

**Board of Selectmen's Meeting Minutes**  
**January 29, 2009**  
**Harpswell Town Office**  
Approved on February 5, 2009

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 5:45 PM.

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

**1. Adoption of the Agenda:** Selectman Henderson moved, seconded by Chairman Haible to consider article 40 (capital road borrowing) on the draft warrant as item 3a.; motion passed 3-0.

**2. Town Administrator's Report:** Administrator Eiane reminded everyone that Town Meeting is Saturday, March 14. Administrator Eiane reported that the Town received legal advice regarding the 'natural state' clause in the deed for the Devil's Back property and the proposed trail plan. The advice is that trails are not very invasive and would be considered low risk in terms of conflicting with the deed as the transfer took place over 60 years ago.

**3. Selectmen's Announcements:** There were no announcements.

**3a. Consider Article 40 of Draft Town Meeting Warrant:** Chairman Haible read the proposed article 40 regarding the capital road project borrowing for Ash Point Road. Administrator Eiane explained that Ray Labbe & Sons agreed to hold all unit costs, except for bituminous pavement (which may be coming down in price), from the 2008 capital road project that Labbe completed for the Town. The Town's 2008 funding was not sufficient to complete 1/3 of Ash Point Road as originally planned and is now slated for 2009. Chairman Haible moved, seconded by Selectman Henderson to place article 40 on the Town Meeting warrant; motion passed 3-0.

**4. Authorize Treasurer to Submit Bond Bank Application for Capital Road Project:** Marguerite Kelly, Treasurer, stated that if the Board approves, this will be the first time the Town participates in the Bond Bank spring issue as it usually participates in the fall one. The deadline for the application is February 4 with a March 11 approval date. The Maine Municipal Bond Bank will allow the Town to withdraw if the article is not approved by Town Meeting on March 14. Ms. Kelly explained an alternative would be to send request for proposals to commercial banks, which would not require an interest payment until the 2010 budget season. An interest payment would be required in November 2009 with the Bond Bank borrowing of approximately \$15,000 to \$17,000. Ms. Kelly recommended proceeding with the Bond Bank for a \$650,000 borrowing with a 10-year repayment schedule for the 2009 capital road project. Ms. Kelly stated the interest payment could be included in an LD1 compliant budget since it seems likely that a greater amount of fund balance can be used than originally estimated. Selectman Wallace questioned the bidding process. Administrator Eiane responded that Labbe was selected in 2008 through a bid process for three roads (Steamboat, Grassy and 1/3 of Ash Point) and the Town was unable to proceed with Ash Point. Labbe agreed to hold unit costs (except pavement) in 2009 if the Town received funding. Selectman Henderson moved, seconded by Chairman Haible to authorize the Treasurer to submit the Bond Bank application for \$650,000 with a 10-year repayment schedule; motion passed 3-0.

**5. Consider Abatements:** Chairman Haible explained the Board met with Curt Lebel, Assessing Agent, in a workshop to review four abatement requests and also heard from the applicants in the meeting. Chairman

Haible moved, seconded by Selectman Wallace to abate \$55,800, \$345.41 in tax value, for map 50, lot 52, John and Madelyn Crafts as the property was over valued for its condition; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to deny Lisa Tondreau and Robert Fahrney's abatement request, map 48 lot 84, as the applicant did not prove unjust overvaluation; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to deny Julie Zimmerman's abatement request, map 39, lot 5, as the applicant did not show affirmative evidence as to misevaluation; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to deny Charles Wille's abatement request, map 39, lot 41, as the applicant's appraisal was not comparable and did not prove overvaluation; motion passed 3-0.

**6. Appointment:** Chairman Haible moved, seconded by Selectman Henderson to appoint Susan Lowery as an alternate to the voter registration appeals board; motion passed 3-0.

**7. Consider 2009 Budget Items:** Items considered as part of the warrant review in item 8.

**8. Review Draft 2009 Town Meeting Warrant:** Administrator Eiane explained she received public input to not group as many items together in warrant articles and she drafted the warrant with more separated articles. The articles with a colon at the end means the amounts are dedicated to each listed category and the questions with a period mean the listed categories are for information purposes only. There is a public hearing scheduled for February 9 on articles 3 – 10. The Board acted on articles 3 – 30 in the draft warrant as follows:

3 – Mandatory shoreland zoning amendments: Chairman Haible moved, seconded by Selectman Henderson to place the article on the warrant; motion passed 3-0. Selectman Henderson asked staff to research what the consequences are if the article is not passed at Town Meeting, if all the changes have been incorporated and whether there are non-mandatory changes in the draft.

4 – Open Space Plan: Mary Ann Nahf, Chair of Conservation Commission, stated minor changes are being made and the final version will be available soon. Chairman Haible moved, seconded by Selectman Henderson to place the article on the warrant; motion passed 3-0.

5 – Re-zone request: Selectman Henderson moved, seconded by Selectman Wallace to place the article on the warrant; motion passed 3-0.

6 – Recall ordinance: Chairman Haible moved, seconded by Selectman Henderson to place the article on the warrant; motion passed 3-0.

7 – Appointed/elected officials: Chairman Haible stated she wanted to ask the voters to make the Road Commissioner and Treasurer appointed positions. Selectman Henderson and Selectman Wallace expressed concerns about changing only 2 and not all 4 elected positions and that same or similar issues have been denied by Town Meeting many times in the past, including as recently as 2006. Selectman Henderson moved, seconded by Selectman Wallace to not include this article on the warrant; motion passed 2-1 (Chairman Haible opposed).

8 – Sign Ordinance Amendments: Chairman Haible expressed some concerns about the amount of signage and that changes are still being worked on. Selectman Henderson moved, seconded by Chairman Haible to table this item; motion passed 3-0.

9 – Shellfish Ordinance Amendments: Deputy Administrator Sawyer explained the Marine Resources Committee recommended this change with an immediate effective date upon Town Meeting approval. Chairman Haible moved, seconded by Selectman Henderson to table this item to get legal input; motion passed 3-0.

10 – Harbor and Waterfront Ordinance amendment: Selectman Henderson moved, seconded by Chairman Haible to table this item to receive the Budget Advisory Committee recommendation; motion passed 3-0.

11 – Elected officials budget: Chairman Haible moved, seconded by Selectman Wallace to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article and amount.

- 12 – General administration budget: Chairman Haible moved, seconded by Selectman Wallace to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 13 – Memberships: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 14 – Assessing Office budget: Chairman Haible moved, seconded by Selectman Wallace to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 15 – Tax Collector budget: Chairman Haible moved, seconded by Selectman Wallace to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 16 – Town Clerk budget: Selectman Henderson questioned the \$3,000 amount in the budget for a State election in June since there will not be an election. Chairman Haible moved, seconded by Selectman Henderson to table the item to research the election schedule; motion passed 3-0. Rosalind Knight, Town Clerk, joined the meeting and explained she budgeted for an election as sometimes the State will hold a special election. Selectman Henderson moved, seconded by Chairman to reconsider their earlier vote; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to place the Clerk's budget on the warrant at \$49,700 as contingency can be used if something arises at the State level; motion passed 3-0. Each Selectman recommended the article.
- 17 – Treasurer's budget: Selectman Henderson moved, seconded by Chairman Haible to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 18 – Code Enforcement budget: Chairman Haible moved, seconded by Selectman Wallace to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article. The Board asked for follow-up on the status of the State Code Officer training and testing program.
- 19 – Planning budget: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant at \$70,920; motion passed 3-0. Each Selectman recommended the article.
- 20 – Employee benefits: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 2-0 (Selectman Wallace abstained). Each Selectman recommended the article.
- 21 – Board and Committees: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 22 – Facilities budget: The Board discussed the group bid process for oil and wanted to know who was participating. Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant with the Town Administrator to check with SAD 75 regarding their participation and for her to investigate options and make a recommendation; motion passed 3-0.
- 23 – Roads budget: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 24 – Recycling Center and Transfer Station budget: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 2-0 (Selectman Wallace abstained). Each Selectman recommended the article.
- 25 – Fire and Rescue budget: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 26 – Emergency Services: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 27 – Harbor Management budget: Selectman Henderson moved, seconded by Chairman Haible to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 28 – Animal control: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 29 – Law enforcement, communications and shellfish conservation: Chairman Haible moved, seconded by Selectman Wallace to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.
- 30 – General assistance and health and welfare: Chairman Haible moved, seconded by Selectman Henderson to place this article on the warrant; motion passed 3-0. Each Selectman recommended the article.

**9. Authorization of the Warrant:** Chairman Haible moved, seconded by Selectman Henderson to approve warrant #7 in the amount of \$7,785.28; motion passed 3-0. Payroll warrant #5 in the amount of \$21,215.21 was noted for the record.

**10. Approval of the Minutes:** Chairman Haible moved, seconded by Selectman Wallace to approve the January 22 minutes as printed; motion passed 3-0.

**11. Public Comment:** There were no public comments.

**12. Adjournment:** The meeting was adjourned by unanimous vote at 8:27 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: