Town of Chebeague Island
Special Town Meeting Minutes
Saturday, April 12th, 2008 @ 8:30AM
Island Hall & Community Center

Meeting called to order by Susan Campbell, Town Clerk at 8:45AM.
In attendance: Eighty one (81) registered voters.
In attendance: Mark Dyer, Donna Damon, Herb Maine, Leon Hamilton, Chris Rich and Interim Administrator Scott Seaver.
Special Guest: Andy MacDonald from MDOT.

Article 1.
To choose a moderator to preside at said meeting.

Town Clerk asked for nominations from the floor for moderator.
David Hill nominated Gerald Wiles for moderator. Nancy Hill seconded.
Town Clerk asked for any additional nominations, seeing and hearing none the nomination period was closed.
Vote: Unanimous.
Town Clerk swore in moderator.

Gerald Wiles noticed Mark Dyer Chair of the Board of Selectmen. Mark Dyer introduced Andy MacDonald as a representative from the MDOT and Scott Seaver as the new Interim Town Administrator.

Article 2.
To see if the Town will authorize the Selectmen to contract with Childs Engineering Consultants of Medford, MA to redesign Wharf Road improvements and the hammerhead turn around at the Cousin’s Wharf.
Explanation: On review of plans for Cousins Island Wharf improvements environmental agencies have required the redesign of some aspects. In order to complete the design the Town of Chebeague Island will agree to manage and finance the redesign project (no actual construction will occur).

Gerald Wiles read the article and opened floor for a motion.
Herb Maine moved to amend the text of Article #2 by adding the following sentence: The contract shall be for an amount not to exceed $30,000 and shall be funded as directed in Article #3 of this warrant. Cheryl Stevens seconded. Nancy Hill asked why the cap. Herb Maine explained that it will be so no more can be spent than stated. Nancy Hill wanted to know what would happen if we spent a little more than what was stated. Herb Maine explained we would come back to Town Meeting. David Hill asked if this would create delays. Donna Damon asked Andy MacDonald to speak and explain how the project has evolved. Andy MacDonald stated that this all started in 2000 after the taking of the Cousins Island parking lot. In 2004/2005 Cumberland became the Locally Administered Project contact. Karen Hamilton asked how long it would be until the reimbursement came in.
Article #3 Continued:

Andy MacDonald advised about two weeks if all the paper work is done. Karen Hamilton asked if there are problems how long would it take. Andy MacDonald advised that he did not know the answer to that question. Andy MacDonald stated that Chebeague will be responsible for twenty percent (20%) of the total cost of the project which will be about $800,000. Chebeague's share would be about $200,000. Donna Damon explained that Towns usually use the reimbursement monies over and over to fund the project. That is the Town is reimbursed and then uses the money that is reimbursed to make next payment. Nancy Hill asked if a Town has ever not been reimbursed. Andy MacDonald advised that one (1) person from the municipality (a certified person) will work with him and will keep track of the bills and make sure that the job is done. Nancy Hill asked again any chance of this happening? Andy MacDonald advised, no. Jim Phipps asked Andy to speak about the issue of funding the $30,000 not the $44,000. Andy MacDonald spoke on the contract that will be entered into with Child's Engineering or Gorill & Palmer. He stated that $30,000 seems reasonable to him. He also stated that with a project this size that over runs can occur. Bob Earnest asked if we separated the contracts, could we ask for more money. Andy MacDonald stated that the Town Administrator may have authority to do this without Town Meeting. Herb Maine asked where the $44,000 came from. Andy MacDonald advised that the $44,000 came from the first drafts of the State agreement. Donna Damon asked if we could loose the $14,000 if we go with the $30,000. Andy MacDonald stated no, but the State is always looking for funds. Carol White asked about the source of funding is and where the original design. Andy MacDonald stated that the funding is Federal and State, but due to the history of this project the State is funding this, but using Federal funds for part of the amount. The engineering was originally to fill in the area, but now it is a piling system. It was changed to create the least environmental impact. Donna Damon asked if Child's estimate included the bid package. Andy MacDonald advised that it will be completed PDR and bid package. Milo Matrazzo asked if the MDOT has given an estimate on the cost of project. Andy MacDonald stated around $1 million. Milo Matrazzo asked if this was an eighty percent (80%) reimbursement. Andy MacDonald stated, yes. Karen Hamilton asked what the guarantee was that the money is there. Andy MacDonald stated that the money is there until 2009. Andy MacDonald advised that if we are going to do this project do it now. Beverly Johnson asked if we have an overrun where does the money come from. Do the Selectmen have the authority to cover any other costs? Herb Maine stated that we do have a contingency and reserve account. Donna Colbeth asked if a contract is signed and there is an overrun who pays. Andy MacDonald stated that it is up to the municipality. Sylvia Ross asked what would happen while the area is under construction. Andy MacDonald stated that the contractor has to maintain access. Phil Jordan asked if there are two (2) firms why weren't they listed in the warrant. Andy MacDonald advised that during the time the project has been in existence Child's Engineering (marine oriented) brought in Gorill & Palmer (traffic oriented). Milo Matrazzo asked when the $1 million was estimated. Andy MacDonald stated in 2007. John Martin stated to go with the lesser amount of $30,000, but Selectmen need flexibility. Jim Phipps agreed with John Martin, but we need to trust the Selectmen and not put a cap on the amount. Cheryl Stevens asked if she removed her second can Herb withdraw his amendment. Donna Damon discussed how this has been dragged out for six (6) months and the delays are concerning. The Selectmen need flexibility as John & Jim stated earlier. Nancy Hill advised that she disagrees with amendment. David Hill asked to move the question. VOTE TO MOVE: IN FAVOR UNANIMOUS WITH THREE (3) OPPOSED.

VOTE ON AMENDMENT: Six (6) voted in favor of the amendment; the remainder voted against. The motion failed.

DONNA DAMON – MOVED – TO APPROVE ARTICLE #2 AS WRITTEN. NANCY HILL SECONDED.

VOTE: IN FAVOR UNANIMOUS, SAVE TWO (2), LEON HAMILTON & KAREN HAMILTON. MOTION PASSED.
Article 3. To see if the Town will authorize the Selectmen to enter into an agreement between the Town of Chebeague Island and the State of Maine, Department of Transportation regarding the Wharf Road improvements and to authorize the Selectmen to use funds from existing contingency and/or general reserve accounts as necessary to pay for any expenses under the term of the agreement.

Explanation: Based on the MDOT agreement approximately eighty percent (80%) (up to $35,323.20) of the costs are reimbursable by the State. The Town of Cumberland has agreed (in a letter dated 10/30/07) to reimburse the Town of Chebeague up to an amount of $3,664.91.

<table>
<thead>
<tr>
<th>State Reimbursement up to (80.28%)</th>
<th>$35,323</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Cumberland up to:</td>
<td>$3,665</td>
</tr>
<tr>
<td>Chebeague Island cost up to:</td>
<td>$5,012</td>
</tr>
<tr>
<td>Maximum project cost State will support:</td>
<td>$44,000</td>
</tr>
</tbody>
</table>

Gerald Wiles read Article #3 and asked for motion. Bob Earnest moved to approve Article #3 as written. Nancy Hill seconded. Gerald Wiles opened the floor for discussion. Mark Dyer reminded everyone that this is not only the engineering and design part of the project. He also discussed that the project will die if we do not do this. We will always have a wharf agreement, but we need to move ahead. We need to see the final design and discuss it with the Town of Yarmouth. Leon Hamilton discussed his concerns about hardship on the taxpayers. David Hill discussed the need for accessibility to the mainland. He also discussed the over the hill laws will continue if we do not move ahead. Jim Phipps spoke on how the Town of Yarmouth may handle Cousins Island if we do not move ahead. Carol White asked how the Town of Yarmouth will participate. Andy MacDonald advised that there will be meetings with Nate Tupper and engineers as well as a public hearing in Yarmouth. Karen Hamilton asked if the Town of Yarmouth would stop project. Andy MacDonald advised that he will be involved and does not look for any problems Donna Damon advised that the easements are in place. Sue Burgess asked if we will be guaranteed access by the Town of Yarmouth. Mark Dyer spoke that if the project goes ahead the Town of Yarmouth may start with a fifty (50) year agreement. Mark Dyer read a letter from Andy that if we stop we may have to repay some of the Federal funds. Andy MacDonald advised that if we do not proceed and do not finish the project we may be required to reimburse the Federal Government funds. Dianne Calder spoke to the fact that we need to move ahead and not go backwards. It’s a dangerous situation over on Cousins Island and we have the chance to fix it. Nancy Hill asked to move the question. David Hill seconded.

VOTE TO MOVE QUESTION: MOTION PASSED UNANIMOUS, OPPOSED (6)
VOTE ON ARTICLE #3: MOTION PASSED UNANIMOUS, OPPOSED (2) LEON HAMILTON & KAREN HAMILTON.

Article 4. To see if the Town will approve and make effective immediately the Selectmen’s policy for disposing of tax acquired property.

Gerald Wiles read Article #4 and asked for motion. Donna Damon MOVED to approve Article #4 as written. Bob Earnest seconded. Gerald Wiles opened the floor for discussion. Donna Damon discussed that at the Town Meeting of March 22nd the Selectmen were asked to develop a policy for property foreclosures. We have developed that policy and had the Town attorney review it. Jim Phipps asked if anything is done with the properties if it will come back to Town Meeting. Donna Damon advised, yes. Peggie Jones commented on how well the Selectmen had done in building the policy so soon.
Article #4 Continued:

Bob Earnest asked to call the question. Doug Damon seconded.
VOTE: MOTION FAILED, SEVEN (7), IN FAVOR; REMAINDER OPPOSED TO STOPPING DEBATE.
Ken Hamilton asked how long it takes to get to a foreclosure. Town Clerk advised almost three (3) years.
JIM PHIPPS – MOVE – TO APPROVE ARTICLE #4 AS WRITTEN. CHERYL BUXTAUM SECONDED.
VOTE: IN FAVOR – UNANIMOUS, OPPOSED NONE.

Article 5.

To see if the Town will authorize the Selectmen to act on the disposal of certain properties in accordance with the policy.

Gerald Wiles read Article #5 and asked for a motion. PHIL JORDAN – MOTION – TO APPROVE ARTICLE #5 AS WRITTEN. TOM CALDER SECONDED. Gerald Wiles opened the floor for discussion. Jim Phipps asked what will happen with these properties. Mary Holt stated that the policy states what the Selectmen will do. Leon Hamilton stated that policy gives the Town the right to take possession and then come back to Town Meeting with recommendations. Herb Maine stated that Article #4 gave us the policy to work with and now you give us the authority. Bob Earnest moved to amend Article #5 removing the word “certain” and have it read “act on disposal of properties”. Mark Dyer seconded. Jim Phipps support amendment. Leon Hamilton move as amended.
IN FAVOR UNANIMOUS, OPPOSED ONE. Gerald Wiles asked for a motion to approve with amendment. BOB EARNEST – MOTION – TO APPROVE ARTICLE #5 AS AMENDED. DAVID HILL SECONDED. VOTE: UNANIMOUS.

Adjourn Meeting:

Gerry Wiles asked for motion to adjourn.
David Hill – MOTION – adjourn meeting.
Mark Dyer – Seconded.
Vote: Unanimous.
Meeting adjourned at 11:40AM
EXHIBIT "A"

Town of Chebeague Island Tax Acquired Property Policy (27 March 2008)

Rationale:

The Town of Chebeague Island expects all taxpayers to pay their property taxes when they are due, however the Town realizes that from time to time property owners may not be willing or able to make their payments. The Town also recognizes that the State of Maine determines the lien/foreclosure process for all towns in the State. The Town of Chebeague Island must issue tax liens and foreclose on properties pursuant to 36 M.R.S.A., § 942-948.

Once a property is in foreclosure the Town of Chebeague Island can determine how to deal with the foreclosed property. The options include allowing the owner to reclaim his/her property; selling the property; conveying the property to a non-profit; or keeping the property for public purposes such as but not limited to: recreation, conservation, affordable housing, education, or town infrastructure.

Policy:

The Selectmen of the Town of Chebeague Island are authorized to administer the policy as follows:

1. Convey property to the owner
   Any property owner of foreclosed property will be given the opportunity to regain ownership of said property by adhering to the following process:
   A. Contact the Town of Chebeague Island Tax Collector in writing within the first ninety days after property owner has been notified of foreclosure and express an interest in regaining title to the foreclosed property.
   B. Meet with the selectmen within six months after foreclosure notification to develop a repayment plan for all costs including but not limited to principal, interest, legal fees, registry fees and administrative fees. The duration of the payment plan will be determined by the Board of Selectmen based on individual circumstances. This plans must be in writing.
   C. All payments and property taxes assessed during the payment period must be made on or before the date due or the agreement to return the foreclosed property to the property owner will be nullified and the selectmen will follow the procedures herein outlined for disposal or use of Town owned property.
   D. Should the property include the primary residence of the property owner, and the property owner is unable to pay the taxes owed to the Town, the Town may allow the resident to live in the property and when the person leaves the domicile, the Town has the option of selling the property at or near market value by sealed bid.
2. Process to Evaluate Use/Disposal of Town Owned Property
Foreclosed property that is not reclaimed by its original owner can be an asset to the Town. If the owner does not seek retention of the property and the process set forth in Section (1) above is not followed the property can be retained for town purposes, transferred to a non-profit for public purposes or sold to generate funds and keep it on the tax roles.
A committee appointed by the Board of Selectmen and consisting of selectmen and appointed citizens will meet prior to the next annual Town Meeting and review the possible uses of the property. The committee will rate the uses and make recommendations to the selectmen for use of the property. The Selectmen shall consider the committees recommendation and develop a warrant to be presented no later than the next annual Town Meeting for the legislative body to vote upon.
   A. Retain for Town purposes
      a. The property will be evaluated for suitability of uses including, but not limited to, the following: coastal access, conservation, aquifer protection, habitat protection, trails, open space, recreation, marine uses, municipal infrastructure, affordable housing, and historic preservation.
      b. Recommendations to retain or dispose of Town land will be made to the committee to the selectmen, who will consider the recommendation and present a plan to retain said land to Town Meeting for its approval.
   B. Convey to Non Profits Organizations.
      a. The Town may also consider transferring title of a foreclosed property to a registered non-profit organization.
      b. The Town would issue a quitclaim deed with a reversion clause ensuring that the property would be returned to the Town if the non-profit were no longer able to carry out its obligations.
   C. Sell Tax Acquired Property
Should the Town Meeting vote to sell the property, said sale shall take place as follows:
      i. Tax acquired property will be advertised for sale in the Chebeague Island Calendar, all places where Town public notices are posted, and in various publications as seem appropriate.
      ii. The Selectmen will set a minimum bid, which is not less than the assessed value of the property.
          The Selectmen will develop the bid process.
      iii. The Selectmen reserve the right to accept or reject any and all bids.
      iv. The Buyer will pay all legal and administrative costs associated with the purchase including back taxes.
      iv. The Selectmen will issue a quitclaim deed without covenant to the successful bidder upon payment in full for the property and associated costs. Said payment must be received within thirty days from the time the bid is awarded or the Selectmen have the authority if desired to terminate the transaction and reconsider previous bids and/or re-advertise.
v. The Buyer will pay all legal and administrative costs associated with the purchase.

vi. The Selectmen will issue a quitclaim deed to the successful bidder upon payment in full for the property and associated costs. Said payment must be received within thirty days from the time the bid is awarded or the Selectmen have the authority if desired to terminate the transaction and readvertise the property.
Exhibit “B”
Listing of Foreclosed Properties, Town of Chebeague Island

1. Account #694 – Map/Lot I10-001A-001
   Location: Little Jewels Island
   Building Assessment: $2,300.
   Land Assessment: None - Leased property from the State of Maine.

2. Account #660 - Map/Lot I07-47
   Location: 40 Old Cart Road, Chebeague Island
   Building Assessment: None
   Land Assessment: $7,200.

3. Acct # 361- Map/Lot I03-133
   Location: Roy Hill Road, Chebeague Island
   Building Assessment: None
   Land Assessment: $600.

4. Acct# 360 – Map/Lot I03-132
   Location: Roy Hill Road, Chebeague Island
   Building Assessment: None
   Land Assessment: $24,300.

5. Acct#611 – Map/Lot I06-032
   Location: School House Road, Chebeague Island
   Building Assessment: None
   Land Assessment: $55,800.

6. Acct# 122- Map/Lot I02-25A
   Location: Littlefield Road, Chebeague Island
   Building Assessment: None
   Land Assessment: $3,300.

7. Acct# 599 - Map/Lot I06-26A
   Location: North Road, Chebeague Island, ME
   Building Assessment: None
   Land Assessment: $29,600.