The Board of Selectmen held a meeting on Wednesday, September 10, 2014 at the Island Hall beginning at 5:30 p.m.

First Order of Business: The meeting was called to order by Susan Campbell at 5:30 p.m.

Selectmen present: Susan Campbell, Bill Calthorpe and Donna Damon
Also present: Town Administrator Eric Dyer, Town Attorney Anne Torregrossa and Code Enforcement Officer Nick Adams

Second Order of Business: Executive Session:
To have the Selectmen hold an Executive Session to discuss a court matter regarding code enforcement proceedings brought under 30-A MRSA § 4452(1)(C) pursuant to 1 MRSA § 405(6)(H)

Motion: Donna Damon moved and Bill Calthorpe seconded to enter executive session at 5:30 p.m. for the purpose stated above.

Unanimous, Motion Carried

Motion: Donna Damon moved and Bill Calthorpe seconded to exit executive at 6:14 p.m.

Unanimous, Motion Carried

The public meeting was called to order by Susan Campbell at 6:30 p.m.

Also present: Gloria Brown, Jane Frizzell, Bev Johnson, Deb Bowman, Jay Corson, Mabel Doughty, Mimi Moulton, Ruth Slagle, Sally Tubbesing, Rich Hubbell, Joan French, Maricel and Jeff Hahn, Nils Wessell, Ginny Ballard, Herb Maine, Eldon Mayer, Mary Cushman, Lynn and Charles Mills, Carol Springer, Bob Konczal, Rob Sutherland, Jerry Daigle, Dave Stevens, Bob Earnest

Third Order of Business: Town Administrator and Treasurer’s Reports. (See reports attached, including reports from Harbormaster and Code Enforcement Officer)

• Eric gave abbreviated summaries of his reports.
Donna asked about the number of growth permits issued. Nick responded that there have been four issued this year, which is the maximum number allowed.

Donna asked about impact fees—if we carried these over from the Town of Cumberland: to be included in a future agenda.

Re: recommendations from Harbormaster’s report: schedule a workshop to discuss

Eric noted increases in solid waste removal costs. Bill Calthorpe asked that the new Solid Waste Committee be given this information.

**Motion**: Moved by Donna Damon and seconded by Bill Calthorpe to accept the Town Administrator and Treasurer’s Reports

Unanimous, Motion Carried

**Fourth Order of Business**: Public Comment

- Ruth Slagle asked if Lionel Plante and Pine Tree Waste contribute in any way toward our road maintenance. Also issues of speeding, not stopping at intersection. Assess a landing fee? Additional stop sign at top of Bennetts Landing Road. Mabel reported a place on the road where the rock base is visible due to hard use and erosion; Eric will ask public works to assess the damage.

- Eldon Mayer suggested that the Board of Selectmen to form a study group to review the parking and safety issues at the Stone Pier. Deb Bowman suggested the sheriff’s deputy could assist. To be discussed at the October meeting.

**Fifth Order of Business**: Regular Business

15-025: Take any necessary action with respect to the preceding Executive Session

Hunter brush-cutting violation on Golf Club property: A code enforcement action was initiated by the previous CEO over a year ago and progressed through the legal process to this point of a proposed settlement of $8,500 to cover costs of replanting and some of the Town’s legal costs and staff costs.

**Motion**: Donna Damon moved and Bill Calthorpe seconded to authorize the Town Administrator and Town Attorney to prepare a Consent Agreement and Release with Bruce Hunter to resolve a shoreland brush-cutting violation on Golf Course property; Susan Campbell to sign on behalf of the Town.

Unanimous, Motion Carried
Hope Island code enforcement violations: Attorney Torregrossa explained that the Town had entered into a Consent Agreement over a year ago with the owners of Hope Island. There were specific deadlines to be met; some progress has been made; progress has ceased; some very significant violations are outstanding. The goal is compliance, not punishment. Now is the time to move forward with enforcement action. The Consent Agreement included a $100,000 settlement of which $23,000 was paid, with the remaining $77,000 held in abeyance subject to compliance. Going after that is on the table as well as possible contempt proceedings and additional penalties as well as recovery for additional legal fees and costs. Any new violations may be subject to enforcement. Access and inspection on Hope Island were discussed; also access to the Town’s land records at the Town Office. Nick will investigate any violations brought to his attention. Mabel mentioned the huge manure pile which may drain into the water. A mining/excavation ordinance is in process of being written. Bob Konczal will revalue the Hope Island property as part of the revaluation.

Motion: Moved by Donna Damon and seconded by Bill Calthorpe to authorize the Code Enforcement Officer to work with the Town Attorney regarding violations of the land use ordinance on Hope Island and to take any necessary enforcement action.

Unanimous, Motion Carried

15-026: Discuss the mil rate, overlay, revaluation process, and other items with the Assessor

Assessor Bob Konczal presented an overview of the municipal tax process. He introduced his associates, Certified Maine Assessors Rob Sutherland and Jerry Daigle, who will be assisting him during the revaluation process. They will be gathering physical information especially recent sales and mailing a questionnaire to property owners. Transfer of our information to a different computer program has been partially successful, thus saving some time. With regard to the mil rate, Bob explained that the assessor can set a rate over the minimum tax required, in a range between 0 and 5% over the minimum, to offset uncollected taxes. Our recent practice has been 1% over the minimum. Rich Hubbell suggested that at the end of the revaluation process, a letter of explanation be sent to property owners explaining again how taxes are calculated. Jane asked about other revenue sources besides property taxes; state has not passed enabling legislation for additional local taxes.
**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to meet with the Assessor on August 12, 2015 as part of the regular monthly board meeting to discuss setting the mil rate.

*Unanimous, Motion Carried*

**15-027:** Hear an update on the drainage ditch at the Community Center

Eric reported that the town has received a design plan from Sevee and Maher for the drainage ditch. There will be a meeting held at the site in front of the Community Center on Monday, September 15th at 4:00 p.m. to discuss the project with Public Works employees to determine how much of work, if any, can be accomplished by town employees and/or local contractors; also if there are materials on hand that can be used for this project. The job may have to go out to bid.

**Motion:** Moved by Bill Calthorpe and seconded Donna to add further discussion regarding the drainage project to the September 17 agenda.

*Unanimous, Motion Carried*

**15-028:** Hear a presentation on the construction of a covered structure on school property

Bob Earnest gave a brief slide presentation (see packet) for a covered shelter for the pizza oven and picnic tables to be erected at the school. Bob was representing CICA which is building the pizza and the proposed structure which it will donate to the Town. The project needs to go to the Board of Adjustments and Appeals because the Town's land use ordinances do not specifically allow such a structure on commercial property in the Island Residential Zone. A question arose regarding ownership of the school property; the documents transferring the property from MSAD 51 to the Town of Chebeague seven years ago need to be filed in the Registry of Deeds. The filing should have been done at the time of secession. It was overlooked, but it is being processed now. Bob needs authorization from the Town to take the matter to the Board of Adjustments and Appeals. Value of the structure is approximately $7,000 plus volunteer labor.

**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to authorize Bob Earnest as an officer of CICA to obtain a building permit to erect the proposed covered shelter for the pizza oven and picnic tables as shown in the presented plan with the understanding that Bob Earnest will install a sturdy lock on the pizza oven.
door AND the Town gratefully accepts ownership of the structure from CICA with thanks.

**Unanimous, Motion Carried**

15-029:  Set the date and time of a Special Town Meeting

**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to hold a Special Town Meeting on Saturday, September 27, 2014 at 9:00 a.m. at the C.I.H.C.C. or at another appropriate building.

**Unanimous, Motion Carried**

15-030:  Review a draft warrant article for the construction of a radio communication tower

The draft warrant article in the packet needs to be amended and will be ready for discussion at the Board’s September 17 meeting.

15-031:  Appoint an alternate CEO

The Town Administrator was directed to create a personnel file and run a background check as would be done for any other town employee.

**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to appoint Jonathan Reed as Alternate Code Enforcement Officer/Building Inspector and Tom Reinsborough as the second alternate.

**Unanimous, Motion Carried**

15-032:  Consider any carry forwards from FY14 to FY15 as recommended by the Treasurer

**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to carry forward $3,372.50 from FY14 to FY15 in account 3200-5130 Hazardous Waste, as recommended by the Treasurer.

**Unanimous, Motion Carried**

15-033:  Set an agenda for the upcoming Board of Selectmen Retreat
Motion: Moved by Donna Damon and seconded by Bill Calthorpe to table this item to the Board’s September 17 meeting.

Unanimous, Motion Carried

15-034: Review potential agenda items for future meetings

- Update on C.I.H.C.C. drainage project
- Set up workshop with Shellfish Committee re: allocations for licenses—October
- Stone Wharf work group discussion for October

Sixth Order of Business: Communications: none

Seventh Order of Business: Review and approve prior meeting minutes

Motion: Moved by Bill Calthorpe and seconded Donna to approve Board of Selectmen minutes dated July 24, 2013, August 22, 2013 and August 13, 2014 and Annual Town Meeting Minutes dated June 7, 2014 as drafted.

Unanimous, Motion Carried

Eighth Order of Business: Approval of Expense Warrant(s)

- Bill asked about a vendor, EPI. Eric responded that this is the company that managed our hazardous waste removal last month instead of Clean Harbors, which would have charged significantly more. Bill asked if the hazardous waste was actually housed at the transfer station for nine days before it was hauled off, and are we permitted and allowed to do that? Eric will look into the matter.
- Expense Warrant amounts:
  - September 4: $20,859.26
  - September 9: 2,874.00
  - September 9: 73,225.65

Motion: Moved by Bill Calthorpe and seconded by Donna Damon to approve the warrant dated September 4, 2014 in the amount of $20,859.26 and the warrant dated September 9, 2014 in the amount of $2,874.00.

Unanimous, Motion Carried

- The third warrant for $73,225.65 includes payment for cell phone reimbursements for two employees. Donna objected to making those
reimbursements because there is no policy authorizing their payment, nor are they included in the budget. Eric agreed that a cell phone policy for town staff needs to be written but asked that the current payments be made to the employees.

**Motion:** Moved by Bill Calthorpe to approve the warrant dated September 9, 2014 in the amount of $73,225.65.

**The motion failed for lack of a second.**
[The warrant was signed by Susan Campbell, Bill Calthorpe and by David Hill via telephone.]

**Ninth Order of Business:** Other Business

**Memo from Dustin Roma of Milone & MacBroom regarding funding for the Sunset Landing Project** (see attached)

**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to authorize the Town Administrator to enter into a contract with Milone & MacBroom for $24,800 to complete items 1 – 6 in the memo, Sunset Landing phase 2. The money comes out of funds already allocated for the purpose.

**Unanimous, Motion Carried**

**Capps Road drainage project**
- Donna reported on Sevee & Maher’s investigation into the drainage problems at Capps Road. They recommend a boundary survey of the properties be done to ascertain which property owners will be affected.
- Rich Hubbell suggested developing policy/ordinance regarding drainage issues of public works and private properties. Resources include MMA, State DOT, other municipalities. Donna suggested that discussion on this item be added to the Board’s retreat agenda.

**Motion:** Moved by Donna Damon and seconded by Bill Calthorpe to instruct the Town Administrator to contact a couple surveyors and get estimates before October 1st: and if the quote is $2,500 or less, to start the survey work immediately.

**Unanimous, Motion Carried**

**Tenth Order of Business:** Adjourn Meeting
Motion: Moved by Donna Damon and seconded by Bill Calthorpe, to adjourn the meeting at 9:25 p.m.

Unanimous, Motion Carried

Respectfully submitted,

Gloria J. Brown
Deputy Town Clerk