

Board of Selectmen's Meeting Minutes
January 10, 2008
Harpswell Town Office
Approved on January 24, 2008

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Selectmen Present: Amy N. Haible, James S. Henderson and Chairman Samuel W. Alexander

Staff Present: Kristi Eiane, Town Administrator; William Wells, Code Enforcement Officer; Tracey Thibault, Code Enforcement Officer; and Carol Tukey, Town Planner

Chairman Alexander moved, seconded by Selectman Henderson to exit executive session and begin the open session meeting; motion passed 3-0.

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander 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 Alexander moved, seconded by Selectman Haible to adopt the agenda as printed; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane introduced the new Town Planner, Carol Tukey. Administrator Eiane reported that Superintendent Wilhelm can attend the Selectmen's meeting next week to give an update on the school consolidation process and reviewed other agenda items. Administrator Eiane announced that nomination papers must be turned in to the Town Clerk by the 23rd for the Selectman and school board positions.

3. Selectmen's Announcements: Selectman Henderson announced there was a regional school consolidation meeting on Tuesday. Jim Rier of the Maine Department of Education presented figures on how the unit would be affected if Georgetown or Lisbon joined the consolidation. If Lisbon consolidated, there would be a small reduction to Harpswell and less of a reduction with Georgetown. Chairman Alexander reported the Board of Selectmen attended a site visit on Tuesday to Washington Avenue to look at a right-of-way some parties would like to give to the Town as a public easement. Chairman Alexander noted the Board met with the Budget Advisory Committee on Wednesday regarding the Committee's recommendations for the 2008 budget.

4. Treasurer's Report: Marguerite Kelly reviewed her monthly report for December 2007 (attached for further review). Ms. Kelly reported that there is one property owner that has not paid 2005 taxes and liens and therefore the property has been foreclosed upon by the Town. Ms. Kelly has informed the owner of the foreclosure and now seeks direction from the Selectmen on proceeding. Ms. Kelly explained that Harpswell's procedure has been to enter into a purchase and sales agreement with the former owner to allow repurchase of the property by payment of all outstanding taxes within an established timeframe. Chairman Alexander moved, seconded by Selectman Haible to allow the owner to repurchase the property by July 15, 2008 and pay all associated costs; motion passed 3-0.

5. Wharf Application: Helen Hootsman & Robert Shea, 7 Eagle Bluff, Map 40, Lot 72: William Wells, Code Enforcement Officer, explained there were two site visits held on the property, one with the Selectmen. The proposal does not meet the required 25' setback to one property line but the abutter release has been received and Mr. Wells stated that the proposal does not take up more than 25% of the navigable channel and should not adversely affect the rights of others. Joe Leblanc, representative of the property owner, summarized the proposal and explained this proposal has been professionally mapped out. Chairman Alexander moved to approve this application with attaching the condition of navigational aides being applied as outlined by Joe Leblanc and that it is not practicable for public access to the intertidal zone and it meets the requirements of navigation. Selectman Haible seconded the motion by adding that the landowners must adhere to all language

outlined in their DEP application including, but not limited to, maintaining the navigable markings and limiting the loading and unloading to at the float to 10 minutes. The motion passed 3-0.

6. Caretaker Report on Mitchell Field: William Wells, Town Caretaker, reported that the cost of removing the water tower and generators at Mitchell Field is between \$5,000 and \$20,000. Mr. Wells stated he believed the project could be completed for \$5,000 if the contractor was just required to have general liability insurance. Mr. Wells stated the cost to remove the fence at the shore and install a gate on the pier is between \$5,000 to \$8,500. The Board asked Mr. Wells to put his proposal estimates in writing. Debora Levensailor questioned whether the removal of the tower would require Town Meeting approval; the Board responded that it could or it could be done by the Board under the dangerous building statute.

7. Mitchell Field Committee Update: Judith Redwine, chair of the Mitchell Field Committee, stated the committee would like to see the fence removed from the road and by the beach. Ms. Redwine asked the Board for a new mission statement for the Committee if it is to become an implementation committee. Selectman Haible responded she would like to advertise the available positions on the Committee and for the Committee to start working on short term goals. The Board agreed this committee would evolve into the implementation committee.

8. Update from David Hackett Re: Friday, January 25, 2008 Event at Old Town House, Commemorating 250 Years of Incorporation: David Hackett, President of the Harpswell Historical Society, announced that January 25 at 7:00 will mark the beginning of the Town's anniversary celebration. Those in attendance will learn the early history and participate in a birthday party for the Town.

9. Discussion of Dipper Cove Dry Hydrant: Steve Minkowsky, of the Dipper Cove Association, introduced Harvey Coleman and Venise Minkowsky of the Dipper Cove Association. Chairman Alexander reviewed the proposal. Administrator Eiane explained that the access road was not planned initially but is now necessary, bringing the project estimate to \$13,500. Ms. Eiane stated that the Dipper Cove Association was willing to pay for snow plowing of the access road, however, the construction and maintenance of the hydrant would be the responsibility of the Town. Chairman Alexander questioned what the position of the OBI Fire Dept. is since there is an existing dry hydrant at Wilson's Pond located very close to this proposed location. Mr. Minkowsky stated as a member of the Association and the OBI Fire Dept. that this dry hydrant would benefit the entire Town as another source of water. The Board expressed concerns about the Town bearing the entire cost and the location of the proposed hydrant. Selectman Henderson moved, seconded by Selectman Haible to table this item until the next meeting in order to obtain information from the OBI Fire Chief; motion passed 2-1 (Chairman Alexander opposed).

10. Sign Ordinance Task Force Report and Recommendations: Jennifer Verplank, Chair of the Task Force, read the Group's report and recommended the Board place amendments to the Sign Ordinance on the March 8 warrant. The amendments include changing the preamble and removing the setback requirement of 33' from the center of a right-of-way to not less than 5 feet from the edge of the traveled way. Ms. Verplank reviewed that the Town Attorney informed the Committee that they could eliminate the State Dept. of Transportation requirement of the 33 foot setback and replace it with the 5 foot setback from the traveled way. Tracey Thibault, Code Enforcement Officer, stated the Attorney also stated that a sign permit holder be informed on the face of the permit of the State's rules. Selectman Haible moved, seconded by Chairman Alexander to place the proposed amendments on the Town Meeting warrant and that the Committee is allowed to continue their work; motion passed 3-0.

11. Consideration of Petition Calling for Board of Selectmen to Act Re: Iran: Elinor Multor encouraged the Board to not place this item on the Town Meeting warrant as it is an individual issue and not a Town issue.

Selectman Henderson moved, seconded by Selectman Haible to place this item on secret ballot. Glenn Gott spoke in favor of individuals signing the petition and not placing this item before the Town. Doug Johnson spoke against the Town getting involved in a national issue. The motion failed by a vote of 1-2 (Selectman Haible and Chairman Alexander opposed).

12. Discussion of Harpswell Coastal Coalition Proposal (Attached) Re: Mitchell Field: Attorney John Lloyd spoke in favor of placing this item on secret ballot for this year's Town Meeting for the voters to decide on the merit of the proposal. Mr. Lloyd stated he believes secret ballot is the best option for individuals to vote on this topic. The Board had substantive questions regarding the proposal, which Mr. Lloyd was unable to answer as he does not represent the Harpswell Coastal Coalition. Selectman Haible stated she is unable to support placing this item on the warrant as there are too many questions and offered to meet with members of the Coalition and Town staff to further refine the document. Chairman Alexander stated the voters have spoken about this property in past votes and this proposal is insulting and supports only a small group and not the Town. Elinor Multor encouraged the Board to not place this item on secret ballot. Doug Johnson spoke against placing this item on secret ballot. Glenn Gott asked why the Town needs this Coalition to take over this Town property forever. Selectman Haible responded that the proposal allows for the uses approved in the Master Plan to take place, and would just eliminate heavy industry. Bill Allen stated that this proposal would eliminate the possibility of windmills and this proposal short changes the Town. Debora Levensailor agreed the proposal is not ready for a vote and that the public has a right to vote. Patty McGovern stated that if the questions can be answered, she believes it should go to vote. Jim Knight spoke against the Coalition's proposal. Selectman Henderson stated he wanted an opportunity to work with the Coalition on the proposal as the Board has an obligation to make sure proposals are clear before going before the Town for a vote. Selectman Henderson moved, seconded by Selectman Haible to not place this item on the warrant in its current condition; motion passed 2-0 (Chairman Alexander abstained on the basis that the proposal did not merit voting on).

13. Set Date and Time for Public Hearings on Proposed Warrant Articles: Administrator Eiane informed the Board the State is allowing another year for towns to adopt mandatory shoreland zoning changes. Administrator Eiane asked the Board to consider setting February 5, 2008 at the Harpswell Islands School starting at 7:00 for a public hearing on the Sign Ordinance and other items that can be added next week. Chairman Alexander moved, seconded by Selectman Haible to set the date and time as suggested; motion passed 3-0.

14. Road Sign Request: Chairman Alexander reviewed that the Board received a request from a resident on Holly Hill Road to place a sign alerting truck drivers of a "Quiet Zone" or "Reduce Engine Noise" to encourage them not to use their jake brakes on that particular hill on the Mountain Road. Selectman Henderson reviewed that DOT does not object to this request but that adhering to a sign would be on a voluntary basis. Chairman Alexander was concerned about public safety in not allowing the trucks to use these brakes. Selectman Haible moved, seconded by Chairman Alexander to table this item to allow the Town Administrator time to talk with local truck drivers regarding the issue; motion passed 3-0.

15. Proposed Contract with Assessing Agent: Selectman Haible moved, seconded by Chairman Alexander to approve this contract with Curt Lebel and authorize the Town Administrator to sign it; motion passed 3-0.

16. Rental Agreement with Bowdoin College for Family Swim Program: Chairman Alexander moved, seconded by Selectman Henderson to enter into this agreement to allow the Town to use the pool and authorize the Town Administrator to sign the agreement; motion passed 3-0.

17. Authorization of the Warrant: Administrator Eiane recommended approval of warrants 66 (from 2007) and 2 (from 2008) and payroll warrant 2. Selectman Haible moved, seconded by Chairman Alexander to

approve warrant 2 in the amount of \$151,541.59; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Henderson to approve warrant 66 in the amount of \$101,086.84 (with 3,263.74 for use from contingency); motion passed 3-0. Selectman Haible moved, seconded by Selectman Henderson to approve payroll warrant 2 in the amount of \$13,469.97; motion passed 3-0.

18. Approval of the Minutes: Selectman Henderson moved, seconded by Selectman Haible to approve the minutes of the December 13 and December 27 meetings; motion passed 3-0.

19. Public Comment: Debora Levensailor announced she is running for Selectman.

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

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report