

Board of Selectmen Meeting Minutes October 23, 2013

First Order of Business: Chairman Donna Damon called the meeting to order at 6:03 p.m.

Selectmen Present: Donna Damon, David Hill, Susan Campbell, Herb Maine

Also present: Town Administrator Eric Dyer, CEO/Harbor Master Ron Tozier and Deputy Clerk Gloria Brown.

Second Order of Business: Regular Business

To Have the Board of Selectmen:

- 14-069: Consider a draft Road Opening License Application
- 14-070: Consider a draft Road Opening Policy
- 14-071: Consider a draft Road Opening License Agreement

Presentation:

- Eric Dyer presented a series of documents proposed to formalize a process to protect the interests of the public and for public safety with regard to road openings. These documents are made up of pieces from other towns' ordinances and policies.
- The licensing application includes the basic information we would want from anyone wanting to open up the road. We may want more detail, including a model sketch.
- The policy touches on a few key areas that show up universally in other town's documents: a fee is required, some definitions, construction guidelines. This is in the same format as the Town's other policies.
- The license agreement would be the final document that would have final Board approval.

Discussion:

- Donna: re: definitions in the Road Opening Policy re: road drainage. Eric said the intent of the policy is to focus just on underground utilities; that drainage opens another set of issues including easements and abutting landowners.
- Reasons for denial of application:
 - Incomplete application
 - Ownership of property is in question (multiple owners?) or permission not granted by property owner 4.c.iii. Get permission in writing. Copy of the deed?
- Interference with any town activity, such as snow removal, ditching or brushing
- Road paving moratorium for stated number of years 4.c.v. With a ten year life-expectancy of the road; the purpose of the moratorium is to maintain the integrity of

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- the roadway for as long as possible. Three-year moratorium seemed to be the consensus.
- \$200 suggested fee to cover town costs, including on-site inspection. Fee only the first time road is opened or every time? Re-apply for each opening? \$100 in advance and \$100 on completion? Herb suggested getting authorization from Town Meeting for fees. David: check to see if fees already enabled.
 - Donna: re: 4.3.ii: not less than 72 hours. Need time for signage and line up inspector, etc. David agreed with Donna.
 - Herb: re: 4.3.i: 60 days instead of 30 days for start of excavation work
 - Donna: When does the work have to be done; from the time they open the road until they close? We should have a policy that a road shouldn't be open more than 1 day or 2 days? Provide for temporary access over the road?
 - Herb proposed a list of construction requirements. Donna wants to be specific. Herb: setting it in policy may not be the smartest thing given the variety of circumstances. The license agreement would be more site-specific.
 - Ron Tozier suggested following the Planning Board model: develop a list of general criteria which will be used to develop the specific requirements for the specific project.
 - 4.e.iii: "minimize interference" instead of "not interfere."
 - 4.e.iv: Herb would like to know about current engineering practices with regard to materials used.
 - 4.e.v: Intent was to say 2 inches as a minimum patch thickness; Ron's suggested wording: "meet or exceed existing road conditions."
 - 4.3.vi: 60 days, short term quality protection
 - Hear Herb's rationale for his proposal. Criteria would be in the license as permanent part of the record. Next time the road is opened pull out this record. David suggested including Herb's criteria to Eric's proposal in 4.e. Eric suggested a separate job-specific punch list. David suggested Herb merge these two proposal.
 - Donna re: drainage. Herb: we need to discuss drainage. This proposed policy excludes drainage. Ron have a criteria that deals with what happens to the water. If the two property owners agree, why not? Herb criteria for depth and length of the ditch. Also, suggested a criteria for a 4 or 6 inch sleeve with the idea that if anyone has to replace the utility.
 - Herb: concern about gas as a utility that might require special handling, being explosive; need proof of insurance?
 - Eric culverts are typically a municipal issue. David suggests not having any exclusions at this point. Issues of who has to pay for culverts depending on circumstances.

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- Donna we need to talk about who has the final say, the Road Commissioner or the Board of Selectmen. Herb says it would be a 30 day turn-around for the homeowner if the Board of Selectmen issues the license and a probably a 14-day turn around if it's issued by the Road Commissioner. Eric: in most towns, it's a Road Commissioner function. David agrees it should be a Road Commissioner function. Herb suggested the Code Enforcement Officer would have a role in inspecting the installation.

Re: an informal request on the table: Because the Cottage Road is in such bad shape now, can we decide without having this policy in place? Donna: ditch needs to be at least 3 feet deep. Ron: should be gravel for one foot then the pipe then another foot of gravel. Herb will work with Eric to put together an agreement for the land owner for this particular project. Donna asked that the agreement include the stipulation that it meet any future criteria that is part of the policy we are developing now.

14-072: Appoint six (6) Election Clerks for the November 5, 2013 Election

Motion: Moved by Herb Maine, seconded by David Hill to appoint the election clerks and warden for the November 5, 2013 election as presented on the slate tonight. Election Clerks: Joan Robinson, Ruth Slagle, Jill Malony, Joyce Souchek, Martha O. Hamilton and Lynne Priest. Warden: Michelle Jackson.

Unanimous, Motion Carried

Motion: Moved by Susan Campbell, seconded by David Hill to ask the Election Warden to review the poll opening time and move it back to 8:00 AM.

Unanimous, Motion Carried

Third Order of Business: Executive Sessions

To Have the Board of Selectmen hold an Executive Session to discuss legal matters pursuant to 1 MRSA, Section 405, subsection 6(E).

To Have the Board of Selectmen hold an Executive Session to discuss personnel matters pursuant to 1 MRSA, Section 405, subsection 6(A).

To Have the Board of Selectmen hold an Executive Session to discuss a matter related to the acquisition of public property pursuant to 1 MRSA, Section 405, subsection 6(C).

MOTION: Moved by Herb Maine, seconded by Susan Campbell to move into Executive Session to discuss legal matters pursuant to 1 MRSA, Section 405, subsection 6(E); to discuss personnel matters pursuant to 1 MRSA, Section 405, subsection 6(A); and to discuss a matter related to the acquisition of public property pursuant to 1 MRSA, Section 405, subsection 6(C).

Unanimous, Motion Carried at 7:07 p.m.

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MOTION: Moved by Herb Maine, seconded by Susan Campbell return from Executive Session.

Unanimous, Motion Carried at 8:36 p.m.

Third Order of Business: Adjourn Meeting

Motion: Moved by David Hill, seconded by Susan Campbell that the Selectmen's meeting be adjourned.

Unanimous, Motion Carried at 8:37 p.m.

These minutes respectfully submitted by:

Gloria J. Brown, Deputy Clerk