

**Selectboard Meeting and Executive Session
on April 05, 2023**

**The Selectboard will hold a Meeting and an Executive Session at 6:00PM
at
The Chebeague Island Hall on
Wednesday, April 05, 2023**

- I. Call Public Meeting to Order**
- II. Public Comments for items not on the agenda for discussion not action.**
- III. Town Reports**
 - Town Administrator
 - Treasurers Report
 - Committee Updates
 - Harbormaster Report
 - Fire Department Report
 - Public Works Report
 - Code Enforcement Officer Report
- IV. Regular Business**
 - 23-023 To discuss Harbormaster/Shellfish Warden job position and take any necessary action.**
 - 23-024 To review Pole Attachment Agreement between Central Maine Power and Chebeague Island and take any necessary action.**
 - 23-025 To authorize the Town Administrator to expend \$45,000.00 from the Public Works Equipment Reserve to secure the New Holland Tractor as stated on the Beaugard quote dated 03/01/23.**
 - 23-026 To discuss Stone Wharf RFQ and take any necessary action.**
 - 23-027 To hear an update on Fowler Property Appeal and take any necessary action.**
 - 23-028 To hear an update on the Hope Island visit.**
 - 23-029 To discuss road closures and take any necessary action.**

23-030 To discuss Protect Maines Fishing Heritage Foundations visit and take any necessary action.

- V. Other Business**
- VI. Communications**
- VII. To approve minutes from March 15, 2023**
- VIII. Items to be placed on a future agenda.**
- IX. Budget Workshop- Fourth draft of budget presented and Capital Expenditures.**

- X. Executive Session pursuant to 1.M.R.S.A. §405(6)(A) Personnel; to discuss an application for the Road Planning Committee and the Board of Adjustments and Appeals and take any resulting action.**
- XI. Adjourn**



Town of Chebeague Island

MEMO

To: Bo Beaupre, Chair and Members of the Select Board

From: Viktoria G. Wood, Town Administrator

Date: March 30, 2023

RE: Town Administrators Report

Bennett's Cove- Last meeting I was asked to follow up with the surveyor about whether the Paper Street that was adopted at town meeting in 2017 was reflected in the survey that was done. The company did not set out iron markers but if interested, company can provide a fee for another site visit to do so. I contacted the Harbormaster and asked that he contact the owner of the boat. He did and owners said they will remove it. He was planning to talk to the owner again to let them know that if the boat is not moved by May 1, the town will move it and bill the owner for the cost.

Dredging- I received a call from Jordan Macy who is the lead on the Dredging project. We have scheduled a meeting for Thursday, April 13th to discuss the cost estimates of the remaining 11 % that is anticipated to be complete Fall of 2023. Following that meeting, I will provide an update through executive session to the board on April 19th. Are there 2 board members who want to sit in on that conversation?

Floats- I spoken to Public Works, and they are working on getting the floats in the water within the first 2 weeks of April. Service was required on the float trailer and the truck used to transport the floats. Parts have been ordered and once arrive, each float will be getting routine maintenance before being placed in the water.

Hope Island Visit- On March 21st the Tax Assessor, Code Enforcement Officer, 2 members of BOS and I took a trip to Hope Island. We were met by Randy from Knickerbocker Group. We walked the property and got detailed information about the projects that are taking place out there. As previously thought, there will be no blasting taking place on Hope Island. Construction is expected to take place over the next few years.

Joint Meeting with Long Island BOS and Town Administrator- We will have a joint meeting on Thursday, April 20th at 4PM via zoom. It was not easy coordinating this date so hopefully at least 3 selectmen can attend this zoom meeting. The purpose of this meeting is to discuss how the 2 islands can combine forces on some tasks such as harbormaster, CEO and barging.

Road Commissioner – As it had been discussed with this board, I will no longer be the Road Commissioner.

Parking Attendant- I am advertising for a fill in parking attendant. In the event that the current parking attendant is away or sick, it will be good to have a fill in person. This would have no impact on current or future budget.



Town of Chebeague Island

MEMO

To: Board of Selectmen
Through: Viktoria Wood, Treasurer
Date: March 31, 2023
RE: Treasurer's Report for March 2023

Bank Account Reconciliations:

The balance in the checking account as of February 2023 was \$1,462,506.30 There is also \$1,483,203.53 in the Reserve accounts as of February 28, 2023. The reconciliation is not current. I have sat down for 2 hours to see what I was able to do to help the bookkeeper but ultimately was not able to figure out what the issues are. January reconciliation is off by \$898.45. February reconciliation is off by \$8,726.77. I have spoken to Marjorie, and she is coming out to the island in 2 weeks. I will meet with her on a weekend, and we will catch up. In the meantime we are having discussion about the changes that we need to make to improve this process and be able to provide bank reconciliation on a more timely basis. I do check the bank account regularly to make sure there are no unusual looking transactions and understand that this information is important to have. The report that is printed out is current in terms of where finances are. There will be school, and town warrants next week that will change these numbers again. I regularly go through TRIO accounts to make sure journal entries and posts are accurate. I have no doubts that the lack of reconciliations is result of missed things and not major issues.

We have been receiving a lot of tax revenue, people are coming in to register cars, purchase tie up permits and shellfish licenses. Looking at the Expense/Revenue Summary Report is for all departments through March 24, 2023. Excise Tax continues to be a high revenue. We took in more in building permit revenue (\$13,415) this month then predicted for the entire year (\$12,000). Transfer station fees are increasing as well. This is not surprising with the change to summer hours.

Looking at the Expenses, there isn't a lot that is concerning. The numbers appear to be in line with the town nearing the end of the year. The big issue to keep in mind is where legal funds stand. The current report does not reflect the most recent legal bill (\$2,418.75) that is due to be paid on the warrant for next week. Once it is posted, that will bring legal fees to \$10,830.54. We cannot legally exceed \$11,000 without going to town meeting. As mentioned before, there is \$14,000 in Selectmen Contingency. Starting with the next bill I

will be coming to BOS for a recommendation for a vote out of Contingency to pay the next bill. I am keeping a close track of this and will let you know ASAP if I feel that a special town meeting is needed. At this point as long as there are no other unexpected expenses, I would rather suggest paying out of contingency then taking the time and funds to hold a special town meeting. We will if it's necessary.

I have spent a significant amount of time working on the Capital Report document that I shared with you a while back. It has not been updated since 2019 and I did not know it existed until recently. I have worked on updating the last 3 years of information to reflect the most current status of where things stand with reserve accounts and capital improvements. During this process I discovered reserve accounts that were not removed after a town vote, wording of descriptions or titles not changed. This added far more work than expected. I have worked hard to try to complete it for the capital discussion for April 5th meeting but at this point do not feel that I will have it done in time. It is a helpful document and one I hope gets utilized for future discussion.

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
1300 Admn/Select					
REVENUES					
302 AGENT FEE	3,500.00	257.00	3,170.00	330.00	90.57
303 EXCISE TAX	110,000.00	6,447.59	84,179.76	25,820.24	76.53
304 BOAT EXCISE	7,500.00	406.10	2,735.60	4,764.40	36.47
305 INT & PEN	5,000.00	237.38	2,585.11	2,414.89	51.70
307 LIEN COST	0.00	0.00	325.30	-325.30	0.00
308 ABATEMENTS	0.00	0.00	-2,096.25	2,096.25	0.00
311 HUNT&FISH	0.00	0.00	41.48	-41.48	0.00
312 MARRIAGE LIC	0.00	0.00	199.80	-199.80	0.00
314 DEATH CERT	0.00	0.00	13.00	-13.00	0.00
315 CLERK LIC	0.00	0.00	26.00	-26.00	0.00
316 SHELLFSH LIC	2,000.00	55.00	795.00	1,205.00	39.75
325 SUPP TAX	0.00	0.00	835.00	-835.00	0.00
326 TAX COMMIT	3,156,623.00	0.00	3,156,623.41	-0.41	100.00
327 HOMEST REIMB	33,960.00	0.00	33,414.00	546.00	98.39
328 VETERAN EXEM	0.00	0.00	53.00	-53.00	0.00
330 TREE GROWTH	0.00	0.00	1,049.96	-1,049.96	0.00
331 REV SHARING	38,802.00	5,882.49	32,407.40	6,394.60	83.52
351 POLICE FINES	0.00	29.40	1,734.60	-1,734.60	0.00
364 GROWTH PERM	0.00	0.00	500.00	-500.00	0.00
365 BD APPEALS	0.00	250.00	750.00	-750.00	0.00
366 BLDG PERMITS	12,000.00	13,415.25	33,568.10	-21,568.10	279.73
367 ELEC PERMITS	1,000.00	50.00	2,986.75	-1,986.75	298.68
368 PLUMB PRMITS	2,300.00	660.00	1,490.00	810.00	64.78
369 OTHER PERMIT	0.00	670.00	1,420.00	-1,420.00	0.00
378 EDUC-AID	55,184.00	4,712.44	44,108.99	11,075.01	79.93
379 INT INCOME	0.00	0.00	2,159.30	-2,159.30	0.00
390 MISC REVENUE	0.00	50,184.00	23,600.21	-23,600.21	0.00
395 UF TRANSFER	175,000.00	0.00	0.00	175,000.00	0.00
401 DOG REVENUE	0.00	171.00	427.00	-427.00	0.00
403 MOORING FEES	5,000.00	50.00	925.00	4,075.00	18.50
411 DOT REV URIP	14,964.00	0.00	14,880.00	84.00	99.44
418 CI S/WASTE	25,000.00	1,941.00	25,646.50	-646.50	102.59
500 RENT MOORING	0.00	0.00	75.00	-75.00	0.00
501 ST/WHF PMT	7,500.00	725.00	3,218.76	4,281.24	42.92
502 TRANS TIEFEE	2,000.00	0.00	2,209.00	-209.00	110.45
511 CTC ESC BLOT	0.00	0.00	2,000.00	-2,000.00	0.00
512 Copy Fee Rev	0.00	28.00	348.75	-348.75	0.00
Revenue Total	3,657,333.00	86,171.65	3,478,405.53	178,927.47	95.11
EXPENSES					
1000 Wages - F/T	151,422.00	1,042.00	109,795.50	41,626.50	72.51
1010 Wages - P/T	26,884.00	2,004.00	20,313.50	6,570.50	75.56
1110 Elected Off.	6,000.00	2,400.00	4,800.00	1,200.00	80.00
1300 Bank Fees	500.00	0.00	87.71	412.29	17.54
2010 Gasoline	1,000.00	0.00	741.79	258.21	74.18
2030 Telephone	3,200.00	0.00	2,553.04	646.96	79.78
2041 Technology	20,010.00	0.00	19,716.65	293.35	98.53
3010 Advertising	900.00	0.00	443.00	457.00	49.22
3140 Member Dues	3,500.00	0.00	3,697.00	-197.00	105.63
3160 Misc. Exp.	5,650.61	0.00	5,244.25	406.36	92.81
3202 Janitorial	250.00	0.00	173.15	76.85	69.26
3210 Postage	2,000.00	0.00	1,028.39	971.61	51.42
3220 Printing	1,800.00	0.00	1,415.96	384.04	78.66
3240 Publications	0.00	0.00	35.00	-35.00	0.00
3250 Reg of Deeds	500.00	0.00	19.00	481.00	3.80

Exp / Rev Summary Report

ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
1300 Admn/Select CONT'D					
3300 Office Supp.	4,000.00	0.00	1,496.77	2,503.23	37.42
3335 Travel	4,000.00	0.00	2,359.33	1,640.67	58.98
3405 Hall Rental	4,000.00	0.00	2,000.00	2,000.00	50.00
4000 Bldg Maint	500.00	0.00	64.00	436.00	12.80
4010 Equip Rental	3,000.00	0.00	522.43	2,477.57	17.41
5000 Contr. Svcs	5,000.00	227.94	2,685.44	2,314.56	53.71
5010 Auditing	18,000.00	0.00	650.00	17,350.00	3.61
5240 Training	1,500.00	0.00	660.00	840.00	44.00
Expense Total	263,616.61	5,673.94	180,501.91	83,114.70	68.47
Net Profit / (Loss)	3,393,716.39	80,497.71	3,297,903.62	(95,812.77)	
1400 Assessor					
EXPENSES					
3250 Reg of Deeds	250.00	0.00	58.00	192.00	23.20
3390 Assess Maps	1,800.00	0.00	1,853.00	-53.00	102.94
5000 Contr. Svcs	12,000.00	0.00	8,000.00	4,000.00	66.67
Expense Total	14,050.00	0.00	9,911.00	4,139.00	70.54
Net Profit / (Loss)	(14,050.00)	0.00	(9,911.00)	4,139.00	
1650 Elect/Bd Reg					
EXPENSES					
1010 Wages - P/T	1,000.00	0.00	429.00	571.00	42.90
Expense Total	1,000.00	0.00	429.00	571.00	42.90
Net Profit / (Loss)	(1,000.00)	0.00	(429.00)	571.00	
1700 Planning					
EXPENSES					
1070 G.I.S.	500.00	0.00	500.00	0.00	100.00
3010 Advertising	200.00	0.00	0.00	200.00	0.00
3210 Postage	100.00	0.00	0.00	100.00	0.00
3240 Publications	50.00	0.00	40.00	10.00	80.00
5090 Cont. Serv.	5,650.00	0.00	0.00	5,650.00	0.00
Expense Total	6,500.00	0.00	540.00	5,960.00	8.31
Net Profit / (Loss)	(6,500.00)	0.00	(540.00)	5,960.00	
1900 Legal Svcs					
EXPENSES					
5540 Gen. Admin.	10,000.00	0.00	8,411.79	1,588.21	84.12
Expense Total	10,000.00	0.00	8,411.79	1,588.21	84.12
Net Profit / (Loss)	(10,000.00)	0.00	(8,411.79)	1,588.21	
2100 Law Enf Svcs					
EXPENSES					
1000 Wages - F/T	0.00	0.00	0.00	0.00	0.00
1010 Wages - P/T	8,528.00	560.00	5,044.56	3,483.44	59.15
2010 Gasoline	1,400.00	0.00	1,026.26	373.74	73.30
3335 Travel	1,500.00	0.00	1,125.00	375.00	75.00
5000 Contr. Svcs	41,572.00	0.00	40,583.07	988.93	97.62

Exp / Rev Summary Report

ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
Expense Total	53,000.00	560.00	47,778.89	5,221.11	90.15
Net Profit / (Loss)	(53,000.00)	(560.00)	(47,778.89)	5,221.11	

2200 Fire Rescue

EXPENSES

1010 Wages - P/T	72,028.00	204.00	41,863.27	30,164.73	58.12
2000 Electricity	4,000.00	0.00	184.11	3,815.89	4.60
2010 Gasoline	600.00	0.00	522.75	77.25	87.13
2020 Heating Fuel	6,500.00	0.00	5,533.58	966.42	85.13
2030 Telephone	2,100.00	0.00	1,510.14	589.86	71.91
2080 Diesel	700.00	0.00	263.79	436.21	37.68
3040 Equip Maint	12,000.00	0.00	13,376.40	-1,376.40	111.47
3140 Member Dues	1,300.00	0.00	1,125.00	175.00	86.54
3200 F/R Supplies	7,500.00	0.00	4,287.42	3,212.58	57.17
3202 Janitorial	65.00	0.00	0.00	65.00	0.00
3335 Travel	3,700.00	0.00	344.50	3,355.50	9.31
3350 Uniforms	250.00	0.00	0.00	250.00	0.00
4000 Bldg Maint	4,000.00	0.00	805.00	3,195.00	20.13
5000 Contr. Svcs	13,200.00	0.00	8,723.32	4,476.68	66.09
5240 Training	7,000.00	0.00	1,138.00	5,862.00	16.26
6110 Radio/Tele	7,500.00	0.00	7,764.88	-264.88	103.53
6230 Apparel/Gear	1,500.00	0.00	1,323.90	176.10	88.26
Expense Total	143,943.00	204.00	88,766.06	55,176.94	61.67
Net Profit / (Loss)	(143,943.00)	(204.00)	(88,766.06)	55,176.94	

2400 Code Enf.

EXPENSES

1010 Wages - P/T	28,080.00	2,160.00	20,520.00	7,560.00	73.08
5240 Training	0.00	0.00	255.00	-255.00	0.00
Expense Total	28,080.00	2,160.00	20,775.00	7,305.00	73.99
Net Profit / (Loss)	(28,080.00)	(2,160.00)	(20,775.00)	7,305.00	

2500 Harbor Shell

EXPENSES

1010 Wages - P/T	26,647.00	1,069.44	17,244.70	9,402.30	64.72
2010 Gasoline	600.00	0.00	246.57	353.43	41.10
2030 Telephone	300.00	0.00	175.00	125.00	58.33
3120 Marine Supp	500.00	0.00	572.50	-72.50	114.50
3140 Member Dues	150.00	0.00	150.00	0.00	100.00
3350 Uniforms	150.00	0.00	0.00	150.00	0.00
5240 Training	750.00	0.00	530.00	220.00	70.67
Expense Total	29,097.00	1,069.44	18,918.77	10,178.23	65.02
Net Profit / (Loss)	(29,097.00)	(1,069.44)	(18,918.77)	10,178.23	

2600 Animal Cont.

EXPENSES

1010 Wages - P/T	3,200.00	800.00	3,200.00	0.00	100.00
2030 Telephone	300.00	0.00	200.00	100.00	66.67
3160 Misc. Exp.	500.00	0.00	35.00	465.00	7.00
3290 Shelter	500.00	0.00	424.71	75.29	84.94
3350 Uniforms	150.00	0.00	0.00	150.00	0.00

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
2600 Animal Cont. CONT'D					
5240 Training	600.00	0.00	0.00	600.00	0.00
Expense Total	5,250.00	800.00	3,859.71	1,390.29	73.52
Net Profit / (Loss)	(5,250.00)	(800.00)	(3,859.71)	1,390.29	

3100 Public Svcs

EXPENSES

1000 Wages - F/T	92,685.00	7,486.08	69,546.49	23,138.51	75.04
1010 Wages - P/T	3,500.00	1,530.00	1,898.00	1,602.00	54.23
1020 Overtime	5,000.00	2,608.34	7,049.44	-2,049.44	140.99
2000 Electricity	2,000.00	0.00	183.34	1,816.66	9.17
2010 Gasoline	3,000.00	0.00	1,591.87	1,408.13	53.06
2020 Heating Fuel	3,200.00	0.00	2,713.90	486.10	84.81
2030 Telephone	1,000.00	0.00	851.66	148.34	85.17
2080 Diesel	8,000.00	-524.63	10,299.31	-2,299.31	128.74
3040 Equip Maint	20,000.00	0.00	8,854.45	11,145.55	44.27
3120 Marine Supp	3,000.00	0.00	44.74	2,955.26	1.49
3202 Janitorial	500.00	0.00	19.99	480.01	4.00
3300 Office Supp.	200.00	0.00	194.16	5.84	97.08
3335 Travel	2,800.00	0.00	2,253.25	546.75	80.47
3350 Uniforms	800.00	0.00	294.99	505.01	36.87
4000 Bldg Maint	4,000.00	0.00	414.95	3,585.05	10.37
4010 Equip Rental	8,700.00	0.00	3,318.95	5,381.05	38.15
4600 Cold Patch	5,000.00	0.00	429.35	4,570.65	8.59
4605 Culv/Drain	2,000.00	0.00	0.00	2,000.00	0.00
4630 Road Matls	15,000.00	0.00	2,701.64	12,298.36	18.01
4640 Sand & Salt	12,500.00	0.00	3,946.72	8,553.28	31.57
4645 Street Signs	0.00	0.00	249.05	-249.05	0.00
5000 Contr. Svcs	5,000.00	0.00	1,047.08	3,952.92	20.94
5020 Barging	16,000.00	0.00	6,014.40	9,985.60	37.59
5230 Pave Marking	100.00	0.00	0.00	100.00	0.00
5240 Training	500.00	0.00	0.00	500.00	0.00
6010 Tools	2,500.00	0.00	412.89	2,087.11	16.52
6120 Safety Equip	500.00	0.00	86.95	413.05	17.39
Expense Total	217,485.00	11,099.79	124,417.57	93,067.43	57.21
Net Profit / (Loss)	(217,485.00)	(11,099.79)	(124,417.57)	93,067.43	

3200 Solid Waste

EXPENSES

1010 Wages - P/T	40,207.00	1,867.36	20,854.27	19,352.73	51.87
2000 Electricity	1,100.00	0.00	153.54	946.46	13.96
2030 Telephone	580.00	0.00	451.66	128.34	77.87
3040 Equip Maint	1,800.00	0.00	0.00	1,800.00	0.00
3202 Janitorial	600.00	0.00	319.18	280.82	53.20
3350 Uniforms	250.00	0.00	0.00	250.00	0.00
4000 Bldg Maint	1,300.00	0.00	0.00	1,300.00	0.00
4655 Chipping Bru	20,000.00	0.00	229.50	19,770.50	1.15
5020 Barging	42,900.00	0.00	46,362.25	-3,462.25	108.07
5110 Hauling	85,000.00	0.00	51,235.32	33,764.68	60.28
5120 Landfill Mon	9,000.00	-1,478.13	12,024.90	-3,024.90	133.61
5130 Haz Waste	6,500.00	0.00	5,572.83	927.17	85.74
5240 Training	650.00	0.00	100.00	550.00	15.38

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
3200 Solid Waste CONT'D					
5251 Sanitation	2,000.00	0.00	2,587.50	-587.50	129.38
Expense Total	211,887.00	389.23	139,890.95	71,996.05	66.02
Net Profit / (Loss)	(211,887.00)	(389.23)	(139,890.95)	71,996.05	
4400 Misc-Mainlnd					
	EXPENSES				
9110 Cousins Whar	22,978.00	0.00	22,978.00	0.00	100.00
Expense Total	22,978.00	0.00	22,978.00	0.00	100.00
Net Profit / (Loss)	(22,978.00)	0.00	(22,978.00)	(0.00)	
4600 Contribution					
	EXPENSES				
3150 Library	25,000.00	0.00	12,500.00	12,500.00	50.00
3151 Comm Center	34,500.00	0.00	17,250.00	17,250.00	50.00
3160 Misc. Exp.	0.00	0.00	0.00	0.00	0.00
3164 VNA	1,000.00	0.00	1,000.00	0.00	100.00
3166 Isl. Council	7,000.00	0.00	3,500.00	3,500.00	50.00
3167 Recreation	59,500.00	0.00	29,750.00	29,750.00	50.00
3168 CRC-Kids Pla	20,000.00	0.00	10,000.00	10,000.00	50.00
3169 Island Comm	3,000.00	0.00	3,000.00	0.00	100.00
3173 Medical	341.00	0.00	341.00	0.00	100.00
Expense Total	150,341.00	0.00	77,341.00	73,000.00	51.44
Net Profit / (Loss)	(150,341.00)	0.00	(77,341.00)	73,000.00	
5810 Genl Assista					
	EXPENSES				
3160 Misc. Exp.	500.00	0.00	0.00	500.00	0.00
Expense Total	500.00	0.00	0.00	500.00	0.00
Net Profit / (Loss)	(500.00)	0.00	0.00	500.00	
5910 Health Svcs					
	EXPENSES				
1010 Wages - P/T	2,000.00	500.00	2,000.00	0.00	100.00
Expense Total	2,000.00	500.00	2,000.00	0.00	100.00
Net Profit / (Loss)	(2,000.00)	(500.00)	(2,000.00)	(0.00)	
6200 Cemetery					
	EXPENSES				
1010 Wages - P/T	6,500.00	0.00	2,493.00	4,007.00	38.35
2010 Gasoline	250.00	0.00	72.18	177.82	28.87
3040 Equip Maint	500.00	0.00	0.00	500.00	0.00
3140 Member Dues	50.00	0.00	0.00	50.00	0.00
3163 Cemetery Gen	600.00	0.00	0.00	600.00	0.00
5000 Contr. Svcs	6,000.00	0.00	1,100.00	4,900.00	18.33
5240 Training	150.00	0.00	0.00	150.00	0.00
Expense Total	14,050.00	0.00	3,665.18	10,384.82	26.09
Net Profit / (Loss)	(14,050.00)	0.00	(3,665.18)	10,384.82	

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
6900 Debt Service CONT'D					
6900 Debt Service					
EXPENSES					
6500 MBB Interest	45,853.00	0.00	17,761.24	28,091.76	38.74
6510 MBBPrincipal	169,183.00	0.00	169,183.00	0.00	100.00
6511 MMBSchInt	36,568.00	0.00	18,662.94	17,905.06	51.04
6512 MMBSchPrin	80,250.00	0.00	80,250.00	0.00	100.00
6516 PlowTrkInter	801.00	0.00	548.70	252.30	68.50
6517 PlowTrkPrinc	20,667.00	0.00	20,666.65	0.35	100.00
6520 MMBrdbdInt	0.00	0.00	0.00	0.00	0.00
6550 MMBDrdgeInt	0.00	0.00	0.00	0.00	0.00
Expense Total	353,322.00	0.00	307,072.53	46,249.47	86.91
Net Profit / (Loss)	(353,322.00)	0.00	(307,072.53)	46,249.47	

7500 Benef/Insur.					
EXPENSES					
1015 Pay Raises	10,000.00	0.00	10,000.00	0.00	100.00
1210 Health/Life	106,760.00	-1,995.64	73,511.24	33,248.76	68.86
1220 FICA / MED	35,810.00	1,101.41	23,746.96	12,063.04	66.31
1230 ICMA-Retire	12,665.00	0.00	5,479.31	7,185.69	43.26
1270 Unemployment	2,500.00	0.00	1,097.32	1,402.68	43.89
1280 Workers Comp	15,000.00	0.00	7,245.60	7,754.40	48.30
3060 Liabil. Ins	26,000.00	0.00	16,431.00	9,569.00	63.20
Expense Total	208,735.00	-894.23	137,511.43	71,223.57	65.88
Net Profit / (Loss)	(208,735.00)	894.23	(137,511.43)	71,223.57	

8000 School					
REVENUES					
805 Sch UF Trans	125,000.00	0.00	0.00	125,000.00	0.00
806 Bus Rental	0.00	0.00	507.00	-507.00	0.00
807 Misc Sch Rev	0.00	0.00	0.00	0.00	0.00
Revenue Total	125,000.00	0.00	507.00	124,493.00	0.41
EXPENSES					
8024 Health Ed T	0.00	0.00	19,892.00	-19,892.00	0.00
8044 VEH-OP/TRANS	0.00	75.00	125.00	-125.00	0.00
8101 Sup. Sal	30,900.00	2,472.00	23,484.00	7,416.00	76.00
8102 Sec. Sal	14,460.00	1,184.56	9,496.37	4,963.63	65.67
8103 Health Ins	10,642.00	0.00	7,981.02	2,660.98	75.00
8104 FICA/Med	3,000.00	1,692.63	3,322.04	-322.04	110.73
8106 Work Comp	0.00	0.00	2,772.60	-2,772.60	0.00
8107 Conf/Train	1,500.00	0.00	0.00	1,500.00	0.00
8108 OtherProServ	30,000.00	11,663.00	11,663.00	18,337.00	38.88
8110 Comm/Phone	2,200.00	0.00	1,535.30	664.70	69.79
8111 Postage	750.00	235.80	235.80	514.20	31.44
8112 Advertising	400.00	0.00	420.68	-20.68	105.17
8113 Printing	1,200.00	0.00	858.45	341.55	71.54
8114 Copier Sup	300.00	0.00	0.00	300.00	0.00
8115 Equip/Softwre	100.00	0.00	2.99	97.01	2.99
8116 Travel	100.00	0.00	0.00	100.00	0.00
8117 Stipends	1,200.00	0.00	0.00	1,200.00	0.00
8118 FICA	100.00	0.00	0.00	100.00	0.00

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
8000 School CONT'D					
8119 Legal	7,500.00	0.00	0.00	7,500.00	0.00
8120 Ins	2,600.00	0.00	2,785.00	-185.00	107.12
8121 Dues&Fees	500.00	0.00	400.00	100.00	80.00
8122 Misc	300.00	0.00	607.72	-307.72	202.57
8124 Unem Comp	2,300.00	0.00	792.66	1,507.34	34.46
8125 Work Comp	3,851.00	0.00	0.00	3,851.00	0.00
8201 Admin Sal	30,900.00	2,472.00	23,484.00	7,416.00	76.00
8202 Secr. Sal	14,460.00	1,184.56	9,496.37	4,963.63	65.67
8203 Health Ins	10,642.00	0.00	7,981.02	2,660.98	75.00
8204 FICA/Med	3,000.00	200.84	1,830.43	1,169.57	61.01
8207 Conferences	500.00	0.00	0.00	500.00	0.00
8208 Postage	100.00	0.00	10.60	89.40	10.60
8209 Printing	1,200.00	0.00	941.03	258.97	78.42
8210 Supplies	250.00	0.00	145.26	104.74	58.10
8211 Copy Supp	200.00	0.00	0.00	200.00	0.00
8212 Eq. Repair	250.00	0.00	0.00	250.00	0.00
8213 Dues & Fees	900.00	0.00	0.00	900.00	0.00
8301 K-2 Tch Sal	54,556.00	3,941.78	33,963.70	20,592.30	62.25
8302 3-5 Tch Sal	68,556.00	4,930.76	42,809.78	25,746.22	62.44
8303 Ed-TechSal	29,002.00	2,304.00	17,525.76	11,476.24	60.43
8304 Temp Sal	2,500.00	0.00	0.00	2,500.00	0.00
8305 Healt Ins	31,925.00	0.00	24,829.84	7,095.16	77.78
8306 FICA/Med	8,000.00	618.70	5,425.64	2,574.36	67.82
8309 AssessmtTest	500.00	0.00	0.00	500.00	0.00
8310 GenSupplies	5,000.00	60.24	1,420.76	3,579.24	28.42
8311 Travel Reimb	500.00	160.06	262.01	237.99	52.40
8312 Books & Per	2,000.00	26.73	1,001.83	998.17	50.09
8313 AudioVisual	500.00	0.00	30.82	469.18	6.16
8314 Equip.	250.00	0.00	0.00	250.00	0.00
8316 Copy Lease	500.00	15.96	579.42	-79.42	115.88
8318 MS Tuition	93,030.00	0.00	115,310.07	-22,280.07	123.95
8319 Second Tuit	192,928.00	0.00	188,383.50	4,544.50	97.64
8401 CourseReimb	1,000.00	0.00	3,099.00	-2,099.00	309.90
8402 OtherProServ	2,000.00	0.00	0.00	2,000.00	0.00
8403 OthrProfSvcs	1,500.00	0.00	4,000.00	-2,500.00	266.67
8404 Tech Equip	1,000.00	0.00	68.16	931.84	6.82
8405 OtherPurServ	4,000.00	0.00	2.99	3,997.01	0.07
8406 Software	500.00	35.99	750.93	-250.93	150.19
8407 Repair	500.00	0.00	199.94	300.06	39.99
8408 Reg Stipnd	10,560.00	0.00	2,700.00	7,860.00	25.57
8409 FICA/Med	500.00	0.00	0.00	500.00	0.00
8413 Supplies	250.00	0.00	0.00	250.00	0.00
8414 Books & Per	100.00	0.00	0.00	100.00	0.00
8415 Reg Sal	500.00	0.00	0.00	500.00	0.00
8419 Supplies	100.00	0.00	80.50	19.50	80.50
8501 Teach Sal	30,000.00	0.00	9,251.72	20,748.28	30.84
8502 FICA/Med	3,000.00	83.98	946.01	2,053.99	31.53
8503 Ed Tech	0.00	2,018.56	8,074.24	-8,074.24	0.00
8504 Worker Comp	1,000.00	0.00	0.00	1,000.00	0.00
8505 Test Score	0.00	0.00	3,391.63	-3,391.63	0.00
8506 OtherProServ	31,400.00	305.00	10,487.50	20,912.50	33.40
8507 ExtYr Prog	5,456.00	0.00	3,310.00	2,146.00	60.67
8508 Supplies	250.00	0.00	16.68	233.32	6.67

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
8000 School CONT'D					
8509 TestSupplies	500.00	0.00	0.00	500.00	0.00
8510 Books & Per	200.00	0.00	52.74	147.26	26.37
8515 Healt Ins	10,642.00	0.00	4,212.05	6,429.95	39.58
8517 SPED Trans.	26,910.00	0.00	600.00	26,310.00	2.23
8518 SpEd MSTuit	65,000.00	0.00	1,878.00	63,122.00	2.89
8519 SpEd SecTuit	2,500.00	0.00	0.00	2,500.00	0.00
8601 Reg Sal	13,649.00	1,256.67	9,453.71	4,195.29	69.26
8602 Health Ins	2,660.00	0.00	3,990.51	-1,330.51	150.02
8603 FICA/Med	1,500.00	250.55	1,965.00	-465.00	131.00
8606 Conferences	500.00	0.00	0.00	500.00	0.00
8607 OthrContract	5,000.00	29.00	7,250.60	-2,250.60	145.01
8608 Repair&Maint	5,000.00	0.00	1,270.86	3,729.14	25.42
8609 Rent CIRC Bl	8,000.00	0.00	8,000.00	0.00	100.00
8611 Insurance	3,500.00	0.00	2,340.00	1,160.00	66.86
8612 Supplies	1,500.00	0.00	1,183.88	316.12	78.93
8613 Electricity	4,500.00	20.16	300.24	4,199.76	6.67
8614 Fuel Oil	4,200.00	666.29	3,289.01	910.99	78.31
8617 Cont Serv	7,500.00	0.00	3,522.50	3,977.50	46.97
8701 Salaries	24,795.00	2,198.25	16,257.28	8,537.72	65.57
8702 Sub Salaries	500.00	0.00	0.00	500.00	0.00
8703 Health Ins	10,642.00	0.00	7,981.02	2,660.98	75.00
8704 FICA/Med	1,800.00	113.17	831.28	968.72	46.18
8707 PurProf.Serv	64,500.00	7.15	55,376.85	9,123.15	85.86
8708 Repairs	7,000.00	0.00	8,717.22	-1,717.22	124.53
8709 Auto Ins	3,000.00	0.00	2,140.00	860.00	71.33
8711 Fuel	3,000.00	524.63	3,814.81	-814.81	127.16
8801 Reg Sal	22,748.00	1,741.52	11,879.55	10,868.45	52.22
8802 Health Ins	2,660.00	0.00	3,990.51	-1,330.51	150.02
8803 FICA/Med	1,000.00	133.22	908.83	91.17	90.88
8805 OthrContServ	500.00	0.00	100.00	400.00	20.00
8806 Supplies	8,000.00	12.29	5,120.69	2,879.31	64.01
8807 Contingency	10,000.00	0.00	0.00	10,000.00	0.00
8900 Debt Service	127,641.00	0.00	131,797.74	-4,156.74	103.26
Expense Total	1,210,715.00	42,635.05	906,410.65	304,304.35	74.87
Net Profit / (Loss)	(1,085,715.00)	(42,635.05)	(905,903.65)	179,811.35	
8100 Street Light					
EXPENSES					
2000 Electricity	8,400.00	0.00	5,936.33	2,463.67	70.67
Expense Total	8,400.00	0.00	5,936.33	2,463.67	70.67
Net Profit / (Loss)	(8,400.00)	0.00	(5,936.33)	2,463.67	
8300 Contingency					
EXPENSES					
3160 Misc. Exp.	14,000.00	0.00	0.00	14,000.00	0.00
Expense Total	14,000.00	0.00	0.00	14,000.00	0.00
Net Profit / (Loss)	(14,000.00)	0.00	0.00	14,000.00	
8800 Out Isl tax					
EXPENSES					

Exp / Rev Summary Report
ALL Departments
March

Account	Budget	Current Month	Year To Date	Balance	Percent
8800 Out Isl tax CONT'D					
0001 Out Isl Tax	48,045.00	0.00	22,947.68	25,097.32	47.76
Expense Total	48,045.00	0.00	22,947.68	25,097.32	47.76
Net Profit / (Loss)	(48,045.00)	0.00	(22,947.68)	25,097.32	
<hr/>					
8900 County Tax					
	EXPENSES				
3050 County Tax	171,517.00	0.00	171,517.00	0.00	100.00
Expense Total	171,517.00	0.00	171,517.00	0.00	100.00
Net Profit / (Loss)	(171,517.00)	0.00	(171,517.00)	(0.00)	
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9000 Capital Impr					
	EXPENSES				
9010 Dredging	100,000.00	0.00	0.00	100,000.00	0.00
9015 Stone Wharf	110,000.00	0.00	0.00	110,000.00	0.00
9025 Fire Dept	20,000.00	0.00	0.00	20,000.00	0.00
9030 Bldg Facilit	10,000.00	0.00	0.00	10,000.00	0.00
9031 Town Office	10,000.00	0.00	0.00	10,000.00	0.00
9032 Land Acquis	10,000.00	0.00	0.00	10,000.00	0.00
9033 Solar Array	17,500.00	0.00	0.00	17,500.00	0.00
9035 Vehicle Res	5,000.00	0.00	0.00	5,000.00	0.00
9045 Reval Rese	20,100.00	0.00	0.00	20,100.00	0.00
9050 Paving	175,000.00	0.00	0.00	175,000.00	0.00
9055 PW Equip	50,000.00	0.00	0.00	50,000.00	0.00
9057 Transfer Sta	1,000.00	0.00	0.00	1,000.00	0.00
9058 Drain & Ease	10,000.00	0.00	0.00	10,000.00	0.00
9070 Coastal Fund	2,000.00	0.00	0.00	2,000.00	0.00
Expense Total	540,600.00	0.00	0.00	540,600.00	0.00
Net Profit / (Loss)	(540,600.00)	0.00	0.00	540,600.00	



Town of Chebeague Island
 For Period Ending: February 28, 2023
 Date Prepared: March 1, 2023

Project/Fund Name	Balance	Deposits	Withdrawals	Total	Interest	Ending Balance
					1.75%	
					\$1,832.36	
✓ Dredging	\$ 48,921.84			\$ 48,921.84	\$ 60.51	\$ 48,982.35
✓ Stone Wharf	\$ 258,131.37			\$ 258,131.37	\$ 319.29	\$ 258,450.66
✓ Floats and Ramps	\$ 27,791.37			\$ 27,791.37	\$ 34.38	\$ 27,825.75
✓ New Town Office	\$ 47,777.65		\$ 9,072.75	\$ 38,704.90	\$ 47.88	\$ 38,752.78
✓ Barge Ramps	\$ 10,409.74			\$ 10,409.74	\$ 12.88	\$ 10,422.61
✓ Fire Truck	\$ 75,170.87			\$ 75,170.87	\$ 92.98	\$ 75,263.86
✓ Building Facilities	\$ 25,817.52			\$ 25,817.52	\$ 31.93	\$ 25,849.46
✓ Vehicles	\$ 8,328.39			\$ 8,328.39	\$ 10.30	\$ 8,338.69
✓ Grant Matching Funds	\$ 27,929.85			\$ 27,929.85	\$ 34.55	\$ 27,964.39
✓ Revaluation	\$ 75,500.67			\$ 75,500.67	\$ 93.39	\$ 75,594.06
✓ Paving	\$ 37,534.89			\$ 37,534.89	\$ 46.43	\$ 37,581.32
✓ Public Works Equipment	\$ 70,772.09			\$ 70,772.09	\$ 87.54	\$ 70,859.63
✓ Easements & Drainage	\$ 82,297.46			\$ 82,297.46	\$ 101.80	\$ 82,399.26
✓ Rescue Vehicles & Equipment	\$ 97.39			\$ 97.39	\$ 0.12	\$ 97.52
✓ Fire Pond	\$ 4,850.21			\$ 4,850.21	\$ 6.00	\$ 4,856.21
✓ Harbor Master Vessel & Equip.	\$ 6,545.34			\$ 6,545.34	\$ 8.10	\$ 6,553.44
✓ Recycling Compactor	\$ 1,009.99			\$ 1,009.99	\$ 1.25	\$ 1,011.24
✓ Coastal Access Fund	\$ 12,665.02			\$ 12,665.02	\$ 15.67	\$ 12,680.69
✓ School Capital Reserve	\$ 75,808.48			\$ 75,808.48	\$ 93.77	\$ 75,902.25
✓ School special Education Reserve	\$ 142,146.08			\$ 142,146.08	\$ 175.83	\$ 142,321.90
✓ School Tuition Reserve	\$ 83,167.44			\$ 83,167.44	\$ 102.87	\$ 83,270.32
✓ School Transportation Reserve	\$ 25,169.87	\$ 25,000.00		\$ 50,169.87	\$ 62.06	\$ 50,231.92
✓ Cemetery Perpetual Care	\$ 93,832.39			\$ 93,832.39	\$ 116.06	\$ 93,948.46
✓ Cousins Island Parking Escrow Fund	\$ 24,014.25			\$ 24,014.25	\$ 29.70	\$ 24,043.95
✓ Cemetery Capital Reserve	\$ 6,779.19			\$ 6,779.19	\$ 8.39	\$ 6,787.58
✓ Land Acquisition & Development	\$ 12,878.56			\$ 12,878.56	\$ 15.93	\$ 12,894.49
✓ School Playground	\$ 7,279.51			\$ 7,279.51	\$ 9.00	\$ 7,288.52
✓ Indian Point Retaining Wall	\$ 60,871.83			\$ 60,871.83	\$ 75.29	\$ 60,947.13
✓ Broadband Reserve	\$ 50,337.22		\$ 1,375.00	\$ 48,962.22	\$ 60.56	\$ 49,022.78
✓ Solar Array Purchase	\$ 62,982.42			\$ 62,982.42	\$ 77.91	\$ 63,060.33
	\$ 1,466,818.92	\$ 25,000.00	\$ 10,447.75	\$ 1,481,371.17	\$ 1,832.36	\$ 1,483,203.53

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

Phone: 207-846-3148

www.townofchebeagueisland.org

Fax-207-846-6413

MEMO

To: Vika Wood, Town Administrator
From: Jim Butler, Code Enforcement Officer
Date: 3/30/2023
Re: Monthly Report

In March we were able to visit Hope Island with the Town Administrator, Tax Assessor, 2 Selectmen, and I. We received a tour of this island and updates and overview of the ongoing project. Many inquiries for spring renovations and projects have been coming in. I did visit Indian Island with Ted Ballard to review storm damage. They intend to conduct a clean up on the access areas where storm debris and sand has washed into access areas.

The Board of Appeals held a meeting regarding a denied permit for the Makee Property. The board did not hold a hearing as they deemed they did not have authority to hear the appeal.

Any questions as always don't hesitate to reach out

March Permits Issued: *(Specifics can be found on Town Website under Code Enforcement)*

Building Permits:2

Electrical Permits:1

Shoreland Zone:1

Subsurface Wastewater:2

Internal Plumbing:3

Growth Permits Year Total: 4

Available Growth Permits: 0

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

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MEMO

To: Vika Wood, Town Administrator
From: Genaro Balzano, Harbormaster/Shellfish Warden
Date: March 30, 2023
Re: Monthly Report

Stone Pier

Justin Doughty and Chuck met about the floats. Coastal Waters is meeting 3/30 to go over the detail and provide any recommendations. Floats will be repaired and going in within 2 weeks.

Chandlers

There is a boat that has been using the float as a personal berth. A letter was sent to this individual. No response. Our local warden has been notified and will visit the Island and take appropriate action.

Cousins

Same person is tying at Cousins and the letter addressed this issue also. I spoke with Yarmouth Harbormaster Will Owen about the addition of another tie-up float, he seems to think it would be a fairly easy process. I would suggest through the proper protocol to move forward on this.

Shellfish

Shellfish licenses are selling well including commercial.

Moorings

The plan is to send out the applications first week of April.

Regards,

Genaro Balzano

harbormaster@townofchebeagueisland.org

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

Phone: 207-846-3148

www.townofchebeagueisland.org

Fax-207-846-6413

MEMO

To: Vika Wood, Town Administrator
From: Chief Ralph Munroe
Date: 3/29/2023
Re: Monthly Report

Year to date Chebeague Fire and Rescue have responded to 23 calls to service.

On 3/2 due to the storm we lost electricity and the public safety building generator failed to start. Then the battery back up system for the radios failed to work as well. Through phone calls we were able to staff the station until the generator was up and running again, thanks to members of the department.

On 3/15 the radio system went down during the storm, during the outage we had an EMS call. When the crew arrived at the station the ambulance would not start due to a charging issue. The crew moved the needed equipment to the back up ambulance with very little delay and transported the patient. Other personnel were able to fix the ambulance quickly and it was put back into service within the hour.

The Chebeague Fire Rescue received money to purchase a Lucas Device, this device does compressions automatically for responders while working on a patient during a code. This is a \$23,000.00 device which was purchased with donated money at no cost to the tax payers. Ems and Fire fighters have been trained on how to use the device.

**Renovations to the kitchen
Cabinets have been painted
New hardware has been installed
Countertops have been re done
New back splash installed
All time and materials were donated**



Town of Chebeague Island Department of Public Works
49 Littlefield Road
Chebeague Island, ME 04017

Phone: 207-846-6419

ps1@chebeague.net

Fax-207-846-6413

March 2023

Monthly Report

This month we had some snow and ice storms and there was a lot of clean up because the ground is not frozen. We fixed and maintained both small plows and had to replace a pin in one. We cleaned the plow trucks inside and out. We worked on float trailer and had to repack all the wheel bearings for this season. We will be servicing the boom truck next and then we will be able to start working on floats. We are waiting on supplies for the floats which will be here this week. Met with Justin Doughty and gave him all the information about the floats that I new from working on them. Brought some gravel down to Chandlers Warf Road to fix the road and had to bring more to keep it passable and it will be fixed after it dries out. Help CMP remove tree from power lines on Capps Road after wind storm. We were able to put out some road gravel to fix some of the gravel roads from all the rain and unfrozen roads this winter and have a lot more to go. Fixed low spot on John Small Road by mailboxes were the road Was breaking off. We went to town to look at new tractor. We are looking forward to getting floats ready to go in and fixing the gravel roads as weather allows.

Thank you

Public Works



Presque Isle 260 Missile St 207-498-3196
BANGOR 59 Contractor Dr 207-848-2050
Maine **SCARBOROUGH** 14 Gibson Rd 207-885-0600
KNOX 3 Knox Ridge Rd S 207-568-3245
NH **CONCORD** 231 Sheep Davis (603) 225-6621
VT **COLCHESTER** 28 Jasper Mine Rd (802)893-1555

Budget Number

Date: 3/1/2023

To: TOWN OF CHEBEAGUE ISLAND Phone **207-846-3148**
 192 NORTH RD Cell Phone **(207) 400-4148**
 CHEBEAGUE ISLAND, ME 04017 E-Mail

Attn: **Chuck Elder** County **Cumberland**

Equip: **NEW HOLLAND WORKMASTER 75 Mid-range Tractor** NT7221

Spec: Deluxe Cab/HiVis Pkg, Instructional Seat w/Cab Fix, Screen Open, Power Shuttle Transmission, R4 Tires, 3 Remote Valves, Front End, Loader w/SSL 72" Bkt, 2MMV w/Mechanical Joystick, Hitch, w/Mech Top Link Draft, 4x110LB Rear Wheel Weights,, Exhaust A Pillar. 540 RPM-PTO

Options Incl

WORKMASTER 75	\$52,111.40
FERRI T460 BOOM MOWER INSTALLED	\$25,500.00
15' 1" REACH WITH 39" CUTTING WIDTH	
MAX CUTTING DIA 1 1/4"	
84" HYDRAULIC ANGLE OPEN BROOM SWEEPER	\$11,900.00
Sub Total	\$89,511.40
ME Tax & Fees	\$4,923.13
Misc	
Total	\$94,434.53

Finance

Lease

Term _____	Lease Term _____
Int Rate* _____	Annual Hours _____
Payoff _____	Advance Payt _____
Down Pay't _____	<input type="checkbox"/> RV _____
Payment _____	Payment _____

*Best Rates quoted are subject to change without notice.

Joshua Maley

Customer

Town admin

From: Natalie L. Burns <nburns@jensenbaird.com>
Sent: Thursday, March 30, 2023 3:54 PM
To: Town admin
Subject: Consent Agreements

Vika,

You asked that I provide a description of the procedures for consent agreements, together with an explanation of when they may or may not be appropriate. While this is requested specifically in the context of the pending Fowler violation issue, I am writing this in a general manner since this is likely to come up in the event of future land use violations.

The Select Board has full discretion as to when to pursue action on alleged violations of the Zoning Ordinance. This includes discretion as to whether (1) to bring a court enforcement action, (2) enter into a consent agreement, (3) allow the property owner to come into compliance without further action or (4) take no action whatsoever. I will address # 1 and #2 in greater detail.

1. The Town has the authority under 30-A M.R.S.A. Section 4452 to bring a land use enforcement complaint. These are typically done in district court. The Town must file a complaint and will have the burden of proving to the court that a violation has occurred. The Court will set a first appearance at which the defendant has to appear and indicate whether the defendant admits or denies the violation. In some cases, the property owner or other alleged violator will agree to enter into a consent order, which the Court will then enter as the judgment in the case. These are very similar to consent orders, which I will discuss below. If the parties cannot agree to resolve the case in that manner, the Court will set the matter for trial, at which the Town will present its evidence in support of the complaint to the Judge. The alleged violator will then have the right to question the Town's witnesses and to present its own witnesses. If the Court determines there is a violation, it then determines what relief to grant to the Town. This can include the imposition of penalties, an order to correct an outstanding violation, and an award of attorney's fees. Ongoing violations are supposed to have a penalty awarded for each day that a violation continues after notice from the municipality. However, the statute also sets forth factors that the Court is to consider in setting forth any penalty and one of those can result in a lower violation. These include whether the defendant has had prior violations, whether there is environmental damage that cannot be corrected, the extent to which the violation continued after the issuance of a notice of violation that required the violation to cease and the extent to which a municipality contributed to the violation "by providing the violator with incorrect information or by failing to take timely action."

It should be noted that the statute provides that the Court is to order correction or abatement of a willful violation, but the Court does not have to do so if the corrections results in any of the following: (a) A threat or hazard to public health or safety; (b) substantial environmental damage; or (b) a substantial injustice. In addition to this, the Court does not have to award attorney's fees if the specific facts of the case would "make the award of these fees and costs unjust." If the defendant wins the case, the Court may determine that it will award the defendant its attorney's fees and costs.

I should note that at this point, there is a long wait to get trials, and sometimes even first appearance dates, scheduled in Cumberland County.

2. It is very common for a municipality to enter into an administrative consent agreement to resolve an alleged land use violation without bringing a land use enforcement action in court. Typically the municipal officers (the Select Board) will give direction to staff and/or the Town Attorney as to what they wish to see in the agreement to resolve the alleged violations. In some cases, a property owner will ask that the Town enter into a consent agreement, such as when a mortgage inspection plan shows that a building constructed many years ago does not meet the required setbacks and did not comply with the setbacks required at the time. In those cases, the owner can be authorized to maintain the

building in its current location, but the agreement will require that future changes comply with applicable zoning requirements.

The ACA agreement recites the alleged violation and sets forth any penalty or fees due. In some cases, the ACA will only require reimbursement of the Town's attorney's fees incurred in either drafting or reviewing the draft agreement, particularly for minor violations including older setback violations. In other cases, there may be a penalty or a combined payment that includes both. In some instances where work is required under the ACA, the parties will agree that some or all of a penalty will be suspended if the work is completed within a defined period of time. There are provisions that set forth what happens if required compliance does not occur. There may be restrictions on an existing use to ensure that it remains in compliance with applicable zoning or is not extended to another area. An ACA generally establishes that the municipality may bring a motion to enforce the terms of the ACA. An agreement cannot create entirely new performance standards that are not included in the Zoning Ordinance, although, as discussed above, it can allow a mislocated structure to remain in place. In some cases, the Town would require the ACA to be recorded, particularly for one that has ongoing compliance requirements.

The Select Board must approve an ACA at a public meeting. If the agreement allows a violation to remain in place, there must be notice to abutters and the Board must allow public comment. While not required in other cases, we still recommend that there be abutter notice and an opportunity for public comment. In all cases, the determination of whether to approve an ACA remains within the exclusive discretion of the Select Board.

The final question was when a consent agreement or a consent order in a land use enforcement action may be inappropriate. If a violation is located in the shoreland zone, the Town should review the proposed terms with the DEP Shoreland Zoning Coordinator. If DEP does not agree with the terms, an agreement should not be approved unless it can be revised to address DEP's concerns. Beyond that, an ACA must have definitive terms and time period in case there is required work so that there is a clear understanding of what must be done and when. It should not be used to bypass required reviews, such as by the Planning Board.

Please let me know if you have additional questions.

Thanks,

Natalie

Natalie L. Burns, Esq.
Attorney



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Town admin

From: Natalie L. Burns <nburns@jensenbaird.com>
Sent: Friday, March 31, 2023 11:31 AM
To: Town admin
Cc: Code Office
Subject: RE: Consent Agreements

Vika,

As to specifics concerning the Fowler property, the BAA decision discussed a “junk yard, a lumber yard, or a tree removal and processing business.” The BAA determined that such business uses are not allowed under the applicable zoning and could not fall within the definition of a “home occupation” or a “home-based occupation,” in part because there is no residential use on the property, but also because the scope of the business would not be “incidental and secondary” to a residential use and would change the character of the neighborhood. Because of these specific findings, I would not recommend a consent agreement that would allow continued operation of any of these types of businesses, and there would be a general statement to this effect in any consent agreement.

With that said, it is my understanding that the property owner does not appear to be operating a business any longer. However, the photos that we reviewed showed storage of equipment and various materials. Again, it is my understanding that such storage is not uncommon on the island, but its location in proximity to neighboring property owners and the road is problematic, as is the amount of storage. The equipment did not appear to fall within the definition of junkyard and automobile graveyard in State law. If the Select Board wishes to consider a consent agreement for this property, I would suggest as possible terms:

1. Requiring the owner to install a structure for storage of equipment and materials and to keep such equipment stored inside when not in use.
2. Such a structure would have to comply with all applicable zoning ordinance and code requirements.
3. In the alternative, the property owner will remove equipment and materials from the property. If they are to be moved to another location on the Island, that storage will in turn be required to comply with all applicable ordinance and code provisions.
4. There was a statement in the BAA decision about the Aquifer Recharge Area prohibiting storage of petroleum or other refined petroleum products unless approved by the Planning Board. I don't know whether there is any such storage, which would not include petroleum products that are in vehicles or equipment, so it's not clear that this is a concern, but there could be a statement in a consent agreement about this requirement so that it is clear that no such storage should occur unless prior Planning Board approval has been received.

A consent agreement should provide a specific timeline for compliance. This could include deadlines for (1) application for required permits; (2) commencement of construction and (3) full completion of construction (in addition to a statement that indoor storage will commence upon full completion of construction and any final required inspection). There should be a provision that allows a reasonable extension of time if construction can't be completed due to weather or unavailability of contractors or materials. However, given that this will only require a very basic structure for enclosure, it would not appear that a long period of time would be necessary.

These are proposed corrective terms that would appear to address ongoing issues. The Select Board should also consider the general terms set forth in my other email concerning penalties and/or attorney's fees, and the enforcement provisions will be included.