appropriate \$67,342 from Undesignated Fund Balance as a supplemental appropriation due to an error in the appropriation at annual Town Meeting for Debt Service Expense.

David Hill, motion to approve Article #3 as written.

Peter Rice second.

Scott Seaver, this was an error we found actually after the first debt payment basically I will take responsibility for the error hopefully it's the last time I will use someone else's spread sheets. The issue that was discussed earlier that there was no debt service had been made in the 07-08 fiscal year what happened was the spread sheets was based on the second year of debt service payment that was \$67,000 lower than what the first was so the number that was used was \$67,000 less than it should have been. We have money in the fund balance to do this with. I have to admit that having to come to the Selectmen is not a fun feeling and tell them we are \$67,000 short. The fact is that it is a debt service payment that we are committed to make. This was actually the cleanest way to deal with this was to come to Town Meeting.

Mr. Millinger asked for questions.

David Hill, I think Scott's being a little hard on himself. As pointed out by Herb earlier we didn't have to pay debt service before so it's not like the \$67,000 got lost it's \$67,000 that literally got carried forward that didn't have to be paid to begin with. So, the fact that the \$67,000 wasn't in our budget that's the error the fact is it's their and it needs to be moved where it belongs. Herb Maine, I would like to concur with David. Scott's being too hard on himself. It's very noble of him to take responsibility for this but the fact is the Selectmen are the responsible party of the finance of the Town. We need to understand every facet of the budget we can and where the money goes. When we speak to you we come with knowledge, it's noble for him to do that, but the buck stops here, but it's all of our responsibility.

Beth Howe, if this is the worst thing to deal with we are pretty lucky.

Ken Pelton, the fact that this is being brought to the Town and that we have a small government that will keep an eye on this is a real beauty. The other thing is we should commend all the people that have done all work on this wharf project since 1990.

Nancy Hill, call question.

Mr. Millinger, I am going to call for a voice vote.

Mr. Millinger, all in favor say "I"

Mr. Millinger, all opposed say "nay"

The "I"s have it.

Mr. Millinger asked for motion to adjourn.

David Hill motion to adjourn meeting at 10:08AM

Peter Rice second.

Vote Unanimous.

Respectfully submitted: Susan Campbell, Town Clerk.

