

**Board of Selectmen's Meeting Minutes**  
**May 22, 2008**  
**Harpswell Town Office**  
Approved on June 5, 2008

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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 William Wells, Code Enforcement Officer

The Board met at 5:30 p.m. to handle administrative matters; Administrator Eiane informed the Board that she was referring a letter from DMR regarding water quality testing to the Marine Resources Committee; Tom Allen, President of Board of Directors for HCBC attended and the proposed Agreement was reviewed; appointment sheets, wharf notice of decisions and catering permits were signed.

**Call to Order and Pledge of Allegiance:** The meeting was called to order by Selectman Haible at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** Chairman Haible moved, seconded by Selectman Henderson to amend the agenda by adding 16a. Appointments; motion passed 3-0.

**2. Town Administrator's Report:** Administrator Eiane stated she was pleased the legal decision was in Selectman Wallace's favor and that she looked forward to continue working with him. Administrator Eiane reported she attended a meeting at the Public Utilities Committee regarding two issues in Harpswell: 1. maintenance of digital loop carriers (battery powered back up for phone systems); 2. the situation with the cutting of the telephone cable from Bailey's Island to Harpswell Neck which left many residents without phone service for 4 days and no contact from Verizon with the Town or Emergency Management. The meeting was productive and the PUC is trying to assure that Fairpoint has adequate systems and processes in place to service customers. Administrator Eiane stated that the newspaper is reporting that Comcast is exploring selling parts of its municipal clusters. The Communications Advisory Committee will meet with Jay Sommers next Wednesday to get more information and begin negotiating a new franchise agreement. Administrator Eiane encouraged the public to attend the Memorial Day Parade on Monday, 11:00 a.m., beginning at Lookout Point Road and ending at Allen Point Road. Administrator Eiane requested permission to dispose of the 2000 Ford Ram pickup truck and to place it in front of the Town Office with a for sale sign and to advertise a sealed bid process. Selectman Henderson moved, seconded by Selectman Wallace to authorize disposal of the truck; motion passed 3-0.

**3. Selectmen's Announcements:** Chairman Haible reviewed the correspondence from Jensen, Baird, Gardner and Henry and its offer to file an appeal in Supreme Court at no charge. Chairman Haible stated the Town did its due diligence and should not appeal the decision and be satisfied with the declaratory decision and the insurance decision, in favor of Selectman Wallace. Mr. Wallace's attorney, Jim Katsiaticas, has to file costs within 10 days and attorney fees may not be included in the award payment. Chairman Haible stated if the attorney fees are not awarded, she would entertain a motion to have the Town reimburse Mark's attorney fees. Chairman Haible stated she was very happy by the decision and to continue working with Mark. Selectman Henderson agreed with Chairman Haible's comments and stated he would support the Town paying the attorney fees. Selectman Wallace stated he felt relief and happiness about the decision and he appreciated all the support he received. Chairman Haible reported she attended a MRD Authority meeting regarding the BNAS redevelopment plan. Harpswell has three representatives in the committee, Heather Collins, John Moncure and Stephanie Slocum. Chairman Haible reviewed a number of projects the committee is investigating, including an energy study and workforce training. Chairman Haible commented on the amount of federal funding

invested in the BNAS redevelopment plan and stated she would like to tap into that source to use for the pier at Mitchell Field.

#### 4. Old Business

- **Tax Acquired Property Situation:** Chairman Haible stated the Board met in executive session regarding this matter last Friday but did not make any decisions. The options are: 1. accept payment for the back taxes, interest and fees and return the property to the previous owner; 2. accept back taxes, interest, fees and a penalty and return the property to the previous owner; 3. hold onto the parcel; 4. sell the parcel via a closed bid process; 5. meet with constituents having an interest in the property, such as the Conservation Commission; or 6. meet with a family in the neighborhood who has expressed a direct interest in the property. Selectman Henderson stated he believed in order to make the best decision for the area, the Board should meet with interested groups and people in the area. Selectman Henderson moved, seconded by Selectman Wallace to undertake a process to gather what organizations and people see as value for the community in this property; motion passed 3-0. Chairman Haible noted that the land could be held privately with conservation covenants limiting certain uses of the property. Chairman Haible asked the Town Administrator to contact various groups and set up a meeting.
- **Agreement with Harpswell Community Broadcast Corporation:** Selectman Henderson stated the agreement was reviewed earlier in the administrative meeting and the Board seemed in agreement with the attorney's changes. David I. Chipman stated he wasn't sure how much it would cost for HCBC to insure their contents in the building but that he was anxious to finalize the agreement and agreed to proceed with all the changes. Marguerite Kelly, Town Treasurer, expressed concern about the wording that states HCBC will own the equipment and fixtures they purchase and questioned where that left the digital conversion equipment as the Town currently has reserved ±25,000 for that equipment. Ms. Kelly was concerned about the language that the agreement can be terminated if HCBC doesn't receive adequate funds from the Town and questioned what adequate meant. Ms. Kelly encouraged the Board to be sure that the asset list is correct before making it a permanent part of the agreement. Katherine Chatterjee made multiple comments regarding the proposed agreement (attached May 22 memo as further review). David I. Chipman responded to a few of the comments including that HCBC is the only PEG (Public, Education and Government) broadcast station in the world. Selectman Henderson disclosed he was formerly the President of HCBC and noted the Town has contributed \$35,000 annually to HCBC which has not increased even though costs have. Selectman Wallace stated he appreciated the service HCBC gives and noted that the Town contributes significantly greater to Curtis Memorial Library. Chairman Haible stated the agreement needs to address the digital conversion investment and that the adequate funding wording is vague. Chairman Haible stated she appreciated many of Ms. Chatterjee's comments and encouraged the Communications Advisory Committee to look at HCBC's future. Selectman Henderson stated language can be added regarding the Town owning future acquisitions and expressed concern about the Town telling HCBC what it should do in the future. Chairman Haible stated she was ready to support the agreement with the \$25,000 being addressed and a few other changes. Selectman Henderson moved, seconded by Selectman Wallace to adopt the agreement with the attorney changes and amend Equipment and Fixtures a. "HCBC shall own all equipment and fixtures from any source unless the provision of this equipment or fixture is specifically designated under other ownership by the attached inventory or by future acquisitions."; motion passed 3-0. The list of fixtures needs to be mutually agreed upon before signing the agreement. Chairman Haible asked for Ms. Chatterjee's comments to be attached to the minutes and provided to BAC, HCBC and the Communications Advisory Committee.

**5. Mitchell Field Update:** Chairman Haible encouraged the public to visit the beach at Mitchell Field and enjoy the view without the fence that was removed by volunteers over two weekends. Chairman Haible thanked all the volunteers and read a list, generated by volunteer Judith Redwine, of the volunteer names: Dan

Boland, Tom Allen, Paul Hickey, Rob Roark, Scott Lemieux, David I. Chipman and his tractor, Donna Frisoli, Don Miskell, Rob MacAleer, Prescott McCurdy, Sally Carignan with her muffins, Blackbird Café who donated food and drinks, Hank Schwartz, Spike Haible, Renault Haible who helped Chairman Haible shovel the path mixture all day, Mike Webber who donated and delivered the erosion control mix used for the path and Bill Wells.

**6. Report from Town Planner:** Carol Tukey, Town Planner, introduced Heather True, Project Manager of the Cumberland County Soil & Water Conservation District, who is working on conservation and improvements for the New Meadows River Watershed. Ms. True explained she is applying for 319 funds from EPA through MDEP and asked the Board to approve Harpswell being the grantee. In 2000, Brunswick received this grant and addressed several sites that were causing water pollution through erosion. The grant would have the same objective in Harpswell. Administrator Eiane encouraged the Board to authorize this grant and asked if there was a required match. Ms. True responded that there was an in-kind match only which would be achieved by having Carol Tukey attend the meetings. Chairman Haible moved, seconded by Selectman Wallace for Harpswell to be the grantee for a New Meadows River Watershed grant, administered by the Cumberland County Soil & Water Conservation; motion passed 3-0. Chairman Haible signed the cover letter for the grant. Carol Tukey reviewed her May 19 memo providing updates on different items she is working on (attached as further review).

## 7. Wharf Applications

- **Brett Chapman, Map 38, Lot 70, 251 Gun Point Road:** Bill Wells, Code Enforcement Officer, stated this application was tabled from the May 8 meeting for the Harbormaster to measure the channel. Since then, the Harbormaster has approved the application for the total length of 21-feet. Chairman Haible moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Richard and Timothy Ward, Map 53, Lot 57, 141 Wallace Shore Road:** Bill Wells, Code Enforcement Officer, reviewed the application for a commercial wharf. The proposal has been approved by Planning Board. Selectman Henderson moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Peter Schwindt, Map 35, Lot 17, 25 Reed Cove Road:** Bill Wells, Code Enforcement Officer, reviewed the application and stated a shore stabilization application to DEP is also in process. Joe Leblanc, owner's representative, described the two projects. Chairman Haible moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Tobias and Anne Seggerman, Map 12, Lot 138, 105 Clark Shore Road:** Bill Wells, Code Enforcement Officer, reviewed the application to replace the existing wharf with a larger system. Joe Leblanc, owner's representative, addressed the differences in the existing and proposed systems. Chairman Haible moved, seconded by Selectman Henderson to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Wallace Soule, Map 77, Lot 39, Lower Goose Island:** Bill Wells, Code Enforcement Officer, reviewed the application. Barney Baker, owner's representative, stated that the seasonal system will be made from recycled material from another island. Selectman Henderson moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.

**8. Request to Place Plaque on Public Property:** Stacey Welner, author of Tragedy in Casco Bay, stated she acquired a 16"x24" plaque from the Town of Mexico, Maine to honor the lives of those lost in that tragedy. Ms. Welner is investigating the best options for placement of the plaque and will return to the Board for permission if it's determined the best site is on Town property.

**9. Harpswell Festival Requests: Fireworks and Raffle:** Tom Allen, Executive Director of the Harpswell Festival scheduled for July 27, stated that Town Meeting approved \$4,000 for the Town's 250<sup>th</sup> celebration and the Festival thought the Town may want to contribute towards the fireworks display in the Town's honor. Mr. Allen acknowledged the Town's 250<sup>th</sup> celebration committee has committed the \$4,000 budget and the Board may want to consider going to contingency for an amount towards fireworks. Mr. Allen stated in the past years the Festival has funded \$3,000 for a 10 minute fireworks show and that the Festival would match the Town's contribution by 50%. An idea to place coffee cans at public location was discussed to raise money for the firework display and Administrator Eiane indicated the Festival itself could utilize that approach but it would not be an approach that the Town would undertake. Selectman Henderson considered donating \$1,000 right now with a caveat that more may be donated later. Chairman Haible moved, seconded by Selectman Henderson to authorize \$1,000 from the 250<sup>th</sup> celebration budget with the understanding that contingency may have to be used if the \$4,000 budget is entirely expended; motion passed 3-0. Dave Hackett, President of Harpswell Historical Society, summarized the planned 250<sup>th</sup> celebration events.

Tom Allen explained the 50/50 raffle sale to raise more money and that it does not require a license. Chairman Haible stated they were all set to proceed.

**10. Request for Use of Mitchell Field by Elijah Kellogg Church:** Chairman Haible summarized the application was for a picnic and required motor vehicle transport to the site by the water. Chairman Haible moved, seconded by Selectman Wallace to approve the application for the use of Mitchell Field on June 3 for a picnic and to waive the provisions of the Group Use Policy requiring payment of an advance deposit fee and a per person attendance fee and to allow the use of motorized vehicles to the site; motion passed 3-0.

**11. Request for Use of Mitchell Field by Harpswell Scouting Association:** Bob Anderson stated this application is for the same purpose as in the past. Selectman Henderson moved, seconded by Selectman Wallace to approve the application for the Harpswell Neck Scouting Association for use of Mitchell Field on July 19 (and potentially August 9) for a beanhole supper and to waive the provisions of the Group Use Policy requiring payment of an advance deposit fee and a per person attendance fee and to allow the use of motorized vehicles to the site; motion passed 3-0.

**12. Dipper Cove Dry Hydrant Easement:** Deputy Town Administrator, Terri Sawyer, stated that representatives of Dipper Cove Association have signed the easement and if accepted by the Board, a purchase order requisition authorizing funds for installation will need to be signed by Selectmen. Chairman Haible moved, seconded by Selectman Henderson to accept the Dipper Cove Easement for the dry hydrant; motion passed 3-0.

**13. Call for Peace with Iran Resolution:** Administrator Eiane reviewed that the petition passed at the special Town Meeting. She asked the Board to adopt it and to direct to whom they wanted it sent. Chairman Haible read the resolution. Selectman Henderson stated it was reasonable to send the resolution to all four representatives. Chairman Haible moved, seconded by Selectman Henderson to adopt the resolution and send it to the Maine Congressional Delegation; motion passed 2-1 (Selectman Wallace opposed). Chairman Haible explained that signing the resolution didn't equate to support of the issue, only to the facts that the event occurred. Kate Chipman read some favorable comments about the Town addressing this issue and about other Towns activity in this area.

**14. Consideration of Stover's Cove Property Proposal:** Chairman Haible stated the Board previously walked the site and she read the Attorney's letter offering the property to the Town from Bates College for its assessed value of \$113,600. The Board agreed the property was not desirable as it's off a private road, wet and there are

multiple public areas in the vicinity. Chairman Haible moved, seconded by Selectman Henderson to authorize the Town Administrator to send a thank you letter to the attorney stating there is no interest at this time; motion passed 3-0.

**15. Regional County Mutual Aid Agreement:** Administrator Eiane reviewed the differences in the existing and the proposed agreements. During a Fire & Rescue meeting the three departments reviewed the agreement and expressed concern about having to participate in another community's emergency and creating a shortage of assistance in Harpswell. Administrator Eiane explained that language has been added to the agreement that states communities would not assist other towns if needed in their own. The Emergency Management Agent is recommending this agreement and it has been emailed to the three departments for review; only one provided comment. Administrator Eiane stated that if there was a budget implication on any community, it would go to Town Meeting for approval. Selectman Henderson questioned who makes the determination that aid is needed in certain areas. Administrator Eiane believed it was at the Emergency Management level. Selectman Henderson moved, seconded by Chairman Haible to move tabling this item for the Administrator to find the details to the process and to carry the item under Old Business; motion passed 3-0.

**16. Open Bids for Replacement of Septic System:** Chairman Haible opened the bids as follows: John Davis Construction \$6,600; Libby \$8,750; J.R. Hill \$13,747; Ed Skillin, Inc. \$5,350; Tupper Construction \$8,869; and Country Fare \$13,213. Chairman Haible moved, seconded by Selectman Henderson to accept the lowest bid of \$5,350 from Ed Skillin, Inc.; motion passed 3-0.

**16a. Appointments:** Chairman Haible moved, seconded by Selectman Henderson to appoint Prescott McCurdy and Tom Allen to the Energy Task Force; motion passed 3-0.

**17. Authorization of the Warrant:** Administrator Eiane recommended approval of warrants 31, 32 and payroll warrant 21. Chairman Haible moved, seconded by Selectman Henderson moved to approve warrant 31 in the amount of \$169,021.13; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 32 in the amount of \$13,899.21; motion passed 2-0 (Selectman Wallace abstained). Chairman Haible moved, seconded by Selectman Henderson to approve payroll warrant 21 in the amount of \$13,764.23; motion passed 2-0 (Selectman Wallace abstained). The Board discussed the recent vandalism to the newly installed fence on the pier. Chairman Haible requested that letters be sent to all ATV owners within 1 1/2 miles of Mitchell Field explaining that ATV's are not allowed on the site. Selectman Henderson requested clarification regarding whether Selectman Wallace has to abstain from voting on certain warrants.

**18. Approval of the Minutes:** The Board made some changes to the April 24 minutes. Chairman Haible moved, seconded by Selectman Henderson to approve the April 17, April 24 (as amended) and May 8 minutes; motion passed 3-0.

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

**20. Adjournment:** The meeting was adjourned by unanimous vote at 9:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Peace with Iran Resolution  
Katherine Chatterjee's May 22 memo