

Town of Chebeague Island
Minutes of Regular meeting of the Board of Selectmen, December 10, 2008
At the Chebeague Island Hall & Community Center
Executive Session at 6:00PM & Regular Meeting at 7:00PM

Executive Session to discuss Personnel Matters under MRSA 405.6.A.1 and relative to Tax Abatement under 36 MRSA § 841 et seq.

**Herb Maine, motion to enter into Executive Session to discuss Personnel Matter under MRSA 405.6.A.1
Leon Hamilton, motion to exit Executive Session.**

**Donna Damon, motion to enter into Executive Session to discuss Tax Abatement under MRSA §841 et seq.
Leon Hamilton, motion to exit Executive Session.**

**** Regular meeting of the Board of Selectmen****

1. Call meeting to order:

Meeting called to order at 7:12AM.

2. Approval of prior minutes:

Tabled until next regular meeting.

3. Approval of Warrant #7-09:

Leon Hamilton moved to accept Warrant #7-09 dated December 4, 2008 in the amount of \$ 31,742.52.

Herb Maine, seconded.

Discussion: Mark Dyer asked if we get out oil through COG? Scott Seaver advised, no. Donna Damon asked about separate bids for fuel boat or barging. Scott advised that they are separate at this time. Leon Hamilton asked about Kansas Bank, do we pay this every month? Scott Seaver advised that this is for the lease of the new defibrillator machine. Leon asked what is the life expectancy of the machine? Ralph Munroe explained that this is a lease to buy program and we can upgrade during the lease. Donna Damon asked that this be a capital item.

Vote: Unanimous.

4. Town Administrator report:

Scott Seaver gave a Treasurer report to the Board.

Scott that there will be a meeting held by the Town of Yarmouth on the Shoreland Zoning permit on December 17th, not sure of location but will let Board know as soon as possible. Scott discussed the enhanced parking enforcement will start on the Stone Pier on December 15th. We will be issuing warning tickets for a couple of weeks. Donna Damon asked about a mailing to the public. Scott advised that a mailing will be done on Thursday, December 11th. Don Buxbaum asked about enforcement of expired registrations. Scott advised that the Parking Attendant will not issue tickets for anything but parking.

Scott updated the Board on 2009 Shellfish Licenses. He advised that the Board is required to annually review and approve the number of shellfish licenses and period of issuance. Claire Ross gave a hand-out to each Selectmen with information on the 2009 Shellfish licenses that included prices for each. Mark Dyer read prices on hand-out to public. Cheryl Buxbaum stated that the \$15.00 for Daily licenses was excessive. Leon Hamilton stated that this had been discussed with DMR and Don Card and he agreed to prices. Leon stated he is pleased with having no non-resident commercial licenses for the year 2009.

Mark Dyer asked if this had been discussed by the Shellfish Committee and then sent to DMR. Claire Ross stated, yes. It is and was discussed and then submitted. Donna Damon stated that Daily licenses should be \$10 not \$15. We need to keep rates reasonable. Claire Ross stated that the Town had held a Public Hearing on November 19th with Don Card as guest speaker. She advised that most Town's do not go to the Board for approval, but the Ordinance Section 10.13 requires to do so. We met all requirements. Donna Damon stated that a review of the licenses needs to be public and needs to go on an agenda. She stated that due to the economy people may need to dig clams.

Herb Maine – moved to accept agreement with DMR.

Leon Hamilton, seconded.

Vote: Unanimous.

Scott advised that the repairs on the Chandlers Cove ramp & floats will be done by the end of the week.

Scott stated that he is aware of the road conditions. Public Works is trying to cold patch, but due to the temperature it wouldn't work very well.

Scott advised that the plow trucks are ready to go. We have sand and salt coming this week.

Scott stated that he will be on vacation next week, but available if necessary.

5. Public Comment:

Mark Dyer asked for comments from the public. Seeing and hearing none closed comment period.

6. Old Business:

6.1 To have Selectmen listen to a presentation from Robert Patten on concerns on the right of way to property on Capps Road.

Robert Patten thanked the Board for giving him the time to speak. He advised he had more detail on the problem. He advised that he and the down stream property owners do not have the availability to obtain title insurance or get a mortgage. The statement tonight requires participation of owners and the Town so that everyone has legal right to a sale of property. Mr. Patten advised in order of importance: 1. Town Public Easement, 2. Prescriptive Public Easement, 3. Private Prescriptive Easement. We will all participate in this. What ever it takes to make this possible. At this point the property is not marketable. Mr. Patten presented a letter to the Board stating the possibilities and explained that the best way to go is a Town Public Easement. He asked what the next step would be? Donna Damon asked if he was prepared to pay all legal fees of the Town if we enter into this agreement. Mr. Patten stated he would be willing to do that.

Mark Dyer asked what the next step would be, research? Leon Hamilton stated that a decision can not be made now. Mark Dyer asked that we get legal advice. Donna Damon stated that we need back ground information. She stated that Lou Holman had been involved in this situation and had signed affidavits. Donna Damon advised that this is a case of large families owned property and just divided it up as they saw fit. They weren't concerned about right of ways. She advised that Capps Road became a road in 1897 and this needs to be resolved.

Mr. Patten asked to work directly with the Town attorney as it would save on legal expenses. Herb Maine asked why Mr. Patten prioritized the list in the order? Mr. Patten replied having the Town involved with the prescriptive easement it would work better. Mrs. Patten stated that they need a legal right of way so that they may sell the property.

Herb Maine asked if we needed a task force? Donna Damon stated, yes. We need to talk to Peter Lowe. Herb asked if Donna would do this? Donna stated, yes. Mark Dyer stated he would work with Donna.

Herb Maine moved to form a task force including Donna Damon and Mark Dyer to pursue recommendations presented by the Patten's.

Leon Hamilton, seconded.

Vote: Unanimous.

6.2 To have the Selectmen listen to a report from the Coastal Waters Commission.

Mark Dyer advised that after a discussion with the Chair of the Coastal Waters Commission we will discuss 6.3 presentation from the Fire Department. Jeff Putnam Chair was in agreement.

6.2 To have the Selectmen listen to a presentation fro the Fire & Rescue Chief on funding for matching fund for approved grant.

Scott Seaver advised that the Fire Department was awarded a grant in the amount of \$60,167.00 which requires a match of \$3,000.

Mark Dyer discussed that there will be a process when anyone applies for a grant within the Town. The process will be bringing it before the Board before submission.

Scott Seaver advised that in the new 200-2010 budget we will have a new line item for this purpose.

Ralph Munroe advised that this money cannot be taken out of the operating budget. Herb Maine asked Scott Seaver if it will have to be taken out of Contingency? Scott advised, yes.

Donna Damon moved to approve \$3,008 be taken out of Contingency to meet local share of grant.

Leon Hamilton, seconded.

Discussion: Leon Hamilton commended all the hard work by the Fire Department is getting this grant. Donna Damon asked that a letter be sent to Arthur Lynch. Herb Maine asked Ralph Munroe how the grant will be spent. Ralph advised it is written for specific items such as new hoses, turn out gear. Ralph stated that all receipts must be kept for expenditures. If we do not follow the grant and be able to prove how it was spent we will have to pay it back in full.

Vote: Unanimous.

Ralph Munroe asked the Selectmen to hear another item. He asked that funding for the EMT class be funded out of Contingency in the amount of \$2,964.

Donna Damon asked why this wasn't requested before the class started? She asked how many people are taking the class? Ralph advised seven (7) and Scott said it was because we carried over \$1,700 from last year as the class did not happen in 2007.

Donna Damon moved to approve \$2,964 out of Contingency to pay deficit for EMT course.

Leon Hamilton, seconded.

Vote: Unanimous.

Scott Seaver advised that he, Ralph Munroe and Nancy Hill attended a meeting with the State of Maine EMS Board as our license had expired. It was a three (3) member board of review. Nancy had written a letter and it was very effective. They did not recommend a fine, but it still needs to go to the full Board in January. As far as we know all we will have to do is list this violation on our renewal. Mark Dyer asked that with this violation on our application is there any chance that it will be rejected? Scott advised, no.

6.2 To have the Selectmen listen to a report from the Coastal Waters Commission.

Jeff Putnam advised the Board that a motion was made on October 15, 2008 to get the Board up to date on what the Commission has been working on. He discussed the use of Ship Grants and to request the Board for matching funds from the Town for new float at the Stone Pier. He explained it would extend northerly or to the east on the other side of the breakwater. He stated that another float will help. Coastal Waters Commission has a clear understanding of the float at the Public Works Garage. He asked what other floats and ramps are at the Public Works Garage? Maybe we do not need another float we may be able to utilize what is at the Garage.

Mark Dyer suggested that Jeff meet with Town Administrator Scott Seaver on this subject. Herb Maine suggested additional floats on Capital Improvements. Scott Seaver stated that at this time there is no funding for Ship Grants. He stated that some may become available in June 2009, but this is unknown.

Leon Hamilton suggested to Jeff that a complete proposal be put together for this. Leon asked that a diagram of what is there now be presented with what Coastal Waters is proposing. He also asked about how floats will safely be attached, location and costs that we need to weigh benefits. We can't take a float and add to existing floats. We need to look into the permitting process.

Jeff stated that they were pleased with the transient tie-up money collected. He asked that this money be designated to maintenance of the Stone Pier.

Jeff advised that the Commission had discussed the Coast Guard Special Anchorage and had voted against proceeding with it. Also, the Commission is discussing a pump out station.

Jeff discussed the general maintenance of the infrastructure and access points that are not being maintained.

Jeff asked about getting dredging information. Leon asked Scott what year this is schedule for. Scott advised 2014. Donna Damon added that this requires a lot of permitting. Scott advised that if we start applying for the permits within the ten year period it will be a lot less severe.

Ralph Munroe asked Jeff is there is a limit on the number of tie-ups for the Stone Pier? Jeff stated, no. Ralph asked that Commission and/or the Board look at limiting the number of permits for tie-ups as it really gets congested in and around the floats.

Leon Hamilton asked Jeff about a statement he made about special anchorage and that the Coastal Waters Commission had voted not to proceed any further with this recommendation. Leon asked why the Selectmen had not been informed or received the recommendation made to them? Jeff advised that they had just voted on this a few days ago. Leon stated the all recommendations whether approved or not shall be forwarded to the Board of Selectmen. The Commission does not have the authority to approve or not approve these recommendations. Leon also asked that all minutes from Coastal Waters be forwarded to the Selectmen.

6.4 To have the Selectmen discuss and possibly act on the Capital Improvement Plan for the Town of Chebeague Island for the 2009-2010 Budget.

Donna Damon asked that the Board move ahead and handle item 6.6 due to people in the audience that would like to hear the discussion earlier. All Selectmen in agreement.

6.6 To have Selectmen review and act upon employee compensation request.

Scott Seaver stated that in the last meeting a discussion on compensation for the Municipal employees for a job well done. He advised that the full time employees will receive \$500 and the regular part time employees will be figured on a pro-rated figure. The total of the compensation approved by the Board was \$3,500 it will figure out to be \$2,595.

Cheryl Buxbaum stated that a lot of people do not get a raise every year and not for a job well done. They are expected to do a good job. She stated that in the economic times we are in bonuses should not be just handed out. I think you are setting a precedence.

Donna Damon stated that we went round and round about this. We had some employees get payroll increases during the last Town Administrator. We need to figure out the pay scale.

Leon Hamilton stated the time to do raises is during budget. The School received a three (3) percent raise across the board (cost of living) I made motion after finding out where we stood.

Herb Maine stated we are in a very unique situation. We do not have a good review system in place. This is not a raise, but recognition for being involved in setting up of the Town. In recognition and appreciation of all work that everyone has put in.

Cheryl Buxbaum stated that they should be doing a good job. If they aren't they shouldn't have the jobs.

Jeff Putnam asked what was voted on at Town Meeting.

Herb Maine stated that Town Meeting approves a line item.

Mark Dyer stated that this is not a raise, cost of living or merit raise. This should be done by Supervisor managing and reviewing how things are going. I am a firm believer of management, structure and having a personnel director.

Donna Damon advised that the School got a raise and the employees on the Town side did not. We need to make sure that the Town and School are equitable.

Leon Hamilton moved to approve recommendation by the Town Administrator that an amount of \$2,595 be taken out of contingency for employee compensations.

Herb Maine, seconded.

Vote: Unanimous.

6.4 To have the Selectmen discuss and possibly act on the Capital Improvement Plan for the Town of Chebeague Island for the 2009-2010 Budget.

Scott Seaver advised that the Capital Improvement Plan is not complete and up dated the Selectmen of items that have changed or added. He advised that he changed some of the names and functions of some line items. One of the new line items is to deal with grants. Herb Maine asked if that line item could be used for other things. Scott advised, no. Scott suggested changing the name to "matching funds".

Scott stated that Account 90-50 will be Paving & Road Ways. That way it can be used for other things pertaining to the roads.

Scott also stated he had created a new account 90-58 Easements & Drainage. We are dealing with several items pertaining to this issue.

Herb Maine asked why the increase of \$50,000 for roadways?

Scott stated that it is due to the increase in the cost of materials to rebuild or pave the roads.

What we need to look at is rebuilding the road before it's paved so we do not have to dig up the new pavement. Herb Maine stated that this is a priority and advised Scott if he needed any assistance to ask.

Scott stated that the bottom line of budget is \$123,000, proposed is \$242,000.

6.4 Capital Improvement discussion continued:

Herb Maine asked what the next step is. He feels we should get together with the School Department.

Cheryl Buxbaum asked that all budget information be put on line. Scott advised that he will work on doing just that.

Scott advised that he will have a lot done by mid January.

Herb Maine stated that we need to set up a meeting right after the holidays with the School Department. Donna Damon agreed. She advised we need to discuss the issue of raises.

Scott advised he will set up a meeting with Mr. Hadley.

6.5 To have the Selectmen review and act upon Personnel Policy (tabled from last meeting) requesting to table to future meeting.

Town Administrator asked Selectmen to table this until a future meeting. All Selectmen are in agreement.

7. New Business:

7.1 To have Selectmen approve the nominations for Election Clerks for the Town of Chebeague Island.

Donna Damon moved to accept letter of nominations submitted by the Town Clerk as written. Leon Hamilton, seconded.

Discussion: Leon Hamilton read letter of nominations submitted. Donna Damon asked that we advertise for clerks. Susan Campbell advised, no.

Vote: Unanimous.

7.2 To have the Selectmen review and consider a policy regarding applications for grants.

Herb Maine read a policy regarding a process for grants.

Donna Damon asked that we add committees. She also stressed that communication is the most important thing.

Leon Hamilton moved to make this a Selectmen's policy.

Chris Rich, seconded.

Discussion: Donna Damon asked that this be a Town policy not just a Selectmen's. Doug Ross asked to have one person responsible to make people aware of process. Donna Damon stated that all employee's and Committee's need to be notified.

Vote: Unanimous.

7.3 To have Selectmen review and consider a policy regarding establishment of Undesignated Fund Balance.

Donna Damon asked that this item be tabled and listed on the next agenda as item. All Selectmen in agreement.

7.4 To appoint a part time Parking Enforcement Attendant.

Donna Damon moved to appoint Louise Doughty as the Parking Enforcement Attendant for the Town of Chebeague Island.

Herb Maine, seconded.

Vote: Unanimous.

8. New non-agenda items to be presented by the Selectmen.

Donna Damon advised that she had been contacted by Mary Cushman. Mary has requested a spot on the agenda at the next regular meeting in regard to the creation of a Health Committee.

Donna Damon advised that she is still working on a version of the Boston Post Cane. She advised that it should be an oar, a row your own boat award. She will have Doug work on it with her and she feels it should be presented to Raymond Hamilton.

9. Adjourn meeting.

Herb Maine moved to adjourn meeting.

Leon Hamilton, seconded.

Vote: unanimous.

Meeting adjourned at 9:30PM

Respectfully submitted by Susan Campbell, Town Clerk.

In Attendance: Herb Maine, Mark Dyer, Chris Rich, Leon Hamilton Donna Damon and Scott Seaver.