

Board of Selectmen's Meeting Minutes
January 8, 2009
Harpswell Town Office
Approved on January 22, 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; Carol Tukey, Town Planner; and Marguerite Kelly, Treasurer

The Board met at 5:30 p.m. to handle administrative matters; Carol Tukey, Planner, reviewed the mandatory shoreland zoning ordinance options for forest harvesting; February 9 and 10 at 6:30 p.m. were scheduled as options for a public hearing to include the open space plan, recall ordinance, shoreland zoning amendments, and elected officials; the Board was informed of the January 28 secret ballot deadline and the Board indicated there were no items; there was a discussion regarding the CDBG grant applications and the Board requested to review certain final applications at the next meeting; January 22 at 5:30 p.m. was set as a meeting with the Fire and Rescue Committee; February 19 at 4:00 p.m. was confirmed as a Pipeline Committee and Navy representatives meeting with the Navy reporting to the Board at that evening's Selectmen's meeting; Selectman Henderson requested the Town's emergency plan be updated in the near future; the Board signed a wharf notice of decision and purchase orders exceeding \$1,000 in value.

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

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

1. Adoption of the Agenda: Chairman Haible moved, seconded by Selectman Wallace to adopt the agenda as printed; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane announced the Town Meeting date of March 14 and that there will be elections for Selectman, Road Commissioner, SAD 75 member and she encouraged the public to see the Town Clerk for more information if interested in running. Administrator Eiane reported on the December 29 meeting with Fairpoint, Central Maine Power, County Emergency Management Agent and representatives from all three fire departments. Progress was made at the meeting regarding power and phone outages during storms and the importance of having phone contact for emergencies was relayed. Fairpoint encouraged people to contact them somehow, i.e. through a neighbor, to report phone outages. Administrator Eiane reminded the Board of the January 15 budget reconciliation meeting at 1:00 and special Selectmen's meeting at 12:45 p.m. to approve the final 2008 warrant. The Town Clerk's office is hosting a rabies clinic on Saturday from 9:00 a.m. to 12:00 noon.

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

4. Old Business

- **Revolving Loan Program:** Chairman Haible expressed an interest in exploring John Hodge's idea of a soft second mortgage. Although the time period involved with the revolving funds would be lengthy, the Town would recoup the funds it invested into a property owner's septic system at the time of transfer of ownership. Selectman Henderson and Selectman Wallace expressed some concerns about not offering grants but did agree with Chairman Haible to further explore the soft mortgage option. Staff will prepare sample documents and return to a future meeting.
- **Purchase and Sales Agreement:** Marguerite Kelly, Treasurer, explained she was able to negotiate a purchase and sales agreement with the prior owner of map 15, lot 87, whose property was foreclosed on December 15, 2008 due to an unpaid tax lien. The prior owner will make 8 monthly payments of

\$165.13 to pay the outstanding 2006, 2007 and 2008 taxes, interest and costs. The Board concurred and the agreement was signed. A meeting with the other property owner whose property was foreclosed on December 15 is scheduled for next week.

5. Recreation Awards: David Brooks, chair of the Recreation Committee, expressed appreciation for the great job Liz Bouvé did during her time as Recreation Director and what a great job Gina Perow is doing as Interim Director. Mr. Brooks and Ms. Bouvé spoke kindly of all the volunteers that contribute so much and help make Harpswell's recreation program a success. Every year, some volunteers are honored and their names are placed on a plaque at the Town Office. Ms. Bouvé read the existing names on the plaques and introduced the three honorees: Keith Richardson, Dave Matero and Chuck Alexander.

6. Discussion on Appointed/Elected Tax Collector and Town Clerk: David Chipman, chair of the Governance Committee, stated the Committee did not reach a recommendation regarding the Town Clerk and Tax Collector position as it focused on the Treasurer and Road Commissioner's positions, which it recommends to be appointed. Mr. Chipman read the recommendation of Elsa Martz, a member of the Committee, for the Selectmen to investigate this issue in the coming year to make the positions appointed. Selectman Henderson asked what the difference between Road Commissioner/Treasurer was to Town Clerk/Tax Collector. Mr. Chipman stated the Tax Collector and Town Clerk have deputies that are trained and could step in if necessary, where the other two positions do not. Chairman Haible stated there is a risk for all appointed positions as anyone could be elected in any position, without experience and training. David Chipman recommended that all four positions not be recommended at once to the Town Meeting. Town Clerk, Roz Knight, spoke against changing the positions from elected to appointed and provided the history of government change questions brought to Town Meeting and denied. Selectmen Henderson stated he was not ready to support asking Town Meeting again since it was asked just 3 years ago. Chairman Haible disagreed as the Road Commissioner and Treasurer should be appointed with certain experience. Selectman Henderson suggested bringing the issue to Town Meeting upon the incumbents retiring.

7. Proposed Amendment to Recall Ordinance: David Chipman, chair of the Governance Committee, stated the Committee has made changes to the existing recall ordinance, which has been reviewed by Town counsel and is prepared for Town Meeting.

8. Cell Tower Update: Paul Strout, of Tower Specialist, stated he obtained Planning Board approval, with several conditions, to construct the Town's communication tower. Mr. Strout said he is close to fulfilling the last condition and should have his building permit by the end of January. AT&T is scheduled for the February Planning Board and will be the first cell carrier on the tower. Once Mr. Strout receives his building permit, he stated his contract with the Town provides 3 months for completion of the tower; therefore, the tower should be constructed by the end of April. Chairman Haible expressed dissatisfaction with the amount of time it has taken Mr. Strout to get the project moving. Mr. Strout, in return, expressed dissatisfaction with the amount of time involved with obtaining Town approvals.

9. Approval of Road Name: Selectman Henderson noted this was a follow up from the last meeting at which time, the affected owners could not agree on road name choices. The Board agreed to delay the naming to give the owners time to reach a consensus, which it now appears they have. Chairman Haible moved, seconded by Selectman Wallace to approve Hemlock Lane; motion passed 3-0.

10. Background Checks for Recreation & HNFV Volunteers: Administrator Eiane explained the Town would like to perform background checks on recreation volunteers for children's programs, once a potential applicant completes an application giving permission to perform the check, and that previously, Selectman Henderson requested a policy with several suggestions on what to include. The "Town of Harpswell Recreation

Department Volunteer Background Check Policy” is proposed for consideration which includes a retention period of 60 years for volunteers accepted by the Town and 2 years for those who were not; a disqualification for volunteering for anyone whose check returns a conviction involving children; the record is confidential; and the check will be run every 3 years, based on Ms. Perow’s recommendation. Chairman Haible moved, seconded by Selectman Henderson to adopt the policy with the 3-year check addition and authorize use of it by designated Town staff; motion passed 3-0. Administrator Eiane added that the Town will perform the check for volunteers of the Harpswell Neck Fire Department and provide the original information to the Department. Chairman Haible suggested Town staff perform the check and generate the record for the HNFD to view here at the Town Office and keep the record here since the Town is liable for the search. David Chipman stated that HNFD was prepared to keep the record confidential. Administrator Eiane was asked to research the Town’s liability and work out the best solution for the Town and the Harpswell Neck Fire Department.

11. Harpswell Scouting Association Request for Use of Mitchell Field: Deputy Administrator Sawyer explained this application is for a scouting winter event and that it meets the Group Use Policy. Chairman Haible moved, seconded by Selectman Wallace to approve the Harpswell Scouting Association request for use of Mitchell Field for a scouting winter event on Saturday, February 21, and waives provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; and allows the use of motorized vehicles to the site. The motion carried 3-0.

12. Decision Re: Town’s Legal Firm: Chairman Haible stated that in her reference check of Skelton, Taintor and Abbot, the Town of Poland stated they did a great job and the Town decided to go with Jensen, Baird, Gardner and Henry for the same service at a lesser cost. Selectman Wallace expressed his desires for a change and to switch legal counsel. Selectman Henderson agreed that while Jensen, Baird, Gardner and Henry is conservative, as is Skelton, Taintor and Abbot, according to the reference, they are reasonably priced. Selectman Henderson moved, seconded by Chairman Haible to retain Jensen, Baird, Gardner and Henry as Town counsel; motion passed 2-1 (Selectman Wallace opposed).

13. Acceptance of Heating Assistance Donations: Chairman Haible moved, seconded by Selectman Henderson to accept \$175.00 in donation for the Town’s heating assistance program; motion passed 3-0. David Chipman suggested the program be expanded to allow energy audits.

14. Adoption of Mileage Reimbursement Rate: Chairman Haible moved, seconded by Selectman Wallace to adopt the IRS mileage reimbursement rate of .55 per mile effective January 1, 2009; motion passed 3-0.

15. Open Bids for the Municipal Truck: Chairman Haible opened one bid from Wayne Harrington in the amount of \$4,651. Chairman Haible moved, seconded by Selectman Wallace to accept the bid; motion passed 3-0.

16. Authorization of the Warrant: Chairman Haible moved, seconded by Selectman Henderson to approve warrant #79, for a 2008 warrant, in the amount of \$32,395.36; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant #80, for a 2008 warrant, in the amount of \$3,584.87; motion passed 2-0. (Selectman Wallace abstained). Selectman Henderson moved, seconded by Chairman Haible to approve warrant #2 in the amount of \$773,148.31; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant #3 in the amount of \$216.92; motion passed 2-0. (Selectman Wallace abstained). Payroll warrant #2 in the amount of \$13,916.86 was noted for the record. Administrator Eiane explained that warrant 77 went to contingency for \$500.00 for general assistance and plus tonight, Selectman Henderson moved, seconded by Chairman Haible to use contingency in the total amount of \$2,655.09 for general assistance; motion passed 3-0.

17. Approval of the Minutes: Chairman Haible moved, seconded by Selectman Henderson to adopt the December 4 minutes with amendments; motion passed 3-0. Selectman Wallace moved, seconded by Selectman Henderson to adopt the December 18 minutes as amended; motion passed 2-0 (Chairman Haible abstained). Selectman Henderson moved, seconded by Selectman Wallace to approve the minutes of December 23 as printed; motion passed 3-0.

18. Public Comment: There was none.

19. Executive Session Pursuant to 1 M.R.S.A. § 405 (6)(D) to Discuss Labor Negotiations: Chairman Haible moved, seconded by Selectman Henderson to enter into executive session; motion passed 2-0 (Selectman Wallace abstained and departed for the evening).

20. Adjournment: The meeting was adjourned by unanimous vote at 9:25 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Volunteer Background Check Policy