

Board of Selectmen's Meeting Minutes
December 4, 2008
Harpswell Town Office
Approved on January 8, 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; William Wells, Code Enforcement Officer and Marguerite Kelly, Treasurer

The Board met at 5:30 p.m. to handle administrative matters; there was a discussion regarding proposed ordinance changes with Carol Tukey, Town Planner; the Board agreed with Ms. Tukey's and the Conservation Commission's recommendation to release FB Environmental from the balance of their contract; the Board agreed to hold a joint meeting for the public with the Conservation Commission re: Open Space Plan, which may include other hearing items for Town Meeting; Selectman Henderson stated the local National Honor Society is looking for a project and asked everyone to think of ideas; and the Board set December 18 at 5:00 p.m. as a workshop with the Governance Committee.

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 replaced item 4: Carrying Place Assembly with Acceptance of a Resignation; the Board agreed.

2. Town Administrator's Report: Kristi Eiane, Town Administrator, reminded taxpayers that the seconded payment of 2008 taxes is due December 15; Administrator Eiane announced that Cook's Lobster House is holding a Christmas Party on December 19 which will include many events, including an auction which will benefit the Harpswell Home Heating Assistance Program; Administrator Eiane relayed an invitation from the SAD 75 School Board Members for the Selectmen to attend a SAD 75 Forum at the Town Office on December 9 at 6:30 p.m. Dee Carrier, School Board Member, stated the Comprehensive Strategic Planning Committee will hold the forum on December 9 to seek input on the school system and how to proceed into the 21st century.

3. Selectmen's Announcements: Selectman Wallace encouraged the public to drive carefully during the early morning commute with the potential for black ice. Chairman Haible announced that Harpswell Recreation and Tammi Lareau is offering a free inter-generational holiday program from 3:30 – 4:30 p.m. on December 7 at the Cundy's Harbor Community Building; December 14 at the Grange on Rt. 123; and December 21 at the Old Orr's Island Schoolhouse. Chairman Haible stated the Selectmen received an anonymous letter and said she was happy to hear from anyone but that it is impossible to respond without having a name included. Chairman Haible announced she would not run for re-election in March 2009 and encouraged members of the public to run. Chairman Haible explained there were four main goals she wanted to accomplish while in office: 1. Master Plan for Mitchell Field; 2. Cell Tower; 3. Pipeline removed; and 4. improve openness. Chairman Haible was pleased to say that all four goals have either been accomplished or well underway and that she has really enjoyed her 3-year term.

4. Old Business: Selectman Henderson moved, seconded by Selectman Wallace to accept Dick Newman's resignation with thanks from the Energy Task Force; motion passed 3-0.

5. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her report for November's financial activities (attached).

6. Authorize Treasurer to Request Proposals for \$50,000 Borrowing: Ms. Kelly explained the 2004 Town Meeting authorized the borrowing of \$50,000 for a revolving loan fund to replace failing septic systems and overboard discharge systems. There was a discussion regarding the existing program that was funded by a 2007

\$65,000 CDBG grant and about the revolving part with the \$50,000 loan. Ms. Kelly stated that the loan is taxable with an interest rate about 5.25% and recommended a re-payment schedule of \$10,000, \$20,000 and \$20,000 beginning in 2010. Chairman Haible moved, seconded by Selectman Henderson that the Town Treasurer be authorized to request from Maine banking institutions proposals regarding the borrowing of \$50,000 for the purpose authorized by the 2004 Town Meeting with the repayment schedule as proposed by the Treasurer; motion passed 3-0. Interest on the bond will not be excluded from gross income of the owner of the bond.

7. Wharf Applications:

- Steven and Barbara Burns, 7 Sailor's Way, Map 62, Lot 144: Chairman Haible moved, seconded by Selectman Wallace to open the public hearing at 8:30 p.m.; motion passed 3-0. Bill Wells, Code Enforcement Officer, reviewed the application and recommended its approval as it meets the standards. The hearing was closed at 8:33 p.m. Chairman Haible moved, seconded by Selectman Henderson to approve the application as it does not cause a hazard to navigation or cause injury to the rights of others; motion passed 3-0.
- Scott Dugas and the Prescotts, Lower Goose Island, Map 77, Lot 15: Chairman Haible moved, seconded by Selectman Henderson to open the public hearing at 8:33 p.m.; motion passed 3-0. Bill Wells, Code Enforcement Officer, reviewed the application for a shared wharf system and recommended its approval. The hearing was closed at 8:35 p.m. Selectman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

8. Public Hearing for Shellfish Area Opening: Chairman Haible moved, seconded by Selectman Wallace to open the public hearing at 7:10 p.m.; motion passed 3-0. Members of the Marine Resource Committee and licensed commercial shellfish harvesters spoke both in favor of opening Long Cove without restrictions and against opening it without restrictions. Scott Moody, chair of the Marine Resource Committee, stated since the State lifted its closure, the Committee voted 4-3 to lift the local closure and open the Cove without restrictions. Those who spoke against an unrestricted opening were: Scott Moody stating the Cove could be damaged by over digging; Weston Watts as the price of clam bushels is too low; and Walter Ward stating it's too cold for clams and digging everyday will limit the clam's ability to burrow. Those who spoke in favor of opening the Cove without restriction were: David Wilson stated that the market and weather conditions will dictate the digging quantity and the Cove will not be damaged; Mike Bernier stating the freeze in January will assure that the cove is not devastated; Robert Boyce was first in favor of a limitation but is not now as the ice and market will assure no over-digging; and Mike Bernier (Jr.), stated this Cove is 22 acres and any damage to past coves were due to their small size. Deputy Bradbury stated the Board had a difficult decision as he can understand the arguments from both sides. The Board asked questions of the harvesters. Chairman Haible moved, seconded by Selectman Wallace to close the public hearing at 8:07 p.m. Selectman Henderson moved, seconded by Selectman Wallace to open Long Cove without restrictions. Chairman Haible did not agree as she was concerned about the environmental impacts. Selectman Henderson amended his motion to open Long Cove beginning at 6:00 a.m. on December 5 and to require that the Committee reports back to the Board on the status of the Cove in March and August. The motion carried 2-1 (Chairman Haible opposed).

9. Cumberland County Community Development Block Grant Pre-Applications: Deputy Administrator Terri Sawyer explained that the Board reviewed the concepts for the pre-applications at its last meeting and tonight is for the Board to comment, revise or void the now described proposed projects. The Board reached a consensus to proceed with all eight pre-applications: Mitchell Field infrastructure; Mitchell Field Boat Launch; Mitchell Field Demolition of buildings; Vernal Pool mapping; energy audits; Brunswick Housing Authority infrastructure; Mitchell Field Pier Assessment; and Mitchell Field Pier Zoning and Performance standards.

10. Governance Committee Report: David Chipman, Chair of the Governance Committee, stated the Selectmen asked the Committee to re-review its position on the Treasurer to be elected or appointed and that the Committee has submitted a memo listing the pros and cons for the Selectmen to review and decide its position. The Committee is also working on a policy regarding secret ballot vs. floor articles. Chairman Haible noted the Committee should not be reviewing any changes in government such as increasing the Selectmen, but that they could submit suggestions for the Committee to work on in 2009. [Workshop for Selectmen and Governance was scheduled for December 18 at 5:00 p.m.)

11. Energy Task Force Presentation: David Chipman, Chair of the Energy Task Force, explained the Town has the opportunity to install a wind turbine on Town property to power the Town Office with multiple benefits such as environmental, political and monetary. The Task Force needs Town Meeting to authorize a cash match to allow the Task Force to apply for a PUC grant. The turbine is proposed at 80-feet with a diameter in blades at 31-feet and is slow turning. The grant amount is \$50,000 and \$44,000 (not to exceed \$50,000) is required by Town Meeting. Ed Pelta, member of the Task Force, answered questions including the maintenance costs. Chairman Haible stated a map depicting the location of the turbine will be necessary for Town Meeting. The Board requested that a warrant article for this item be drafted.

12. Acceptance of Heating Assistance and Summer Swim Donations: Chairman Haible moved, seconded by Selectman Henderson to accept the total \$475 donation for the Town's summer swim program and \$100 for the Town's home heating assistance program; motion passed 3-0.

13. December Schedule: Administrator Eiane explained the Town's personnel policy allows for 12 paid holidays and gives the discretion to the Board of Selectmen to give a ½ day on Christmas Eve and ½ on New Year's Eve. The Union has a contract without the ½ day language. Selectman Henderson moved, seconded by Selectman Wallace to grant a ½ day on Christmas Eve and New Year's Eve to non-union employees; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to close the Transfer Station/Recycling Center for a half day on Christmas Eve and New Year's Eve. Administrator Eiane questioned if the employees would be paid for the closing. Selectman Henderson withdrew his earlier motion. Selectman Henderson moved, seconded by Chairman Haible to grant a ½ day on Christmas Eve and New Year's Eve to union employees; motion passed 2-0 (Selectman Wallace abstained).

14. Consider Abatements: Chairman Haible explained the abatement requests were due to the property owners no longer owning the trailers and no longer present in Harpswell. Chairman Haible moved, seconded by Selectman Henderson to approve 3 years of abatements as follows: 2004 Scott Roy for \$55.62 and Carol Tijerina-Sleeper for \$13.93; 2005 Scott Roy for \$137.43 and Carol Tijerina-Sleeper for \$6.90; and 2006 Scott Roy \$142.21 and Carol Tijerina-Sleeper for \$7.14; motion passed 3-0.

15. Appointment of 911 Addressing Officer: Selectman Henderson moved, seconded by Selectman Wallace to appoint Jason Marshall, Assistant to Code Officer, as the 911 Addressing Officer; motion passed 3-0.

16. Set Annual Town Meeting Date for Saturday, March 14, 2009: Chairman Haible moved, seconded by Selectman Henderson to set Saturday, March 14, 2009 as the annual Town Meeting date; motion passed 3-0.

17. Curtis Memorial Library Memorandum of Understanding: Administrator Eiane explained the Selectmen entered a 3-year agreement with the Curtis Memorial Library (CML) which expires December 31, 2008. Administrator Eiane, Chairman Haible and representatives from CML met and created a 1-year extension. Administrator Eiane explained this agreement would bind the Board to placing a warrant article on March Town Meeting for 10% of total municipal contribution (\$118,000). The Board doesn't have to

recommend the article nor does the Budget Advisory Committee. Chairman Haible moved, seconded by Selectman Wallace to adopt the agreement; motion passed 3-0.

18. Contract with Assessing Agent: Administrator Eiane stated this contract was the same as in previous years with the addition of language requiring Town Meeting to approve funding and the contract is at the same rate as 2008. Selectman Henderson moved, seconded by Chairman Haible to approve the contract with Curt Label for 1/1/09 – 12/31/09; motion passed 3-0.

19. Disposition of Excess Vehicle: Administrator Eiane explained this is the first vehicle in years with significant value and the Board is asked to consider a minimum bid. Selectman Wallace moved, seconded by Selectman Henderson to place the 2003 Chevy up for sealed bid with a minimum bid of \$4,500; motion passed 3-0.

20. Authorization of the Warrant: Chairman Haible, seconded by Selectman Henderson to approve warrant #74 in the amount of \$42,264.28; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to approve warrant #75 in the amount of \$12,071.41; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #49 in the amount of \$16,189.08 was noted for the record. Administrator Eiane explained with this week's general assistance payments, the general assistance account needs to go to contingency for \$1,474.57. Selectman Henderson moved, seconded by Chairman Haible to approve use of contingency; motion passed 3-0.

21. Approval of the Minutes: Chairman Haible submitted a few changes to the November 20 minutes and moved, seconded by Selectman Wallace to approve the minutes as amended; motion passed 3-0.

22. Public Comment: There was no public comment.

23. Adjournment: The meeting was adjourned by unanimous vote at 9:52 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report