

Board of Selectmen's Meeting Minutes
July 30, 2009
Harpswell Town Office
Approved on August 20, 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

At 5:30 p.m. the Board met to handle administrative matters; Debbie Turner, Assessing Agent, reviewed the tax rate information to assist the Board in determining the rate; the action list was reviewed; Bob Venard, Road Commissioner, reviewed the change orders associated with the Ash Point Road project; the Board agreed to support Mark Green for the Maine Municipal Association Board on the annual election ballot; the Board reviewed and signed the Urban-Rural Initiative Program Certification; Bob Venard explained the need for a culvert replacement on Grover Lane and how two companies' estimates were very similar. The Board suggested he work with the companies for new bids based on the same specifications. Selectman Multer suggested a letter be sent to Connie Barker in reply to her letter; and Selectman Multer stated the importance of the Board being involved in the county budget and offered to attend a caucus to elect someone from this district of the County to sit on the County Budget Advisory Committee.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:35 PM.

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

- 1. Adoption of the Agenda:** Later in the agenda, Chairman Henderson moved, seconded by Selectman Wallace to add item 8a. Consider Harpswell Neck Physical Education Association Request for Use of Mitchell Field and adopt the agenda as amended; motion passed 3-0.
- 2. Public Comment:** None.
- 3. Approval of the Minutes:** Chairman Henderson moved, seconded by Selectman Wallace to approve the July 23 minutes as printed; motion passed 3-0.
- 4. Town Administrator's Report:** Administrator Eiane recommended Jacob Blake for seasonal part-time employment at the Recycling Center for about 4-5 weeks at 3 days/week at \$8.00/hr. Selectman Multer moved, seconded by Chairman Henderson to hire Jacob Blake as presented; motion passed 2-0 (Selectman Wallace abstained). Administrator Eiane announced she and Carol Tukey, Town Planner, met with Matt Eddy (former economic director for Brunswick) and he is interested in business opportunities for Mitchell Field. Mr. Eddy, who is a member of the law firm, Eaton Peabody, expressed concern about the lengthy timeline with the performance standards process and he offered to meet with the Mitchell Field Implementation Committee and/or the Selectmen to offer his services. Administrator Eiane stated she was also invited to an aquaculture potential business meeting this week. Administrator Eiane asked what kind of protocol the Selectmen wanted in dealing with potential business for Mitchell Field. Selectman Multer stated she didn't want to go through another lost business opportunity and agreed to a request that she to sit with the Mitchell Field Implementation Committee and Planner to review ideas on how to accelerate the process. The Board agreed that Administrator Eiane and Carol Tukey should meet initially with potentially interested candidates and once a proposal is received in writing, the Board can evaluate at that time. Chairman Henderson stated that businesses could weigh in on the standards process with the Committee. Administrator Eiane reported that she and Deputy Administrator Sawyer attended a meeting on weatherization with Habitat for Humanity and the United Way. Administrator Eiane encouraged interested volunteers and potential candidates for the Town's weatherization program to contact the Town. Deputy Administrator Sawyer announced the previously approved Bean Hole

Dinner was cancelled due to the weather and is rescheduled for August 8 with the Board's concurrence; the Board concurred.

5. Selectmen's Announcements: Selectman Multer stated she attended the Holbrooks Wharf Grand Opening which was nice with a good turnout. She also visited the Harpswell Festival which was a good time where Fred Cantu (Recycling Center Manager) did a great job playing the saxophone. Chairman Henderson stated he attended the Midcoast Council of Governments (MCOG) meeting and while there were very few (if any) municipal officers, it was worth attending to make a presence as MCOG amends their by-laws and lobbies the Regional Office of Economic Development to designate MCOG as the federal agent for economic development.

6. Old Business: Committee Guidelines: The Board reviewed the existing committee guidelines in conjunction with some suggested changes. Several amendments were made and will be further reviewed at the next meeting. Chairman Henderson moved to table the guidelines until the next meeting; motion seconded and passed 3-0.

Chairman Henderson stated that Connie Barker (and others) previously approached the Board requesting that the Board continue to pursue relocating the utilities under the Cribstone Bridge. Chairman Henderson provided a brief history: the issue was brought back to Town Meeting this year seeking additional funding as the project with the DOT to prepare the sidewalk for the future relocation of the utilities came in higher than originally estimated. Town Meeting denied the request and the DOT continued its reconstruction project of the bridge without completing the Town's preparation project. After the recent request, the Town checked with DOT to see if the sidewalk preparedness could still be accomplished and DOT responded only if the Town confirms its position by tomorrow. Chairman Henderson explained the Board is not prepared to respond by tomorrow and will communicate with the DOT that there is no action at this time. Chairman Henderson suggested that perhaps some independent group will continue to pursue fundraising for the future.

7. Wharf Applications: The public hearing was opened at 7:03 p.m. and closed at 7:13 p.m.

- **Norman Stevens, Map 46, Lot 52, Acadia Lane:** Bill Wells, Code Enforcement Officer, presented the application and explained that the system is temporary with a ramp and float that will be removed in the off-seasons. One abutter has expressed concern about the setback to his property line and access rights. Tim Forester, applicant's representative, explained that the applicant hired a surveyor to research the deeds and the result is that the applicant does appear to have access down Acadia Lane to the wharf parcel and can use the right-of-way as appropriate. Mr. Forester stated he believes the abutter's concerns have been addressed after a meeting with him and additionally, he wasn't present this evening either. Chairman Henderson concluded if the abutter still disagreed with the ownership rights, it would be a civil issue.
- **Orr's/Bailey Island Yacht Club, Map 27, Loy 27, 26 Osbourne ROW:** Chairman Henderson stated for the record that both he and Bill Wells are members of the Yacht Club. Bill Wells explained this request was to expand the float system particularly for use by the Abbott Fletcher Sailing School. The project was started without a permit and the applicant paid triple the fee.

Chairman Henderson moved, seconded by Selectman Wallace to approve the Norman Stevens wharf as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0. Selectman Multer moved, seconded by Selectman Wallace to approve the OBYC expansion as it does not cause injury to the rights of others or creates a hazard to navigation; motion passed 2-0 (Chairman Henderson abstained).

8. Set the Mill Rate: Chairman Henderson explained the Board reviewed the calculations and figures earlier at the Administrative Meeting with Debora Turner, Assessing Agent. The decision is based on the amount to set aside for overlay, which covers abatements. The option of maintaining the tax rate at \$6.19/thousand (the

2008 mill rate) will allow \$36,000 for overlay and whatever is not needed will lapse to the general fund. Chairman Henderson moved, seconded by Selectman Multer to set the 2009 tax rate at \$6.19/thousand in evaluation; motion passed 3-0.

8a. Consider Harpswell Neck Physical Education Association Request for Use of Mitchell Field:

Chairman Henderson moved, seconded by Selectman Multer to approve the application submitted by Harpswell Neck Physical Education Association for the Use of Mitchell Field for a beach day picnic on Friday, July 31, and waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; and the Board agrees to allow the use of motorized vehicles to the site; motion passed 3-0.

9. Consider Approach to West Harpswell School Closure Matter: Chairman Henderson stated he wanted to be prepared on how to present this issue to the public and read his proposed statement: "A vote to close the school will require the Town to decide whether it would accept the school property and the cost of maintaining it for other public purposes, or leave it to SAD 75 to dispose of it as they see fit. A vote to keep the school open would obligate the Town to pay SAD 75 \$BBB in 2010 to cover the savings SAD 75 has identified if the school were to be closed. That amount would come from 1) an increase on the Town's portion of the property tax, adding CCC% to the total property tax bill, 2) a reduction in Town services, or 3) a combination of the two. A vote to close the school will not reduce the SAD 75 assessment to the Town." Administrator Eiane noted for 2010, the potential additional cost to the Town would be for only half a year as the school's fiscal year is July to June and the Town is calendar. It was noted that if the Town votes to keep the school open, the vote must occur annually. Selectman Multer stated she wanted the school closing report from SAD 75 before taking a position and stated she would consider revisions to the statement for presentation at the August 20 meeting.

10. Consider Selectmen Position on Reduction to Excise Tax Referendum: Selectman Multer stated the proposed referendum in November is to cut excise tax in half and further in subsequent years and to offer special sales tax exemptions for fuel efficient automobiles. Harpswell would experience about a \$350,000 reduction in revenues the first year which will need to be made up in property taxes or the budget will have to be cut. Selectman Multer stated she is not in favor due to the potential impact on the budget and requested the Board take a position opposing it. Chairman Henderson responded that perhaps the cut in excise would save Harpswell residents money and the increase in property taxes will be shared between residents and non-residents which will result in a savings for Harpswell residents. Administrator Eiane reported that the reduction in revenues could raise the mill rate by about .20/thousand. The Board requested information on whether non-residents pay excise in Harpswell and what the value is for non-resident taxpayers. This Board requested this item be placed on the August 20 agenda for further discussion.

11. Proposed Amendments to the Ordinance Restricting Vehicle Weight on Posted Ways: Deputy Administrator Sawyer explained she proposed changing the current ordinance by adding the exemptions from the DOT rules and other town ordinances directly into the ordinance. The Board asked some questions and made some changes. The Board agreed with sending out postcards to the businesses potentially affected by posting roads inviting them to a hearing on September 17 at 7:00 p.m.

12. Appointment to Midcoast Council of Governments: Administrator Eiane reported that the Harpswell Business Association may have a candidate to apply for this position and asked the Board to table the item.

13. Comprehensive Plan Implementation Committee Mission Statement: The Board made some changes to the proposed mission statement (Selectmen to Selectboard and removed a redundant statement). Chairman Henderson moved, seconded Selectman Multer to adopt the CPIC mission statement; motion passed 3-0.

14. Acceptance of Donations: Selectman Multer moved, seconded by Chairman Henderson to accept \$50 from Robert and Margaret Sammons for the home heating program and \$20 from Kathleen and William Bowen for the Joyce Brown Swim Fund with thanks; motion passed 3-0.

15. Mortgage Discharge for Town Septic Replacement Program: Deputy Administrator Sawyer explained the Town had received a Community Development Block Grant for grants and/or loans to replace failing septic systems for low to moderate income families. One applicant's income qualified as a grant and a loan portion and the applicant signed and recorded a mortgage covering the Town's interest. Now that the loan has been paid in full, the Board needs to authorize a mortgage discharge to the applicant. Chairman Henderson moved, seconded by Selectman Multer to discharge the mortgage from David and Kimberly Wessel as it has been paid in full; motion passed 3-0.

16. Request for Proposal for Winter Road Maintenance: Administrator Eiane reported a review group made up of herself, Selectman Wallace, Bob Venard and Marguerite Kelly prepared a request for proposals for the winter road maintenance. The major changes are: reporting requirements, pre-bid conference, mixing fee is part of the bid, notification requirements, cutting edges no longer supplied, payment schedule changes and that the bidders are to submit a bid with a performance bond and one without (the attorney does not recommend proceeding without a performance bond). Administrator Eiane stated she believed the incentive to use the salt and sand has been removed by eliminating the mixing rate and creating reporting requirements. Selectman Multer requested that the contractor be responsible for reporting all damage caused by the contractor within a specific time period, not solely damage to the salt shed. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to issue the RFP with the changes made tonight; motion passed 3-0.

17. Midcoast Hospital Paramedic Service Contract: Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to sign the Midcoast Hospital Paramedic contract for fiscal year 2009; motion passed 3-0.

18. Authorization of the Warrant: Selectman Wallace moved, seconded by Selectman Multer to approve warrant #53 in the amount of \$14,511.54; motion passed 3-0. Selectman Wallace moved, seconded by Selectman Multer to approve warrant #54 in the amount of \$389,996.61; motion passed 3-0. Payroll warrant #31 in the amount of \$17,784.29 was noted for the record.

19. Adjournment: The meeting was adjourned by unanimous vote at 8:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

[Attachments are available at the Town Clerk's Office or by email at harpswell@gwi.net]