

**Selectboard Meeting  
on January 03, 2024**

**The Selectboard will hold an Executive Session at 5:00PM and a meeting at 6:00PM at The Chebeague Island Hall on Wednesday, January 03, 2024**

- I. Executive Session Pursuant to 1.M.R.S.A. §(6)(A)- Personnel Matters**
- II. Call Public Meeting to Order**
- III. Public Comments for items not on the agenda for discussion not action.**
- IV. Town Reports**

Town Administrator  
Treasurer's Report

**V. Regular Business**

**24-001 To appoint Viktoria Wood as Town Administrator, FOAA Administrator, General Assistance Administrator, Tax Collector, and Treasurer for the Town of Chebeague Island.**

**24-002 To appoint Krista Hayward as the Town Clerk and Registrar of Voters.**

**24-004 To appoint Christine Auffant as the Deputy Town Clerk and Deputy Registrar of Voters.**

**24-005 To reply to John Whitaker's communication regarding the prior land swap and take any necessary action.**

**24-006 To have the first reading of the Draft Code of Conduct and take any necessary action.**

**24-007 To see if updates are needed to the Communication Policy and take any necessary action.**

**24-008 To discuss Selectboard conversations with Mr. Berkowitz: discussions versus requests/direction to him.**

**24-009 To review the MOU between TOCI and CRC and take any necessary action.**

**24-010 To discuss a request from the School Committee for Selectboard member(s) to participate in a meeting with CTC regarding the budget and take any necessary action.**

**VI. Other Business**

**VII. Communications**

**VIII. To approve minutes from December 14, 2023, and December 20, 2023**

**IX. Items to be placed on a future agenda**

**X. Adjourn**

## PRELIMINARY SOIL INVESTIGATION

**DATE:** April 18, 2023  
Project # 991

**TO:** John Whitaker  
104 Congress Street  
Portland, Maine 04101

**LOCATION:** The site, identified by the Chebeague Island Assessor's Office as Map 107, Lots 037-001 and 037, is located along the west side of Division Point Road approximately 500 feet northwest from the intersection of Division Point Road and North Road in the town of Chebeague Island, Maine.

**DATE OF INVESTIGATION:** April 10, 2023

**PURPOSE OF INVESTIGATION:** The purpose is to determine the suitability of the soil and site for subsurface sewage disposal.

**METHOD OF INVESTIGATION:** Hand auger

### **RESULTS OF INVESTIGATION:**

The test borings on the two lots are located as shown on the attached figure. The test boring logs are attached.

The test borings at TB-1 to 5 and TB-7 revealed an organic material layer up to 32 inches thick. Underlying the organic material was saturated fine to medium sand. The Maine Subsurface Wastewater Disposal Rules (the Rules) designations for these tested locations are 10E and 5E.

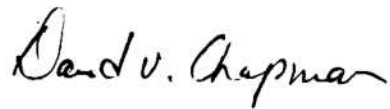
TB-6 at Lot 037, the Town of Chebeague Island lot, contained a gray to dark yellowish brown subsoil layer over possible bedrock at 25 inches below ground surface. The designation for this soil is 5AIII according to the rules.

**CONCLUSION:**

The five tested locations at Lot 37-001 and TB-7 at Lot 37 are not acceptable for subsurface sewage disposal according to the Maine Subsurface Wastewater Disposal Rules. The TB-6 area of Lot 37 is acceptable for subsurface wastewater disposal. Further investigation would be required to prepare a septic system design for the TB-6 area.

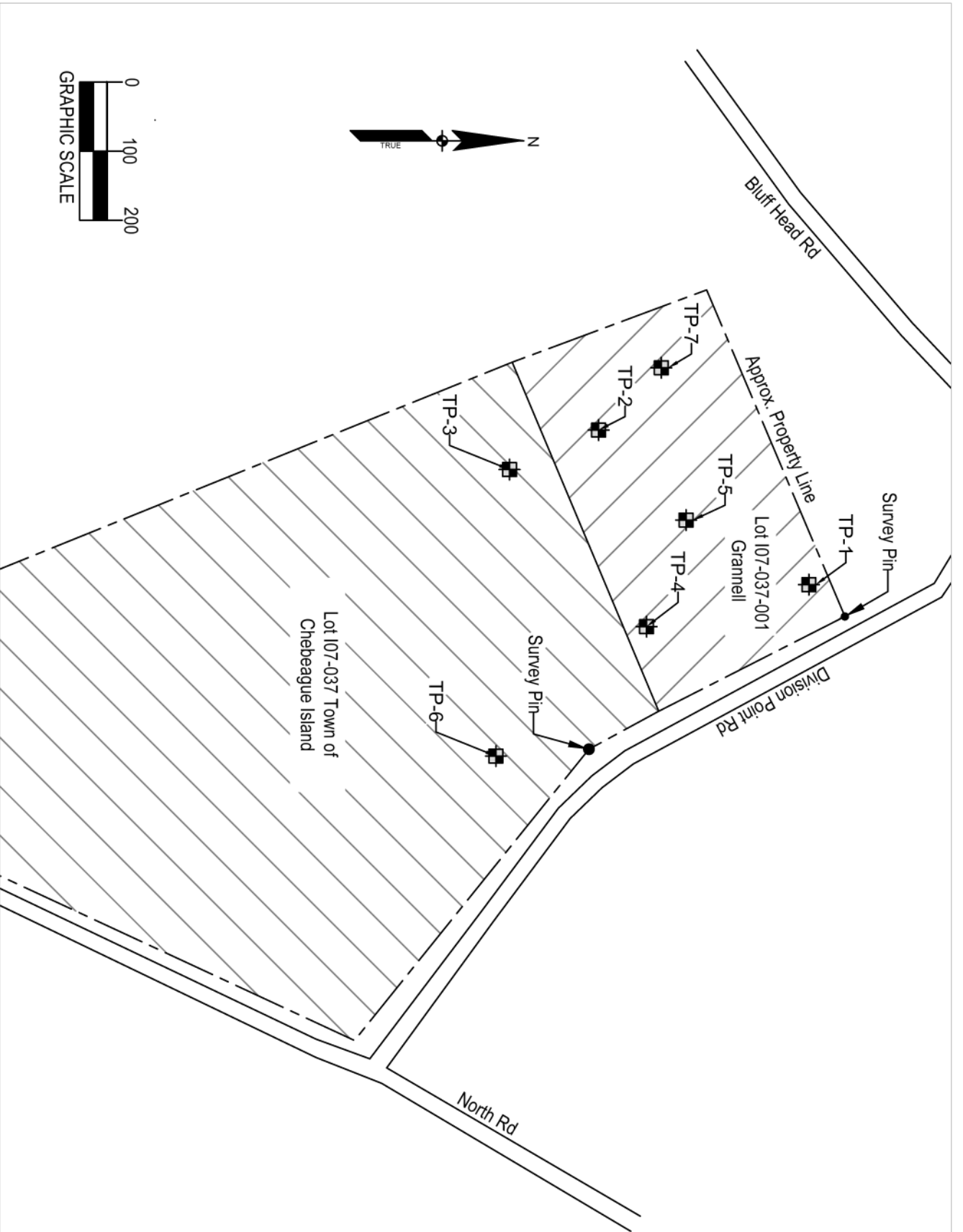
Sincerely,

ChapmanGeo



Dave Chapman  
Site Evaluator #293





Bluff Head Road Parcel

Chebeague, Maine

ChapmanGeo

4/18/2023

<b>SOIL PROFILE / CLASSIFICATION INFORMATION</b>		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name: Division Point Road Lot	Applicant Name: John Whitaker	Project Location (municipality): Chebeague Island

Observation Hole # TB-1     Test Pit     Boring

32 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	Fine to Medium Sand	Friable	Dark Brown	Saturated
12				
18				
24				
30				
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Restrictive Layer	<input type="checkbox"/> Bedrock
<u>10</u>	<u>E</u>		<u>0"</u>			

Observation Hole # TB-2     Test Pit     Boring

6 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	Fine to Medium Sand	Friable	Gray	Saturated
12				
18			Yellowish Brown	
24				
30				
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Restrictive Layer	<input type="checkbox"/> Bedrock
<u>5</u>	<u>E</u>		<u>0"</u>			

Observation Hole # TB-3     Test Pit     Boring

5 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6	Fine to Medium Sand	Friable	Olive Brown	Standing Water at 0"
12				
18				
24	Auger and Drill Refusal at 21" on Possible Bedrock			
30				
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Restrictive Layer	<input type="checkbox"/> Bedrock
<u>5</u>	<u>E</u>		<u>0"</u>			

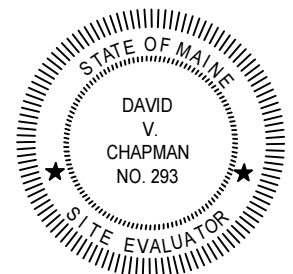
Observation Hole # TB-4     Test Pit     Boring

6 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			Very Dark	
6	Fine to Medium Sand	Friable	Grayish Brown	
12				
18			Yellowish Brown	Common/ Distinct
24				
30				
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater	<input type="checkbox"/> Restrictive Layer	<input type="checkbox"/> Bedrock
<u>5</u>	<u>E</u>		<u>0"</u>			

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature: <u>David V. Chapman</u>	Date: <u>4-10-2023</u>
Name Printed/typed: <u>David V. Chapman</u>	Cert/Lic/Reg.# <u>293</u>
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist <input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	



<b>SOIL PROFILE / CLASSIFICATION INFORMATION</b>		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name: Division Point Road Lot	Applicant Name: John Whitaker	Project Location (municipality): Chebeague Island

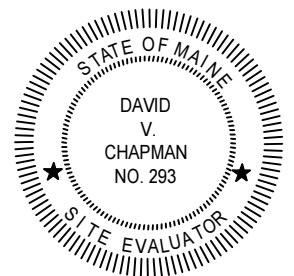
Observation Hole # <u>TB-5</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>24</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
Depth below mineral soil surface (inches)	0			
	6	Fine to Medium Sand	Friable	Dark Brown
	12			Saturated
	18			
	24			
	30			
	36			
	42			
	48			
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>10</u>	<u>E</u>		<u>0"</u>
				<input checked="" type="checkbox"/> Groundwater
				<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock

Observation Hole # <u>TB-6</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>2</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
Depth below mineral soil surface (inches)	0		Gray	
	6	Fine to Medium Sand	Friable	Reddish Brown
	12			Dark Yellowish Brown
	18			
	24			
	30	Auger and Drill Refusal at 25" on Possible Bedrock		
	36			
	42			
	48			
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>5</u>	<u>All</u>		<u>25"</u>
				<input type="checkbox"/> Groundwater
				<input type="checkbox"/> Restrictive Layer
				<input checked="" type="checkbox"/> Bedrock

Observation Hole # <u>TB-7</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>6</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
Depth below mineral soil surface (inches)	0			
	6	Fine to Medium Sand	Friable	Dark Yellowish Brown
	12			Saturated
	18			
	24			
	30			
	36			
	42			
	48			
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>5</u>	<u>E</u>		<u>0"</u>
				<input checked="" type="checkbox"/> Groundwater
				<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock

Observation Hole # _____ <input type="checkbox"/> Test Pit <input type="checkbox"/> Boring				
_____ " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
Depth below mineral soil surface (inches)	0			
	6			
	12			
	18			
	24			
	30			
	36			
	42			
	48			
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
				<input type="checkbox"/> Groundwater
				<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock

<b>INVESTIGATOR INFORMATION AND SIGNATURE</b>	
Signature: <u>David V. Chapman</u>	Date: <u>4-10-2023</u>
Name Printed/typed: <u>David V. Chapman</u>	Cert/Lic/Reg.# <u>293</u>
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist	
<input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	



**Communication Policy Statement**

1. Purpose

The Board of Selectmen (Board) recognizes that communication is critical to an efficient Board and Town government but that some forms of communication can impact efficiency in a negative way or even go contrary to State law.

This policy is also intended as guidance to the members of the Board in communicating about town business. It applies to individual members of the Board and not to the Board acting as body.

2. Definitions

Public Meeting: For the purpose of this policy any discussion of town business involving 3 or more members of the Board including planned or unplanned gatherings, phone conversations and electronic mail.

3. Enactment

This policy is enacted upon a majority vote of the Board of Selectmen and may be amended or repealed from time to time by the Selectmen or by Town Meeting.

4. Policy

It is the policy of the Board that members of the Board will abide by the following during public meetings;

Communicate respectfully with the public, employees and other members of the Board. Avoid harsh words or profanity.

It is the policy of the Board that, at all times while holding the office of Selectman, members of the Board will abide by the following when communicating;

a. With Other Selectmen,

Selectmen should not discuss town affairs in groups with more than one other selectman unless in a public meeting convened in accordance with the Board of Selectmen Ordinance (Ch 11 Art II). This includes email, phone calls and face-to-face discussions.

The Right-to-Know act determines much of what can be communicated between selectmen in an unnoticed meeting. An unnoticed meeting is any communication of a quorum of the Board of Selectmen. Currently the quorum is set at 3 and includes: unplanned meetings ( at morning coffee, for example), phone conference calls, email and letters or memos.

b. With Town Employees (excluding the Town Administrator),

Communications by a Selectman with any Town employee should be limited to soliciting information to allow the selectmen to be informed. Communications for other purposes such as to give direction, instructions or suggestions should only be done by or at the direction of the Board as a whole and usually through the employee's supervisor.

c. With the Town Administrator,

Town of Chebeague Island – Board of Selectmen Policy Statements

Communications by a Selectman with the Town Administrator is limited to receiving or conveying information or opinions. Any directives to the Town Administrator must come through a motion and vote of the Board as a whole.

d. With the Public,

It is the responsibility of the Board of Selectmen to keep the public informed. This applies not only to matters of proper notification governed by law but also to matters of any importance to the community.

The Board should, from time to time, send mailings to the entire community in order to:

- Apprise the community of important developing issues
- Solicit opinion or volunteers to serve on committees or boards

Communications between the public and a non-quorum subset of the selectmen can be considered confidential and not a matter of public record.

e. With Other Town Boards, Committees or Commissions,

Communication to other entities should always come from the Board as a whole unless a Selectman has been explicitly authorized to represent the Board by a majority vote.

While attendance and participation in meetings by individual Selectmen is encouraged they must be clear at each meeting when they have been authorized to represent the Board and when they have not.

f. With the Town Attorney,

Communication with the Town attorney is made through the Town Administrator unless the Board has clearly designated some other individual (Selectmen or other individual) by vote or consensus. In this case the Board must make clear the scope of the designee's task and typically this a limited set of related questions.

g. With the Media,

Generally, communication with the media should be accomplished through press releases that have been reviewed and approved by the Board. Communications by individual selectmen with members of the media should be done with great care and generally should be limited to reporting Board action and not personal opinion or speculation.

5. Electronic Mail

In an article entitled Right-to-know: Common Myths (Maine Townsman, May 2007) the Maine Municipal Association opines: *"Using email for procedural notices or one-way transmission of materials seems both appropriate and innocuous, but email conversations between board members about board business may run afoul of the obligation to conduct such business openly and in public."*

6. Adoption and Revision History

Adopted on: 2/13/2013 YES 5 NO 0 Attested: \_\_\_\_\_.

MEMORANDUM OF UNDERSTANDING  
For Financial Support Between  
The Board of Selectmen  
192 North Road  
Chebeague Island, ME 04017  
And  
The Chebeague Recreation Center (CRC)  
382 North Road  
Chebeague Island, ME 04017

The purpose of this memorandum of understanding is to define the relationship between The Town of Chebeague Island and the Chebeague Island Recreation Center (CRC) with respect to funding.

CRC occupies facilities located on town parcel I06-31A. CRC is organized as a not for profit corporation under 501(c)(3). CRC operates under a contract zone.

1. Part 1: The Board of Selectmen to agree to bring a warrant article to the annual Town Meeting recommending a contribution to CRC as long as the conditions of these are agreement are met.
2. Part 2: The parties agree that after the contribution is transferred to CRC the CRC Board of Directors is solely responsible for dispersals and accounting.
3. Part 3: The CRC agrees to provide the Town a copy of its By-Laws and Articles of incorporation and to provide updated documents as necessary.
4. Part 4: The CRC agrees to operate in accordance with its By-laws and other stated policies.
5. Part 5: The CRC agrees to provide the Town with a written annual report on or before February 1 each year. The report will contain at a minimum the following:
  - a. Rationale: How the contribution is used to provide services that would otherwise be provided by the town thereby reducing the burden to the municipal government. See attached Corporate Bylaws Article 2.1.
  - b. Audit: Discuss any financial audits or reviews undertaken for a recent fiscal year.
  - c. Provide a Profit and Loss Statement and a Balance Sheet.
  - d. Capital Plan: The town has a special interest in the buildings owned and operated by the CRC that are on Town Property (Lot: I06-31A) based on a reversion clause in the By-laws.
  - e. Provide a sustainability plan for the CRC and its component part- Kid's Place.

**Revocation:**

The terms of this memorandum are unilaterally revocable by either party in 30 days after written notice of such intent to revoke has been delivered to an appropriate representative of each other party.

**Modification:**

This agreement may be changed or amended provided both parties ratify the changed document.

**Authorization:**

This agreement will become effective immediately upon execution of this agreement and will remain in effect until it is revoked. Authorizations for the signatures given below are by majority vote of the associated governing board or committee.

Board of Selectmen

  
Herb Maine (Chair) Date:

  
Jay Corson Date: 8/28/2019


  
Mark Dyer Date: 8/28/19

  
David Hill Date: 8/28/2019

Donna Damon Date:

Chebeague Recreation Center

  
Jana Hobbs (President) Date: 7/31/19

  
Steven Auffant Date: 7/31/19  
Executive Director

## Clerk

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**From:** Bob Earnest  
**Sent:** Friday, December 29, 2023 7:13 AM  
**To:** Clerk  
**Subject:** Fwd: School Committee / CTC budget chat; agenda item for SB?

Hi Chris,

If you have not already posted things, please add that agenda item back in. And include this letter in the packet.

If, on the other hand, you've already distributed everything, then we can just cover this in communications. But if possible, it would be great to have it on the agenda.

Thanks,

Bob Earnest  
Sent from mobile

Begin forwarded message:

**From:** Elizabeth Doughty <elizabethconti34@gmail.com>  
**Date:** December 29, 2023 at 6:51:48 AM EST  
**To:** Bob Earnest <bearnest@townofchebeagueisland.org>  
**Cc:** Town admin <townadmin@townofchebeagueisland.org>, Clerk <Clerk@townofchebeagueisland.org>, Ann Kirkpatrick <kirkpatrick@chebeagueschool.net>  
**Subject:** Re: School Committee / CTC budget chat; agenda item for SB?

Hi Bob,

Sorry for the delay. I have been a little down and out over the holiday. At this time, we are still waiting to hear back from CTC on a meeting time. Regarding the SB participation with the CTC contract, I know the SC was wondering if there is collaboration on looking at town budgetary items and school-related items since our payout (technically, the town payout) is \$64,000. Are there things the town pays CTC for that we could consider negotiating as one entity vs. two separate since it comes from the same pot? This \$64,000 includes the running of the school boat (which runs for community members even when school may be canceled or on vacation), student tickets, teacher tickets, parking, and parent tickets to attend school-related activities. We recognize the town is proactively seeking ways to improve their working relationship with CTC while at the same time managing a town budget.

I have cc'd Ann on this email as well, so if there is any additional input, that would be helpful for her to add. I do know that we will be speaking about this at our next meeting, and our board plans to be on the same page. (JAN 9)

Once we have a firm time and a better agenda in place, I will let you know.

I appreciate your patience as we get this set up.

Elizabeth

On Wed, Dec 27, 2023 at 4:58 PM Bob Earnest <[bearnest@townofchebeagueisland.org](mailto:bearnest@townofchebeagueisland.org)> wrote:

Hi Elizabeth,

I'm wondering if we should discuss at some upcoming SB meeting the concept of having SB participation in an upcoming conversation between CTC and School Committee. If that is something that you would like to have happen, then could you send us a quick email regarding your goals, agenda, and any other specific thoughts?

This would allow us to get the topic on a SB agenda and properly discuss.

I understand that Jeff has recused himself from that topic due to Beth's return to CTC employment; therefore, he suggested I reach out to you.

Any thoughts and specifics appreciated.

Thanks,

Bob