

Board of Selectmen's Meeting Minutes
February 26, 2009
Harpswell Town Office
Approved on March 5, 2009

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Selectmen Present: James S. Henderson, Mark E. Wallace and Chairman Amy N. Haible

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Town Treasurer

The Board met at 5:30 p.m. to handle administrative matters; the Board was informed of a public hearing being held by the federal government on March 10 at 7:00 p.m. at West Harpswell School regarding the wetlands permit for the pipeline removal project; Administrator Eiane reviewed a proposed 2009 MIL rate worksheet with comparison to past years; the Board was provided with two memos from the Governance Committee (1) regarding secret ballot vs. town meeting floor vote and (2) regarding the continuance of the Committee; the Board signed the lease agreement with Orr's & Bailey Islands Fire Department for the brush truck; the Board scheduled March 5 as a regular Selectmen's meeting; and purchase orders exceeding \$1,000 in value were reviewed and signed including a discussion concerning winter salt use on the roads.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Haible moved, seconded by Selectman Wallace to add: 12a. Consider Extension to Cable Re-Franchising Agreement; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to adopt the agenda as amended; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane stated that she appreciated Harpswell residents' patience in dealing with power outages with 4,000 without power on Monday, 2/23, 1300 without power on Tuesday, 2/24, and 80 homes without power today at 3:00 p.m. There was a discussion about obtaining power outage information for Harpswell and perhaps pursuing legislative initiatives to improve the power supply infrastructure in Harpswell. Administrator Eiane reminded everyone that Town Meeting is Saturday, March 14 and that information regarding warrant articles is posted on the Town's website. Administrator Eiane stated that she and the Town Clerk will be participating in a national campaign for Meals on Wheels by delivering food on March 18 to raise awareness of the worthwhile program. Administrator Eiane reported she met with a representative of FEMA and submitted a reimbursement request for the December ice storm totaling about \$14,000 which may result in \$10,000 in reimbursement.

3. Selectmen's Announcements: Selectman Henderson announced residents may vote for Selectman, Road Commissioner and SAD Director by absentee ballot at the Town Clerk's Office. The polls open on Saturday, March 14 at 9:00 a.m. (close at 5:00 p.m.).

4. Old Business: Neil's Point Road Layout: Administrator Eiane reported that she and Chairman Haible had a phone conversation with the property owner on Neil's Point Road concerned about the past road layouts. Prior to the conversation, Administrator Eiane obtained general legal information from Maine Municipal Association that listed options on resolving the past unbuilt road layout. Administrator Eiane requested the property owners to submit a letter stating what they believe is needed for a clear title and the Board will review the request. Chairman Haible reviewed some options such as abandoning the road as a paper road; discontinue the road by Town Meeting vote; or seek a declaratory judgment. Chairman Haible told the owner that the Board would want to do the easiest resolution within the Board's authority.

5. Auditor's Report on 2008 Financials: Kathy Tyson, of Runyon, Kersteen and Ouellette, stated that this was her company's third year for auditing Harpswell and that it was very timely due to the quick turnaround of

information by Town staff. Ms. Tyson reviewed the audit process, including new risk assessment standards, the audited reports, summary graphs and was pleased to announce the Town's process resulted in a very positive manner with no deficiencies. Chairman Haible thanked Administrator Eiane, Marguerite Kelly and Terri Sawyer for their financial oversight.

6. Purchase and Sales Agreement: Marguerite Kelly, Town Treasurer, reported that the Board previously signed a purchase and sales agreement with one of the two property owners foreclosed on December 15, 2008. Ms. Kelly, Administrator Eiane and Deputy Administrator Sawyer have met multiple times with the property owner of the second parcel and have developed an agreement for the Board's review. The agreement is somewhat unique with its lengthy repayment schedule of 54 months with an \$800 down payment. However, the agreement is realistic with payments of \$112.85 per month for the former property owner and does allow for prepayment, which the purchaser has indicated is her goal. Administrator Eiane stated that once the agreement is signed, the former property owner will be the party in possession and will be assessed the taxes. Ms. Kelly stated the Town Attorney is not fond of these agreements and that perhaps the policy should be reviewed and possibly amended. Selectman Wallace questioned if the purchaser is paying the Town's attorney fees. Administrator Eiane stated that the attorney has been used minimally and that the costs were not passed on. Selectman Henderson moved, seconded by Selectman Wallace to sign the land purchase installment contract for map 47, lot 95; motion passed 3-0.

7. Mitchell Field Implementation Committee Grant Application Request: Judith Redwine, chair of the Mitchell Field Implementation Committee. Ms. Redwine reported the Committee and the Land Trust is working together to bring a community garden to Mitchell Field about 1/3 of the way down the center road, allowing for easy access. The garden area allows a person to rent a plot for a fee and exchange of volunteer time. There was a discussion regarding the need for regulations to protect the bobalinks, promote the use of organic matter and have the garden be a teaching tool for the Town. Chairman Haible questioned who will be the contact person at the Town level and Selectman Wallace noted the need for DEP approval. Administrator Eiane questioned whether the Board was prepared to accept money from the Harpswell Heritage Land Trust for a specified use without knowing the conditions. Selectman Henderson preferred to have a connection with the Land Trust and written communication as to the amount of the gift and what is expected for its use. While Selectman Henderson supports the community garden concept, he wants the details of the arrangement with the Land Trust. Chairman Haible tabled the subject pending a formal letter from the Harpswell Heritage Land Trust including conditions; an itemized budget; map showing the proposed garden area; identification of a staff contact person; dimension of the site and proposed rules for the site.

8. Road Commissioner's Report: Bob Venard, Road Commissioner, stated that two roads were completed in the 2008 capital road project and approximately \$58,000 in general road maintenance was completed, including sweeping, filling potholes, ditching, culverts and beaver relocation. The winter was brutal and a major expense to the taxpayer with contractor fees and materials. The snow removal contracts expire in 2009 and should be considered for renegotiation or sending out to bid. In 2009, Ash Point Road is proposed for reconstruction upon Town Meeting approval and Ray Labbe & Sons is likely to perform the work since they won the bid in 2008 and agreed to hold prices. Mr. Venard stated the Board should consider posting roads since there is a town ordinance (determine which roads and how to enforce it). Chairman Haible noted how brutal the winter has been with extreme amounts of snow and how the contractors have had to push the snow back to make room and she hopes for tolerance from property owners with lawns close to the right of way.

9. Update on Cribstone Bridge Funding Request: Chairman Haible stated that Town Meeting approved appropriated \$35,000 for the preparation of the utilities under the Cribstone Bridge. The original quote was for \$35,000 and now the estimate has increased to \$45,000 and may be greater depending on 2009 estimates. The Board is obligated to \$12,000 to the Department of Transportation (DOT) and is asking Town Meeting for an

additional \$15,000 for the project. DOT needs to know whether the Town wants to proceed or not as everyday the price may be changing for the project and a commitment is needed one way or another. Administrator Eiane made clear that the cost may exceed the already approved \$35,000 and the proposed \$15,000.

10. 2009 Town Meeting Warrant

- **Proposed Recall Ordinance Amendments:** David Chipman, chair of Governance Committee, stated the Committee reviewed and approved the revised amendments to the Recall Ordinance. Mr. Chipman also noted the submittal of two memos to the Board regarding (1) secret ballot vs. town meeting floor items and (2) ideas regarding the continuance of the Committee. Chairman Haible asked for public input on the two memos. Selectman Henderson moved, seconded by Chairman Haible to place the 2/25 version of the Recall Ordinance on the warrant; motion passed 3-0. Each Selectman recommended the article.
- **Proposed Shellfish Ordinance Amendment:** Deputy Bradbury spoke about the need to remove the '2 years of the past 5 years' clause out of the resident renewal commercial license section in the Shellfish Ordinance. Deputy Bradbury stated that the number of available licenses is being held the same as last year and with the return of five people, who previously held a license in two years of the past five years, two persons that obtained their license in the 2007 lottery will not get a license in 2009. It's a difficult situation and more fair to require a licensee to hold a license each year. Deputy Administrator Sawyer stated the Board previously approved placing a Shellfish amendment on the warrant as long as the language is written to grandfather the '2 of 5 years' people to provide proper notice of the change in licensing requirements. The new language makes the effective date of the change in 2011 which allows adequate notice to licensees that they must fulfill their conservation obligation in 2009 which will allow them to apply for a license in 2010; therefore in 2011 the requirement that an applicant hold a license in the previous year will be effective. Deputy Administrator Sawyer stated she understood the Committee reviewed and approved the new language. David Wilson, of the Marine Resources Committee, stated he wished there was another way as two people who support their family with their licenses will lose them this year. Selectman Henderson responded he understood but that the new licensees were subject to that risk each year. Chairman Haible moved, seconded by Selectman Henderson to place the 2/24 version of the Shellfish Ordinance on the warrant; motion passed 3-0. Each Selectman recommended the article.
- **Proposed Harbor & Waterfront Ordinance Amendment:** The Board reviewed the final article on the subject and confirmed the recommendations listed in the warrant are correct.
- **Street Lighting Article:** Chairman Haible moved, seconded by Selectman Henderson to place on the warrant (\$28,500); motion passed 3-0. Each Selectman recommended the article.
- **Mitchell Field Performance and Zoning Standards Article:** Administrator Eiane explained that with the reductions in some budgets totaling \$5,000, the Budget Advisory Committee moved its recommendation of this article from outside the LD1 compliant budget to inside. The Board agreed with making the change with the Board's recommended budget.

11. Sign Municipal Warrant for Unlicensed Dog Owners: Administrator Eiane explained this warrant is to authorize the Animal Control Officer to pursue the owners who failed to license their dogs this year. Licensing your dog is State law and is in the Town's local ordinance and each person is sent a post card reminding them to license their dogs. Selectman Henderson moved, seconded by Selectman Wallace to authorize execution of the municipal warrant for owners of unlicensed dogs; motion passed 2-1 (Chairman Haible opposed).

12. Consider Extension to Cable Re-Franchising Agreement: David Chipman, of the Communications Committee, stated the Town is not ready to sign a new franchise agreement with Comcast and the Committee continues to work on the details for a new agreement. Mr. Chipman encouraged the Board to sign a 3-month extension to the existing Agreement. Chairman Haible moved, seconded by Selectman Henderson to extend the cable tv franchise agreement to May 1 or until a new one is signed if prior to May 1; motion passed 3-0.

12a. Agreement Regarding Performance Guaranty with Tower Specialists: Administrator Eiane stated this is a side agreement with Tower Specialists as a result of a Planning Board condition. The Agreement requires a letter of credit in the amount of \$16,000 with an escalator clause tied to an index, which will cover the costs for Tower Specialists to remove the tower and restore the property to its natural state upon termination of the lease. Administrator Eiane stated Mr. Strout can get his permit once the Town receives the revised letter of credit and proof of insurance. Chairman Haible moved, seconded by Selectman Wallace to sign the Agreement; motion passed 3-0.

13. Authorization of the Warrant: Chairman Haible moved, seconded by Selectman Henderson to approve warrant #13 in the amount of \$98,129.74; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to approve warrant #14 in the amount of \$507.79; motion passed 2-0 (Selectman Wallace abstained). Chairman Haible moved, seconded by Selectman Henderson to approve warrant #15 in an amount not to exceed \$900.00 to mail the Town Report; motion passed 3-0. Payroll warrant #9 in the amount of \$17,831.66 was noted for the record.

14. Approval of the Minutes: Chairman Haible and Selectman Henderson provided changes to the 2/5 and 2/12 minutes and the Board will review at the next meeting.

15. Public Comment: David Chipman stated the amount of the windmill request was changed to \$25,000 to try to fit it within LD1. Glenn Gott spoke against financial support of the Curtis Memorial Library and about the LD1 limit.

16. Adjournment: The meeting was adjourned by unanimous vote at 9:07 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Audited Financial Report Graph Summaries