

TOWN OF CHEBEAGUE ISLAND

BOARD OF SELECTMAN

REGULAR MEETING

Wednesday, September 19, 2007 @ 7:00 P.M. (ISLAND HALL)

Present: Selectmen Mark Dyer (Chair), Herb Maine (Vice-Chair), Donna Damon, Chris Rich and Leon Hamilton.

1. Meeting called to order at 7:05 p.m.
2. Approval of previous minutes for 9-5-07.

*Herb Maine moved to accept minutes from September 5, 2007 meeting
Donna Damon seconded. No further discussion.
Vote: Unanimous*

3. Public Comment.

Mark Dyer asked for any comments from the public, even if it is about an item that is not listed on the agenda. Leon Hamilton reported that the agenda had not been posted on the web site. Ron Grenier advised that it had been posted around the island, but that there have been difficulties with posting items on the web. He indicated that town staff had recently met with Beverly Johnson to request she change town postings such as minutes and the town office update in ways that are more easily accessible.

4. OLD BUSINESS:

- 4.1. Approval of Victualer's renewal application for the Orchard Inn Bed & Breakfast.

It was reported that the only outstanding item was with Code Enforcement Officer Paul White, who had done the inspection and requested that the laundry drain be connected to the septic system.

Donna Damon moved to grant renewal contingent on the completion of the code enforcement officer's request that laundry drain request be completed. Chris Rich seconded.

Vote: Unanimous

- 4.2. Public hearing on the submerged lands application of the Central Maine Power Company with the Maine Department of Conservation for an easement on publicly – owned submerged land.

Mark Dyer opened the meeting the public hearing portion at 7:20 pm with respect to the submerged lands application of the Central Maine Power Company. Mark thanked the group from Central Maine Power Company for attending. In attendance were Gerry

Mirabeli, Lenny Bickford and Joe Purrington. Following the introductions, Mark Dyer read a letter that the Board of Selectman received from Harbormaster Claire Ross with her suggestions and concerns on the three submerged cables to the island.

Jeff Putnam, Chair of the Coastal Waters Commission (CWC) read a memo from the committee reporting the concerns mainly of the cable at Ricker's Head. The CWC feels it should be removed and that the fishing restriction to this area also be removed. Michael Porter, representing the Chebeague Island Cumberland Land Trust spoke about the fact that they have a conservation easement on the land where cable #2 is located at Indian Island. He indicated that if it can be removed he suggests it be done so for conservation issues.

Ken Hamilton wanted to know who would be responsible for liability issues at Bennett's Cove if there was ever an accident. Joe Purrington of Central Maine Power initially responded to Mr. Hamilton's question by thanking everyone for the wonderful hospitality that the crew received during the Patriots Day storm. In return Mark Dyer thanked CMP for getting the power on so quickly. Mr Purrington stated he couldn't comment on liability since it would depend on the situation at hand. Ken Hamilton also asked if the cable at Bennett's Cove could be moved or re-buried due to the barging and plowing at that location. Mr. Bickford stated that Wayne Dyer had once helped bury the cable a while ago, but the props and tide will undermine it no matter what they do. Leon Hamilton stated that if a barge comes in at low tide it will damage the cable, so couldn't the cable be buried from low water mark up? Ken Hamilton asked Leon if he had seen the cable? Leon Hamilton stated yes. Maybe it should be more to the southeast side of cove. Donna Damon stated that this is a three rod road and established as a town landing. She asked if this could be solved by putting in a ramp to protect the cable. Jeff Putnam reminded everyone that the issue appropriate for comment based on the easement application from the state is only regarding the submerged cable from the low water mark.

CMP's Mr. Mirabeli stated that Central Maine Power has to show easements to the state for submerged lands. Michael Porter stated that two of the tree cables have no issues about being out of water. He said we have the opportunity to get some attention at Bennett's Cove and change something to improve the situation. Ron Grenier Town Administrator asked for clarification of CMP's maintenance role and responsibilities. CMP's Mr. Bickford stated the liability for maintenance of the cable is Central Maine Power's. It will make all repairs if the cable fails. If there was an accident it would be investigated. Mr Mirabeli stated that submerged applications requirements deal directly with interference to the trust rights. If the state does not agree, it will not be granted. Milo Matrazzo asked if Central Maine Power offers any liability agreements to anyone. Mr Bickford stated that was a question for the legal department. Ken Hamilton then asked Mr. Purrington if the cable was buried to low water mark why was the cable out with a seven foot tide? Can it be buried? Mr. Bickford stated that if it was buried on a big tide the props of the barges and tide will still undermine it and up it will come. How much do we move it? We do not know how much slack we have. If we replace it, it will not go back where it is. This cable was put there in the 1980's.

Leon Hamilton asked whether cable #2(at the Hook) has been terminated. Mr. Bickford stated it had been terminated from Long Island and the mainland. Leon Hamilton asked what does disconnected mean. Mr. Bickford said, it was de-energized and equipment removed so that it cannot be energized. Mr. Purrington stated the opportunity to remove it has no guarantees it will all come out at one time. Jim Millinger asked if the fishing restrictions could be removed as well? Mr. Mirabelli stated if the cable easement is issued

by the state, CMP will post updates on the line and charts, which then will be reprinted for the Casco Bay area.

Donna Damon stated that we do not have the same issues at Division Point, but how often are the cables inspected? Mr. Purrington stated that there is no process of inspections unless someone reports a problem with the cables. Donna Damon asked if any regular maintenance is done. Mr. Bickford stated there is no regular maintenance process of underground or overhead system, only when we have complaints. Donna Damon asked about signage to alert fisherman and boaters of a cable crossing. However, Mr. Bickford stated that people do not want to see signs. We can put them up, but they will not last long. Mr. Mirabeli stated the state has the right to post signs. Jeff Putnam advised that the cable to Hope Island is not on the charts.

Herb Maine asked if Hope Island is a separate lease? Mr. Mirabeli stated that Hope Island is a separate issue. The Hope Island cable was installed in 1995 and we CMP is working on updating this issue. Leon Hamilton asked if high voltage tests are done on cables. Mr. Purrington stated high voltage tests do more harm than good. This test is not done, we just keep the line energized, he said. Donna Damon asked what is the life expectancy of the cables. Mr. Purrington stated fifty years. Ron Grenier Town Administrator revisited the maintenance question and public safety. The way you prevent accidents is you have protocols for maintenance and inspections. Mr. Bickford stated that the cables are wrapped in armor and grounded. If we have a problem the system will trip.

Mark Dyer asked Mr. Bickford how did work on repairs with Wayne Dyer come about? Mr. Bickford stated that Med Bowen asked for help due to plowing. Donna Damon asked if a some type of ramp covering the cable should be installed to better protect the cable. Mr. Bickford stated that it may damage it. To move or bury it in my opinion would cause problems. We would gladly discuss any ideas the town might have with respect to the Bennett's Cove cable. Mark Dyer asked if any one had further comments. Ken Hamilton said that we should welcome an opportunity to talk to Central Maine Power further on ideas or suggestions for the Bennett's Cove cable.

Mark Dyer closed public comments part of meeting at 8:12PM. The chair then asked for any final statements from the Board of Selectman.

Donna Damon moved that the Board request Central Maine Power Company eliminate cable #2 at Indian Island and we send letter to state with reasons discussed in this meeting. Chris Rich seconded.

Leon Hamilton stated that Central Maine Power provides us a great service. Let them send the letter. Let them have the opportunity to grant easement for #1 & #3 cables. Herb Maine stated he will not vote for this motion. Let the Coastal Waters Committee and Ron Grenier work on this. Mark Dyer indicated his preference is for only cable #2 to be removed since the Cable at Division Point has no problems. In addition, Mark said we should have discussions with Central Maine Power for ideas with Bennett's Cove.

Donna Damon then moved to strike her previous motion. Chris Rich seconded. Donna Damon instead moved to have a letter sent with the following public comments: cable #1 easement should be authorized; cable #2 easement should not be authorized for the reasons stated tonight and ask Central Maine Power to remove restriction use for fishermen, and cable #3 easement should be approved as a result of Central Maine Power cooperation and willingness to discuss issues of how to address concerns for maintaining cable at cable #3 location. Herb Maine asked for amendment to add a

statement on the location and posting of the Hope Island cable. Donna Damon seconded. Vote: Unanimous.

- 4.3. To see if the selectman will direct the town administrator to send out a notice to all postal patrons on Chebeague to solicit interest in the following committees: Cemetery Committee, Comprehensive Plan Committee, and Finance Committee.

Donna Damon indicated that it might be too soon to send a notice. She pointed out that the Board still did not have a final position formulated on what a finance committee will do. She thinks the Board should delay this post card mailing by a couple weeks and possibly have a workshop. She said the proposed post card should be amended to just read the cemetery and comprehensive planning board. Herb Maine said he is okay with changes. Ron Grenier stated that we should not wait since a previous volunteer list was posted when the responsibilities of committees were not final. Donna Damon stated the difference between then and now is that we had all information with the last mailing. The finance committee is still unclear, cemetery and comprehensive planning is not written down either. We should delay and maybe next Wednesday discuss this. Herb Maine said these committees are different. We also need to involve the School Board. I think the finance committee will be defined as we go. Ron Grenier stated that definition will come. Trish McAllister will have more legal information on cemetery by the next meeting. Mark Dyer discussed that the comprehensive plan committee will have a lot to do and that they should get started. Mark also said that as for the finance committee its' role will be defined and what the mission will be developed as we go. He agreed that we will need cooperation from the municipal and school side. Kenneth Hamilton asked the board their inclination for the cemetery committee in terms of it being under the municipality or association. Donna Damon stated it should be under the town.

Herb Maine moved to adopt language on 4.3 and set October 9 as the deadline for replies and that the town administrator make every effort for the mailing to be done on Friday, September 21, 2007. Leon Hamilton seconded.

Vote: Four Save: One (Donna Damon).

To see if the selectman will appoint 2 selectman to serve on the Joint Standing Committee.

Mark Dyer stated he would do this as he has some experience and knowledge from working with CTC and Jim Phipps. Herb Maine asked who is willing to serve on this committee and what expertise is required? Donna Damon discussed that in the past the Town of Cumberland had a regular meeting scheduled. She advised that this committee built a relationship between the two towns. Also she said the committee should not let things go too long without being taken care of. Meetings should not wait until there is a complaint. Herb Maine asked if there were terms for this committee. Mark Dyer advised that he thought it would be a year to year appointment, until the time of the next town meeting and election of new selectmen.

Herb Maine, move to appoint Mark Dyer and Donna Damon to the Joint Standing Committee. Chris Rich seconded. Vote: Unanimous.

5. Administrator's Report

- 5.1. **Legal Options for Appointment of Assessor:** *Ron reported that the one pager from Brann & Isaacson is in their binders on this subject. In summary he indicted that Peter Lowe's position is that the selectman are free to appoint someone as a part time assessor on a contractual or as a part time municipal employee.*
- 5.2. **Preparation of Solid Wastes RFP:** *Ron reported that the Transition Committee's proposed contractual arrangements for the transportation and disposal of solid wastes were precluded from taking effect on July 1. He explained this was due to complaints from lawyers representing Ecomaine. Based on legal advice from Peter Lowe the Transition Committee adopted to have Ron enter into temporary contracts until an RFP was issued by the new Board of selectman.*
- 5.3. **Town Offices Closed on Monday, September 24, 2007.** *Ron reported this was just another reminder which has already been posted.*
- 5.4. **Feedback for new Town Committees Structure & Composition:** *Ron omitted this item in his report. Later in the meeting Donna Damon reminded everyone that the most recently appointed committees were to return and report back tonight. Ron indicated that out of concern for time from such an ambitious agenda he asked the Planning Board and the Board of Adjustment & Appeals to come at the next meeting. However, David Miller of the Shellfish Conservation Committee was present to report. He told the selectman on when the committee meets and discussed several locations where this would happen. Jeff Putnam did the same for CWC.*
- 5.5. **Going on line with Bureau of Motor Vehicle Registration System 9-27 to 10- 02-07:**
- Ron reported this is due to the installation and training with TRIO and State for the computerized vehicle registration system.*
- 5.6. **Attending MMA Annual Convention o 10-3 and 10-4-07:**
- Ron reported that he will be attending this convention. He also pointed out that there are convention registration forms for each selectman who may be interested in attending.*

NOTE: Administrator Grenier also reported on two items that had come up after the agenda's posting.

Notice of Complaints Against the Chebeague Transportation Company: Ron reported that he received correspondence from the Maine Department of Transportation Office of Passenger Transportation. Included in these materials were copies of complaint letters from Yarmouth residents concerning the CTC barge allowing a gasoline truck to be filled in the area of Porgy Shore. Ron indicated that he and Leon Hamilton called the MDOT official concerned and explained the particulars of the matter complained about. Ron also shared the documents with John Wilson of the CTC to ensure that this was also brought to his attention. The MDOT official indicated that he was satisfied that the town had taken the proper steps to properly notify the CTC of the complaints the state had received.

Chebeague Island Hall Community Center (CIHCC) Request: Ron reported that the selectman had received a letter from CIHCC's vice president requesting assistance from the town's DPW crew. The help being asked for would involve labor and the use of the

back hoe in replacing a water pump for the island hall. However, this work would be performed on property owned by Ed Doughty, the store owner. Ron told the board that town counsel had reviewed this matter and that the board could authorize this to happen, providing the town receive letters from both Ed Doughty and the CIHCC to hold the town harmless from any repercussions if anything went awry. Ron said that part of the legal consideration that allows selectmen to approve this request is the linkage to a public purpose. In this case there are two such applicable criteria from the town's use of the island hall for selectman's meetings and that repairs to be accomplished will be derived from the a public appropriation in the town budget.

6. NEW BUSINESS:

6.1 To see if the selectman will approve municipal warrant #4

Ron Grenier pointed out a number of items that he wanted to call to the selectman's attention before he took any questions from the selectman. Of most significant among these was a \$279,000 payment to SAD #51 for debt service. Ron indicated the remainder of the debt approximately \$58,000 would be due in March, which turns out a better time to pay the amount in full. Following some clarifications asked by several selectman, Herb Maine raised the matter of the legal services disbursements. Herb pointed out to the board after confirmation from the administrator that the payments were made in a manner inconsistent with the legal budget account codes. Herb wanted to bring this up to ensure that the selectman understood the legal payments were being disbursed as such and that they were approving of this action. After a full airing of this issue the board agreed that the town administrator could consolidate the legal account coding into two categories to simply a pre July 1, 2007 code and a post July 1, 2007 account code.

Donna Damon moved to table the final items on the agenda and to meet again next week. Leon Hamilton stated he would be away and wanted to be able to attend. Donna Damon changed her motion to specify October 1st (tape was inaudible). Chairman Mark Dyer asked the Town Clerk if she needed to have the Selectmen act on the Election Warden item. She said she did because of the timing of the upcoming election.

6.2 To see if the Selectmen will approve the nomination by the Town Clerk of Peggie Jones as Elections Warden.

Town Clerk Susan Campbell explained that Julie Flynn from the state indicated that the nomination responsibility lies with the town clerk and that legally no posting is required.

Donna Damon moved to approve nomination of Peggie Jones as the Election Warden for the Town of Chebeague Island. Herb Maine seconded. Vote was Unanimous.

Chairman Mark Dyer asked Donna Damon if she stood by her previous motion. She said she did. The Chairman called for a vote. VOTE WAS UNANIMOUS. A motion was made to adjourn before, the October 1st date was clarified.

6.3 To see if the selectman will appoint 1 selectman to serve on the Islands Coalition.

This item was tabled until the next regular meeting of the Selectmen.

6.4 To see if the selectmen will approve the appointment of the Town Administrator to represent the Town of Chebeague Island on the Greater Portland Council of Governments.

This item was tabled until the next regular meeting of the Selectmen.

Mark Dyer asked for a motion to adjourn meeting. Herb Maine so moved.

Leon Hamilton seconded

Vote was Unanimous

Respectfully submitted by Susan Campbell, Town Clerk