

**Board of Selectmen Meeting Notice,
July 26, 2017**

**The Board of Selectmen will hold a Meeting on Wednesday,
July 26, 2017 at the Chebeague Island Hall at 6:00 PM**

- I. Call public meeting to order**
- II. Public Hearings**
 - Wharfing Out License for Marian Cox-Chapman's pier, ramps and float
 - Victualer's License for Ebb and Thyme Bakery
- III. Public Comment for items not on the agenda**
- IV. Reports**

Code Enforcement Officer's Report
Broadband Committee Report
- V. Regular Business:**
 - 18-009 Wharfing Out License
To consider approval of a Wharfing Out License for Marian Cox-Chapman's pier, ramps and float
 - 18-010 Victualer's License
To consider approval of a Victualer's License for the Ebb & Thyme Bakery
 - 18-011 Notice to Extend Time to Prevent Automatic Vacation of Paper Street
To consider approval of a document related to Bennett's Cove Lane
 - 18-012 Local Road Assistance Program Certification
To consider a Maine Department of Transportation Local Road Assistance Program Certification and authorize Town Administrator Marjorie Stratton to sign it.
 - 18-013 PUC Interconnection Agreement
To consider a PUC Interconnection Agreement required for the ReVision solar project and authorize Town Administrator Marjorie Stratton to sign it.
 - 18-014 Health Officer
To consider re-appointment of Anita Anderson
 - 18-015 Assessing Services
To consider renewal of a contract with Atlantic Valuation
 - 10-016 Capital Planning Document
- VI. Communications**
- VII. Review and approve prior meeting minutes**

June 28 and July 12, 2017
- VIII. Approve Expense Warrant(s)**
- IX. Other Business**
- X. Adjourn Meeting**



Town of Chebeague Island

192 North Road
Chebeague Island, ME 04017
www.townofchebeagueisland.org

Wharfing Out License

On July 26, 2017, the Town of Chebeague Island (“Chebeague”) Board of Selectmen held a hearing to consider the application of Marian Cox-Chapman (“Applicant”) to install a permanent pier, with a permanent ramp attached on the upland side. Attached to the permanent pier will be seasonal ramp and seasonal float, located at 45 South Shore Drive, which is shown as Lot 32 on Chebeague Island Tax Map I-01, and which is further described in the warranty deed recorded in the Cumberland County Registry of Deeds (the “Registry”) at Book 21462, Page 74 (the “Parcel”). Pursuant to 38 M.R.S. §1022, the Board makes the following findings of fact:

1. *Applicant resides at 229 Kenyon Street, Hartford, CT 06105.*
2. *Applicant has right, title, or interest in the Parcel pursuant to the warranty deed recorded in the Registry at Book 21462, Page 74.*
3. *The proposed pier will be permanent in nature and will measure 6' x 40' in dimension with a permanent 6' x 10' entry ramp attached to the upland side of the pier; the proposed seasonal ramp will measure 3' x 48' in dimension; and the proposed float that will be seasonal in nature will measure 12' x 24' in dimension, and will extend from the Parcel into Casco Bay.*
4. *The applicant has notified all parties that may be directly affected by the proposed construction, as required by 38 M.R.S. §1022.*
5. *Based on Planning Board's Findings of Fact & Conclusions of Law, and all the files in the record, the Board of Selectmen find that the proposed pier, ramp and float will not be an obstruction to navigation or cause injury to the rights of others.*

Therefore, pursuant to 38 M.R.S. §1022, the Chebeague Board of Selectmen grants to Marian Cox-Chapman this Wharfing Out License to install a six feet (6') x forty feet (40') permanent pier, with a six feet (6') by ten feet (10') permanent ramp attached to the upland side. Attached to the permanent pier will be a three feet (3') by forty-eight feet (48') seasonal ramp and twelve feet (12') by twenty-four feet (24') seasonal float on the Parcel.

Pursuant to 38 M.R.S. §1022, this decision can be appealed to Superior Court within ten (10) days by any aggrieved person.

Date Approved: July 26, 2017
Town of Chebeague Island Board of Selectmen

John Corson, Chairman

Herbert Maine, Vice Chairman

David Hill

Jean-Louis Beaupre

July 25, 2017

By email: drhill@chebeague.net; herb@chebeague.net;
jaycorson@live.com; bo.chebeague@outlook.com

John Corson, Chair
Town of Chebeague Island
Board of Selectmen
192 North Road
Chebeague Island, ME 04017

**Re: Wharfing Out License Application– Marian Cox-Chapman
Map 101, Lot 032**

Dear Chair Corson and Members of the Board:

This letter is on behalf of Carlos and Renee Nottebohm regarding the Application filed by Ms. Cox-Chapman with the Board for a pier and float construction license pursuant to Section 1022 of Title 38, M.R.S.A.¹ The Application should be denied for failing to meet Section 1022's license approval standards.

Section 1022 states that an application for a license to construct a pier must show that the pier will “*not be an obstruction to navigation or injury to the rights of others*”. A copy of the statute is enclosed for your reference as **Attachment A**.

Ms. Cox-Chapman's Application fails to meet either standard. The proposed pier is so low to the ground that it will both obstruct navigation and injure the rights of others.

Enclosed for your reference is a copy of the Application's most recently submitted Plan of the proposed pier and float, dated February 17, 2017, **Attachment B**, with our additional drawing by hand.² It is evident that the clearance between the highest annual tide line (“H.A.T.”) and the pier is only an approximate four feet, with a slow widening of the clearance to five and then six feet as the shore slopes down to the seven foot

¹ Mr. and Mrs. Nottebohm have also appeared before the Planning Board and Board of Adjustments and Appeals (“Boards”) in a companion proceeding regarding Ms. Cox-Chapman's Applications to Construct a Pier/Float/Ramp at 45 South Shore Drive. We understand that the Select Board has a copy of Mr. and Mrs. Nottebohm's letters to the Boards, and they herein incorporate by reference the arguments they made in those letters into this July 21 letter for the Select Board's further consideration.

² We have added by hand the four foot clearance estimate at the H.A.T. line.

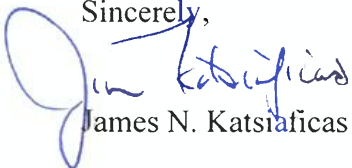
clearance between the mean high water line ("M.H.W.") and the pier. This clearance is too low for the public to exercise their right to navigate, and walk in relation to navigation, on the shore between the high tide and the low tide.

The high tide line should be the H.A.T., and not the M.H.W. as the Plan proposes. Long established Maine case law defines the term "shore" as the land between "high-water and low-water", without reference to or limitation to any "average" or "mean" of those tidal lines. In 1856, for example, in *State v. Wilson*, 42 Me. 9, 10 (1856) the Law Court held that: "*The word shore is a technical term, meaning land between high and low water marks.*" *Id.* at p. 10.³

Further, the public has a right to navigate, and walk in relation to navigation, on the shore between the "high and low water marks". As the *State v. Wilson* Court held: "The use of the shore, as a way for travel, is the exercise of a right which the owner of the shore cannot abridge or restrict." *Id.* Thus, in considering whether a proposed pier will obstruct navigation or injure others' rights under Section 1022, the Board should not just consider the clearance of the pier at M.H.T., but also the clearance between that averaged line and the H.A.T., where the public walks for half the time, when the tide rises above the mean.

There must be enough height between the highest annual tide line and the pier for people to cross under, whether by foot, or low-draw boats such as kayaks, or otherwise. They should not have to crawl or flatten themselves to get under the pier. As the proposed pier does not allow sufficient clearance between mean high water and the highest annual tide, it would obstruct navigation and injure the rights of the public, in violation of Section 1022. We therefore request you deny the Application. Thank you for your consideration of these comments.

Sincerely,



James N. Katsifias

cc: Sandra Guay, Esq.
Natalie L. Burns, Esq.
Nicholas L. Adams, CEO (codeoffice@chebeague.net)

³ See also, e.g., *Dunton v. Parker*, 97 Me. 461, 465 (1903)(in defining the term "shore" the Law Court states "in accordance with the well settled doctrine in this State, the seaward boundary of [the shore land is] at high water mark"); *Moulton v. Libbey*, 37 Me. 472, 489 (1853) (defining "flats" as "land between high and low water mark"); *Lapish v. Bangor Bank*, 8 Me. 85, 90 (1831)("Now, as high-water mark is one side of the sea-shore or flats, and low-water mark is the other, and as a deed bounding land on one side by the shore, does not convey the flats, it is perfectly clear that a deed bounding a piece of land by high-water mark, which is one side of the shore, cannot be construed as conveying the flats.")

Maine Revised Statutes

Title 38: WATERS AND NAVIGATION

Chapter 9: WHARVES AND FISH WEIRS

§1022. License to build or extend; application

Any person intending to build or extend any wharf, fish weir or trap in tidewaters, within the limits of any city or town, shall apply in writing to the municipal officers of the city or town, stating the location of the weir, the boundaries of the cove in which the weir will be constructed as identified on a map prepared by the Commissioner of Marine Resources, limits and boundaries, as nearly as may be, of the intended erection or extension, and asking license for the intended erection or extension. The applicant must notify all parties that may be directly affected by the proposed construction. Upon receiving an application, the officers shall give at least 3 days' public notice of the application in a newspaper, published in the town, or, if there is no newspaper published in the town, in a newspaper published within the county, and shall designate in the notice a day and time on which they or their designee will meet on or near the premises described, to examine the same and hear all parties interested. If, following such examination and hearing of all parties interested, the officers decide that such erection or extension would not be an obstruction to navigation or injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing the applicant to make such an erection or extension, and to maintain the same within the limits mentioned in such license. The applicant for license to build or extend a fish weir or trap shall first give bond to the town, with sureties, in the sum of \$5,000, conditioned that upon the termination of such license the applicant removes all stakes and brush from the location therein described. The municipal officers shall, within 10 days after the date of hearing, give written notice by mail of their decision to all parties interested. Any person aggrieved by the decision of the municipal officers, in either granting or refusing to grant a license as provided, may appeal to the Superior Court within 10 days after the mailing of such written notice. The court shall set a time and place for hearing and give notice thereof in the same manner as provided for a hearing before the municipal officers. The decision of the court must be communicated to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located. This decision is binding on the municipal officers, who shall issue a license, if so directed by the decision of the court, within 3 days after the decision has been communicated to them. If the appeal is sustained by the court in whole or in part, the appellant will have costs against the appellee. If the appeal is not so sustained, the appellee will have costs against the appellant. If any owner to whom a license has been issued or the owner's heirs or assigns fail to remove all stakes and brush within a period of one year after the termination of the license, as provided in section 1023, any person can remove the same without charge against the owner or the owner's heirs or assigns.

[2011, c. 559, Pt. A, §36 (AMD).]

In the case of islands not within the jurisdiction of any town all powers of municipal officers to issue licenses to build weirs are conferred upon the owner or owners of such islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the

Commissioner of Marine Resources, who shall, after a hearing at which all parties may be represented, decide as to the issuance of such license. [1973, c. 513, §22 (AMD).]

In the case of waters adjacent to unorganized or deorganized territory that is not an island, the Commissioner of Marine Resources shall have the powers of municipal officers to issue licenses under this section. Notwithstanding the provisions of this section governing procedures, the Commissioner of Marine Resources shall review the application and hold a hearing as if this were a lease application under Title 12, section 6072, subsections 5 and 6. [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §207 (AMD).]

Any licenses issued under this chapter shall constitute an approval and determination by the issuer thereof that the licensed wharf or weir constructed and operated within the limits imposed by such license does not adversely affect nor impair the interests of the issuer in such area, including navigation and the rights of private citizens in the area. Such license does not confer any right, title or interest in submerged or intertidal lands owned by the State. [1975, c. 287, §2 (NEW).]

SECTION HISTORY

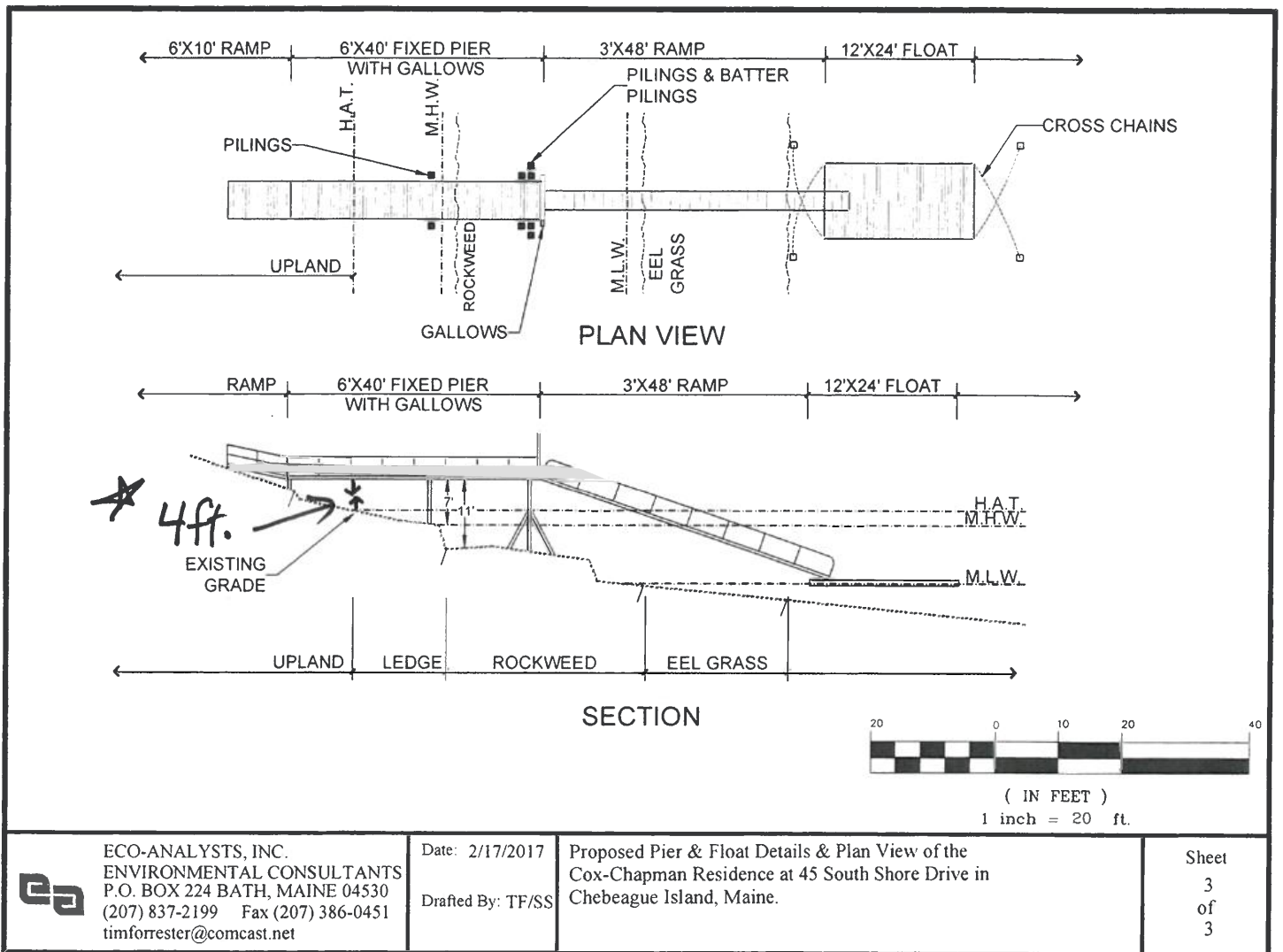
1973, c. 513, §22 (AMD). 1975, c. 287, §2 (AMD). 1979, c. 631, §2 (AMD). 1983, c. 731, §4 (AMD). 1989, c. 890, §§A40, B206, 207 (AMD). 1999, c. 215, §1 (AMD). 2011, c. 559, Pt. A, §36 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Attachment B



★ There is only an approximate 4 foot clearance between the pier and the highest annual tide line (H.A.T.) Four feet is too low for the public to walk under or navigate under.

WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

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PETER L. EDMANDS
(Retired)

July 26, 2017

VIA EMAIL

John Corson, Chair
Board of Selectmen
Town of Chebeague Island
192 North Road
Chebeague Island, Maine 04017

Re: Board of Selectmen Meeting, July 26, 2017
Wharfing Out License/Marian Cox-Chapman

Dear Mr. Corson and Selectboard Members:

This letter is written in response to the July 25, 2017 letter from Attorney James N. Katsiaficas on behalf of Carlos and Renee Nottebohm. In that letter, Attorney Katsiaficas argues that the Cox-Chapman pier/float application does not comply with §1022 of the Maine Wharves and Weirs Act. On behalf of Ms. Cox-Chapman I respectfully disagree with the statements made in Attorney Katsiaficas's letter, and specifically with respect to the requirements of that statute, its relationship to the public trust doctrine, and the review standards that the Board of Selectmen must apply to Ms. Cox-Chapman's application for a license.

In Maine, an upland property owner generally holds fee title to land both in the sandy beach and areas above mean-high water, as well as to the land between the mean-high water and mean-low water marks (but not exceeding 1,650 feet), commonly referred to as the inter-tidal zone. Pursuant to the public trust doctrine, "that private ownership is subject to the public's right to use the intertidal zone" *McGarvey v. Whittredge*, 2011 ME 97 ¶9, 28 A.3d 620, 624. The public trust doctrine is a common law principle, maintaining that the state holds title to submerged land under navigable waters in trust for the benefit of the public. In Maine, the public benefits are specifically limited to fishing, fowling and navigation. *See Bell v. Town of Wells*, 557 A.2d 168 (Me. 1989).

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

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While the public has fishing, fowling and navigation access rights pursuant to the public trust doctrine, those rights are held subject to both the common and statutory laws of the State of Maine which provide owners of land abutting a body of water with “certain rights or privileges different from those generally belonging to the public.” *Great Cove Boat Club v. Bureau of Pub. Lands*, 672 A.2d 91, 95 (Me.1996). These rights include: “(1) the right to have the water remain in place and retain, as nearly as possible, its natural character; (2) the right of access to the water; (3) subject to reasonable restrictions, the right to wharf out to the navigable portion of the body of water; and (4) the right of free use of the water immediately adjoining the property for the transaction of business associated with wharves.” *Id.* Indeed, although the public maintains a right to access the intertidal area for fishing, fowling and navigation purposes, “the public’s rights in these activities have always been subject to the owner’s ‘right to wharf out to the navigable portion of the body of water.’” *Conservation Law Foundation v. Department of Environmental Protection*, 2003 ME 62¶36, 823 A.2d 551, 563, citing *Great Cove Boat Club v. Bureau of Pub. Lands*, 672 A.2d 91, 95 (Me.1996).

In furtherance of this well-established right to wharf out, the Wharves and Weirs Act (38 M.R.S. §1022) was enacted and amended over time so as to allow for the construction of both public and private docks. Specifically, the statute provides that the officers of a municipality *shall* issue a license for its construction if, following a fair hearing of all parties, the officers decide that such structure “would not be an obstruction to navigation or injury to the rights of others.” *Id.*

With respect to the meaning of the term “an obstruction to navigation” in the Wharves and Weirs Act, courts in Maine have concluded that if read too broadly, any float or wharf could be said to “interfere” with navigation, and virtually “nothing could be built on the entire width of a river or harbor” because any structure might, even ever so minimally, “obstruct navigation”. *Willis v. Town of York*, 2009 WL 6769835 (Me.Super). Rather, this statutory language has been held to mean that a wharf or dock may be built, unless it “unreasonably” obstructs navigation. For example, unreasonable obstruction was found where there was a narrow neck in a channel which would have been effectively blocked by the placement of a proposed dock (*see Willis v. Town of York, supra*). The second part of the statutory phrase “injury to the rights of others” has been found in cases such as where the construction of a new dock would block water access for an abutting private property owner (*see Britton v. Donnell*, 2011 ME 16, 12 A.3d 39).

Attorney Katsiaficas argues that the public rights in the intertidal must be fully unencumbered for the full breadth of the intertidal area, all the way from the lowest tide to the highest tide. This is simply not so, and no Court in Maine has ever said a dock must be denied because it could possibly restrict access to a small area above mean high water. Indeed, there are docks up and down the coast of Maine which, by necessity, must partially encumber some portion of the intertidal area.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

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In this case, the area above mean high water (MHW) and beyond the intertidal zone impacted by highest annual tide (HAT) is not even accessible due to the rocky ledge outcroppings. Further, there is more than ample room to maneuver a boat in the area of the proposed dock, and no one who boats safely would attempt to bring the boat so close to the rocks in any event. Furthermore, there is simply no regulation, either in state law or in the Town's Ordinance, that requires the use of HAT rather than MHW in the application for a dock, nor that there must be clearance for passage under the entire dock, unless perhaps the dock is designed to block passage over the entire intertidal zone at low tide.¹ Despite this, after a similar comment was made at the Coastal Waters Commission meeting on February 16, 2017, Ms. Cox-Chapman voluntarily raised the elevation of the pier by one foot from its original design, going from a 6-foot clearance to a 7-foot clearance. Should someone desire to pass along the rocky ledge under the pier for public trust permitted purposes (fishing, fowling and navigation), a 7-foot clearance is more than ample so that someone need not "crawl or flatten themselves" to get under it, as suggested by Attorney Katsiaficas in his letter.

The proposed pier, seasonal ramp and float has received permits from the Army Corps of Engineers and the Maine DEP, which permit states that "[t]he Department of Marine Resources (DMR) stated that the proposed project should not cause any significant adverse impact to navigation or boating recreation." The proposed structure does not impede navigation. It allows for passage within the intertidal zone for public trust purposes. It does not cause injury to the rights of others.²

¹ Highest Annual Tide (HAT) is by its very nature a fluctuating measurement calculated based on predictions made by the Maine Geological Survey, so that the HAT (which occurs only in the spring and in the fall and for only a couple of days around full moon tides) one year can be different than the year prior or the next. It is used only by Maine DEP, and adopted into some municipal ordinances, to define the coastal wetlands and to establish setbacks for non-water dependent structures.

² To the extent the Nottebohms may feel that having a pier located partially within their view from approximately one-half mile way and across the opposite side of the cove is an injury, it is not the sort of injury to the right of others contemplated in the statute and defined by courts in Maine as requiring significant interference, such as blocking access to someone's property. Indeed, in response to comments it received to the Cox-Chapman NRPA application, the DEP found:

"Based on the existing scenic character of the shoreline, the size of the proposed pier, existing structures in Coleman Cove, and given the proposed pier will not impede use of the coastal waters for fishing or other recreational uses, the Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource."

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Town of Chebeague Island
Board of Selectmen
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Thank you for your consideration of this matter. For all of the above reasons, as well as the information that has been provided to the Board of Selectmen by the applicant, Ms. Cox-Chapman respectfully requests that the Board grant her application of a license pursuant to 38 M.R.S. § 1022.

Very Truly Yours,



SANDRA L. GUAY

SLG/lb

Copy to: Marian Cox-Chapman
James N. Kastificas, Esq.
Natalie L. Burns, Esquire
Members Board of Selectmen
Marjorie Stratton, Town Administrator

Town of Chebeague Island
192 North Road
Chebeague Island, Maine 04017

Phone 207-846-3148

Fax 207-846-6413

Application for Victualer's (Food Service Establishment) License

Applicant Information		
Business or Trade Name: <i>Ebb & Tyne Bakery</i>		
Business Address: <i>108 North Rd Chebeague Is. ME</i>		
Business Phone: <i>Ø</i>		
Name of Manager: <i>Christine England</i>		
Single Event (provide date of Event)	New License	License Renewal (if so list year)
Signature of Authorized Person: <i>[Signature]</i>		

ch#471

CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

- A. Restaurant or Victualer **NOT** serving malt beverages on the premises:
 Amount Due: \$50.00 *\$250*
- B. Restaurant or Victualer that **WILL BE** serving malt beverages on the premises:
 Amount Due: \$50.00 _____
- C. Class "A" Restaurant, as defined by the Revised Statutes of Maine, that **WILL BE** serving both malt liquor and spirituous and vinous liquor.
 Amount Due: \$ 50.00 _____
- D. A business establishment such as, but not limited to, retail grocery Stores, food storage warehouses, bakeries, delicatessen stores, and Dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is **LESS** than 10,000 square feet.
 Amount Due: \$25.00 _____
- E. Same as "D", but total area of the establishment is **MORE** than 10,000 square feet.
 Amount Due: \$25.00 _____
- F. Eating and Lodging places. Any place where eating and sleeping Accommodations are furnished to the public such as Hotels, Motels and Bed & Breakfasts.
 Amount Due: \$100.00 _____
- G. Establishment operated by NON-Profit organization.
 Amount Due: NO FEE
- H. Vending Machine.
 Amount Due: \$10.00 _____
- I. Temporary Vending Unit operating at a fair.
 Per Unit: _____ Amount Due: \$10.00 _____

Name & type of vending unit(s): _____

Chebeague Broadband Committee Activity Log to 7/26/17

Date	Activity
12/5/16	Telecom with Island Institute
12/19/16	Review Tilson Report (only 30 respondents from Chebeague)
1/2/17	
1/16/17	BB meeting-discuss 3 island coalition
1/30/17	3 members @ Augusta-National ConnectME survey tool
2/13/17	BBand meeting Hall
2/19/17	Established Basecamp Web Workshop for BBC
2/27/17	Set up Broadband Blog @chebeague.events
3/8/17	Establish Mail Chimp auto email campaign management
3/15/17	Attend Maine Community Foundation Grant writing meeting
3/17/17	Join Google Group - Main Broadband Coalition
3/17/17	Called Maine Community Foundation for possible donors
3/20/17	Mail 300+ Master Email List- small batch distribution
3/27/17	Attended ConnectME grant application Webinar
4/10/17	Meet at CBL with Cliff/Long/Chebeague (DownBay)/Island Institute
4/24/17	Selectman approve \$5K survey funding
5/8/17	Added John Holt and Leila Bisharat to meetings and Basecamp
5/10/17	continue weekly Blog posts and Mail Chimp campaigns
5/16/17	Telecon with DownBay and Island Institute about Request for Engineering Survey (RFI)
5/20/17	Establish RFI Decision Matrix with Island Institute
5/22/17	Island Institute sent RFI out to ten candidates
5/30/17	Follow and support LD1539-ConnectME organizational
6/5/17	
6/12/17	discuss Survey -got list of voters from Marjorie Standish, Establish Survey Monkey Online Survey Establish phone line for Survey call in - auto link to email alert
6/19/17	RFI proposals received & reviewed with DownBay and Island Institute
7/3/17	DownBay committees individually review RFI
7/4/17	Hand out Survey Sign Up cards
7/6/17	Present Video Transmission of Hall Events proposal to Recompense
7/17/17	Telecon with DownBay to confirm RFI and Axiom Schedule
7/17/17	Proposal saves Chebeague \$75K
7/22/17	Install Survey Sign Up card holders at public places
7/27/17	Axiom visiting Long and Cliff
7/28	Axiom visiting Chebeague
8/14/17	weekly blog posts and Mail Chimp campaigns- 140 subscribers
8/28/17	
9/11/17	
9/25/17	
10/9/17	
10/23/17	Axiom Study Finished



Town of Chebeague Island

192 North Road
Chebeague Island, ME 04017

codeoffice@chebeague.net

www.townofchebeagueisland.org

Date: July 14, 2017

To: Board of Selectmen

From: Nicholas L. Adams *NLA*

Subject: May and June 2017 CEO Report

I attended the June 22nd, Board of Adjustments and Appeals public hearing for two administrative appeals of the Planning Board's approval of Marian Cox-Chapman's Pier application. The Board of Adjustments and Appeals denied both appeals and issued their written decision.

The drafted consent agreement for the Shoreland Zoning Violations located at 17 Charleston Road has been reviewed by MDEP and the Town Attorney. I'm hoping to schedule a Public Hearing for consideration of the consent agreement at a July or August Board of Selectmen Meeting.

I have been working with the Planning Board Chair to separate the Shoreland Zoning sections from the Zoning Ordinance into a separate stand alone ordinance.

The latest version of preliminary Flood Insurance Rate Maps has arrived and is available for review at the Town Office during normal business hours. I will let everyone know when the Town receives notice when the ninety (90) day appeals period.

As of today, there is only one (1) growth permit still available for 2017. Any interested party must keep in mind that the application must be applied for in person, accompanied with the \$100.00 application fee, a septic system design, and proof of right, title or interest in the property. The growth permit application can be found on the Town's website.

The Town issued the following permits for the months of May and June, additionally I have included a breakdown of the Building and Shoreland Zoning Permits issued for so far for calendar year 2017 with a total cost of work of \$ 351,900.00.

0	➤ Certificate of Occupancy Issued
2	➤ Growth Permits Issued
6	➤ Building Permits Issued
4	➤ Electrical Permits Issued
15	➤ Plumbing Permits Issued
13	○ Internal
2	○ SSWD
2	➤ Shoreland Zoning Permits
0	➤ Planning Board Applications
1	➤ Board of Appeal & Adjustments

Code Enforcement Permit Fees		\$1,532.80
○ Residential Building Permits	\$932.80	
○ Commercial Building Permits	\$0.00	
○ Shoreland Zoning Projects	\$300.00	
○ Planning/BOAA Board App's	\$100.00	
○ Growth Permits	\$200.00	
Electrical Permit Fees		\$271.00
Plumbing Permit Fees		\$1,210.00
Total Fees		\$3,013.80

<i>Permits</i>	<i>Owners's Name</i>	<i>Date</i>	<i>Project Description</i>	<i>Address</i>	<i>Status</i>
17-B-01	John Turner & Harriet Taggart	1/5/2017	Expansion of Existing Deck see plan	7 Zaugg Lane	Issued
17-B-02	Matthew and Jamie Shea	1/19/2017	Interior Renovations	1 Bennets Cove Road	Issued
17-B-03	William & Alexandra Daughty	2/2/2017	Remove interior wall replace with LVL beam	47 South Shore Drive	Issued
17-B-04	Chip Corson	2/2/2017	Amend 15-B-36 from 20' x 30' to 20' x 36'	412 North Rd	Issued
17-B-05	Don & Norah Alper	2/9/2017	Build a 20' x 24' Post and Beam Barn	21 Soule Rd	Issued
17-B-06	Nancy Cline	2/24/2017	Replace screen Porch see plan	9 Aarons Wharf	Issued
17-B-07	Maine Bureau of Parks and Land	3/24/2017	Build a 6' x 10' shed	Little Jewell	Issued
17-B-08	Peter Fischer	3/24/2017	Remodel Interior add 2 Bedroom & 1 Bath	75 Cottage Road	Withdrawn
17-B-09	Jeffery Benson	3/24/2017	Interior and Exterior Renovations See Plan	65 Springettes Road	Issued
17-B-10	Darlene Eyster	3/24/2017	Repair existing detached structure See Plan	16 Aaron Wharf Road	Issued
17-B-11	Aaron & Abby Julien	3/24/2017	New 13.5' x 14.5' Entry Finish off 2nd floor See Plan	9 South Road	Issued
17-B-12	Michael Mxcnulty	3/31/2017	Install 4' Frost wall foundation see Plan	17 Cordes Road	Issued
17-B-13	Mitchel Owen & Thomas Burns	3/31/2017	Renovate existing barn into living space	106 Cottage Road	Issued
17-B-14	Jeffery Benson	3/31/2017	New 18' x 28' Single Story Accessory Building/ Workshop	65 Springettes Road	Issued
17-B-15	Erik & Paige Weagle	4/27/2017	New Three Bedroom Single Family	329 North Road	Issued
17-B-16	Kellem, Hugh	5/10/2017	Build a 12' X 16' freestanding deck	31 Haskell Drive	Issued
17-B-17	Michael & Barbara Porter	5/18/2017	16' x 30' Addition, 1 Bath, 1 Bedroom, and storage	27 Soule Rd	Issued
17-B-18	William & Alexandra Daughty	5/18/2017	480 SQ. FT. DECK SEE PLAN	27 South Shore Drive	Issued
17-B-19	Timothy & Linda Larrabee	5/25/2017	Build a 20' X 32' Single Family Dwelling	15 Proctor Drive	Issued
17-B-20	Kellem, Hugh	5/25/2017	Build a 12' x 16' shed/sauna	31 Haskell Drive	Issued
17-B-21	Ridgeway, Matthew & Caroline	6/1/2017	Demolish a 12' x 16' delapidated shed	4 Aarons Wharf Rd	Issued
17-B-22	Jeremy & Tracy Ames	6/22/2017	New Three Bedroom Single Family home ,and 12' x 24' Shed	337 North Rd	Issued

<i>Permits</i>	<i>Owners's Name</i>	<i>Date</i>	<i>Shoreland Zone PermitsProject Description</i>	<i>Address</i>	<i>Status</i>
17-SZ-1	Marian Cox-Chapman	1/19/2017	Construct new permanent Pier and Temporay Ramp/Float	45 South Shore Drive	Pending
17-SZ-2	Raymond Gilmartin	1/26/2017	Replace Pier, Ramp and Floats and new set of stairs	8 Central Landing Road	Issued
17-SZ-3	Kellem, Hugh	5/10/2017	4' wide stairway with 4' x 4' upper landing for shore access	31 Haskell Drive	Issued
17-SZ-4	Atlantic Vistas, LLC.	5/18/2017	Install a 4' Wide stairway to shore	Arlington Street	Pending
17-SZ-5	Silin, Stephen	7/6/2017	Construct new permanent Pier and Temporay Ramp/Float	1 Curit Farm Rd	Pending

**NOTICE TO EXTEND TIME TO PREVENT AUTOMATIC VACATION OF
PROPOSED BUT UNACCEPTED WAYS ("PAPER STREETS")
23 M.R.S.A. § 3032**

TAKE NOTICE, pursuant to 23 M.R.S.A. § 3032(2), that the Board of Selectmen of the Town of Chebeague Island, acting as the municipal officers of said municipal corporation, in a public meeting duly called, have voted with a quorum present and voting, to except from the operation of the time periods set forth in Section 3032 those proposed, unaccepted ways (also referred to as "paper streets") described on Exhibit A, attached hereto and incorporated herein.

This vote extends for an additional period of twenty (20) years from the date of recording in the Cumberland County Registry of Deeds of this written notice the time in which the ways described in Exhibit A will be excepted from the operation of Section 3032; provided, however, that nothing herein shall limit the right or authority vested by Maine law in the said Board of Selectmen or the Town to vacate or accept said proposed, unaccepted ways during said time period as otherwise provided by law.

Dated: _____

TOWN OF CHEBEAGUE ISLAND

By: _____

By: _____

By: _____

By: _____

By: _____

Its Board of Selectmen

STATE OF MAINE
CUMBERLAND, ss.

_____, 2017

Then personally appeared the above named _____, in his capacity as member of the Board of Selectmen of the Town of Chebeague Island and acknowledged the foregoing instrument to be his free act and the deed in his said capacity and the free act and deed of said Board of Selectmen of the Town of Chebeague Island.

Before me,

Attorney at Law/Notary Public

Print name: _____

EXHIBIT A

That portion of Bennett's Lane running from Bennett's Cove Road to Nubble Road, a distance of one hundred feet, more or less. Said street is shown on the plan entitled "Nubble View, Great Chebeague Island, Maine, Plan of Cottage Lot Development, The Chebeague Company, Owners" dated January 3, 1922 and recorded on May 26, 1922 in the Cumberland County Registry of Deeds in Plan Book 14, Page 40.

MAINE DEPARTMENT OF TRANSPORTATION
LOCAL ROAD ASSISTANCE PROGRAM (LRAP)
CERTIFICATION 2017-2018 (FY18)
MUNICIPALITY of Chebeague Island 05055

To be eligible to receive FY-18 LRAP funds, each Municipality must **certify that the funds will be used in a manner consistent with Chapter 19 of Title 23**. Effective July 1, 2013, as defined by Title 23, §1803-B.1.A, *“funds must be used for capital improvements ... or for capital improvements to state aid minor collector highways and state aid major collector highways as described in section 1803-C.”* Effective July 1, 2008 municipalities must provide information on what capital improvements were done with the FY-17 (July 1, 2016 to June 30, 2017) LRAP funds received by the municipality. See back side of form.

It is estimated that the municipality of **Chebeague Island** will receive by December 1, 2017 **one (1) payment of \$15,108** for the fiscal year beginning July 1, 2017. Notification will be made in the event of any change.

Beginning in 2014, municipalities receive 9% of MaineDOT’s portion of the Highway Fund. This means that the disbursements to municipalities rise and fall with MaineDOT’s budget.

We, the undersigned municipal officers or designee (i.e. Town Manager) of the municipality of **Chebeague Island** do hereby certify that funds received from the Local Roads Assistance Program for the fiscal year 2017-2018 will be used only for uses as stated above. *We also certify that the previous year’s LRAP funds were spent on the projects listed on the back of this form.*

Signed _____ Date ____/____/____ Signed _____ Date ____/____/____
Signed _____ Date ____/____/____ Signed _____ Date ____/____/____

MANDATORY: Municipality E-mail Address _____

Please print below: the name, title, and phone of the person to contact for additional information on this form.

Name: _____ Title: _____ Tel: _____

If your address has changed in the last year (and you have NOT signed up for electronic fund transfer (EFT), we must have the new address for you to receive your funds.

Address: _____

Town: _____ State: _____ Zip Code: _____

Prior to August 1, 2017, (see cover letter) please return this completed form (BOTH SIDES) by US mail or scanned PDF/email to: (FAXES ARE NO LONGER ACCEPTED)

Sandra J. Noonan
MaineDOT- Community Services Division
16 State House Station
Augusta, Maine 04333-0016
Tel. (207) 624-3265, or sandra.noonan@maine.gov

NO LRAP payment shall be made until a completed form (BOTH SIDES) is received by MaineDOT- Community Services Division.

We need the original -Please make a copy for your records.

Last year's (FY-17) LRAP Funds of \$14,868

As a result of 2007 Legislative inquiries and discussions focused on LRAP, MaineDOT needs to collect additional information on the uses of LRAP funding by all 500 Maine municipalities, counties, and Indian reservations. This is intended to be simple and provide an easy method to collect information on the use of over \$20 million per year by local agencies.

As noted on the front side, LRAP funding can only be spent on capital improvements in non-compact towns.

A **capital improvement** is defined as "any work on a road or bridge which has a life expectancy of at least ten years and restores the load-carrying capacity". Examples of eligible "capital" activities are defined as follows:

1. Medium to heavy overlays which improve the strength and ride quality (minimum 1 inch lift on a shimmed surface), pavement and/or base recycling, pavement cold planning and resurfacing
2. Road reconstruction or rehabilitation
3. Gravel road grade-raising or paving
4. Single culvert replacements or a series of drainage improvements
5. * Traffic signal or sign installation and/or replacements
6. * Sidewalk construction or reconstruction
7. * Heavy ditching, under drain and catch basin installation or total system replacement, permanent erosion control
8. * Wetland mitigation
9. * Guardrail installation
10. Bridge or minor span replacement and rehabilitation
11. Any bridge repair activities with a ten year life
12. Local share of a Municipal Partnership Initiative (MPI) project on a state road
13. Debt financing/bond repayment for past capital improvements to public roads
14. The urban match component of any federal-aid project
15. "Banking it" to save up for a future project
16. Other (explain) _____

* Some of the categories of work (# 5, 6, 7, 8 & 9) qualify as capital improvements, but must be done in conjunction with roadway reconstruction/rehabilitation.

The "funds spent" (LRAP ONLY) below must add up to at least the amount of your FY-17 LRAP payments (shown above) from 7/1/16 to 6/30/17.

1. Road Name: _____ Funds spent on Capital Improvements: \$ _____

Type of Capital Improvement: see above, list all numbers that apply: _____

Length of Capital improvement (miles or feet): _____ miles or _____ feet

2. Road Name: _____ Funds spent on Capital Improvements: \$ _____

Type of Capital Improvement: see above, list all numbers that apply: _____

Length of Capital improvement (miles or feet): _____ miles or _____ feet

3. Road Name: _____ Funds spent on Capital Improvements: \$ _____

Type of Capital Improvement: see above, list all numbers that apply: _____

Length of Capital improvement (miles or feet): _____ miles or _____ feet

OPTIONAL: In addition to the information above, what was your municipality's TOTAL SUMMER CAPITAL IMPROVEMENT EXPENSES (including FY-17 LRAP payment) \$ _____

We need the original, please make a copy for your records.

**Forms and Agreements 4: Level 2, Level 3 and Level 4
Interconnection Application**

A Customer-Generator applicant ("Applicant") hereby makes application to _____ (Utility or T & D Utility) to install and operate a generating facility interconnected with the _____ utility system. This application will be considered as an application for interconnection of generators under Expedited interconnection review provided the generator is not greater than 2 MW but shall serve as an Application for Standard interconnection review if greater than 2 MW or if Expedited review does not qualify the generator for interconnection.

Written applications should be submitted by mail, e-mail or fax to *[[insert utility name]]*, as follows:

[Utility]: _____
[Utility's address]: _____
Fax Number: _____
E-Mail Address: _____
[Utility] Contact Name: _____
[Utility] Contact Title: _____

An application is a Complete Application when it provides all applicable information required below. (Additional information to evaluate a request for interconnection may be required and will be so requested from the Interconnection Applicant by Utility after the application is deemed complete).

Section 1. Applicant Information

Legal Name of Interconnecting Applicant (or, if an Individual, Individual's Name)
Name: The Town of Chebeague Island _____
Mailing Address: 192 North Road _____
City: Chebeague Island _____ State: ME _____ Zip Code: 04017

Facility Location (if different from above): Town Garage, Littlefield Ave

Telephone (Daytime): _____
Telephone (Evening): _____
Fax Number: _____
E-Mail Address: TownAdmin@chebeague.net _____

Primary acct: 441-156-0630-002 Meter G046555567 (21.5%)
Secondary acct: 441-167-9727-002 Meter GO45541247 (8%)
Third acct: 441-144-5156-013 Meter G045538072 (24%)
Fourth acct: 441-152-2696-002 Meter G045294319 (6.5%)
Fifth acct: 441-144-4877-012 Meter GO45541489 (40%) _____
(Utility) (Existing Account Number, if generator to be interconnected on the Customer side of a utility)

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revenue meter)

Type of Interconnect Service Applied for _____ Network Resource, _____
(choose one)

Energy Only, _____ Load Response (no export) _____ Net metering

Section 2. Generator Qualifications

Data apply only to the Small Generating Facility, not the Interconnection Facilities.

Energy Source: Solar _____ Wind _____ Hydro _____ Hydro Type (e.g. Run-of-River): _____

Diesel _____ Natural Gas _____ Fuel Oil _____ Other (state type) _____

Prime Mover: Fuel Cell _____ Recip. Engine _____ Gas Turb. _____ Steam Turb. _____
Microturbine _____ PV _____ Other _____

Type of Generator: Synchronous _____ Induction _____ Inverter _____

Generator Nameplate Rating: 46.2 kW (Typical)

Generator Nameplate kVA: _____

Interconnection Customer or Customer-Site Load: _____ kW (if none, so state)

Typical Reactive Load (if known): _____

Maximum Physical Export Capability Requested: _____ kW

List components of the Small Generating Facility Equipment Package that are currently certified:

Equipment Type	Certifying Entity
1. <u>(180) REC 345 Watt PV Modules</u>	_____
2. <u>(6) SMA 7.7kW solar electric inverters</u>	_____
3. _____	_____
4. _____	_____
5. _____	_____

Is the prime mover compatible with the certified protective relay package?

Yes _____ No _____

Generator (or solar collector):

Manufacturer, Model Name & Number: REC 345 Watt (180)

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Version Number: _____

Nameplate Output Power Rating in kW: (Summer) _____ (Winter) _____

Nameplate Output Power Rating in kVA: (Summer) _____ (Winter) _____

Individual Generator Power Factor:

Rated Power Factor: Leading: _____ Lagging: _____

Total Number of Generators in wind farm to be interconnected pursuant to this Interconnection Request: _____ Elevation: _____ Single-phase _____ Three- phase _____

Inverter Manufacturer, Model Name & Number (if used): SMA 7.7kW inverters (6)

List of adjustable set points for the protective equipment or software: _____

***Note:** A completed Power Systems Load Flow data sheet must be supplied with the Interconnection Request.*

Small Generating Facility Characteristic Data (for inverter-based machines)

Max design fault contribution current: _____ Instantaneous or RMS? _____

Harmonics Characteristics: _____

Start-up requirements: _____

Small Generating Facility Characteristic Data (for rotating machines)

RPM Frequency: _____

(*) Neutral Grounding Resistor (If Applicable): _____

Synchronous Generators:

Direct Axis Synchronous Reactance, Xd: _____ P.U.

Direct Axis Transient Reactance, X' d: _____ P.U.

Direct Axis Subtransient Reactance, X'' d: _____ P.U.

Negative Sequence Reactance, X2 _____ P.U.

Zero Sequence Reactance, X0: _____ P.U.

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KVA Base: _____

Field Volts: _____

Field Amperes: _____

Induction Generators:

Motoring Power (kW): _____

I^2t or K (Heating Time Constant): _____

Rotor Resistance, R_r : _____

Stator Resistance, R_s : _____

Stator Reactance, X_s : _____

Rotor Reactance, X_r : _____

Magnetizing Reactance, X_m : _____

Short Circuit Reactance, X_d'' : _____

Exciting Current: _____

Temperature Rise: _____

Frame Size: _____

Design Letter: _____

Reactive Power Required In Vars (No Load): _____

Reactive Power Required In Vars (Full Load): _____

Total Rotating Inertia, H: _____ Per Unit on kVA Base

Note: Please contact the T & D Utility prior to submitting the Interconnection Request to determine if the specified information above is required.

Excitation and Governor System Data for Synchronous Generators Only

Provide appropriate IEEE model block diagram of excitation system, governor system and power system stabilizer (PSS) in accordance with the regional reliability council criteria. A PSS may be determined to be required by applicable studies. A copy of the manufacturer's block diagram may not be substituted.

Section 3. Interconnection Facilities Information

Will a transformer be used between the generator and the Point of Common Coupling?
___ Yes ___ No

Will the transformer be provided by the Interconnection Customer? ___ Yes ___ No

Transformer Data (If Applicable, for Interconnection Customer-Owned Transformer):

Is the transformer: Single-phase ___ Three phase ___ ? Size: _____ kVA
Transformer Impedance: _____ percent on _____ kVA Base

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If Three Phase:

Transformer Primary: _____ Volts _____ Delta _____ Wye _____ Wye Grounded
Transformer Secondary: _____ Volts _____ Delta _____ Wye _____ Wye Grounded
Transformer Tertiary: _____ Volts _____ Delta _____ Wye _____ Wye Grounded

Transformer Fuse Data (If Applicable, for Interconnection Customer-Owned Fuse):

(Attach copy of fuse manufacturer's Minimum Melt and Total Clearing Time-Current Curves)

Manufacturer: _____ Type: _____ Size: _____
Speed: _____

Interconnecting Circuit Breaker (if applicable):

Manufacturer: _____ Type: _____
Load Rating (Amps): _____ Interrupting Rating (Amps): _____ Trip Speed
(Cycles): _____

Interconnection Protective Relays (If Applicable):

If Microprocessor-Controlled:

List of Functions and Adjustable Setpoints for the protective equipment or software:

Setpoint Function	Minimum	Maximum
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

If Discrete Components:

(Enclose Copy of any Proposed Time-Overcurrent Coordination Curves)

Manufacturer: _____ Type: _____ Style/Catalog No.: _____
Proposed Setting: _____

Manufacturer: _____ Type: _____ Style/Catalog No.: _____
Proposed Setting: _____

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Manufacturer: _____ Type: _____ Style/Catalog No.: _____
Proposed Setting: _____

Manufacturer: _____ Type: _____ Style/Catalog No.: _____
Proposed Setting: _____

Manufacturer: _____ Type: _____ Style/Catalog No.: _____
Proposed Setting: _____

Current Transformer Data (If Applicable):

(Enclose Copy of Manufacturer's Excitation and Ratio Correction Curves)

Manufacturer: _____ Type: _____ Accuracy Class: _____
Proposed Ratio Connection: _____

Manufacturer: _____ Type: _____ Accuracy Class: _____
Proposed Ratio Connection: _____

Potential Transformer Data (If Applicable):

Manufacturer: _____ Type: _____ Accuracy Class: _____
Proposed Ratio Connection: _____

Manufacturer: _____ Type: _____ Accuracy Class: _____
Proposed Ratio Connection: _____

Section 4. General Information

Enclose copy of site electrical one-line diagram showing the configuration of all Small Generating Facility equipment, current and potential circuits, and protection and control schemes. This one-line diagram must be signed and stamped by a licensed Professional Engineer if the Small Generating Facility is larger than 50 kW.

Is One-Line Diagram enclosed? Yes ___ No ___

Enclose copy of any site documentation that indicates the precise physical location of the proposed Small Generating Facility (e.g., USGS topographic map or other diagram or documentation).

Proposed location of protective interface equipment on property (include address if different from the

Interconnection Customer's address):

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Enclose copy of any site documentation that describes and details the operation of the protection and control schemes.

Is Available Documentation Enclosed? Yes ____ No ____

Enclose copies of schematic drawings for all protection and control circuits, relay current circuits, relay potential circuits, and alarm/monitoring circuits (if applicable).

Are Schematic Drawings Enclosed? Yes ____ No ____

Section 5. Applicant Signature

I hereby certify that, to the best of my knowledge, all the information provided in the Interconnection Application is true and correct. I also agree to install a Warning Label provided by (utility) on or near my service meter location. Generating systems must be compliant with IEEE, NEC, ANSI, and UL standards, where applicable. By signing below, the Applicant also certifies that the installed generating equipment meets the appropriate preceding requirement(s) and can supply documentation that confirms compliance.

Signed: _____ Date: _____

**Section 6. Information Required Prior to Physical Interconnection
(Not required as part of the application, unless available at time of application.)**

Installing Electrician: Theodore Houghton Firm: ReVision Energy
License No.: MS60016458

Mailing Address: 142 Presumpscot St
City: Portland State: ME Zip Code: 04103
Telephone: _____

Installation Date: August 2017 Interconnection Date: August 2017

Signed: _____ Date: _____
(Inspector - if required)

(In lieu of signature of Inspector, a copy of the final inspection certificate may be attached)

Certificate of Oath of Municipal Officials

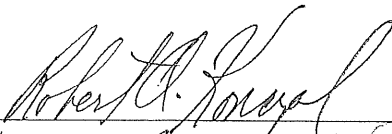
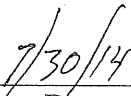
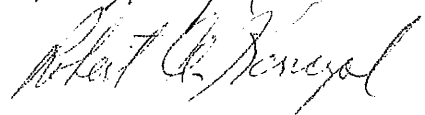
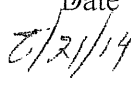
Municipality of Chebeague Island, Maine
County of Cumberland
State of Maine



Date: July 14, 2014

I, **Robert Konczal**, do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue to be a citizen thereof.

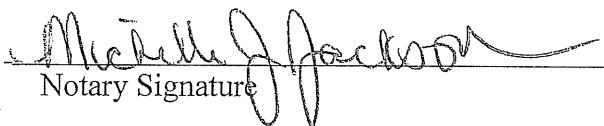
I, **Robert Konczal**, do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as **Tax Assessor, (for a three year term expiring 2017)** according to the Ordinances of Chebeague Island, the Constitution, and laws of the State of Maine.

	
Signature	Date
	

State of Maine
County of Cumberland

Having been appointed and then personally appeared before me the above named officials and took subscribed the oaths prescribed by the Maine Constitution to qualify to discharge the duties of that office on this 14 day of July, 2014.

Subscribed and sworn,

Before me, 
Notary Signature

4.d. Fiscal Capacity and Capital Investment Planning

The underlying fundamentals of the Town of Chebeague Island's fiscal capacity are good since the Town has high-value, shore-front property. On the other side, there are factors that keep Town expenditure down. Many year-round residents have modest to low incomes – the median income in the 2000 Census was \$32,188. In addition, the Town had a debt in 2007 of \$4,800,000 as a result of secession.

The 2009 Audit by Berry, Talbot and Royer indicates that on June 30 the Town had capital assets, net of depreciation, of \$3,018,045 and total assets of \$5,330,649, compared with liabilities, including debt, of \$4,517,515.

Goal: LONG-TERM CAPITAL PLANNING FOR BOTH EXPECTED AND UNANTICIPATED PROJECTS, EQUIPMENT AND FACILITIES, IN ORDER TO AVOID BORROWING AND BONDING.

Recommendation: The Town should work out realistic capital budget priorities, reserves and expenditure schedules.

Recommendation: The Town should identify and take advantage of non-Town funding sources for capital projects.

Discussion

Revenues and Expenditures

The Town of Chebeague Island only came into being in July 2007. Revenues and expenditures for two years are shown in Tables 1 and 2. The first year's budget was created by a Transition Committee, with help from Cumberland, and was everyone's best guess about what it would cost the new town to operate.

A second year of experience has shifted both the expenditure and revenue pictures a bit, but not dramatically except in the case of fixed charges for debt.

There are three sources of debt, all resulting from secession. A \$1.3 million bond issue reimburses the Town of Cumberland for all the capital items on the island at the time of secession, for Chebeague's share of the Town's debt incurred while Chebeague was part of the Town and for a new Chebeague fire truck. Another \$1.7 million bond issue does the same for MSAD 51. A third bond issue for \$1.8 million pays for the education of Chebeague's children in the MSAD 51 schools for the seven years after secession, to 2014.

The debt payment for 2007-2008 was misleading because the first bond payment was not made until November 2008 and was only \$162,438. However, the 2008-2009 debt service of \$600,828 will be fairly typical until 2014 when the 7 year payment for schooling ends. At that point the debt service will decrease to about \$221,000 per year. However, the tax revenue released from this debt service will then be needed to pay tuition for students in school on the mainland.

Table 1: Town of Chebeague Island Revenues¹⁸

Revenues	2007-2008	2008-2009
Property Taxes	\$2,318,325	\$2,372,612
Excise Taxes	89,106	88,816
Intergovernmental Transfers	236,222	217,107
Licenses, Permits and Fees	53,775	56,593
Interest	18,833	12,551
Other	18,633	-----
Total	2,734,894	2,749,509

Table 2: Town of Chebeague Island Expenditures

Expenditures	2007-2008	2008-2009
General Government	402,873	\$327,370
Public Safety	141,424	161,587
Public Works	189,082	192,502
Education	846,551	814,568
Health, Sanitation and Welfare	140,295	143,035
Cultural and Recreation	99,600	97,500
Fixed Charges	162,438	746,854
Capital Investment	156,000	123,000
Total	\$2,138,263	\$2,606,416

In addition to the \$1.3 million lump sum payment to the Town of Cumberland, the Town of Chebeague Island also contributes 50 percent of the tax revenue from the outer islands to Cumberland for 50 years.

Tax Base and Tax Rate

Table 3 shows the tax base for the Town during the two years it has been in existence. The table also gives the tax rates.

The Town Assessor expects that the tax base will be fairly stable over the next ten years. The \$2.7 million increase between 2008 and 2009 resulted from several one-time revisions and collections done by the new Assessor. Since most of the property is year-round and summer

Table 3: Valuation and Tax Rates

Valuation	2008	2009
Real Property	\$113,325,950	\$116,004,688
Personal Property	236,500	235,600
Tax Rate	20.49/thousand	20.13/thousand

¹⁸ Expenditures and revenues are taken from the Town's audits.

houses, it is subject to fluctuations in the housing market. It is unclear whether the collapse of the housing boom has generally reduced land and housing values. It has resulted in a substantial decline in new construction.

The Town has not had a revaluation since 2003 when it was part of Cumberland. The State estimates that its assessments are 65-70 % of full value. The Town is putting aside money in the capital budget to pay for a new revaluation study.

The Town has a number of properties in the State Tree Growth and Open Space programs, as well as land in conservation easements and non-profits like the Church. However these do not have a significant effect on taxes.

The Town of Chebeague Island is committed to keeping taxes as low as is consistent with meeting public needs, and increasing them as little as possible over the coming ten years. The one-time growth in the tax base between 2008 and 2009 was sufficient to lower the tax rate. But the Town's experience is too limited to know what the future will bring.

Revenues from new development have probably covered the need for additional services created by that development in the past but since Chebeague was part of Cumberland, this was not kept track of separately. However, the way this has to be looked at on Chebeague is somewhat different than in many other communities. Meeting the service need is less a matter of extending utilities or roads and more an issue of having the service capacity to meet the maximum demand in the summer for such things as solid waste disposal, rescue, police and services provided by the Town Clerk and the Harbormaster.

The demographic projections indicate an increase of about 33 year-round and perhaps 100 summer people over the next ten years. This increase is probably not enough to require enlargement of Town facilities such as the fire house or the transfer station.

However, there are a number of possible new studies and projects, discussed in this Plan and are largely the result of the islands becoming an independent town. The possible need for an expanded Town Office, or the study for and possible construction of a new ferry terminal with more parking or a ferry-bus service are cases in point.

There are also several inheritances from the Town of Cumberland that may require capital expenditures earlier than might be anticipated. Already the Town has had to borrow money to replace its backhoe and one of the fire trucks because of their age. More significantly, the backlog in road maintenance is so significant that some roads may need to be rebuilt. As present secession-related debt is retired, road reconstruction alone could absorb freed-up tax revenues for some time.

Because the Town begins its life with a large debt to its previous town and school district, many people in the community think that it should not be adding to that debt for capital expenditures that could be funded through the capital budget. The Planning Committee urges the Selectmen and the Town Meeting to avoid getting into the habit of borrowing money by doing realistic capital investment planning.

Capital Investments

A capital budget and six-year Capital Improvement and Management Plan are intended to identify, prioritize, plan for, and schedule large expenditures on assets or infrastructure that will last a significant length of time – things like purchase of land, construction or major repairs of buildings roads or piers, and purchase of fire trucks and other major equipment. These items can be financed over a period of time, either by putting money aside in the capital budget over a period of years until the needed amount is available, or they can be paid for by issuing bonds which are then paid back over a period of years. Sometimes capital items are paid for with grant money such as the MDOT grant to rebuild the wharf turn-around on Cousins Island.

In the transition to independence The Town of Chebeague Island acquired the existing Town and School infrastructure and, as indicated above, undertook \$4.8 million in debt to reimburse the Town of Cumberland and SAD 51. Since the Town starts its life with such a large debt, it seemed initially that the Town would not be borrowing additional money until these debts were paid off. However, over the past two years Town Meeting has agreed to borrow additional money for replacement of the backhoe and fire truck.

The Town of Chebeague Island did not inherit any systematic capital improvement program. In 2007-08 and 2008-09 Town moneys were put into a capital account to cover capital items that were obviously on the horizon such as vehicles, building repairs, fire pond dredging, and wharf, float and boat ramp repairs.

At the beginning of the budgeting process in 2009 a draft Capital Improvement and Maintenance Plan was developed by the Town Administrator (attached at the end of this chapter, page 211). It covers capital items that cost more than \$7,500 and are expected to last longer than five years. It extends over a six-year period and covers:

- Harbor and waterfront improvements: Dredging, maintenance of the Stone Wharf, floats at several piers, and the boats of the Harbormaster and Shellfish Warden
- Public Safety: Fire and Rescue facilities and equipment. Not police.
- General Government Reserves: A revaluation Study, building facilities and administrative vehicles.
- Public Service: Road repairs and public works equipment.
- Public Easements and drainage-ways

The draft CIMP was not adopted by the Selectmen, perhaps because of disagreement about exactly what data it should be based on. However, as part of the yearly budget cycle, the Selectmen do develop a capital budget and a 6-year estimate of future capital expenditures based on the definition of a capital expenditure in the draft (example attached p. 223). It is expected that most capital investments will be funded by yearly contributions to the Capital Investment Reserve Fund.

In 2010 a proposal was made to adopt an ordinance to create a three-member Capital Planning and Finance Committee to help the Selectmen develop the capital budget by doing research and analysis on infrastructure needs, developing long-term capital expenditure plans and exploring how expenditures might be financed.

The Town has no impact fee ordinance.

School and County Obligations

Payments to schools on the mainland and to the county do not have an adverse effect on the Town's ability to finance capital investments.

State Spending Limitations

The LD 1 limits have not been surpassed.

Possible Capital Budget Items in this Plan

Major Planning and Ordinance development projects:

- Land Use Ordinances
- A possible aquifer protection ordinance
- Survey of Septic systems
- Open space and trails plan
 - Funds for research, surveying and legal services on paper streets
- Comprehensive plan for Town waters

Recommended studies of possible capital projects:

- Sunset Landing wharf and parking
- Internet improvements and cell phone service

Possible Capital Projects

- Road improvement and reconstruction according to existing plan
- Maintenance of wharves
- Purchase of development rights in the rural area
- Purchase land for affordable housing
- Town office expansion

Sharing of Capital Investments

In general, the Town of Chebeague Island's status as a collection of unconnected islands limits the possibilities for sharing of capital investments with other units of government.

The primary exception is that Chebeague does use wharf and parking areas on the mainland for the operation of the CTC. The Town of Chebeague Island shares with the Town of Yarmouth the cost of maintaining and reconstructing the wharf at Cousins Island used by the CTC. State DOT has also provided money for capital improvements at this wharf, specifically the purchase of the Blanchard parking lot and the reconstruction of the road to and the turn-around at the Cousins Island Wharf.

In addition the State also builds and maintains the pier at Chandler's Cove for the Casco Bay Lines. The Town has an agreement with the State to have a float at this pier.

...Comprehensive plan also includes 12 more pages reproducing an early version of the capital plan and the spreadsheet inventory (pp 211 - 223)



TOWN OF CHEBEAGUE ISLAND
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BOARD AND COMMITTEE APPLICATION & RE-APPLICATION

Applicant Information

Full Name: Jason Skillin F
First Last M.I.

Address: 43 Schoolhouse Rd. Unit 1 Chebeague Island
Mailing Address

Phone: 318-7639 Cell Phone: _____

Email: gonefiskin191@hotmail.com

Board and Committee Interested in Serving on

Re-Application YES NO

New Application YES NO

** Letters of interest may accompany this application.

- Coastal Waters
- Shellfish Committee
- Healthcare Advisory Ad-Hoc Committee
- Road Planning Committee
- Board of Adjustments & Appeals
- Planning Board
- Tick-borne Diseases Ad-Hoc Committee 0
- Cemetery Committee
- Curit Property Research Ad-Hoc Committee
- Ad-Hoc Broadband Working Group

Signature: Jason Skillin Date: 7-21-2017