

**Board of Selectmen's Meeting Minutes**  
**August 26, 2010**  
**Harpswell Town Office**  
Approved on September 23, 2010

Page 1 of 3

At 5:30 p.m. the Board met to handle administrative matters: the action list was reviewed; the Board requested a draft political signs policy be on the next agenda; the Board reviewed the local option tax deferral program for the elderly and decided not to act at this time; the Board added a review of Mitchell Field ordinance language for the 9/16 ordinance workshop; the Board was provided information regarding the State Property Assessed Clean Energy (PACE) program; Chairman Henderson requested staff contact MSAD 75 to request West Harpswell School closure information prior to the formal submittal; Chairman Henderson provided pictures regarding a road maintenance issue at Bethel Point/Sage Road and requested the Road Commissioner follow up; Chairman Henderson reported he received a call from a Solid Waste Committee member and suggested the committee convene and review ideas to encourage recycling; and purchase orders exceeding \$1,000 were reviewed and signed.

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

**Staff Present:** Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Town Administrator

**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 Multer to adopt the agenda as printed; motion passed 3-0.

**2. Public Comments:** There were none.

**3. Town Administrator's Report:** Administrator Eiane reported the Town received notification from the Federal Emergency Management Agency (FEMA) that the 90-day statutory appeal period regarding the proposed new maps begins September 2. The Town hired Robert Gerber to review certain transects in Town and has submitted Mr. Gerber's findings to FEMA. It will likely cause some changes. Administrator Eiane announced the Town is hosting a public informational meeting with FEMA and the Town's consultant, Robert Gerber, on September 2 at 7:00 p.m. at Harpswell Islands School and encouraged the public to attend. Administrator Eiane announced the Town now offers the Rapid Renewal service that allows auto re-registrations on-line. Administrator Eiane stated the Town Clerk's Office will be closed on September 21 and 22 to attend the Secretary of State's conference.

**4. Selectmen's Announcements:** Selectman Wallace asked the public to notify the Town of any road issues such as washouts. Selectman Wallace stated the Transfer Station has reclaim available for purchase and the material is great for driveways.

**5. Approval of the Minutes:** Chairman Henderson moved, seconded by Selectman Wallace to approve the August 10 and 12 minutes; motion passed 3-0.

**6. Consider Recycling Toolkit Assistance Grant for Recycling Center:** Administrator Eiane explained this grant application is from the Recycling Center/Transfer Station manager for a grant from the State Planning Office to educate the public and improve the recycling rate. The plan includes creating a commercial to air on Channel 14 to promote the recycling process and reaching out to the elementary schools and Scouts. Chairman Henderson requested that the Solid Waste Committee be involved in this education outreach. Selectman Multer moved, seconded by Chairman Henderson to authorize the \$500 grant application; motion passed 2-0 (Selectman Wallace abstained).

**7. Consider Proposal for Creating School Closure Cost Review Team:** Chairman Henderson explained that the Town has a short time frame (10 days) to respond to a school closure report and suggested the Town be prepared by creating this Cost Review Team to include the Administrator, Deputy Administrator, Treasurer and two members of the Budget Advisory Committee. Chairman Henderson requested that staff approach MSAD 75 to receive information and conclusions prior to the formal school closure presentation. The Board made some changes to Chairman Henderson's proposed mission and objective of the Review Team. Chairman Henderson read the proposal as amended and moved, seconded by Selectman Multer to establish the Team as specified; motion passed 3-0. Kay Ogrodnik suggested the members should include someone that was directly involved in last year's process. Chairman Henderson responded that the members will review last year's information to become familiar with the issues.

**8. Public Hearing Regarding Proposed Franchise Renewal Agreement with Comcast:** Chairman Henderson opened the public hearing at 7:00 p.m. Jay Somers, Senior Management at Comcast, stated he has worked with the Town's Communication Committee for the past two years negotiating the renewal agreement and it includes capital payments and the build out of a certain area on Harpswell Islands Road. David Chipman stated a concern of many users is that there is not a local number (a number that connects to a local office) for Comcast to call for support. CV Noyes stated the users pay for the 5% franchise fee on the regularly monthly bill, which is not dependent on the number of users as it is 5% per user. Mr. Somers stated the Town will receive \$60,000 for capital over 10 years at an 11% interest rate, the cost of which is passed through to subscribers; the cost fluctuates based on the number of subscribers. Selectman Multer expressed concern about the 11% interest rate. The capital needs had to be demonstrated and the money is for the Town and community television. Donna Frisoli noted that if Harpswell doesn't take the capital money; Comcast still increases the bill. Alan Shaver noted that the Federal Communications Commission (FCC) made a ruling that determined that the internet is not entertainment and therefore is not included in the franchise fee. If it was, the franchise fee could possibly be doubled from the current 2009 payment of \$63,000. The State adopted a model franchise agreement so that Towns would spend less on legal costs. The Committee used the model as the base. Mr. Shaver stated that in addition to the 5% franchise fee, and the capital, the agreement includes a technology grant to help defray the internet and cable costs for the Town, HCBC and the fire departments as these entities are currently receiving internet for free and that will not continue as of the beginning of the year. Other features include a minimum density of 18 dwellings per aerial mile; an extension at a section of Harpswell Islands Road and the proposed duration of the agreement for 10 years. Chairman Henderson closed the public hearing at 7:23 p.m. Administrator Eiane noted that Comcast will offer a \$2.00 discount to eligible senior citizens in a side letter (not the franchise agreement); Chairman Henderson noted eligible means for people over 65 years old and receive assistance. **Chairman Henderson moved, seconded by Selectman Multer to approve the agreement as presented.** Selectman Multer stated she believes the 11% interest rate is outrageous and the Town should have considered other options such as appropriating capital money for HCBC. Alan Shaver stated the capital money is not a loan – Comcast is giving the money and recouping its expense through users at a minimal fee. **Motion passed 3-0.** Chairman Henderson and Administrator Eiane thanked the committee members for their dedication and hard work.

Mr. Somers explained that senior management agreed about a year ago to upgrade its system with more programming, faster internet and phone, which Comcast has begun implementing at a cost of \$5 million. Eric Skean, Advanced Technical Support, explained that phase 1 of this project included converting from Suscom-Maine's domain to Comcast's. Notifications went out to users and while there has been some miscommunication, Comcast is working hard to help its users through this process including setting up support sessions at the local office where users can go in and have technicians perform the changes for them. CV Noyes and Bill Ewing expressed concern about the short time frame for forwarding (to 10/31/10). Selectman Multer explained she has had difficulty obtaining appropriate technical assistance; Mr. Skean will follow up. Alan Shaver and Calvin Hooker also expressed concern about the notifications, including websites, maintained

by individuals and businesses, that will need to reflect the new email addresses. Mr. Somers agreed to carry the request for more forwarding time up the chain of command at Comcast. Mr. Shaver noted that triple play (telephone, cable and phone) will be available early 2011.

**9. Consider Public Participation Policy Amendment:** Selectman Multer moved, seconded by Selectman Wallace to adopt the proposed amendment; motion passed 3-0. Chairman Henderson read the proposed amendment. Selectman Multer explained the amendment is intended to prevent the public comment period from being used repeatedly for controversial issues that do not require the Board's action. Hope Hilton encouraged the Board to leave the policy as is and have the Chair determine when a topic or speaker is inappropriate. Chairman Henderson responded this amendment should make the Chair's authority more clear.

**10. Consider Local Option "Circuit Breaker" Program:** The Board reviewed the proposed ordinance and removed the 5-year resident requirement, leaving the eligibility requirements to the State program. The Board discussed whether the need for an appeal process was necessary and requested the Town attorney review the issue. The Board of Selectmen authorized the Town Administrator to send the ordinance for legal review and to specifically address whether an appeal process is necessary and if so, might it be a confidential process.

**11. Maine Municipal Legislative Committee Survey:** Maine Municipal Association requested municipalities to submit issues of importance for its Legislative Committee to consider and potentially work on. The Board of Selectmen agreed on the following topics: the 10-day comment period on school closure reports; to assure that the State doesn't make further cuts to revenue sharing and homestead exemptions; the possibility that the Department of Transportation may transfer State roads to the towns; marine (deputation) issues; and email lists being public. Selectman Wallace suggested reviewing the standards regulating wood chip disposal as they are so stringent, chips end up in landfills; Selectman Multer suggested a legislative study instead.

**12. Other Business:** None.

**13. Authorization of the Warrant:** Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #55 in the amount of \$99,527.28; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #56 in the amount of \$614.46; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #34 in the amount of \$17,736.68 was noted for the record.

**14. Adjournment:** The meeting adjourned by unanimous vote at 8:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: School Closure Cost Review Team  
Public Participation Policy

[Attachments are available at the Town Clerk's Office or by email at [harpswell@town.harpswell.me.us](mailto:harpswell@town.harpswell.me.us)]