

**Board of Selectmen's Meeting Minutes**

**April 2, 2009**

**Harpswell Town Office**

Approved on April 16, 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; and William Wells, Code Enforcement Officer

The Board met at 5:30 p.m. to handle administrative matters: the Board noted the legal session date of April 9 at 5:00 p.m.; the Board met with Debora Turner, Assessing Agent, to review two abatement requests and the Board set April 16 at 5:00 p.m. as a meeting with the applicants; the Board agreed to have all meeting/workshops taped; the Board approved a trial period with the changes in the agenda; the Board agreed to attend the Marine Resource Committee meeting on April 28; the Board agreed with Selectman Multer to add a section to the Town's website for items of interest from Augusta; the Board asked staff to investigate a Town Meeting article that allowed the Board to accept non-monetary gifts; the agenda was reviewed; and two purchase orders exceeding \$1,000 in value were reviewed and signed.

**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 Henderson moved, seconded by Selectman Wallace to amend the agenda by adding 6a. Finding of Fact for Shellfish Hearing; removing items 7b., 11., and 18.; motion passed 3-0.

**2. Public Comment:** Chairman Henderson stated the change in the agenda; in particular adding a public comment period in the beginning on an experimental basis for comment on items not on the agenda. Donna Frisoli, of Harpswell Community Broadcast, stated after twelve years of working on a Broadcast license, it has been received and is good for 6 years. Tim Richards stated his name was brought up at the Eliot Boyce hearing and he was unsure why. Mr. Richards asked the Board if Mr. Boyce changed his address with the Town within 10 days. Chairman Henderson stated he did not know the answer.

**3. Approval of the Minutes:** Selectman Multer made changes to the March 19 meeting minutes. Chairman Henderson moved, seconded by Selectman Wallace to approve the March 19 minutes as amended; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the March 23 minutes as printed; motion passed 2-0 (Selectman Wallace abstained).

**4. Town Administrator's Report:** Administrator Eiane reiterated that the legal counsel meeting with the Board is on April 9 at 5:00 p.m. where the board roles, email etc, will be reviewed. Administrator Eiane announced the next School Consolidation Work Group meeting is Monday, April 6 at 6:00 p.m. at West Harpswell School. Administrator Eiane complimented the school for forming this group to review such a difficult topic and the Town's website now has a link to MSAD 75 and the consolidation process. Administrator Eiane announced the Town has been awarded all three grants applied for through the CDBG process; \$25,000 for Mitchell Field, \$10,000 for home energy efficient improvements for low to moderate income families and \$40,000 for Hamilton Place. Administrator Eiane explained the Town may need a legislative body vote to accept the funds for Hamilton Place since there has not been a vote approving the use previously. Administrator Eiane stated she would like to form a workgroup to review and recommend a new snow plow contract with one Selectman, Road Commissioner, Treasurer and herself and will come back to the Board with a process recommendation.

**5. Selectmen's Announcements:** Selectman Wallace stated he received a call from a resident regarding the dumping of deer carcasses on Bethel Point and he thanked the volunteers that cleaned up 350 pounds of dumped carcasses. Selectman Wallace pleaded with the public to keep a look out for suspicious activity at the area. Selectman Multer expressed an interest to add a section to the Town's website for items of interest from Augusta and that there may be some items the Board may want to take a position on. Chairman Henderson handed out his draft goals and reviewed each one.

**6. Old Business:** There was no old business.

**6a. Findings of Fact for Shellfish Hearing:** Chairman Henderson stated the Board appreciated Deputy Bradbury's enforcement of the Shellfish Ordinance and that the approval of Mr. Boyce's appeal is no reflection on the Marine Wardens. Administrator Eiane read the Findings of Fact, Decision, Reasoning and Appeal document (attached). Administrator Eiane stated that in general someone would have to have standing to appeal the decision – be aggrieved and have participated in the hearing. Chairman Henderson moved, seconded by Selectman Wallace to adopt the findings of fact. Chairman Henderson retracted his motion and Selectman Wallace retracted his second. Chairman Henderson moved, seconded by Selectman Wallace to adopt the findings, decision, reasoning and appeal as outlined in the document; motion passed 3-0.

**7. Wharf Applications:**

- **Karen McElwey, 131 Abner Point Road, Bailey Island, Map 21, Lot 10:** William Wells, Code Enforcement Officer, reviewed the application and process. Chairman Henderson noted the Board's authority is limited to the Wharves and Weirs Act regarding navigation hazards or injury to the rights of others. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause an injury to the rights of others or cause a hazard to navigation; motion passed 3-0.
- **Carleton Coon, JR., 135 Haskell Island, Map 75, Lot 15:** Removed from the agenda.

**8. Request for Proposals for Pott's Point Town Dock:** Jim Hays, Harbormaster, stated that Town Meeting approved funding for the repairs to the dock. Staff is prepared to send out the request for proposals to make the critical repairs by Memorial Day (if possible) to the local wharf builders with a return date of April 16. Staff will review the responses for a recommendation for the April 16 meeting. Selectman Multer moved, seconded by Chairman Henderson to send out the RFP as prepared; motion passed 3-0.

**9. Consider Grant Application for Harbor Management Plan:** Jim Hays, Harbormaster, stated he would like to submit the Shore and Harbor Technical Assistance Grant Application to the State Planning Office to hire a consultant to help prepare a Harbor Management Plan. The grant request is \$20,000 with a 25% in-kind match. Selectman Multer expressed concern about the aggressive timeline. Chairman Henderson moved, seconded by Selectman Multer to approve submitting the grant; motion passed 3-0.

**10. 7:00 PM Public Hearing on Liquor License for Morse Lobster, LLC D/B/A Estes Lobster House, 1906 Harpswell Neck Road:** Chairman Henderson moved, seconded by Selectman Wallace to open the hearing; motion passed 3-0. No one from the public commented and the hearing was closed. Deputy Administrator Sawyer explained the site itself has certain restrictions, regardless of who operates a restaurant there and recommended conditions if the Board approves the license: 1. limit the seating and food license to 150; 2. require the water usage records; and 3. require parking standards to be met (including the 24 available spaces on Lot 110). Chairman Henderson responded that since the points are existing conditions on the site, it wasn't necessary to make them conditions of approval. Chairman Henderson moved, seconded by Selectman Wallace to reopen the hearing when an interested party arrived; motion passed 3-0. Samuel York, neighbor to Estes Lobster House, expressed concern about disorderly conduct, law enforcement coverage, water usage and the septic system. Chairman Henderson stated that the restaurant was previously opened with a vinous and malt

license and was adequately covered by law enforcement. Deputy Administrator Sawyer reiterated that the size is limited to 150 seats, as previous, and that water usage records will continue to be submitted to the Code Office for review. William Wells, Code Enforcement Officer, stated the usage records in the past show that the usage doesn't come close to what is allowed. The hearing was closed. Chairman Henderson moved, seconded by Selectman Multer to approve the license with the understanding that all other property limitations are in effect; motion passed 3-0.

**11. Consider Contractor Laydown Area for Pipeline Removal Project:** Removed from the agenda.  
[Referred to Pipeline Advisory Committee]

**12. Town Line Boundary Issue:** Chairman Henderson read the draft letter (attached) to the Town Brunswick inviting them to sit down and discuss the boundary issue. Chairman Henderson moved, seconded by Selectman Multer to send the letter, as amended with a request to hear back by the end of April, to the Brunswick Councilors; motion passed 3-0.

**13. Update on Work Group Studying Consolidation of Harpswell Elementary Schools**

- **Appointment of Community Member:** Chairman Henderson explained that Superintendent Wilhelm asked the Town to appoint a community member, someone without children in either Harpswell elementary school, to the Work Group and the Board asked for interested parties at its last meeting. In response, Linda Hall applied and attended the last meeting. Chairman Henderson moved, seconded by Selectman Wallace to appoint Linda Hall; motion passed 3-0.
- **Possible Timeline for Vote:** Selectman Multer stated that there were many concerns expressed by parents at last Monday's meeting, particularly the quick pace and aggressive schedule. Administrator Eiane explained that before the WHS could be closed there are two decisions required: 1) a 2/3 majority vote of the school board and; 2) the Town must have a vote. The Work Group plans to meet as often as possible during April to make its recommendation to the school board for a vote. If two-thirds of the school board votes to close the school, the Town could hold a vote during the time of the school budget vote on June 9, but Administrator Eiane questioned whether that time frame was too aggressive. A vote held in late June or July may give more time for community discussion and would occur after the budget had been adopted. The ballot must be made available 30 days before a scheduled vote. Chairman Henderson stated he believed the school budget would be known by the vote and was concerned about holding a Town vote closer to the beginning of the school year. Administrator Eiane questioned what power the voters will have at the May 30 school budget, more specifically whether the voters could reduce the budget in areas and keep the school open. Selectman Multer responded that the voters can change the budget but cannot change policy and keep the school open if it is voted to be closed. CV Noyes commented that if Topsham's tax increment financing value is included in the formula then Harpswell would save \$90,000, which may help save the school. Chairman Henderson asked if the Work Group was considering all ideas, such as closing a portion of the school and the cultural value. Selectman Multer responded that the Work Group will certainly hear all ideas and noted that the rationale to close the school is also about how inequitable the situation is with providing services to such a small school. CV Noyes expressed concern about the loss of young families and subsequent problems in obtaining new volunteer firemen if the school closes. Chairman Henderson stated he was in favor of having a Town vote at the same time as the school vote and asked for a time table to be prepared.

**14. Committees: Call for Volunteers, Discussion of Possible New Committees, Liasons & Mission**

**Statements:** Chairman Henderson asked the Board to review the mission statements for discussion at the next meeting. Chairman Henderson reviewed the list of committees and suggested eliminating the Governance and Library committees. Selectman Multer suggested eliminating the Sign Ordinance Task Force as she stated after speaking with Carol Tukey, Town Planner, that the ordinance should be created from scratch instead of

continuing to modify the existing. Once the Planner has a proposal, it can be vetted through the Harpswell Business Association, Planning Board and former members of the Sign Ordinance Task Force. Chairman Henderson moved, seconded by Selectman Multer to discontinue the Sign Ordinance Task Force, Governance and Library Committees with thanks; motion passed 3-0. Chairman Henderson requested that each existing committee member on the continuing committees be sent an application for appointment for the new term; that members are asked to consider 2 year terms; and that committee applications be placed in the libraries and local stores and restaurants. The Board will set a date for a committee-wide meeting in the near future.

**15. Consider Purchase Agreement with Northern Data Systems Re: Municipal Software:** Deputy Administrator Sawyer stated that Town Meeting approved this appropriation to upgrade the current UNIX version of the municipal software used by the Town to the windows version. The upgrade is necessary as the current version will no longer be supported. Another reliable municipal software company was solicited and the quote was over \$100,000. Deputy Administrator Sawyer recommended the windows upgrade with Northern Data as it is the most cost effective option and will have the least impact to staff and everyday processes. Chairman Henderson moved, seconded by Selectman Multer to approve the Purchase Agreement for \$30,839; motion passed 3-0.

**16. Contracts with Cumberland County: Marine Patrol and Law Enforcement:** Administrator Eiane stated that the Marine Patrol Contract is not available yet as the County is working on new figures due to a less senior officer which will reduce the contract price. The Law Enforcement contract has three officers and one new vehicle for \$336,626.18. Administrator Eiane stated the Board met with Captain Davis and Sheriff Dion a couple of weeks ago to gain a better understanding of the services provided by the County. Chairman Henderson moved, seconded by Selectman Wallace to approve the general law enforcement contract effective April 1, 2009 to March 31, 2010; motion passed 3-0.

**17. Explore Volunteers in Police Service Contract:** Chairman Henderson explained the Board heard about this program at the meeting with Cumberland County and asked Administrator Eiane to look into the program and check with other communities who have implemented such a program for more details.

**18. Consider Abatements:** Removed from the agenda.

**19. Consider Collective Bargaining Agreement:** Chairman Henderson explained that he and Selectman Multer have been involved in reviewing the new collective bargaining agreement and not Selectman Wallace as he is a member of the Union. Administrator Eiane summarized the main highlights of the agreement: the three year term; 3% pay increase for 2009, 2% in 2010 and 2011; new wage scale based on longevity; all positions have the same job description; health insurance contribution changes for new employees; and a new schedule that includes being closed on Sunday and Monday and open Tuesday through Saturday. Chairman Henderson moved, seconded by Selectman Multer to approve the Bargaining Agreement effective January 1, 2009 through December 21, 2011; motion passed 2-0 (Selectman Wallace abstained).

**20. Consider Coastal Humane Society Contract:** Administrator Eiane explained that State law requires each municipality to have a place for stray animals. The Town's Animal Control Officer can take animals to the Humane Society consistent with the contract based on a per capita price of \$1.20/person, totaling \$6,286.80. Chairman Henderson moved, seconded by Selectman Wallace to approve the January 1 to December 31, 2009 contract dated February 13, 2009; motion passed 3-0.

**21. Acceptance of \$400 from Maine Coast Heritage Trust:** Chairman Henderson stated this was for a tax-exempt property for which MCHT sent \$400 in-lieu of taxes. Chairman Henderson moved, seconded by Selectman Wallace to accept the \$400 with thanks; motion passed 3-0.

**22. Authorization of the Warrant:** Selectman Wallace moved, seconded by Selectman Multer to approve warrant #22 in the amount of \$38,253.77; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #23 in the amount of \$256.39; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #14 in the amount of \$13,454.80 was noted for the record.

**23. Public Comment:** Glenn Gott suggested in the future that Selectmen consider setting a budget target well below LD1 if other areas of the budget, particularly school, are expected to increase.

**24. Adjournment:** The meeting was adjourned by unanimous vote at 9:04 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Findings of Fact Shellfish Hearing  
Letter to Brunswick Councilors

[Attachments are available at the Town Clerk's Office or by email at [harpwell@gwi.net](mailto:harpwell@gwi.net)]