

Board of Selectmen's Meeting Minutes
July 24, 2008
Old Town Meeting House
Approved August 7, 2008

Page 1 of 5

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

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

The Board met at 5:30 p.m. to handle administrative matters; Jim Wentworth, of DOT, discussed the costs associated with prepping the Cribstone Bridge sidewalk for the future installation of the utilities and that they may exceed the approved \$35,000; the Board reviewed a request from Topsham concerning an on ramp to I-295 and more information was requested; Maine Municipal Association elections were reviewed and declined to submit by the Board; correspondence from Comcast regarding digital conversion was reviewed; requisition forms and letters were signed; the Planner was asked to review impact fees for development; the Board set July 31 at 6:30 p.m. as a meeting to set the mill rate, August 21 at 5:30 to meet with a taxpayer and chose August 12 to meet with Matthew Kurtz and the Pipeline Committee.

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Haible at 6:35 p.m. with the Pledge of Allegiance. The meeting was videotaped for later rebroadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Haible moved, seconded by Selectman Henderson to adopt the agenda as printed; motion passed 3-0.

2. Welcome – President David Hackett of the Harpswell Historical Society: Chairman Haible introduced David Hackett who provided a brief history of the Old Town Meeting House.

- **Presentation by Cumberland County Commissioner:** Malory O. Shaughnessy, County Commissioner, presented an official resolution from the County Commissioners in honor of the Town's 250th Incorporation. Chairman Haible read a letter from Senator Susan Collins congratulating the Town on its celebration.

3. Town Administrator's Report: Administrator Eiane stated it was an honor to be involved in having a Selectmen's meeting in the historic Old Town Meeting House site. Administrator Eiane reported that the Maine State Housing Authority has grant and loan programs to help with weatherizing homes, which could help cut fuel costs, and encouraged the public to contact the Town for the contact information. Administrator Eiane announced that she plans to advertise for the Recycling Center/Transfer Station Manager position and that it is likely Mr. Gordon will continue working until the end of August.

4. Selectmen's Announcements: Chairman Haible spoke kind words of Ken Cichon, who passed away this week and was a dedicated volunteer for the Town. Selectman Henderson and Selectman Wallace expressed sorrow and thoughts for Mr. Cichon's family. Selectman Wallace thanked Laddie Whidden for his daily dedication to raising and lowering the flag at the Old Town Meeting House.

5. Old Business:

- **Orr's Island Lease Agreement with George Morgan:** Chairman Haible noted that George Morgan declined to attend this meeting. Chairman Haible stated Harpswell is a commercial fishing Town and that she supports leasing the area to commercial fisherman and that many who currently hold leases are no longer commercial fishermen. Chairman Haible stated she could consider signing this lease with both George Morgan and his son, James Morgan, as lessees but that before next year, the issues needs to

be revisited and the best use of this property reviewed by Town committees. Selectman Henderson stated that he is not inclined to sign the lease with the son added as the Town has a policy not allowing rights to be transferred to the current lessees' families or others. Selectman Wallace spoke of when he fished from this location many years ago and that the current lessees have been there a long time and should be allowed to continue and to transfer the right to family members. There was discussion about the property being public property and how to make use of it equitably and fairly and Selectman Henderson presented some ideas in writing. David Chipman stated the leases were created when he was a Selectman and the intent was to legalize the presence of those who existed on the site. David Mercier stated he too was a Selectman at the time and that the location is unique as the land may have been created by DOT and that the leases were to protect only those that were there. Selectman Henderson moved, seconded by Chairman Haible to continue the lease with George Morgan only and not his son; motion passed 2-1 (Selectman Wallace opposed). Chairman Haible asked staff to prepare questions and a scope of work for committees to review for this site.

- **Harpswell Community Broadcast Agreement:** Administrator Eiane reported that she and Marguerite Kelly met with President Tom Allen and David I. Chipman and an equipment list was developed, the agreement had a minor revision and it's been provided to HCBC, where it is expected to be signed at an upcoming Board meeting. Tom Allen stated that HCBC wants to sign the agreement and that there is just one open issue; HCBC may need to be the owner on record for the transmitter for licensing purposes. Donna Frisoli reviewed the licensing process and stated that HCBC understands the Town owns the transmitter but that that may cause an issue with licensing. Ms. Frisoli suggested that if there is an issue, perhaps a warrant article could be brought before voters to give ownership of the transmitter to HCBC. HCBC will get back to the Town as more information is available.
- **Harpswell Festival Fireworks Request:** Tom Allen reviewed that the Board previously approved \$1,000 for the fireworks display at the Harpswell Festival and indicated at the time that the issue could be revisited as the event came closer. Mr. Allen stated the Festival has committed \$3,000 for the fireworks plus an additional \$800 raised through funding efforts. Administrator Eiane stated that \$4,000 was raised and appropriated for the Town's 250th Incorporation Celebration budget and that if the Board wanted to authorize an additional amount, she recommended using the same motion as before. Chairman Haible moved, seconded by Selectman Henderson to authorize \$500 from the 250th celebration budget with the understanding that contingency may have to be used if the \$4,000 budget is entirely expended; motion passed 3-0.

6. Maine Bond Bank Application: Marguerite Kelly, Town Treasurer, stated the application to the Maine Bond Bank is due August 6 and that the Town is applying for \$500,000 for the purchase of emergency vehicles and she recommended a 10 year repayment schedule since that is the expected life of the ambulances. Ms. Kelly asked the Board to authorize herself and the Chairman to sign the application. Selectman Henderson moved, seconded by Selectman Wallace to authorize Chairman Haible and Ms. Kelly to sign the application to the Maine Municipal Bond Bank; motion passed 3-0. Ms. Kelly noted the Town will be entering into lease agreements with the Fire Departments.

Positive Pay Recommendation: Marguerite Kelly stated that TD Banknorth offers a positive pay service where the Town would electronically send each check number, amount and date from each warrant to the bank, which they will use for verification purposes during check clearing. Ms. Kelly recommends utilizing the service which will require the Town to increase its target balance from \$60,000 to \$120,000, which will result in an approximate loss of \$1,200 in interest revenue but noted the extreme security benefits such as making the bank liable for clearing an adjusted check amount. Selectman Henderson moved, seconded by Chairman Haible the Town implement positive pay on its 2 disbursement accounts, unless upon further investigation the administrative costs are too onerous or unless the liability has not shifted to the bank; motion passed 3-0.

7. Wharf Applications: Chairman Haible moved, seconded by Selectman Henderson to open the hearings at 7:53; motion passed 3-0.

- **Paul Fillion, 12 Wallace Shore Road Extension, Map 53, Lot 71:** Bill Wells, Code Enforcement Officer, explained the site has an existing wharf which is 10-feet wide, made of concrete and is under water at high tide. The proposal is to construct a new system 6-feet wide above the existing concrete base. Selectman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause a hazard to navigation or injury to the rights of others; motion passed 3-0.
- **Andrew Techet, 112 Shore Road, Map 53, Lot 81:** Bill Wells provided the layout of the proposed system and stated it meets the standards. Selectman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause a hazard to navigation or injury to the rights of others; motion passed 3-0.

Chairman Haible moved, seconded by Selectman Henderson to close the hearings at 7:59; motion passed 3-0.

8. Department of Transportation Memorandum of Understanding: Selectman Henderson stated the Board discussed this topic during the administrative meeting with Jim Wentworth from DOT. Town Meeting approved \$35,000 in 2007 to prepare the bridge's sidewalk for the possible future installation of the utilities. DOT has informed the Board the costs may be greater than \$35,000 and that there is time to decide and commit to the full costs at a later date and to possibly bring the issue back to the voters. In the meantime, there is a portion of the costs that the Town is morally obligated to pay since DOT has committed, on behalf of the Town, certain funds (approximately \$13,000) and Selectman Henderson stated he would like to approve that commitment. Chairman Haible stated there was time to review all the costs, including the portion that DOT has committed as the funds have not been expended. Chairman Haible moved, seconded by Selectman Wallace to table this item; motion passed 2-1 (Selectman Henderson opposed).

9. Update from Harpswell Community Housing Trust: Sudie Coles provided an update on the Greater Brunswick Housing Corporation affordable housing project, Hamilton Place; 13 homes are planned and there are approximately 20 qualified applicants. Ms. Coles reviewed the need for affordable housing in Harpswell for its workforce, with the low median income, and for its seniors. Ms. Coles encouraged anyone with questions about Hamilton Place to contact her at 729-3746. Howard Nannen reported that the Housing Trust is working with the Housing Corporation in fundraising for the Hamilton Place project and that there will be a show on Channel 14 soon about the project. Mr. Nannen reiterated the need for affordable housing and that the Town's comprehensive plan calls for a Town committee and an outside group to work on fulfilling this need. Applications for the Hamilton Place can be obtained at the Town Office, at Brunswick Housing Corporation and on its website: www.brunswickhousing.org.

10. Mitchell Field Update

- **Entrance Fence Request:** Don Miskell, member of Mitchell Field Implementation Committee, showed a power point presentation detailing phase I of the plan to open the entrance fence to the public. Phase I is to construct a low fence with power poles behind the existing fence and then remove the existing chain link fence. Minimal materials and supplies will be needed as the poles are being donated and the work will be accomplished with volunteers. All of the removed chain link fence is to be stored in a building. There was a discussion about vandalism and incidences of the use rules not being followed. Law enforcement has been asked to patrol the site two times a day. Selectman Henderson moved, seconded by Selectman Wallace to approve phase I; motion passed 3-0.
- **Boat Launch and Float Facility Grant Application:** Carol Tukey acknowledged the loss of Ken Cichon. Ms. Tukey requested the Board authorize her to send a letter to the Department of Conservation as a beginning stage of the grant process for a boat launch and float facility for Mitchell Field. Chairman Haible moved, seconded by Selectman Henderson to support the application; motion passed 3-0. Administrator Eiane noted if the grant is awarded, it requires Town Meeting approval to accept it.

- 11. Energy Task Force Report:** David I. Chipman, chairman of the Energy Task Force, reported on the Committee's work as listed in its July 17 minutes. Richard Newman, member, reported on the planned trips to Saco and to Mars Hill.
- 12. Decision Tax Exempt Status:** Chairman Haible stated the Board reviewed the options pertaining to the tax-exempt status of the Old Orr's Island Schoolhouse in executive session on the July 17. Selectman Henderson stated the Board has a letter drafted from the attorney to consider. Selectman Henderson suggested an additional sentence to the letter and that the Board limits the private functions to 50 days per year. Chairman Haible read the proposed letter to be sent to Charlie Johnson, President of the Orr's/Bailey Fire Department. Selectman Henderson moved, seconded by Chairman Haible to send the letter including the amendment and with the number of days equaling 50; motion passed 3-0. Usher Moren, Chairman of the Schoolhouse Committee, stated he would like to rent to more community events and less artists.
- 13. Request for Proposals for Skid Steer:** Administrator Eiane explained the Recycling Center/Transfer Station manager, Jim Gordon, would like to send out request for proposals for a new skid steer to replace the existing skid steer. Selectman Henderson questioned if this piece of equipment would be needed if the Town moved to single stream recycling. Administrator Eiane responded the Town needs some time to make a decision regarding single stream recycling and time for implementation. Selectman Wallace stated that the current skid steer is not functioning properly and is an environmental and safety hazard with leaking hydraulic fluid. Chairman Haible moved, seconded by Selectman Wallace to authorize the manager to send out the request for proposal; motion passed 3-0 as the issue can be further reviewed upon receipt of the bids.
- 14. Department of Marine Resources Memorandum of Understanding:** Chairman Haible explained DMR would place monitoring equipment near the Town Office that would monitor rain fall and other weather facts that would aid in determining shellfish openings and closures. Chairman Haible was concerned of the clause in the agreement that holds the Town responsible for maintenance of the hardware and software. Chairman Haible moved, seconded by Selectman Henderson to table this item for further clarification; motion passed 3-0.
- 15. Appointment of Sealer of Weights and Measures:** Chairman Haible read portions of Mr. Levesque's letter explaining the Town has had a sealer since 2003, when he resigned, since the State is short staffed and that he was willing to do it again. Selectman Henderson requested information on what Mr. Levesque charges to the businesses and what his qualifications are. Chairman Haible moved, seconded by Selectman Wallace to appoint Mr. Levesque as the sealer of weights and measures pending a satisfactory review of his fees and statement of qualifications; motion passed 3-0.
- 16. Disposition of Municipal Vehicle:** Selectman Henderson moved, seconded by Chairman Haible to place the 2003 Crown Victoria (the one with more mileage) out for public sealed bid; motion passed 3-0.
- 17. Salary Adjustment:** Selectman Henderson explained his review of the salary survey for the Town Administrator and recommended a 7% increase. Chairman Haible explained she reviewed the information and recommended a 6% increase. Selectman Wallace recommended at 5% increase since the economy is tough and the budget needs to be watched. The Board agreed that Administrator Eiane's performance is outstanding. Selectman Henderson agreed to proceed with 6% and noted that there should be movement to bring the Administrator's pay more in line with other towns. Selectman Henderson moved, seconded by Chairman Haible to increase the Town Administrator's salary from \$60,822 to \$64,471; motion passed 2-1 (Selectman Wallace opposed).
- 18. Authorization of the Warrant:** Chairman Haible moved, seconded by Selectman Henderson to approve

warrant 45 in the amount of \$18,807.53; motion passed 2-0 (Selectman Wallace abstained). Selectman Henderson moved, seconded by Chairman Haible to approve warrant 44 in the amount of \$120,005.75; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 46 in the amount of \$500; motion passed 3-0. Administrator Eiane stated that due to the Town's policy, one Selectman can sign the payroll warrant and therefore a vote is not needed for payroll warrant 30 in the amount of \$18,359.18.

19. Approval of the Minutes: Chairman Haible moved, seconded by Selectman Henderson to approve the minutes of July 2, July 10 and July 17; motion passed 3-0.

20. Public Comment: Donna Frisoli encouraged the public to apply for the \$40 digital converter box coupon and then to purchase an analog pass through DTV converter box soon and not to wait until the February 17, 2009 conversion date. There may be potential problems for those in rural areas and she offered to have anyone needing help to contact her at 833-2363. There is a website and toll free number to contact with questions and to apply for the coupon: www.dtv2009.gov and 888-DTV2009.

21. Adjournment: Chairman Haible thanked everyone involved in making the meeting possible at the Old Town Meeting House. The meeting was adjourned by unanimous vote at 10:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Mitchell Field Power Point Presentation