

Board of Selectmen's Meeting Minutes
April 16, 2009
Harpswell Town Office
Approved on April 30, 2009

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Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; and Marguerite Kelly, Treasurer

At 5 p.m. the Board, acting as Assessors, met with applicants regarding abatement requests. Immediately following, the Board met to handle administrative matters: Flint Christie, representative of Kyes Insurance, addressed Tom Allen's (of Harpswell Festival, Inc.) request that the Town cover the event's liability insurance by stating that while it creates greater exposure for the Town, the Town could cover the event if it sponsored it; Tom Allen inquired of mowing Mitchell Field for the event and was informed of the minimal available budget; Selectman Multer encouraged the Festival to apply to the Town for funds during the annual budget process; Flint Christie reviewed the 2009 insurance renewal rate agreement and the Board agreed to renew its current coverage since prices were not increasing (remaining at about \$28,000 for the third successive year); the Board agreed to have the radar speed trailer located at the Mountain Road/Rt. 123 intersection, Mountain Road/Rt. 24 intersection and by the Bailey Island Fire Department for the two-week period; the Board scheduled April 30 at 5:00 p.m. as an executive session for the Town Administrator's annual performance review; the Board prioritized the Town's stimulus list; and the Board later signed a wharf notice of decision, a purchase order exceeding \$1,000 in value and thank you letters to the Governance Committee members.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:43 PM.

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

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Multer to amend the agenda by deleting item 13 and adding 21a.: Consider letter of support for Great Island Boat Yard and 21b.: Consider letter of interest for vernal pool mapping grant; motion passed 3-0.

2. Public Comment: Chairman Henderson asked for public comment on items not on the agenda. There were no comments.

3. Approval of the Minutes: Selectman Multer made changes to the March 31 and April 2 meeting minutes. Selectman Multer moved, seconded by Selectman Wallace to approve the March 31 minutes as amended; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the April 2 minutes as amended; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane stated she attended the last school consolidation workgroup meeting where Superintendent Wilhelm announced that if the West Harpswell School closes, it will not occur before September 2010 school year. Therefore, a Town time-line for voting is not necessary in the immediate future. Administrator Eiane stated she asked the Energy Task Force to look at reducing street lights, if the Board is willing, in the spirit of reducing energy consumption and to make recommendations as to the areas where lighting is needed for public safety. Administrator Eiane announced that in response to complaints regarding snow plow damage to lawns, six boys from Boy scout Troop #642, [Aaron, Noah, Jacob, Philippe, Mathew and Parker] helped rake up the areas and she thanked them for their community service. Administrator Eiane stated that after a staff meeting last week, it was decided to have Fridays be casual dress day and each staff person who participates may donate \$1.00. At the end of the year the total amount collected will be donated to charitable causes: the Harpswell Heating Assistance Program and the Coastal Humane Society. Administrator Eiane announced the Navy contract to remove the pipeline is set to be put out to bid next week.

5. Selectmen's Announcements: Selectman Wallace asked his colleagues if they wanted to consider meeting every Thursday through this busy season. Chairman Henderson reminded everyone to register their moorings before May 1 or the price will be doubled.

6. Old Business: There was no old business.

7. Wharf Applications: William Wells, Code Enforcement Officer, handed out a sheet regarding a colonial rights law that gives a person a right to the intertidal zone if his property abuts the water, which gives standing. Chairman Henderson asked that it be sent to the Town attorney for review.

- **Carleton Coon, JR., 135 Haskell Island, Map 75, Lot 15:** William Wells, Code Enforcement Officer, reviewed the application and stated there were no objections expressed at the on-site hearing. Chairman Henderson opened the hearing. Polly Kaufman spoke in favor of the application as Mr. Coon has stated everyone on the island can use the wharf. Chairman Henderson closed the hearing. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause an injury to the rights of others or create a hazard to navigation; motion passed 3-0.
- **Stephen Augat, Long Island, Map 75, Lot 7:** William Wells, Code Enforcement Officer, reviewed the application and stated there were no objections expressed at the on-site hearing. Chairman Henderson opened the hearing. No one spoke. Chairman Henderson closed the hearing. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause an injury to the rights of others or create a hazard to navigation; motion passed 3-0.

8. Consider Vault Improvements Project: Chairman Henderson read the memo from Deputy Town Administrator regarding the recommendation to sole source with Eliot Meade for the installation of the vault door and Downeast Energy for the purchase of the door. The Town was awarded a \$5,000 grant and the Town carried over \$3,185 in funds for this project. Chairman Henderson asked what qualifications Mr. Meade had to consider sole sourcing. William Wells, caretaker, responded that Mr. Meade has worked for the Town in the past and exemplified quality work and his price was very reasonable. Mr. Wells stated he searched quite a bit for a specialty vault door and Downeast is willing to sell it at cost since the manufacturer will not sell directly to the Town. Chairman Henderson moved, seconded by Selectman Wallace, to approve the purchase of the fire rated vault door with Downeast Energy for \$4,913.10 and the installation with Eliot Meade for \$2,650; motion passed 3-0.

9. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her report for the month of March (attached). Ms. Kelly reviewed the activity of the dedicated Emergency Vehicles Account. Ms. Kelly stated that one of the two property owners who have entered into installment contracts with the Town is current and one is behind and will be given a reminder. Ms. Kelly stated that the Town in the past did not offer credit card services as the fee could not be passed onto the customer and instead would need to be budgeted for by the Town. There is a bill in the legislature to allow municipalities to pass on the fee to the users. In the meantime, debit cards require a \$.75 fee per use, which could be absorbed into the Town's bank balance. The Town may test the system this summer. Additionally, the State of Maine is exempt from the 2% credit card charge and does allow towns to use its site, which Ms. Kelly will further look into.

10. Selection of Banking Institution for Tax Anticipated Financing: Marguerite Kelly, Treasurer, summarized the responses received that ranged in interest rate from 1.73% to 2.59%. Ms. Kelly recommended proceeding with Bath Savings for the \$3,025,000 borrowing with an interest rate of 1.73%. Selectman Multer moved the attached resolution, seconded by Chairman Henderson; motion passed 3-0.

11. Consider Adoption of Investment Policy: Deferred to a future meeting.

12. Mitchell Field Implementation Committee Update: Judith Redwine, chair of the Mitchell Field Implementation Committee, stated that haying will be done on the fields by July 20 and that Chuck Huntington, ornithologist, said it would be safe for the bob-o-link nests. Ms. Redwine asked the Board to consider posting signs about no vehicle traffic on the outer roads. Ms. Redwine stated the Committee wants to post the simple bulleted rules at the entrance of Mitchell Field and make the picture rules available as a handout. Selectman Multer commented on the difficulty to see the picture and markings on black and white. Ms. Redwine asked what the Board wanted to do with the fence leftovers after as much as possible is reused on-site. Chairman Henderson stated the Committee can come back when ready to discuss the disposal of the fence remains. Ms. Redwine stated that Rick Graves will be building 20 picnic tables for a scout project to donate for use at Mitchell Field. For anyone interested in the community gardens, they will be happening soon. Chairman Henderson moved, seconded by Selectman Multer, to authorize haying no earlier than mid-July, investigate posting notices prohibiting vehicular traffic on outer trails and approve handouts and signs as presented tonight; motion passed 3-0.

13. Consider Contractor Laydown Area for Pipeline Removal Project: Removed from agenda.

14. Harpswell Festival Request for use of Mitchell Field and Waiver of Insurance Request: Chairman Henderson stated the event is for two days and that Harpswell Festival, Inc. has requested that the Town cover the event for general liability by being a sponsor. Chairman Henderson moved, seconded by Selectman Wallace, that the Board approve the application submitted by Harpswell Festival, Inc. for the use of Mitchell Field for a community event on Saturday and Sunday, July 25 and 26, and waive the provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; that the Board agree to allow amplification of sound as described in the application, the use of motorized vehicles and use of the pier for fireworks and that Harpswell Festival, Inc. will be responsible for monitoring shorefront activity and for preventing unauthorized access to the pier; and the Town will participate as sponsor of the event and include the festival under the Town's general liability policy; motion passed 3-0. The motion was amended to state that the insurance coverage approval is for one year and that the sponsorship by the Town is not to be regarded as precedent-setting. Selectman Multer stated the Harpswell Festival, Inc. could apply to the Town for funds during the annual budget season.

15. Consider Request from HNFDP for Controlled Burn at Mitchell Field: David Mercier, Fire Chief Harpswell Neck, stated the bob-o-links won't nest until May 1 and that the Department would like to do a controlled burn prior to that date. John Leavitt, of the Maine Forestry Service, will work with the Department to make this a training session. The burning will help control ticks and train the volunteers. Chairman Henderson moved, seconded by Selectman Wallace to authorize a controlled burn by the Harpswell Neck Fire Department before May 1 at Mitchell Field as outlined in its request of Thursday, April 9, 2009 with the Harpswell Neck Fire Department assuming all liability and risk associated with this activity; motion passed 3-0.

16. Consider Selection of Contractor for Pott's Point Dock Project: Chairman Henderson read a summary of the bids received in response to the Town's RFP. Selectman Multer moved, seconded by Selectman Wallace to authorize the Town Administrator to sign a fixed price contract in the amount of \$29,750 with Robert Waddle, DBA Sebascodegan Marine, to repair the Town dock at Pott's Point; motion passed 3-0.

17. Committees

- **Reconsideration of Committee Status: Library and Sign Task Force:** Chairman Henderson stated the goal is to have a clear sign ordinance for businesses and others and that he would appreciate knowing what specific items are remaining to be addressed. Jennifer Verplanck, chair of the Sign Task Force, stated the group decided not to bring its changes to Town Meeting this year as there was one more to revise. Ms. Verplanck spoke against the Town Planner and one additional person writing an

ordinance for everyone and excluding the Sign Ordinance Task Force members. Chairman Henderson responded that ordinance changes are vetted through a process and then must be adopted by Town Meeting. Selectman Multer stated that when she was on the Task Force she supported the changes and the report submitted this year. However, there is more than one thing left to do, i.e. define a sign, signage for multiple businesses at a single site,, real estate signs, sign shapes, appeal process, and that she is not looking to make any part of the ordinance more restrictive. Selectman Multer stated she met with Carol Tukey, Town Planner, and that Carol suggested it would be more efficient to start over with a sign ordinance she has from another area and modify it to fit Harpswell. Selectman Multer explained it is difficult to engage 5 people in writing and that she proposed working with Carol and then vetting a draft through the Harpswell Business Association and Planning Board and then revising it based on the input. There are a lot of unpermitted signs in existence and perhaps some form of grandfathering could be incorporated. Ms. Verplanck stated the ordinance that Carol has suggested is not friendly or appropriate for Harpswell and to replace the current ordinance would make the Committee's hard work all for naught. John Verplanck agreed that group writing is more difficult but that it usually produces a better effort and product. Mr. Verplanck encouraged allowing the democratic process and to not use an ordinance from Pennsylvania for our small town. Linda Hall stated that the Board is currently looking for members for other Town committees but it is tough on volunteers to work hard and then be eliminated before completing the task. Richard Moseley supported the work of the Task Force and stated a fair product is needed for all businesses and he submitted a letter of support from Cook's Lobster House and the Island Candy Company. Selectman Multer suggested the first step would be to get a business group together like Task Force members and brainstorm the needed items. Then, Carol, herself and one member of the Task Force can draft changes and send it out for review. Chairman Henderson stated that Selectman Multer's commitment to the issue is well-intentioned and designed to move the process along. Selectman Wallace expressed concern about consuming a lot of Carol's time writing a new ordinance. Chairman Henderson asked when the Task Force could complete its final report. Ms. Verplanck responded within a month if Carol is available. Chairman Henderson stated the Task Force should be able to complete its work with or without Carol since it was almost completed and that he would be willing to continue the Task Force for another month to allow the work to be completed. Susan Horowitz suggested seeing what parts of the Pennsylvania ordinance could be put into the Town's ordinance instead of replacing it. Chairman Henderson moved, seconded by Selectman Wallace to reconsider the action whereby the Sign Task Force and Library Committee were discontinued; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to continue the Sign Task Force for the foreseeable future and that its final report be submitted to the Board by May 22; motion passed 2-1 (Selectman Multer opposed). No action was taken on the Library Committee.

- **Discussion of Possible New Committees:** Item not discussed.
- **Liaisons & Mission Statements:** Item not discussed.
- **Committee-wide Meeting, Saturday, May 15, 9:30 A.M.:** The Board agreed to wait to set this meeting.

18. Review of 2009 Capital Road Project: Ash Point Road: Administrator Eiane stated the Board is to consider how to proceed with the 2009 Capital Road Project of Ash Point Road; either to send the project out to bid or sole source with Ray Labbe & Sons. During the 2008 project, Ray Labbe & Sons was the low bidder and won the contract for Grassy Road, Steamboat Road and for a portion of Ash Point Road. Due to the lack of funding, Ash Point Road was delayed and it was discussed at the time to continue with Ray Labbe & Sons for Ash Point once funding became available. Ray Labbe & Sons agreed to hold or reduce the prices and the price of asphalt is lower now for the entire Ash Point Road project for a total project cost of perhaps approximately \$600,000 to \$650,000. Chairman Henderson moved, seconded by Selectman Wallace to authorize the

Administrator to negotiate a contract with Ray Labbe & Sons, Inc. and with Woodward and Curran for \$2,700 to create contract documents; motion passed 3-0.

19. Resolve to MSAD Board of Directors Re: Closing of West Harpswell Elementary School: Chairman Henderson stated he drafted this resolve to assure the Town gets plenty of notice once a decision is made by MSAD 75 to close West Harpswell School. As of today, there has not been a formal decision to close the school but it appears the recommendation will be to close the school for the 2010-2011 school year. Selectman Multer suggested some changes to the tone of the resolution since the date of closing has already been deferred. Linda Hall suggested a change from stating the school will close to should the school close. Susan Horowitz commended the Board for taking this step. Emile Chonko asked that the distinction of West Harpswell School be left out and instead refer to a Harpswell School. Chairman Henderson moved to adopt the Resolution as amended. Signe Daniel asked if it is decided to close the school, what time frame would the Town be looking at for a vote. Administrator Eiane responded that it would be up to the Selectmen to decide a good time but that the final cost figures would be needed from MSAD 75. Chairman Henderson stated that November may be a logical time for a vote to allow for a series of meetings in the summer. Administrator Eiane stated that the Board should be thinking about the necessary time requirements including 30 days for a ballot and 45 days for notification. Selectman Wallace seconded Chairman Henderson's motion; motion passed 2-0 (Selectman Multer abstained).

20. Marine Patrol Contract with Cumberland County: Administrator Eiane explained that a new marine patrol officer will be replacing one of the Town's existing officers at a lower rate. Therefore, the contract for review tonight is less than Town Meeting approved. Chairman Henderson moved, seconded by Selectman Wallace to sign the agreement for Marine Patrol with Cumberland County with an effective date of April 1, 2009 for \$165,192.53; motion passed 3-0.

21. Lease Agreements

- **Orr's/Bailey Island Fire Department – Ambulance:** Administrator Eiane explained the funding for this ambulance was borrowed and therefore the lease is subject to additional language. The ambulance has arrived. It will be paid for and the appropriate papers exchanged tomorrow, if approved. Chairman Henderson moved, seconded by Selectman Wallace to approve the lease agreement and arbitrage agreement, as presented, with the Orr's/Bailey Island Fire Department for use of a 2009 ambulance 4E chassis; motion passed 3-0.
- **Wharves at Orr's Island Bridge:** Chairman Henderson stated that the users of wharves attached to Town property at the Orr's Island Bridge site must enter into annual lease agreements with the Town. Selectman Multer moved, seconded by Chairman Henderson to continue the leases as previously handled; motion passed 3-0. Deputy Administrator Sawyer provided some background from last year's lease process in which Chairman Haible and Selectman Henderson wanted to consider alternative options for the property and to solicit input from certain Town committees. Last year, ownership of the property was not clear and therefore, a survey was completed by Brian Johnson in December 2008, which confirms the Town's ownership. With this issue resolved, Deputy Administrator Sawyer asked if this Board wanted staff and certain committees to proceed with the review of uses and Chairman Henderson responded in support of proceeding.

21a. Consider Letter of Support for Great Island Boat Yard Grant Application: Administrator Eiane stated that the Great Island Boat Yard is applying for the federal small shipyard grant package to interconnect seven site buildings with telephone and data service; install backup generation for work shops; increase hauling capacity to 65' boats. Great Island Boat Yard has asked for a letter of support of its application from the Town. Chairman Henderson questioned if there were any other applicants vying for the same funding and

Administrator Eiane responded that no one has contacted her. Selectman Multer moved, seconded by Chairman Henderson to send a letter of support; motion passed 3-0.

21b. Consider Letter of Interest for Submission of Grant Application by the Town's Conservation Commission in Collaboration with Harpswell Heritage Land Trust for Mapping Vernal Pools: Mary Ann Nahf, chair of Conservation Commission, asked the Board to approve the letter of interest for the Quality of Place Initiative, offered through Environmental Funders Network. The request is for funding a fly over of Harpswell to begin the vernal pools mapping process. Ms. Nahf explained that this application would be in collaboration with the Harpswell Heritage Land Trust and that matching funds are not required. Chairman Henderson moved, seconded by Selectman Wallace to submit the Letter of Interest from the Town and Harpswell Heritage Land Trust to Environmental Funding Network; motion passed 3-0.

22. Consider Abatement Requests: Chairman Henderson explained the Board met with Debora Turner and Curt Lebel, Assessing Agents, earlier to review the two abatement requests and that one applicant, Norman Stevens attended the meeting. Chairman Henderson explained that the Jeannette G Morin Real Estate Trust application (for map 47, lot 159) stated the assessment was inequitable but did not submit any evidence. Chairman Henderson moved, seconded by Selectman Multer to deny the application; motion passed 3-0. Chairman Henderson stated that the Norman Steven, Sr. application (for map 46, lot 52) is for property split in two parcels and that Mr. Stevens contends the larger parcel is primarily wetlands and therefore does not have the value that it is assessed at. Chairman Henderson stated there was no scientific evidence to change the assessment and that the Board recommended to Mr. Stevens that he obtain certified soil information for the parcel and submit it to the Assessing Office for consideration with the 2009 tax assessment. Chairman Henderson moved, seconded by Selectman Multer to deny the application; motion passed 3-0.

Selectman Multer expressed concern about there being only 3 remaining members on the Sign Ordinance Task Force. Administrator Eiane was directed to contact the chair for suggestions for additional members.

23. Authorization of the Warrant: Selectman Wallace moved, seconded by Selectman Multer to approve warrant #25 in the amount of \$1,001,942.44; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #26 in the amount of \$9,555.56; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Multer to approve warrant #27 in the amount of \$85,725.00; motion passed 3-0. Payroll warrant #16 in the amount of \$14,210.78 was noted for the record.

24. Public Comment: None.

25. Adjournment: The meeting was adjourned by unanimous vote at 9:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

Vote of the Board of Selectmen Authorizing Tax Anticipation Borrowing
[Attachments are available at the Town Clerk's Office or by email at harpswell@gwi.net]