

Board of Selectmen's Meeting Minutes
February 12, 2009
Harpswell Town Office
Approved on March 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, Town Treasurer

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

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

1. Adoption of the Agenda: Chairman Haible moved, seconded by Selectman Henderson to add: 5a. Appointments; and 9a. Recall Ordinance to the agenda; and to remove item 7. Communications Contract; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane reminded everyone that Town Meeting is Saturday, March 14 and that absentee ballots are now available at the Town Clerk's office for electing a Selectman, Road Commissioner and SAD 75 Director. Administrator Eiane announced the Town's annual audit has been completed and that Kathy Tyson of Runyon, Kersteen and Ouellette will review it at the Board's February 26 meeting. Administrator Eiane thanked the staff for their preparedness and efforts through the audit process. Administrator Eiane reported that she did not sign a contract extension for the medium contract with Maine Power Options that the Board authorized at the last meeting, due to the reduction in the standard offer rate for electricity at this time.

Chairman Haible asked if Selectman Henderson and Selectman Wallace would approve a conference call between Administrator Eiane and herself, between the concerned property owners on Neil's Point regarding past layouts for the road. Selectman Wallace and Selectman Henderson concurred. Selectman Henderson suggested that if the owners want the Town to abandon a road layout that the property owners should conduct the research and present a proposal to the Town.

3. Selectmen's Announcements: Selectman Wallace encouraged the public to attend Town Meeting on March 14, 2009.

4. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her report for January. Ms. Kelly stated she has submitted the Maine Bond Bank application for the capital road project, pending Town Meeting approval. The Town's new \$9 million dollar letter of credit insuring our bank balances has been received. Ms. Kelly stated she and Administrator Eiane are still working with the owners of the second tax acquired property.

5. Consider Use of Recreation Carryover: Deputy Town Administrator stated that the Interim Recreation Director, Gina Perow, has requested use of \$600.00 from the special revenue fund to purchase baseballs and softballs. The balls were originally ordered in December 2008 and would have been paid with 2008 funds, but the items were backordered and the \$600 rolled over into the Special Revenue Fund. The Town has a policy allowing the Selectmen to authorize use of the Fund. Recreation is requesting the carryover funds be used to cover the costs of the balls and keep the fees down for this baseball/softball season. Selectman Henderson moved, seconded by Chairman Haible to authorize the \$600 expenditure from the Special Revenue Fund for the purchase of soft and baseballs; motion passed 3-0.

5a. Appointments: Chairman Haible moved, seconded by Selectman Wallace to appoint Kimberly Bernat, Carolyn Perow and Carol Jean Richter as election/ballot clerks for Town Meeting; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to appoint Catherine Doughty as warden for Town

Meeting; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to appoint Megan Hubbard as deputy warden for Town Meeting; motion passed 3-0.

6. Hildreth Road Property Update: Chairman Haible explained the Town owns this parcel on Hildreth Road through the tax acquired process and the Board has been considering options for use of the property. Chairman Haible stated the Board previously requested an estimate for delineating the wetlands, streams, and vernal pools on the property to assist in determining the value of the land and then determining a best use scenario such as selling it or placing all or portions of it in conservation. Deputy Administrator Sawyer stated she obtained an estimate from Stantec for \$2,140 to complete 5 tasks including a wetland delineation and the production of a map showing boundaries based on GPS information. A second estimate for \$5,640 was provided by Stantec for the same 5 tasks plus a standard boundary survey. Chairman Haible and Selectman Wallace agreed that since the Town owned the parcel, there was no urgency to make a decision and perhaps the costs could be budgeted next year. Selectman Henderson expressed concern about waiting and a desire to send the project out to bid. Chairman Haible suggested setting this aside for now to discuss later in the agenda when the budget and warrant is reviewed.

7. Consider Communications Contract: Deleted

8. Consider Renewal Liquor License for Dolphin Marina, Map 17, Lot 34: Deputy Town Administrator Sawyer stated a hearing was not required as the application is a renewal and that there are no apparent code violations or complaints with Cumberland County. Chairman Haible moved, seconded by Selectman Wallace to approve the renewal liquor license for the Dolphin Marina; motion passed 3-0.

9. Set Start Time for Business Portion of Annual Town Meeting: Chairman Haible moved, seconded by Selectman Henderson to start the business meeting at 12:00 noon; motion passed 3-0.

9a. Recall Ordinance: Chairman Haible stated the Governance Committee worked on amendments to the recall ordinance and at the public hearing earlier this week, several concerns were expressed. In reaction to that, Chairman Haible proposed adding certain language under the reasons to recall. Selectman Henderson expressed some concern regarding the 'evidence' section in the proposed additions. CV Noyes, member of the Governance Committee, suggested repealing the existing ordinance and stated one could recall an official by petition. Administrator Eiane stated she believed there were only two ways to recall an official, by ordinance or charter. Chairman Haible asked Administrator Eiane to obtain a legal interpretation about the means for recall and asked CV to organize a meeting with the Board and Governance Committee on Wednesday, February 18 at 4:30 p.m. to work on language that everyone can accept and support at Town Meeting. Mary Ann Nahf, member of Governance Committee, noted that if the conditions for recall are changed, the whole ordinance needs to be reviewed.

10. Review Draft 2009 Town Meeting Warrant: The Board acted on the following amended language or new articles and provided input for recommendations:

3 – Shoreland Zoning Amendments: Each Selectman recommended the article.

4 – Open Space: Each Selectman recommended the article.

5 – Zoning map: Each Selectman recommended the article.

6 – Recall Ordinance: The Board agreed to leave a place holder for the text that will be decided next week.

7 – Shellfish Ordinance: Selectman Henderson stated he will not support this article without an effective date that protects the people affected by the change. Selectman Henderson moved, seconded by Chairman Haible to place on the warrant with amended language that will not place any licensees in the 2 of 5 category in jeopardy of losing their ability to apply for a license; motion passed 3-0. Chairman Haible expressed concern about

changing the language after the Committee worked on it and Selectman Henderson stated he would contact the chair or full committee.

8 – Harbor and Waterfront Amendment: Administrator Eiane reviewed the options: 1. leave the existing ordinance unchanged; 2. change the language to give the authority to the Board of Selectmen to determine the late fee; or option 3 to set a late fee flat amount. Selectman Henderson expressed concern about the existing doubling fee language and moved, seconded by Selectman Wallace to amended Section 5.1.1. to option 2; motion passed 2-1 (Chairman Haible opposed). Selectman Henderson and Wallace recommended the article and Chairman Haible did not.

34 – Joyce Brown fund: The Board agreed with the revised language.

37 – Emergency Services vehicles: Chairman Haible moved, seconded by Selectman Wallace to place the revised language article on the warrant. Each Selectman recommended the article.

39 – Debt Service: Chairman Haible moved, seconded by Selectman Henderson to place on the warrant; motion passed 3-0. Each Selectman recommended the article.

41 – Bench acceptance: The Board agreed with the revised language.

44 – Cribstone Bridge: Chairman Haible moved, seconded by Selectman Wallace to place on the warrant; motion passed 3-0. Each Selectman recommended the article.

46 – Carrying Place: Chairman Haible moved, seconded by Selectman Henderson to place on the warrant; motion passed 3-0. Chairman Haible and Selectman Wallace recommended the article. Selectman Henderson did not recommend the article.

47 – Carrying Place appropriation: Chairman Haible moved, seconded by Selectman Henderson to place on the warrant; motion passed 3-0. Chairman Haible recommended the article. Selectman Henderson and Selectman Wallace did not recommend the article.

49 – Hamilton Place: Chairman Haible moved, seconded by Selectman Henderson to place article 49 on the warrant; motion passed 3-0. Each Selectman recommended the article.

50 – Wind Turbine: There has been no confirmation with David Chipman, chair of Energy Task Force, regarding the desired amount. The original request of \$50,000 from the Task Force was discussed and how the Chairman has stated \$25,000 would be sufficient. Selectman Henderson suggested changing the article to read “To See What Sum” with a maximum of \$50,000. Selectman Wallace expressed concern about this article. Chairman Haible moved, seconded by Selectman Henderson to place the revised article on warrant; motion passed 3-0. Selectman Henderson recommended \$25,000. Chairman Haible recommended \$5,000. Selectman Wallace did not recommend any amount.

Administrator Eiane reviewed the budget review sheet and the Budget Advisory and Selectman recommendations. The impact to taxpayers is estimated to be less than 2% based on an LD1 compliant budget, SAD estimate and Cumberland County estimate. Administrator Eiane explained the BAC recommendation included a 3% raise for staff and maintaining the same levels of service and a Town Meeting handout was discussed regarding the budget.

55 – gifts: Each Selectman recommended the article.

58 – revenue sharing, undesignated fund and revenue: Administrator Eiane explained the use of the different funds to offset taxes. Chairman Haible moved, seconded by Selectman Henderson to place on the warrant; motion passed 3-0. Each Selectman recommended the article.

11. Authorization of the Warrant: Selectman Henderson moved, seconded by Chairman Haible to approve warrant #10 in the amount of \$751,103.54; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to approve warrant #11 in the amount of \$8,012.25; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #7 in the amount of \$13,738.87 was noted for the record.

12. Public Comment: Katherine Chatterjee stated page 15 of the municipal officer’s manual address Section 30A Chapter 2602 regarding recall of officials. Ms. Chatterjee stated we are in extraordinary times in this economy and with the school and county, each addition to the budget the Board makes increases property taxes.

Ms. Chatterjee recommended cutting the budget including the new items as it is unconscionable to raise the LD1 cap. Ms. Chatterjee stated that thousands of housing units will be coming on the market with the BNAS closure and will reduce all surrounding area sales and should be considered with Harpswell's affordable housing. CV Noyes stated he wrote a letter to the Board re: Topsham TIF and the Board wrote a letter to potential candidates with no response. Mr. Noyes encouraged the Board's direction on budget items at Town Meeting and stated that the Brunswick naval houses that will become available could be moved to Harpswell for affordable housing.

13. Adjournment: The meeting was adjourned by unanimous vote at 8:55 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: