

Board of Selectmen's Meeting Minutes
October 15, 2009
West Harpswell Elementary School
Approved on October 29, 2009

Page 1 of 5

At 6:00 p.m. the Board met to handle administrative matters; the Board reviewed the hearing timetable regarding ordinance amendments and asked that drafts for all proposed ordinances be completed by November 12; the action list was reviewed; the Right to Know Law was discussed and the Board asked for clarification on which meetings require public notice and what types of email communication are acceptable; Chairman Henderson stated the Board will address agenda item 13 when Mr. Wilhelm arrives and he will limit public input to the closure report only; and purchase orders exceeding \$1,000 in value were signed.

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Carol Tukey, Town Planner

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

The meeting was videotaped for future broadcast on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to amend the agenda by making item 19. Appointments and moving the current item 19 to 20 and the current 20 to 21. Selectman Multer moved, seconded by Chairman Henderson to remove item 17a.; motion failed 1-2 (Selectman Multer for). Chairman Henderson's motion passed 3-0.

2. Public Comment: Katherine Chatterjee encouraged the Board to take action and stand against the State's excise tax referendum question.

3. Approval of the Minutes: Selectman Henderson moved, seconded by Selectman Wallace to approve the October 1 minutes as edited earlier by email and with "minor typographical" in section 6; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane reminded the public of the November 3rd Election Day with 7 State referendum questions and 2 municipal with a public hearing scheduled for this evening on the municipal items. Absentee ballots are available at the Town Clerk's office and that office will be offering extended hours beginning the week of October 26 to facilitate voting. Administrator Eiane stated the new days of operation for the Recycling/Transfer Station are Tuesday through Saturday and closed Sunday and Monday. Administrator Eiane thanked Deputy Administrator for her organization with CHANS to offer a seasonal flu clinic where more than 330 persons were vaccinated, a Town record.

5. Selectmen's Announcements: Selectman Wallace provided an update on the communications tower stating that Central Maine Power should have the power connected soon and that the carriers, including Verizon, should be online. Selectman Multer announced that she and Selectman Henderson attended an impressive ground-breaking ceremony at the Orr's Island Library for its expansion. Chairman Henderson encouraged all committees to have draft ordinance proposals to the Board for its November 12 meeting.

6. Treasurer's Report: Marguerite Kelly, Town Treasurer, reviewed her monthly report for September.

- **Credit Card Payment Policy:** Ms. Kelly reviewed the proposed policy as it pertains to refunding credit card fees on a per transaction basis. Ms. Kelly stated that Town staff will explain the fees established by InforME prior to completing a credit card transaction. Selectman Multer moved, seconded by Selectman Wallace to adopt the Credit Card Fees Refund Policy with the change from "will" to "may"; motion passed 3-0. This process should be available before the end of October.

7. Town Planner's Update: Carol Tukey, Town Planner, provided an update of her activities and asked the Board to provide input regarding ordinance amendments including swimming pools and farm animals. Ms. Tukey explained the Town is still working to schedule a meeting with FEMA representatives regarding the proposed map changes. Ms. Tukey announced that pre-applications for the Cumberland County Development Block Grant funds are due December 2. Chairman Henderson stated that proposed ordinance changes are due to the Board by November 12. Chairman Henderson asked about the Midcoast Council of Governments approach for a collective grant application to Efficiency Maine versus the Town applying by itself. Administrator Eiane stated that the Town is pursuing its own grant ideas with Efficiency Maine and the deadline has been extended to November 18. Chairman Henderson asked for information regarding the administrative requirements associated with the grant.

8. Recommendation for Mitchell Field Performance and Zoning Standards Consultant: Judith Redwine, chair of Mitchell Field Implementation Committee, stated the full Committee and a sub-committee reviewed the responses the Town received regarding the Mitchell Field performance and zoning standards. Three consultants were interviewed and both the sub and full committees recommend hiring Planning Decisions. Chairman Henderson moved, seconded by Selectman Multer to hire Planning Decisions; motion passed 3-0

9. 7:00 P.M. Public Hearing RE: November 3 Referendum Municipal Ballot Questions: Chairman Henderson opened the hearing. Marty Sydlowski, representative of the Greater Brunswick Housing Authority (GBHA), stated the Board of Selectmen authorized GBHA to apply, under the Town, for a Cumberland County Development Block Grant, which was approved for \$40,000 for use in the road at the Hamilton Place workforce housing project in Harpswell. This ballot question is asking the Town of Harpswell to accept the funds to pass through to GBHA. Howard Nannen, Harpswell Housing Trust, provided an overview of the Hamilton Place project. Katherine Chatterjee stated she was not here in support or to reject the \$40,000 funds but to question the process. Ms. Chatterjee suggested the Board did not have the authority to give away a Town grant opportunity to another entity, particularly an outside one, without voter approval and asked that the Town seek a legal opinion for future reference. Ms. Chatterjee asked if conditions exist with the funds and why the issue can't wait until the annual Town Meeting floor for debate. Administrator Eiane noted that a legal opinion was not sought at the time of the grant application but was at the time the funds were awarded and the advice was that a vote by the legislative body is necessary to give the appropriate authority to proceed. Chairman Henderson suggested further legal input would be sought and Ms. Chatterjee suggested a policy. Tony Barrett stated the Town asked the developer last year to make a pedestrian friendly right-of-way through Hamilton Place and asked about the status. Mr. Sydlowski responded that walking easements are in the plan as properties sell. Gordon Weil questioned the article's wording and asked the Board to confirm that there will not be any use of Town funds for this project outside the \$40,000 grant. Chairman Henderson stated there would be no Town funds used outside of administrative in-kind costs. Mr. Weil suggested the Town put out a voter's guide on secret ballot items such as the Secretary of State does and then print voter comments and make them available at each polling site. Selectman Multer encouraged members of the public to write information about both questions and the Town would be sure to make it available. Chairman Henderson asked for public input on question two and hearing none, closed the hearing.

10. Consider Shellfish Ordinance Amendments and Conservation Time Policy: Chairman Henderson stated the Board was confronted earlier this year with a difficult situation involving the definition of "resident" and also received a complaint about conservation obligation time. The Board asked the Marine Resource Committee to work on both items and provided the Committee with suggestions. The Board reviewed the Committee's proposal for the "resident" definition amendment and the Conservation Time Policy. Chairman Henderson expressed concern about the Board's authority to make this policy as opposed to amending the ordinance. Chairman Henderson moved, seconded by Selectman Multer to adopt the October 13 draft policy provided that legal determines it is appropriate for the Board to do; motion passed 3-0. Selectman Multer

moved, seconded by Selectman Wallace to propose the resident definition ordinance amendment as presented; motion passed 3-0.

11. Consider Sign Ordinance Amendments: The Board proceeded through the Sign Ordinance and discussed the suggested amendments with Carol Tukey. The Board agreed to table the discussion and to review the item again after tonight's changes are made.

12. Consider Letter of Support of Harpswell Heritage Land Trust Application: The Harpswell Heritage Land Trust is requesting a letter of support from the Board of Selectmen regarding the Trust's request for \$200,000 from the Maine Natural Resources Conservation Program to purchase the Seth Williams 71-acre property on Basin/Curtis Cove. Selectman Multer moved, seconded by Chairman Henderson to approve the letter; motion passed 3-0.

13. West Harpswell School Closure Report: Superintendent Michael Wilhelm stated that the audit for MSAD 75 was completed which was then used to complete the West Harpswell School Closure Report which has been provided to the Commissioner of Education and to the Town. The law gives the Town 10 days to comment and the process will conclude in 20 days. If the Commissioner agrees to close the school, it will be a Town decision to keep it open or close it. Ms. Wilhelm explained the total figure of \$232,096.51 (detailed in the report) represents the costs to keep West Harpswell School open for the 2010-2011 school year. Chairman Henderson reiterated tonight's purpose is to discuss errors/omissions in the report only and not broader issue of whether to close or not. Linda Hall questioned the costs involved with the half time principal and transportation and Mr. Wilhelm reiterated the figures are based on the costs to keep the school open as dictated by the Department of Education. In addition to the Town's ability to submit comments to the Commissioner, individuals are allowed to as well by using the comment cover sheet. Mr. Wilhelm stated the costs will change each year and each year when the Town votes to keep the school open or not, new budget costs will provided by the District. Steve Dyer, MSAD 75 Business Manager, explained the amount for the special education teacher is negative due to the teacher earning less than the average. Signe Daniel questioned the half-time principal costs since if the schools consolidate there would be a full time principal cost. Elizabeth Davis asked if there would still be a full-time principal at Harpswell Islands School if the two schools consolidate if many students transfer out to a Brunswick School. Chairman Henderson stated questions pertaining to the future cannot be answered. Elizabeth Davis stated the report shows an increase in bus travel time to be 18 minutes when actually it will increase to 55 minutes. Mr. Wilhelm stated the 18 minutes is from the Harpswell Neck Fire Department and that bus schedules and times are being looked at District-wide for improvements. Linda Hall questioned the difference in benefit costs from one school to another. Steve Dyer responded they are actual costs based on whether staff chooses to participate in a benefit or not. Mr. Wilhelm stated all the costs are based on actuals except for the average teacher salary figures. Ms. Hall, Ms. Davis and Sumner Wiley asserted that there are erroneous statements in the Lack of Need Report. Karen O'Connell stated her concern about the first statement in the Lack of Need Report and what school is profitable? Mr. Wilhelm noted enrollment has been affected in the past from the Brunswick Naval Air Station closure. Administrator Eiane restated the 10-day comment period and asked if the Board would be submitting collective comments or individually. Chairman Henderson noted he would submit his comments individually. Chairman Henderson is convinced the District followed the law for the numbers and encouraged individuals to submit comments to the Commissioner. Ms. Davis stressed there are only 4 days left to comment. Selectman Multer stated she shares some concerns about how the numbers are developed and that communication with legislators may be appropriate. Marguerite Kelly agreed that the calculations may be in accordance with the rules, but may not represent the actual increase in costs to the Town, since the Town has already paid for some of the \$232,000 in its assessment. Ms. Kelly cautioned the Board on its previously adopted statement about the School closure as the added costs to the Town would not be a municipal cost but part of the school costs to the Town. Julia Stevens asked if the 10 days means business days; she was encouraged to submit comments by Monday for compliance.

14. Open Wood Grinding Bids: The following bids were opened: Webb Construction at \$8.50/ton for clean and \$28.50/ton for construction demo that must pass a test; and Marshall Grinding will pay the Town \$1.17/ton for clean [\$27.25 gross charge] and charge \$15.25/ton net for construction demo. The Board agreed to wait until the next meeting to allow the Recycling Center Manager to review the responses.

15. Consider Request for Proposals for Asphalt Surfacing at the Recycling Center: The Request for Proposals is to pave the demolition and sheetrock pads, approximately 8000 square feet. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to issue the RFP; motion passed 2-0 (Selectman Wallace abstained).

16. Consider Health Insurance Policy Amendment for Domestic Partner: Administrator Eiane explained this item comes before the Board as a result of a request by staff to offer domestic partner insurance and that Maine Municipal does offer it but requires the Board's approval to make it available to employees. Deputy Administrator Sawyer noted that there are budget implications to the Town, i.e. the Town's 80% single costs for an employee could increase to 65% of family costs plus the 80% for the single coverage, resulting in approximately an additional \$5,000/year at current costs. Additionally there are tax implications including that the portion the Town pays on behalf of the domestic partner is considered income for the employee and the portion the employee pays for the domestic partner cannot be paid on a pre-tax basis. Chairman Henderson moved, seconded by Selectman Multer to adopt the health insurance policy amendment that allows domestic partner insurance; motion passed 3-0.

17. Old Business

- **Economic Development Policy Amendments:** Chairman Henderson began reviewing the proposed amendments to the Town's Economic Development Policy. Selectman Multer moved, seconded by Selectman Wallace to table this item; motion passed 2-1 (Chairman Henderson opposed).
- **West Harpswell School Work Group Appointments:** Selectman Multer recommended Jack Sylvester and Tom Brudzinsky to the Work Group. Chairman Henderson recommended Larry Favreau. Donna Frisoli requested that the Board appoint someone from the Harpswell Neck side. Chairman Henderson moved, seconded by Selectman Wallace to appoint the recommended persons; motion passed 3-0. The Selectmen will continue to seek additional nominees. The Board concurred with Jack Sylvester chairing the Work Group.
- **Consider Selectmen Position on Excise Tax Referendum:** Chairman Henderson stated he was skeptical in the beginning about opposing the bill but that Selectman Multer made some very good points in the past several meetings regarding how the average tax payer will see an increase in property tax and no decrease in excise with older cars. Selectman Multer moved, seconded by Chairman Henderson to adopt the Resolution in Opposition to Question 2 – Excise Tax Cuts; motion passed 3-0. Donna Frisoli thanked the Board for taking a stand. Chairman Henderson noted the Board tried to hold a debate concerning the topic but the proponents were unable to commit.

18. Acceptance of Gift from Dyers Greenhouse: David I. Chipman explained the Mitchell Field Implementation Committee planned to plant sugar maple trees at the Community Garden inside Mitchell Field. Dyer's Greenhouse kindly donated two sugar maple trees and Mr. Chipman asked the Board to accept the gifts. Administrator Eiane noted there was a warrant article allowing the Board to accept monetary and actual gifts for the Community Garden. Chairman Henderson moved, seconded by Selectman Wallace to accept the trees; motion passed 3-0.

19. Appointments: Chairman Henderson moved, seconded by Selectman Multer to appoint the following people for the November 3 election: Joanne Rogers, Susan Lowery, Megan Hubbard and Janet Coombs as

Wardens; Jean Richter, Lou Brown, Patricia Leary, Thomas Rothwell and Melissa Moretti as Deputy Wardens; Violet Dunlap, Ruth Ann Myers and Jean Rich as Election Workers; Joanne Gordon as Deputy Registrar of Voters; motion passed 3-0.

20. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Multer to approve warrant #69 in the amount of \$1,207,656.03; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #70 in the amount of \$13,115.84; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #42 in the amount of \$14,091.62 was noted for the record.

21. Adjournment: The meeting was adjourned by unanimous vote at 10:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report
Shellfish Ordinance definition amendment
Conservation Obligation Policy

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