

Board of Selectmen's Meeting Minutes
October 1, 2009
Harpswell Town Office
Approved on October 15, 2009

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At 5:30 p.m. the Board met to handle administrative matters; Bill Wells, Code Enforcement Officer, reviewed the Peter Coughlan holding tank application and the Board declined Mr. Coughlan's request to change the conditions placed when it was previously approved to allow a residential use; scheduling matters were discussed; Chairman Henderson requested a timeline on hearings regarding ordinance proposals; Selectman Multer reviewed her list of suggested budget cuts for 2010 and the Board directed the Budget Advisory Committee to calculate the budget with a 1% salary/wage increase and to prepare a LD1 compliant budget listing the items that may exceed LD1 separately as last year; Selectman Multer noted she will attend the Budget meetings after the November 3 vote; a thank you letter from the Orr's Island Library and Big Brothers/Big Sisters were provided to the Board; the Board reviewed and signed two purchase orders exceeding \$1,000 in value. Discussion ensued with Town Clerk re: records preservation and future digitization of records.

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; James Hays, Harbormaster; and Fred Cantu, Recycling Center/Transfer Station Manager

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: Chairman Henderson moved, seconded by Selectman Multer to amend the agenda by replacing item 10. Consider Shellfish Ordinance Amendments and Conservation Time Policy with Consider Amendments to Restricting Vehicle Weight on Posted Ways Ordinance currently listed under Old Business; motion passed 3-0.

2. Public Comment: None.

3. Approval of the Minutes: Selectman Henderson moved, seconded by Selectman Multer to approve the September 17 minutes as edited earlier by email; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane stated Federal Emergency Management Agency (FEMA) was proposing map amendments, including zone and base flood elevations changes. The City of Portland and Harpswell have been vocal about this issue including contacting the congressional delegation. FEMA has decided to start its notification process again which extends the original November 18 deadline for appeals. Administrator Eiane encouraged property owners located in the Shoreland Zone to visit the Code Office and view the proposed FEMA maps to gain an understanding of how the changes may impact them. Robert Gerber has expressed an interest in attending the future meeting (about late October – early November) with FEMA representatives and the Town and property owners. Administrator Eiane announced the Town's seasonal flu clinic is scheduled for October 8 from 9:00 a.m. – 12:00 noon and 5:00 p.m. to 7:00 p.m. for those ages 18 or older. Administrator Eiane announced that absentee ballots are available for the November 3 referendum. Administrator Eiane stated that legal counsel, Jensen, Baird, Gardner & Henry, held its biennial session last evening and she, Selectman Multer, Carol Tukey, Bill Wells and Jason Marshall attended the session and learned of law changes. Administrator Eiane announced the bulletin (municipal newsletter) is being mailed tomorrow to residents.

5. Selectmen's Announcements: Selectman Multer stated the Mitchell Field Implementation Sub-Committee received and reviewed six proposals on the zoning and performance standards and interviewed three. Carol

Tukey is to check the references and the Sub-committee will make its recommendation for the October 15 Selectmen's meeting. Selectman Wallace stated the communications tower is now at 240 feet with a red light at 200 feet – the tower should be complete by the end of the week.

6. Request for Proposals for Harbor and Management Plan Consultant: Harbormaster James Hays reviewed the request for proposals for a consultant to create a Harbor Management Plan. Selectman Multer noted some minor typographical errors. Chairman Henderson suggested adding language allowing applicants to review current available GIS data and “other ordinances, if necessary” to number 1 and 3 in the deliverables. There was a discussion about the aggressive schedule and deliverables. Selectman Multer moved, seconded by Chairman Henderson to approve the RFP with the said changes; motion passed 3-0.

7. Request for Proposals for Electrical System Upgrade at the Recycling Center: Fred Cantu, Recycling Center/Transfer Station Manager, explained the issues with the Recycling Center's electrical system and the different options available to resolve the problem. Mr. Cantu would like to send out the request for proposals to replace the rotophaser. With the known costs, Mr. Cantu can apply for an Efficiency Maine grant to cover 45% (approximately \$4,000) of the costs if approved by December 31, 2009. Mr. Cantu will review the bids and make a recommendation at the October 29 meeting along with presenting the grant application. The new system has the potential to save \$1,200 per year in electrical costs. Chairman Henderson moved, seconded by Selectman Multer to approve the RFP with a typo correction and the addition of allowing work on Sunday; motion passed 2-0 (Selectman Wallace abstained).

8. Consider Maine Municipal Association Safety Enhancement Grant Application: Deputy Town Administrator Sawyer explained the grant is for signage for the Harpswell Neck Fire Department and there was no cost to the Town. MMA allows two submittals per municipality and Fred Cantu also submitted an application earlier for a cabinet. This grant is part of MMA Worker's Compensation Insurance and during the annual inspection of Town and Fire Dept. facilities, the grant information is offered. Selectman Multer moved, seconded by Selectman Wallace to approve the grant application; motion passed 3-0.

9. Consider Contract for Emergency Communications Equipment: Administrator Eiane explained that the previously approved RFP was sent out and one bid was received from Active Communications for \$40,800 plus freight. Ed Sparks and David I. Chipman reviewed the response and recommended proceeding with the purchase and installation of the equipment on the new communications tower. Administrator Eiane reviewed some contract changes from the earlier version provided to the Board. The Board discussed a few points. Chairman Henderson moved, seconded by Selectman Wallace to approve the contract with the amendments described by Administrator Eiane and authorized the Town Administrator to sign it; motion passed 3-0.

10. Consider Amendments to Restricting Vehicle Weight on Posted Ways Ordinance: Administrator Eiane explained that last spring the Board considered posting roads and decided to instead work on amending the current ordinance. The Board set a hearing to review proposed amendments for September 17 and businesses were invited to attend. It appears that some businesses did not receive the postcard invitation. Administrator Eiane asked the Board to not take action tonight and to consider holding another hearing or workshop. Chairman Henderson asked that businesses submit written comments/concerns to the Town in advance of the hearing and Selectman Multer asked that submissions be one week in advance. Chairman Henderson moved, seconded by Selectman Multer to postpone this issue and hold a public hearing on October 29 at 7:00 p.m., and for staff to send notice; motion passed 3-0.

11. Consider Amendments of Economic Development Policy: Chairman Henderson stated he made changes to this proposal and thought he had distributed it but apparently did not. Selectman Multer expressed concern about the suggested requirements for an informal proposal. Chairman Henderson moved, seconded by

Selectman Wallace to table the item to the next meeting under Old Business and he will circulate his proposal; motion passed 3-0.

12. West Harpswell School Work Group Appointments: The Board discussed whether candidates had to be Harpswell residents and agreed that it is not required. The Board discussed a couple of different possible candidates. Chairman Henderson stated the Board is looking for volunteers to assess the condition of West Harpswell School and what the costs may be to the Town and suggest possible uses. Chairman Henderson read from the previously approved work group proposal what the Board was looking for. Chairman Henderson moved, seconded by Selectman Wallace to consider this item at the next meeting; motion passed 3-0.

13. Open Bids for Winter Sand: The following bids were opened: Country Fare \$11.45/yd; Dube Gravel \$12.50/yd; Bill Whorff, Inc. \$15.00/yd; JR Hill \$13.50/yd; Goodall \$12.00/yd; Ray Labbe & Sons \$13.95/yd; and Herman Coombs, Sr. \$15.58/yd. Chairman Henderson moved, seconded by Selectman Wallace to accept the Country Fare bid at \$11.45/yd; motion passed 3-0.

14. Discussion of Cumberland County Government: Administrator Eiane stated she attended a Cumberland County meeting with State legislators, GPCOG, Cumberland County partners group and other municipalities and which she found beneficial. Cumberland County is taking an active roll to get legislators to focus on County issues such as transportation (the railroad to Brunswick project). Selectman Multer expressed concern that the County may be getting bigger than it should be and about the county tax increasing. Selectman Multer stated it behooves the Town to keep track of County issues such as the Civic Center and asked for copies of the Commissioner's minutes on a regular basis. Chairman Henderson stated he was generally in favor of regional services. Administrator Eiane stated this County role appears to be effective and that County representatives have offered to speak with the Board.

15. Consider Contract Extension with Beth Della Valle: Administrator Eiane explained that the current contract between the Town and Beth Della Valle has expired and this contract extension proposes to extend the contract to March 30, 2010. Administrator Eiane stated this date may be pushed further out as the consultant and the Comprehensive Plan Implementation Committee work through the proposal. She noted that the extension does not imply any added cost to the Town. Selectman Multer moved, seconded by Selectman Wallace to approve the extension; motion passed 3-0.

16. Discussion Regarding Mountain Road Parcels: Deputy Town Administrator Sawyer stated the Board reviewed a request last year from a property owner asking to purchase the Town-owned 50-foot strip between their property and the State's Mountain Road right-of-way. In 2008, the Board referred the topic for review by certain Town committees that in turn, recommended that the Board not sell the 50-foot strips of land. A new request was received and staff is seeking input from the Board. Chairman Henderson stated that for comprehensive planning, the corridor should not be chopped up. The Board agreed that the current policy is to not sell the portions of land and to continue with that policy.

17. Sign Special Town Meeting Warrant for Referendum Questions: Chairman Henderson provided a brief summary on each of the two questions: 1. accept a \$40,000 grant for Hamilton Place and 2. utility easement with Fairpoint. Selectman Multer moved, seconded by Selectman Wallace to approve the warrant; motion passed 3-0.

18. Schedule Public Hearing for November 3 Municipal Ballot – 7:00 P.M. October 15: Chairman Henderson moved, seconded by Selectman Multer to set October 15 at 7:00 p.m. as the public hearing at West Harpswell School; motion passed 3-0.

19. Consider Town Health Insurance Policy Amendments for Part-Time Employees: Selectman Multer stated that regular part-time employees should be allowed to participate in the Town's health insurance at their own expense. The Board reviewed the proposed amendment and asked some questions. The Board passed the policy amendment 3-0.

20. Open Bids for Overboard System Replacement Project: The following bids were opened: Webber \$7,047; Bill Whorff, Inc. \$3,123 plus \$1,600 if additional pump necessary; Davis \$4,207; and Tupper \$2,972.53. Chairman Henderson moved, seconded by Selectman Multer to approve the Tupper bid pending DEP approval; motion passed 3-0.

21. Old Business

- **Consider Selectmen Position on Reduction to Excise Tax Referendum:** Selectman Multer passed out a proposed resolution against the 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 about this topic. Selectman Wallace noted that increasing the mil rate by .22 to cover a loss in excise revenue was not a good situation. The Board agreed to table the item to allow the Board to attend the debate between representatives of both sides tentatively scheduled for October 14 at Harpswell Community Broadcast Corp.
- **Consider Disposition of Excess Vehicle:** Deputy Town Administrator Sawyer explained that Bill Wells, Code Enforcement Officer, cautiously recommended the Board keep the 2003 and sell the 2005 Crown Victoria. The Board discussed whether to set a minimum bid and decided to since the car could be junked for \$600. Chairman Henderson moved, seconded by Selectman Multer to place the 2005 car up for bid with a \$600 minimum bid due by October 29; motion passed 3-0.

22. Schedule Public Hearing for General Assistance Maximums – 7:00 P.M. October 29: Chairman Henderson moved, seconded by Selectman Multer to set October 29 at 6:45p.m. as the public hearing to set general assistance ordinance maximums; motion passed 3-0.

23. Confirmation of Subtenant Rights Re: Communications Tower: Administrator Eiane explained that Verizon Wireless is negotiating with Tower Specialists to be on the tower but first wants a confirmation of its subtenant rights to remove its equipment when Tower Specialists' lease expires. The Town attorney has reviewed the document. Chairman Henderson moved, seconded by Selectman Wallace to approve the confirmation of subtenant rights to facilitate a sub-lease between Verizon and Tower Specialists; motion passed 3-0.

24. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Multer to approve warrant #66 in the amount of \$55,439.06; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #67 in the amount of \$709.06; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #40 in the amount of \$14,092.75 was noted for the record.

25. Adjournment: The meeting was adjourned by unanimous vote at 8:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

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