Board of Selectmen Meeting Notice

The Board of Selectmen will hold a Meeting on Wednesday, October 23rd, 2013
At the Island Hall at 6:00pm.

First Order of Business: Call meeting to order

Second Order of Business: Regular Business 60 minutes

To Have the Board of Selectmen:
  14-069: Consider a draft Road Opening License Application
  14-070: Consider a draft Road Opening Policy
  14-071: Consider a draft Road Opening License Agreement
  14-072: Appoint six (6) Election Clerks for the November 5, 2013 Election

Third Order of Business: Executive Sessions 60 minutes

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

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

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

Third Order of Business: Adjourn Meeting
**Road Opening License Application**

<table>
<thead>
<tr>
<th>OFFICE USE ONLY</th>
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<tbody>
<tr>
<td>Date Received:</td>
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<tr>
<td>License Application:</td>
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<td>Date:</td>
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<table>
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<tr>
<th>Contact Information:</th>
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<tbody>
<tr>
<td>Applicant:</td>
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<tr>
<td>Contractor Performing Services:</td>
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<tr>
<td>Property Owner:</td>
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<td>Address:</td>
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<td>Address:</td>
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<td>Applicant’s Phone Number:</td>
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<table>
<thead>
<tr>
<th>Road Opening Information:</th>
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<tbody>
<tr>
<td>Purpose of Road Opening:</td>
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<td>Sketch Plan:</td>
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<tr>
<td>Proposed Start Date:</td>
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<td>Utilities Notified:</td>
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<tr>
<td>Dig Safe Number:</td>
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</table>

1. This form is an application only & no work is to commence until the license has been issued and all license fees paid.

2. No excavation work is to commence until DIG SAFE and all underground facility operations have been duly notified of the work in accordance with the current State of Maine statutory requirements.

3. All work and replacement or road materials must conform to the requirements of the Road Opening Policy of the Town of Chebeague Island.

**Statement of Agreement**

I am duly authorized to execute this application and have reviewed and will comply with the above. I further agree to comply with all requirements of the Town to repair the road after work is completed.

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<tr>
<th>Applicant’s Signature:</th>
<th>Date:</th>
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Road Opening Policy

1. Purpose
This policy ensures that road openings are conducted safely and with a level of care, diligence, and quality sufficient to protect the interests of the Town. This policy ensures that any damage caused by road openings is properly repaired, that road openings are properly documented, and that road openings do not unreasonably interfere with traffic flow or access by emergency vehicles.

2. Definitions
Road Opening – Any excavation and associated repair work performed in any Town of Chebeague Island right-of-way for the purpose of installing underground utilities which disturbs, alters, modifies, degrades, or damages the constructed road bed, road surface, or road drainage system.
Utilities – Utilities include electric, septic, telephone, cable, internet, water, and gas. Specifically excluded from this definition is any form of drainage pipe, culvert, or drainage structure.

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
   a. License Required: All road openings shall require a license reviewed by the Road Commissioner or his/her designee and executed by the Board of Selectmen. Such license shall be requested on a Road Opening License Application provided by the Town.
   b. License Application: The license application shall identify the location, nature, time frame of the proposed work, Dig Safe control number, disclosure of dates, times and person notified at all applicable utilities and all other requested information. The application shall be accompanied by a diagram of the planned excavation submitted on an 8 ½ inch by 11 inch sketch showing trench locations, widths, depths, location of all barricades, warning signs, detour signs and routes, and such other information as may be reasonably required by the Road Commissioner.
   c. Review and Approval:
      i. The Road Commissioner shall review all applications and issue a recommendation to the Board within fourteen (14) days of receipt.
      ii. No person shall be granted a road opening license from December first of each year to March thirty-first of the following year unless an emergency or special condition exists and written permission is obtained from the Road Commissioner. A written explanation shall be submitted to the Road Commissioner explaining the special situation or emergency prior to the issuing of the license.
      iii. The Road Commissioner may deny any road opening license if it is felt that such excavation would endanger the life or property of the citizens of the town or if such excavation would endanger the general public or interfere with snow removal.
iv. The denial may be appealed within fourteen (14) days to the Board of Selectmen. All approvals and denials by the Road Commissioner shall be made in writing to the applicant and Board.

v. A five-year moratorium, except for emergency or special situations, on the issuance of any road opening license is in effect after the completion of a new or newly reconstructed roadway.

d. **Fee:** A non-refundable fee of two hundred dollars ($200.00) payable to the Town of Chebeague Island, shall be required for each road opening.

e. **Construction Requirements:**

   i. Excavation work must be started no later than thirty (30) days from the date of issue of the road opening license. After the expiration of this thirty-day period, such license shall become null and void.

   ii. The excavator shall give notice to Road Commissioner not more than seventy-two (72) hours nor less than twenty-four (24) hours before excavation work begins.

   iii. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, and all other buildings and equipment as designated by the Road Commissioner.

   iv. Regardless of the type of material excavated, only dry granular material shall be used for backfill purposes, and all unsuitable material shall be forthwith removed from the site of excavation. The backfill material shall be thoroughly compacted in twelve-inch layers by suitable methods and in all cases only approved bank-run gravel shall be used for the top twelve (12) inches.

   v. Where paved surfaces are impacted, regardless of their physical condition, the excavator shall install a patch using a hot or cold bituminous mix of a type approved by the Road Commissioner, the total depth of which shall be equal to the greater of the thickness of the adjacent roadway or two (2) inches (compacted thickness). All edges shall be neatly trimmed to form straight lines as far as possible, and a compressor or masonry saw shall be used for this purpose. Compaction of the trench shall be by means of vibratory equipment or other mechanical means of a type approved by the Road Commissioner. All edges shall be sealed using an approved sealing compound.

   vi. The excavator shall be responsible for the maintenance of the repair for a period of sixty (60) days from the date of installation.

   vii. If in the judgment of the Road Commissioner traffic control is necessary, the applicant shall at his cost provide such control as may be required.

5. **Adoption and Revision History**

   Adopted on ____________ YES __ NO __ attested by ____________.
LICENSE AGREEMENT

THE INHABITANTS OF THE TOWN OF CHEBEAGUE ISLAND, MAINE, a municipality in Cumberland County and State of Maine (hereafter referred to collectively as "Town"), for consideration paid, grants to ____________________________ ("Licensees"), of ____________________________, whose mailing address

their heirs, successors and assigns, a revocable license to use a strip of land _______ 40 feet in width and _______ feet in length on ____________________________ Road in the Town of Chebeague Island, Maine (hereafter, the "License Area"), as shown on attached Exhibit A, "Road Opening License Application". The license granted in this License Agreement is subject to the following conditions:

1. The Licensees are permitted to excavate for, install, inspect, maintain, repair and replace under and through the License Area on _____________ Road an _______ 
   _describe what will be buried (septic pipe, wire or cable, water line etc.), and for what purpose and a description of properties on both sides. _________________. No other uses are permitted.

2. The Licensees may grade, level, fill, surface, pave and repave the License Area or any part thereof for the above purposes. Licensees shall, after doing any work in connection with the septic piped utility, promptly restore the soil, surface grades, paving and conditions in the License Area to their previously existing condition, and shall backfill any trench dug by them, all to the Town’s satisfaction and in accordance with the Town’s Road Opening Policy. The Licensees shall do any work in the License Area at their sole cost and expense.

3. The Licensees shall indemnify, defend and hold the Town harmless from any and all claims or liabilities arising out of or relating to the Licensees’ use of the License Area, including costs of enforcement of this License Agreement and reasonable attorneys’ fees. Licensees shall procure and maintain liability insurance in an amount of not less than $400,000 combined single limit, (or any amount required by the Maine Tort Claims Act, as amended from time to time) covering claims for bodily injury, death and property damage and shall either name the Town as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensees under the terms of this License Agreement.

4. The Licensees at all times shall keep the License Area in good repair and shall, at their sole cost and expense, immediately remedy any malfunction of the underground piped utility, including any malfunction which results in any discharge of surface effluent or any noxious or offensive odors. The Licensees’ use of License Area shall be in accordance with all applicable Federal, State and local laws, statutes, policies, and ordinances.

5. The Town reserves the right to use the surface area of the License Area for purposes that will not interfere with Licensees’ use thereof for the above stated purposes; provided, however, that the Town shall not erect any permanent structure of any kind. The term “structure” shall not include roadways, driveways, walkways or other means of access.
6. The Town reserves the right to terminate this License Agreement, or to require Licensees to relocate the License Area, upon 90 days written notice to Licensees. Licensees shall bear all costs of relocation and restoration and all direct and indirect expenses incurred by the Town in the event of such termination or relocation. Licensees agree that the Town’s decision in regard to any such termination or relocation shall be final. Licensees agree to indemnify, defend, and hold harmless the Town for any claims or liabilities related to a decision by the Town to terminate the license or relocate the License Area.

7. This License Agreement shall be construed according to the laws of the State of Maine and shall be binding on the heirs, successors and assigns of the parties. This License Agreement shall not be amended or waived except in writing signed by the parties.

DATED: ______________ , 2010

Inhabitants of the Town of Chebeague Island, Maine
By its Selectmen

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STATE OF MAINE
Cumberland County

Dated ____________________________ , 2010

Then personally appeared the above-named Selectmen of the Town of Chebeague Island, Maine and acknowledged the foregoing instrument to be their free act and deed and the free act and deed of the Town of Chebeague Island.

Before me,

________________________
Notary/Attorney at Law

Type or Print Name
EXHIBIT A
TO LICENSE AGREEMENT
Eric Dyer

From: Town Clerk <Clerk@chebeague.net>
Sent: Friday, October 18, 2013 1:56 PM
To: Eric Dyer
Subject: Election Workers

Eric,
Could you please have this on the Oct. 23 Agenda:

Please have the Board of Selectmen appoint the following as Election Clerks for the November 5, 2013 Election:

Democrats
Martha O. Hamilton
Joyce Soucheek
Lynn Priest

Republicans
Jonie Robinson
Ruth Slegal
Jill Maloney

Michelle J. Jackson
Michelle J. Jackson, CCM
Town Clerk
Tax Collector
Registrar of Voters
www.townofchebeagueisland.org
Town of Chebeague Island
192 North Road
Chebeague Island, ME 04017
(207) 846-3148
(207) 846-6413 fax

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).