

SELECTMEN'S MEETING e-Packet
List of Files
May 20, 2008

Page 1	List of Files
Page 2	Agenda
Page 3 & 4	Agenda Summary
Page 5	Memo from Nancy Yates re: 2008 Insurance RFP
Page 6 & 7	Letter from Bernstein Shur re: Jane Maxwell & JRJ Group request for easement



**BOARD OF SELECTMEN
AGENDA**

Tuesday, May 20, 2008

7:00 p.m.

JSMS Broadcast Studio

SELECTMEN'S MEETING

- 1) Call to order.
- 2) Minutes of previous meeting dated May 6, 2008
- 3) New business.
 - a) Executive Session – Discussion of confidential records pursuant to 1 M.R.S.A. §405(6)(F) Annual Town Scholarship Awards – Town Clerk Louise Lester
 - b) Discussion and results of 2008 insurance RFP / bid award – Finance Director Nancy Yates
 - c) Discussion of possible ballot question explanations on town and school budget vote to be held June 10, 2008 at the Jordan-Small Middle School Gymnasium from 7:00 am to 8:00 pm
 - d) School consolidation information update – Selectman Joe Bruno
 - e) Greater Portland Council of Government (GPCOG) update – Selectman Mike Reynolds
- 4) Old (unfinished) business.
 - a) Request for easement over Deep Cove Road (Manor Harbor Road) – Scott and Jane Maxwell (update pending new legal information)
- 5) Town Manager Report and Communications.
 - a) none
- 6) Fiscal Warrants – Payroll and Appropriation Warrants – May 20, 2008.
- 7) Adjournment.

The Selectmen may take items out of order at their discretion.



**BOARD OF SELECTMEN
AGENDA SUMMARY**
Tuesday, May 20, 2008
7:00 p.m.
JSMS Broadcast Studio

SELECTMEN'S MEETING

- 1) Call to order.
- 2) Minutes of previous meeting dated May 6, 2008
- 3) New business.
 - a) **Executive Session – Discussion of confidential records pursuant to 1 M.R.S.A. §405(6)(F) Annual Town Scholarship Awards – Town Clerk Louise Lester**

Town Clerk Louise Lester has prepared a separate package with confidential academic records for consideration of the Board of Selectmen to help decide the award of the town's annual scholarships. This information is not attached to the e-packet, but will be sent directly to each member of the Board of Selectmen in advance of the meeting.

b) Discussion and results of 2008 insurance RFP / bid award – Finance Director Nancy Yates

Enclosed you will find a memo from Finance Director Nancy Yates conveying the results of the 2008 insurance bidding process. The town received favorable bids, as was the case when bids were solicited last year. The current round of bidding will result in a reduction of 9.51% for Workers Compensation coverage and a reduction of 16.44% for property & casualty coverage costs. From the bid results, the low bids were received from Keyes Insurance of Farmington for Workers Compensation and Cross Insurance of Windham for property & casualty insurance. Although it would be possible to award the bid to two different vendors, the Selectmen may want to give consideration to the possibility of awarding the package to one bidder instead through the transference of the broker of record for the Workers Compensation quotation. The Selectmen may then elect to accept the bid of Cross Insurance with the stipulation that it be based upon a reassignment of the MEMIC quotation originally provided for Keyes to Cross at the same total cost of \$57,894. An advantage to selecting one bidder is that it provides a central contract point for all town insurance as is the case currently with MMA.

c) Discussion of possible ballot question explanations on town and school budget vote to be held June 10, 2008 at the Jordan-Small Middle School Gymnasium from 7:00 am to 8:00 pm

Chairman Mark Gendron requested that the other members of the Board of Selectmen give consideration to whether the Selectmen wish to have a note of

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explanation on the town and school ballot questions. Town Clerk Louise Lester will forward supporting documentation to you separately from the e-packet.

d) School consolidation information update – Selectman Joe Bruno

Selectman Joe Bruno will update the Board of Selectmen and the public on the activities of the regional school consolidation committee.

e) Greater Portland Council of Government (GPCOG) update – Selectman Mike Reynolds

Selectman Mike Reynolds will update the Board of Selectmen on the public on the regional initiatives and GPCOG activities affecting Raymond.

4) Old (unfinished) business.

a) Request for easement over Deep Cove Road (Manor Harbor Road) – Scott and Jane Maxwell (update pending new legal information)

Subsequent to the posting of the agenda, new legal correspondence from Town Attorney Chris Vaniotis was received, answering several questions posed by the Selectmen at their last meeting, held May 6, 2008, regarding this agenda item. The legal memo is attached to the e-packet and has been reviewed by the Maxwell's attorney, Chris Neagle. Attorney Neagle indicated to the Town Manager via telephone that he concurred with the conclusions reached by the Town's Attorney. The Board of Selectmen may, or may not, take action on this old business agenda item pending public review of the advice of the town attorney and receipt of any other further information from the requesting party's attorneys.

5) Town Manager Report and Communications.

a) none

6) Fiscal Warrants – Payroll and Appropriation Warrants – May 20, 2008.

7) Adjournment.

The Selectmen may take items out of order at their discretion.

May 09, 2008

To: Board of Selectmen and Don Willard, Town Manager
From: Nancy Yates

Subject: Results of 2008 Insurance RFP

Five insurance companies expressed an interest in bidding on our Property & Casualty & Workers' Compensation insurance services. Packets were provided to Cannon Cochran Management Services, Inc., Cross Insurance, Kyes Insurance, and Maine Municipal Association. The Dunlap Corporation (HRH New England) unfortunately called after the deadline for returned bids, but I will keep their information on file for the future.

We received proposals from three of those companies: Cross Insurance, Kyes Insurance, and Maine Municipal Association.

Kyes Insurance quoted the lowest rate for Workers' Compensation at \$57,894 through MEMIC. MMA was in the middle at \$64,163, and Cross the highest at \$74,000, through Travelers. Kyes' quote did not include the \$2,000,000 coverage we currently have, but proposed excess liability coverage of \$1,000,000 under the Property & Casualty quote at a cost of \$2547 to fill the gap.

Cross's proposal for Property & Casualty was substantially lower than the other two. A closer look revealed that some premiums were not listed on the summary sheet. After adding the missing premiums, they still yielded the lowest quote at \$27,200. MMA edged Kyes out for second place at a quote of \$30,188. Kyes followed closely at \$30,902 (excluding the available \$1,000,000 coverage).

You should be aware that leaving MMA's Workers' Compensation Program at mid-year will cost us a penalty of approximately \$3,000, and that any dividends we might have received from them will be forfeited. MEMIC also pays dividends, however.

Bid comparisons are shown below.

	Workers' Comp	Compare w/current W.C.	Property & Casualty	Compare w/current P&C	Total	Compare w/current total	Compare w/budgeted total
Current	63,975	0.0	32,552	0.0	96,527	0.0	-7.46%
Budget	61,242	+4.7%	40,782	+13.5%	102,024	+8.06%	0.0
Cross	74,000	+15.67%	27,200	-16.44%	101,200	+4.84%	-9.1%
Kyes	57,894	-9.51%	30,902	-5.07%	88,796	-8.01%	+5.02%
MMA	64,163	+0.03%	30,188	-0.73%	94,351	-0.23%	-12.29%

BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main
207 774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Christopher L. Vaniotis
207 228-7205 direct
cvaniotis@bernsteinshur.com

May 9, 2008

Don Willard, Town Manager
Town of Raymond
401 Webbs Mills Road
Raymond, Maine 04071

Re: Jane Maxwell and JRJ Group Request for Easement

Dear Don:

I am writing to address the several questions which the Selectmen posed on Tuesday night, May 6th, as you have communicated them to me.

1. Does Jane Maxwell have access over the Town's property to the land on Manor Harbor Way which she acquired from Elizabeth Wilson?

Answer: Yes. When Ms. Wilson (then known as Barbara Gordan) and Donald F. Gordan conveyed the parcel to the Town in 1972, they reserved "a right of way over the above described parcel of land from said Shore Road to other land of the grantors." That "other land of the grantors" includes the parcel which Jane Maxwell acquired from Ms. Wilson. Accordingly, Ms. Maxwell has an easement over the Town's property to access her lot on Manor Harbor Way. In contrast, the land owned by JRJ Group on Sheehan's Island was not owned by the Gordans at the time of the deed to the Town, and therefore is not served by the easement over the Town's land.

2. Would any action by the Town concerning use of or access over the Town's parcel have any effect on the rights of property owners to use the existing bridge to Sheehan's Island?

Answer: No. The existing bridge is private property and whatever rights people have to use the bridge are private property rights. The Town's granting of an easement over its parcel or declining to grant an easement over its parcel would not have any impact on those private property rights.

3. Do lots on Sheehan's Island have any rights to utilize the Town's parcel for access?

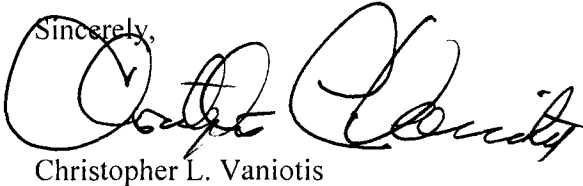
Answer: Apparently not. I say "apparently," only because we have not undertaken a full title search (which would be a substantial undertaking). However, no such rights appear in the 1972 deed to the Town and the attorney for the Maxwells, Attorney Neagle, has done title work and advises that he has found no such rights of record in the Registry of Deeds. Nor can there be any claim of a prescriptive easement, because a prescriptive easement cannot be asserted against land held by a governmental entity. Portland Water District v. Town of Standish, 2006 ME 104.

4. What would be the rights of the Maxwells, JRJ Group and Elizabeth Wilson if the Town had accepted the property conveyed by the Gordans in 1972 as a town way?

Answer: The property owners would not have any private property rights in the Town's land. However, they would have the same rights as the general public to come and go over the town way and the Town would have the obligation under 23 M.R.S.A. § 3651 to maintain a roadway which is "safe and convenient for travelers with motor vehicles."

I hope this information proves helpful to the Board. If you have additional questions or if you would like to discuss any of these questions further, feel free to contact me.

Sincerely,



Christopher L. Vaniotis

CLV/lc

cc: Christopher S. Neagle, Esquire
David E. Currier, Esquire
C. Alan Beagle, Esquire