

**TOWN OF CHEBEAGUE ISLAND
BOARD OF SELECTMEN MEETING
Wednesday, January 16, 2008 @ 7:00 PM (Island Hall)**

The following selectmen are present: Mark Dyer (chair), Donna Damon, Herb Maine, Leon Hamilton and Chris Rich

1. Call to order: Dyer brought the meeting to order at 7:05 pm.
2. Dyer asked for a motion to approve the minutes from January 2, 2008.

Hamilton moved to accept the minutes and Rich seconded.

Discussion: Hamilton asked that the wording be changed about the letters to be written to Steven Todd, Nathan Doughty, and Russell Parmenter. Steven Todd should be thanked for helping with the fireworks on July 1, 2007, Nathan should be thanked for helping with the Harbormasters boat hauling and Russell should be thanked for setting the Harbormaster mooring. No further discussion.

Vote: Unanimous to accept the minutes with the above changes.

2(a) Dyer gave a status of the minutes from the January 6, 2008 meeting of the Selectmen. He stated that he did not get the minutes to the Town Office. He said the selectmen met at the Recreation Center in Executive Session to discuss the Assessor candidates. The selectmen also met to discuss the status of the job description for the Town Administrator. The selectmen settled on three candidates to interview on February 10th, for the Assessors position. Dyer will get the minutes to the Town Office.

Public Comment:

Dyer asked for any public comments.

David Hill requested the Cousin's Island item in 6.3 be moved up in this meeting. He hoped the Board would honor this request in order that he would not have to wait until the selectmen addressed all the other agenda items which would probably considerably later in the evening.

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In addition, Administrator Grenier had a public comment on a notification received by the Town from FEMA accepting the Town of Chebeague Island into the National Flood Insurance Program. Grenier will publicize this information in the Forecaster and on the Chebeague Island web page. He

gave a copy of the letter to the Code Enforcement Officer, Paul White. Damon said the downside to this letter is that the FEMA maps are not accurate. Hamilton asked how we could change the FEMA maps. Grenier stated he will talk to Beth Howe about the need to change and correct the maps. Dyer asked the Board how it wanted proceed with the request from David Hill to move agenda item 6.3 up in the meeting.

Hamilton moved to have agenda item 6.3 under old business moved to #3 on the agenda.

Damon seconded.

Vote: Unanimous

Old Business

6.3 *Dyer asked for discussion on the conditions of the agreement with the Maine DOT to finalize the design of the Cousin's Island Wharf.*

Grenier explained that according to the Maine DOT contract which he gave a copy of to the selectmen there is a total amount of approximately \$44,000 available from the Federal Highway Administration (FHWA) to pay for the project's final design. Under the funding formula in the contract costs would be reimbursed by FHWA at a 80.28% share of the total cost. The Town of Chebeague Island's local share is 19.72% of whatever the total cost ends up at.

*MDOT is recommending the firm of **Gorrill Palmer(GP)** take the project to create the final design. Grenier indicated that the Maine DOT would write a sole source justification for continuing to use GP and its subcontractor Childs Engineering (CG) because it would be more cost effective and a lot of work already completed by these firms would not have to be repeated. Grenier asked Goral Parmer for an estimated cost to prepare the final design.*

Grenier further stated that he had contacted the principals from both firms to ascertain what they believe the final cost of design would be. Grenier told the selectmen that both firms had agreed that the cost would be in the vicinity of approximately \$30,000 to complete the design. As a result Grenier said the Town's local share would be at least \$5,916. The deliverables under the final design would include a final construction cost,

bid specifications and plans to proceed to bid for construction and a life cycle cost estimate to address long term maintenance. Grenier said according to Andy McDonald, the Maine DOT project engineer indicated construction funds are currently available. According to MacDonald those construction will likely remain available as long as the Town is showing a good faith effort with proceeding with the final design. Grenier stated that MacDonald told him as long as the town goes forward with the design those construction funds will be available. However, if the town does not go forward with the design, the funds will be lost to another municipality in the state.

Hamilton asked if the Town of Cumberland will only reimburse the Town of Chebeague Island the amount of \$3,600 (per the memo from Bill Shane dated October 30, 2007) or will they reimburse the total amount of the town's share of the final design cost. Hamilton asked about Article 3 Paragraph 4 in the ten page agreement. The paragraph reads: In the event the town withdraws from the agreement..... Hamilton asked if this means the town could pay a significant amount. He is concerned that if we go with the design but do not finish the entire Cousin's Island Wharf project, that the town will pay "big bucks". Grenier stated that the word "project" in the agreement means the final design only not the entire construction project. Dyer asked "if we sign this agreement is it only for authorizing the final design to be completed?" Grenier said he believes that is correct.

Maine asked what the original contract cost. Damon stated approximately \$70,000. She said \$44,000 is the amount of federal funding left for this project. Grenier stated that GP said they had been paid for all of their preliminary design work so far. Damon stated that the town should ask Bill Shane of Cumberland to reimburse the town for the full amount of our part of the final design project. The Selectmen reviewed the memo from Bill Shane dated October 30, 2007 concerning this matter. Maine said the more important contract will be the agreement with GP. Damon said that Cumberland has expended \$21,000 as per the memo from Bill Shane. She said this should leave \$14,000. Damon wants clarification from Andy McDonald. Maine wanted to know the risks of entering into this agreement of final design. Dyer said it seems to be a little over two thousand dollars or

the difference between \$3,944 and \$5,916. Grenier reminded the selectmen that this item was a discussion item only and not for the selectmen to vote on it. Grenier asked the selectmen if they would like him to bring Andy McDonald to a selectmen's meeting so they could ask him the questions. No comment from selectmen.

Hamilton is worried that if the town enters into the contract, that it will bind us to the whole project to include the cost of construction. Damon would like to talk with Bill Shane about Cumberland's reimbursement share. No comment from selectmen.

Dave Hill asked to speak on behalf of the Chebeague Transportation Company (CTC). He passed out a letter from the CTC Board dated January 16, 2008. Hill indicated CTC's support of the town finishing the design phase of the Cousin's Island Wharf project. Hill read paragraph #5 about the wharf being an "accident waiting to happen". Hill is worried that if something isn't done to improve the wharf that the town of Chebeague Island and CTC could be sued. Hamilton stated that Yarmouth owns the Cousin's Island Wharf property and they maintain it. The town of Yarmouth is responsible for the safety on the property. Hill stated that lawyers will sue everyone, not just Yarmouth. Dyer stated that he, Damon and Grenier met with Yarmouth and Natt Tupper who said there would be two agreements with Chebeague about the wharf. One would be a maintenance agreement (with improvements). Yarmouth is responsible for the safety on the wharf and that Chebeague pays \$5,000 a year to use the wharf. Dyer said the big concern for Chebeague is the \$200,000 or more that will cost the Town to complete construction. Hill stated again that the wharf is not a safe place and an accident will most likely happen. Hill said "let's hear what the citizen's of Chebeague will say on the cost of the whole project". Damon agreed with Hill. She wants the input of the citizens of Chebeague Island on this matter. Hamilton agrees that this should go to a town meeting. Hill thanked the selectmen for allowing CTC to comment on this matter.

Hamilton moved to table this matter until the selectmen can find out what the Town of Chebeague Island final cost will be on the project.

Damon seconded.

Discussion: Beth Howe asked if Yarmouth will be able to comment on this project. Dyer said yes. Dyer asked Damon if she would talk with Bill Shane of Cumberland about their reimbursement to Chebeague for the final design project. The selectmen all agreed with Damon talking to Bill Shane. Maine said the lack of understanding is the financial risk to Chebeague. He wants to know if there could be information on the costs put on paper for the selectmen. He would like some sort risk analysis done. Grenier stated that when Damon comes back with information from Bill Shane, he could write up a risk analysis. Dyer stated that the selectmen weren't going to take action on this matter tonight. Dyer said he is asking for this to be put on the special town meeting agenda proposed in item 4(c) of this agenda. He said the people of Chebeague should decide. Selectmen all agreed. He asked Grenier to inform Andy McDonald of the selectmen's decision on this matter. No further discussion.

Vote: Unanimous

3. Warrant #14 approval

In advance of the warrant's discussion Grenier had handed a town summary for BMV to the selectmen to add to the warrant amount. This is the state fees collected weekly for BMV when residents register their cars. He asked that the invoice statement for \$437.55 be added to tonight's warrant. Grenier asked the selectmen to direct their attention to page 4 of the warrant where it says MSAD 8 \$2,500. This is funds for the SAU consolidations for all of state's island schools, which Superintendent Hadley had the Department of Education (DOE) forward to the Town in order to temporarily receive and then to pass on to MSAD #8 for their custody of these funds. This money would be passed onto George Joseph, MSAD 8 for our part in the consolidation effort. No money came from the Town of Chebeague for this.

Dyer asked if there were any outstanding invoices from Brann & Issacson. Grenier said that we have not received the December invoice for their services. Damon asked for all copies of Brann & Issacson invoices and given to any other selectmen who also wanted to review them. Damon asked

about why some items are being coded under other areas. She thinks that items that weren't budgeted for should come out of the contingency fund. Grenier said that if there isn't a line item for certain items that we try to fit the expense into the budget. Maine said that he doesn't have a problem going over-budget in areas as long as the item is placed in the right budget code. He specified the radio cost on page #5. Part of the cost \$1,200. was put under Public Works radio and the remaining \$600 was put under public works start-up costs. Maine wants to see \$1,800 put under Public Works radio to show where the money really came out of. Grenier stated with respect to the radio the town never had a base radio to communicate with the town garage or between the DPW staff when they were out late at night in a snowstorm. However, the license for the radio wasn't projected in the budget. The cost for the radio was taken out of the Public Works radio budget and the additional cost of the radio license fee was taken out of start-up costs.

Maine would like to see Grenier stop force-fitting invoices into accounts and pay the invoices from the correct accounts even if it gives that account a deficit. Maine said that a big piece of analyzing the budget is knowing the cost expenditures charged to accounts. He wants the Town Administrator to give him a really clear reading of accounts. Dyer wants to keep expenditures well accounted for so the selectmen can easily track what is going on. Grenier stated that he is still trying to get a field state auditor to check out how our chart of accounts is organized and how costs are being charged to accounts.

Damon asked why we purchased salted sand from two companies. Grenier will talk to David Campbell (head of Public Works) about this matter and let the selectmen know. No further discussion.

Maine moved to accept Warrant 14 to include the BMV fee of \$437.55 for a total of \$48,435.44. Hamilton seconded.

Vote: Unanimous

Town Administrator Report:

4(b). Fuel Bid- Only Martin's Hill Garage sent in a bid on the Ultra Low Sulfur Diesel Fuel. Chebeague Island Boat Yard declined. The town will send a check to Portland Harbor Fuels for the diesel fuel and Martin's Hill Garage will deliver the fuel without a charge to the town. Grenier is recommending the town get another 1500 gallons of ULSF to get us through the year until we become part of Greater Portland Community of Government (GPCOG). Grenier said that we will become members of GPCOG by being voted in by their Board of Directors at their next meeting in April 2008. Grenier said that once we get fuel with GP COG, the town will not pay excise tax on it. Damon asked if we could file for back excise tax paid on fuel we didn't get from GP COG. Grenier said yes. Damon asked if the school bus uses this ULSF Diesel. Grenier said yes. Damon wants the Fire Department, School Bus and rescue accounts to be charged for their portion of the fuel used.

Maine moved to accept Martin's Hill Garage bid for ULSF Diesel. Damon Second.

Discussion: Damon asked that a letter be sent to Barry Riddle thanking him for his generosity in free delivery of the ULSF Diesel fuel. No further discussion.

Vote: Four votes for and one abstain (Hamilton). Motion Passed.

4(c). Special Town Meeting- Grenier stated the clerk has foreclosed property that she cannot provide recommendations on how to handle because the Board of selectmen have no authority to do so yet. The clerk is asking for the selectmen to hold a special town meeting to help her recommend dispositions of how such acquired property can be handled. Damon said the wording should be "the selectmen have the right not an obligation to dispose of the property". She would like to see the property used in other avenues such as affordable housing instead of the town just selling the property. Damon wants a policy on foreclosures.

Grenier stated a special town meeting is needed to change the health care provider the town is currently using at this time. This will save money for the town and the employee as well.

Beth Howe asked for a special town meeting to change the Zoning Ordinance. She called them technical amendments.

Grenier said the Harbormaster would like a special town meeting to clarify who the Harbormaster works for. Grenier read an email from Claire Ross to Jeff Putnam (Coastal Waters Commission).

Grenier stated a special town meeting is needed to discuss the Stone Wharf improvements project. The selectmen said they would look into a special town meeting at a later date.

4(d). Assessor interviews - Grenier stated that the interviews are all set. The times are listed in the Selectmen's binders.

4(a). Dyer asked for comments on the Administrator's 2nd quarterly budget report. Grenier stated that the town budget expenditure rate was at about 42%. Some departments such as fire and rescue are below that number at this time. The legal account, Public Works vehicle parts and gasoline are higher than expected. Grenier will be asking in the future for a transfer of money to those accounts. Maine stated the selectmen will have to vote to approve the transfer of money. Selectmen will review the budget items that are in excess separately. Damon said the Island Institute account has been paid in full. She said the office supplies should have been taken out of start-up. Paper should be taken out of office supplies not the copier account. Maine asked if we would be seeing anymore coming out of start-up costs. Grenier stated that the payroll company monthly expense and the copier monthly rental expense are coming out of start-up costs. Damon stated the \$2,000 that was transferred to E1300-1010 to cover the cost of Cheryl Buxbaum's salary should have been taken out of start-up cost.

Legal services: Damon asked if we could use MMA for legal questions in the future instead of Brann & Issacson. Grenier stated that he was doing that. He uses Peter Lowe as a last resort.

Code Enforcement: Grenier stated that Paul White, Code Enforcement Official, had been coming in for extra meetings in the last few months which caused him to have some overtime. This has been changed. Maine asked that if he is coming in for a meeting that he adjusts his hours to only get eight hours in a day. He could come in at noon or one in the afternoon on those nights

that he has a meeting. Maine asked if the Code Enforcement salary expenditures is going to go higher. Grenier said that it could go higher in spring when there is more of a building demand on the island.

Animal control: The Animal Refuge League is paid in advance. Therefore the account looks to be in excess, but it is not going to go over budget.

Benefits and insurance: Damon said perhaps the town could look into getting a family plan for employees that are married and both working for the town. She cited the example of Sue and David Campbell and possibly Virginia and Tom Calder (Virginia works for the school and Tom for the town). Grenier said that he and Mr. Hadley, school Superintendent, will be meeting to discuss the schools part of the insurance budget. He will be asking for the school to pay their share that the town has already paid.

Revenue Sharing: Grenier sees the Revenue Sharing of \$25,000 went to \$16,650. To date we have received \$7,230.

Interest on Bond: Grenier stated the town received \$14,627 interest on the bond reinvestment for 28 days. Damon relayed to the selectmen that Bill Shane expressed his appreciation of Grenier's hard work in getting the bond issued and sending the payment owed to Cumberland. No further discussion on the Town Administrators quarterly budget.

Dyer wanted to proceed to the Budget task Force presentation. He asked to consolidate the agenda due to the late hour.

5. Presentation by the Joint Budget Task Force

Maine went over the budget process flow chart with the selectmen. He said the first step is to have the School Committee and selectmen establish goals to get their budget thinking down. This should be done within the next few weeks. Damon asked when Maine thought the selectmen would be going over the budget line-by-line. He stated the last week in February or first week in March. Dyer asked when the selectmen should get together for a meeting for goal setting with the town and school. Donna asked that Dave Hill and John Wilson be at the meeting as financial advisors.

Damon moved for the selectmen to meet Wednesday, January 23, 2008 at 6pm to set up goals for the budget. Maine seconded.

Vote: Unanimous

Old Business

6.1 To see if selectmen will authorize the Town Administrator to execute an Administrative Service Agreement with the ICMA.

Maine moved to authorize the Town Administrator to execute an Administrative Service Agreement with the ICMA. Damon second.

Vote: Unanimous

6.2 – To see how the Board would like to proceed with respect to Town ordinances requiring revisions.

Maine moved to table 6.2. Damon seconded

Vote: Unanimous

This concluded old business. Dyer said that Monday, January 21st, was Martin Luther King's Day and since the employee handbook was not completed the selectmen should honor this as a federal holiday. Grenier said it is not mandated by law to have the town have this off as a holiday.

Hamilton moved to authorize the Town Administrator to decide whether to open the Town Office and to pay the employees holiday pay on Martin Luther King Day. Damon seconded.

Vote: 3 for (Damon, Hamilton, Rich), one abstain (Maine), one oppose (Dyer). Motion passed.

Hamilton moved to adjourn the meeting. Maine seconded.

Vote: Unanimous.

Meeting adjourned at 10:20 pm

Minutes respectfully submitted by Karen Hamilton, Deputy Town Clerk