

**Board of Selectmen's Meeting Minutes**  
**June 11, 2009**  
**Harpswell Town Office**  
Approved on June 25, 2009

Page 1 of 4

**Selectmen Present:** James S. Henderson, Mark E. Wallace and Elinor Multer

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; and William Wells, Code Enforcement Officer

At 5:30 p.m. the Board met to handle administrative matters; three committee mission statements, as revised by the committees, were reviewed; the Board was informed of a tentative Brunswick Naval Air Station environmental workshop on June 22; the Board signed a thank-you letter to Mt. Ararat Middle School students for the clean-up at Mackerel Cove, an Orr's Island Lease Agreement and purchase orders exceeding \$1,000 in value (including an increase in the vault door installation purchase order with Eliot Meade); staff was asked to follow up with Woodard & Curran regarding the process for identifying ledge outcroppings; the Board was informed of a tax appeal meeting with the county commissioners on July 16 and of a meeting with the Pipeline Committee and Navy for an update on the pipeline project on July 28; the Board was reminded of the June 14 open house at Bailey Island Library Hall; the Board scheduled June 24 at 6:00 p.m. to meet with three applicants for hardship abatements; the Board's regular meeting schedule was discussed and planned for further discussion at its next meeting; the Board agreed to have Selectman Multer meet with the Budget Advisory Committee to request a preliminary fiscal picture if the MSAD 75 school board votes to close West Harpswell School; Chairman Henderson requested that the statute on school closing be emailed to him; and the Board was provided a summary of functions from the Old Orr's Island Schoolhouse Board for 2008.

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:35 PM.

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

**1. Adoption of the Agenda:** Chairman Henderson suggested adding two items. Selectman Multer moved, seconded by Chairman Henderson to remove item 12: Consider Position on School Consolidation. Selectman Multer stated that the issue is not before Harpswell right now and until there is fiscal information available and a vote by the School Board, there is no reason to take an official position. Chairman Henderson agreed that there is time later for fiscal information but the other point is to make a position known for the School Board and the community. The motion passed 2-1 (Chairman Henderson opposed), therefore striking item 12 from the agenda. Chairman Henderson moved, seconded by Selectman Multer to add item 11a. Consider Accepting \$5,000 from the Harpswell Heritage Land Trust and 11b. Committee mission statements; motion passed 3-0.

**2. Public Comment:** Craig Douglas stated concerns about the lack of data on the proposed closing of the West Harpswell Elementary School.

**3. Approval of the Minutes:** Selectman Multer moved, seconded by Chairman Henderson to approve the May 28 minutes as edited earlier via e-mail; motion passed 3-0.

**4. Town Administrator's Report:** Administrator Eiane reported there were 35 Harpswell voters (of 114 total voters) who attended the district-wide school budget meeting on May 30 at the Orion Performing Arts Center in Topsham. 315 persons (7% of Harpswell registered voters) voted at the June 9 budget validation referendum on a 36 million dollar budget. Administrator Eiane stated the Town hired Bob Waddle of Sebascodegan Marine to make repairs to the Town's Pott's Point Dock which should be completed by and open for use by next weekend. Administrator Eiane announced the Town is upgrading its accounting system to a Windows based system and there may be some inconvenience to members of the public on June 18 and 19.

**5. Selectmen's Announcements:** Selectman Multer suggested the Board may want to contact its legislature to suggest a change in the inane school budget process and she will bring ideas back to the Board for review. Selectman Wallace announced the Recycling Center and Transfer Station will have new hours starting September 8 that will result in the facilities being open Tuesday through Saturday. Chairman Henderson apologized to his colleagues for not sending a copy of the letter he submitted to the Times Record encouraging turnout at the June 10 public hearing regarding the school consolidation matter. The hearing was attended by approximately 80 people, including school board representatives and administration and ran from 7:00 to 8:40 p.m.

**6. Old Business:** None.

**7. Treasurer's Report:** Marguerite Kelly, Treasurer, reviewed her monthly report for May and the summary report for posting on the Town's website. Ms. Kelly updated the Board on the current status of the two property owners who have entered into installment contracts with the Town. Ms. Kelly stated the excise revenue continues to decline which is a concern for Harpswell since it is the largest non-property tax revenue source. It appears reasonably likely that in total the 2009 non-property tax revenue forecast will be met.

**8. Wharf Application: William Harvey, Map 79, Lot 31, Birch Island:** William Wells, Code Enforcement Officer, reviewed the application and recommended its approval. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not interfere with navigation or cause injury to the rights of others; motion passed 3-0.

**9. 7:00 P.M. Public Hearing on Dog Issues at Mitchell Field:** Judith Redwine, chair of the Mitchell Field Implementation Committee (MFIC), explained there are issues with unleashed dogs at Mitchell Field as they are not under the owner's control. Ms. Redwine stated some members of the public do not visit Mitchell Field due to the fears of the unleashed dogs. Furthermore, owners are not diligently cleaning up the dog wastes or they do but leave the plastic bags of waste on site. Ms. Redwine spoke in favor of creating a task force of volunteers to look into the dog issues and make suggestions on how to handle them. Chairman Henderson read the portion of the Animal Control Ordinance where it states that dogs can be unleashed but must be under owner's control. Doug Johnson suggested a dog park area and shared his pleasant experience at a dog park. Mr. Johnson suggested the Town could sell tags to the dog owners that use the park which could cover the costs of trash removal and maintenance. Dave Znamierowski asked how many dog attacks have occurred in the Town and how many at Mitchell Field and why other sites weren't being considered. Mr. Znamierowski spoke against changing the current allowed use of dogs and that he runs everyday at the site with his two dogs and that most people are very respectful of others. Mr. Znamierowski would support a task force but does not believe that a problem exists with dog control or with dog waste. Don Miskell, member of MFIC, stated he picks up dog feces when he's at the site maintaining the trails. Al Brown stated he is an intensive user of the site and spoke against any limitations on dogs. Mr. Brown suggested placing trash cans at the site and educating the public as most people are reasonable and respectful. Donna Frisoli spoke against trash cans as people dispose of everything they can into them. Chairman Henderson read a statement from David I Chipman who was in favor of creating a specified separate dog area. Jolanda de Levie stated that unleashed dogs don't leave a mess by the road as they have access to the fields. Robert de Levie questioned if there was a problem and referenced how Bowdoin College allows dogs on its athletic fields without issue. Lizzie Timblin stated that most people are respectful and spoke against implementing any new regulations as dogs need exercise. Sue Luce stated that Mitchell Field is such a wonderful place and she would hate to see anything change and affect the camaraderie of the visitors (dogs included). Selectman Wallace added that his dogs are walked without leashes and are friendlier unleashed. Joyce Thomas expressed concern for the elderly being knocked down by dogs (friendly or not) and getting hurt and that many won't go to Mitchell Field because of the dogs. Ian Marshall, Bonnie Bailey and Robert Glenn agreed with others and spoke against any additional regulations. Donna Frisoli stated

she has been approached by dogs that have scared her. Chairman Henderson thanked everyone for coming and sharing information and asked anyone who may be interested in being on a task force to leave their names. Selectman Multer stated she would be in favor of setting hours in the afternoon without unleashed dogs.

**10. Mitchell Field Update:** Administrator Eiane stated the Town received an email from the insurance company suggesting a railing be installed around the pier before opening to the public and Bill Wells will comment on specific requirements. Bill Wells, Code Enforcement Officer, suggested the International Building Code standards be followed since the State has adopted it and towns will soon be made to adopt the state code. The railing needs to be 42" high and prevent a 4" sphere from passing through at any point from 0" to 32" and a 8" sphere from 32" to 42". Mr. Wells referenced another establishment that used gill net which meets the standards and is creative. The MFIC will submit proposals and costs for the railing. Judith Redwine, chair of MFIC, reported the gate has been open from sunrise to sunset since June 1 for a two-week trial period and since there have not been any problems, she asked the Board to allow the opening to continue. Chairman Henderson read a written complaint the Town received about allowing vehicles inside Mitchell Field. Ms. Redwine responded that many people have been pleased by the option of driving in, including an elderly couple she met that visited the site for the first time. Ms. Redwine reported that Ricky Graves organized the scouts and a work crew and constructed 20 new picnic tables with donated materials for use at Mitchell Field. Chairman Henderson expressed concern about the burden on volunteers to open and close the gate everyday. Chairman Henderson moved, seconded by Selectman Wallace to continue the open access for motorized vehicles until November 1 provided volunteers can continue to open/close the gate; motion passed 3-0.

**11. Harpswell Scouting Association Request for Use of Mitchell Field:** Eric Field, President of the Harpswell Scouting Association, requested use of Mitchell Field for the bean hole dinner and setup on July 17 and 18. Chairman Henderson moved, seconded by Selectman Wallace to approve the application submitted by the Harpswell Scouting Association for the use of Mitchell Field for a bean hole dinner on Saturday, July 18, and waives provisions of the Group Use Policy that requires payment of an advance deposit fee and payment of a per person attendance fee; and to allow the use of motorized vehicles to the site; motion passed 3-0.

**11a. Consider Accepting \$5,000 from the Harpswell Heritage Land Trust:** Chairman Henderson moved, seconded by Selectman Wallace to accept with thanks up to \$5,000 from the Harpswell Heritage Land Trust (HHLT) for the community gardens at Mitchell Field; vendors will bill the Town and the Town will seek reimbursement from the HHLT; motion passed 3-0.

**11b. Mission Statements:** Chairman Henderson read the modified mission statements for the Communications Advisory Committee, Recreation Committee and the Affordable Housing Committee. Chairman Henderson moved, seconded by Selectman Multer to approve the Communications Advisory Committee mission statement; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to approve the Recreation Committee mission statement; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the Affordable Housing Committee mission statement; motion passed 3-0.

**12. Deleted.**

**13. Contract Extension with Comcast:** Administrator Eiane explained the Town has a franchise agreement with Comcast that expired in October 2008. The Town has entered into two three-month extensions and she and the Communications Advisory Committee are recommending entering into a six-month extension. The Committee hopes to complete negotiations by November and in the meantime, the Town continues to receive 5% of the cable proceeds. Selectman Multer moved, seconded by Selectman Wallace to approve the extension; motion passed 3-0.

**14. Committee Appointments:** Chairman Henderson moved, seconded by Selectman Wallace to appoint Hope Hilton with a term to 2012 and Sarah Wessel with a term to 2011 to the Affordable Housing Committee; motion passed 3-0.

**15. Consider Waiver of Fee Re: Tower Project:** Administrator Eiane explained the Town was getting closer to the erection of the tower. The Town and the County are partnering to put equipment in a shelter at the base of tower. The County will pay for the shelter, electrical hook-up and the generator. Administrator Eiane proposed that, as a co-applicant, the Town waive the fee for the site plan review (\$185) and the building permit fee (approximately \$60). Chairman Henderson moved, seconded by Selectman Multer to waive the fees related to the equipment shelter serving the new communications tower; motion passed 3-0.

**16. Consider Policy on Application of Tax Payments:** Administrator Eiane explained Town practice is to apply tax payments to the oldest outstanding taxes first and then move forward. Administrator Eiane recommended codifying the practice by adopting the Order (which will need to be done yearly with a new Board). Both the Tax Collector and Treasurer have requested this Order. Selectman Multer moved, seconded by Chairman Henderson to adopt the Order (attached); motion passed 3-0.

**17. Mileage Reimbursement Policy:** Selectman Multer explained that she was driven to a meeting with Senator Gerzofsky regarding official Town business about the boundary line between Harpswell and Brunswick. Selectman Multer stated that under the current policy, only employees and elected official can be reimbursed for mileage expense and suggested that she would draft a revised policy that would allow reimbursing others under certain circumstances if the Board agreed. Chairman Henderson concurred with Selectman Multer exploring the issue but expressed concern about distinguishing specific cases for reimbursement.

**18. Acceptance of \$200 in Food Cards:** Administrator Eiane explained that generally these cards would go to low income persons who qualified (or were close to qualifying) for general assistance. Chairman Henderson moved, seconded by Selectman Wallace to accept with thanks the \$200 in food cards from the Elijah Kellogg Church; motion passed 3-0.

**19. Contract with Bowdoin College for Summer Swim:** Administrator Eiane stated the contract was for \$2,250 at \$75/hour for the pool rental (\$70/hour in 2008). Don Miskell reported that the program is full at 240 applicants with 40 on stand by. Selectman Wallace thanked Don for doing so much for the Town. Don reported that approximately 50% of participants are residents and 50% non-residents. Chairman Henderson moved, seconded by Selectman Wallace to accept the Bowdoin College Rental Agreement and to authorize the Town Administrator to sign it; motion passed 3-0.

**20. Authorization of the Warrant:** Chairman Henderson moved, seconded by Selectman Wallace to approve warrant #41 in the amount of \$677,030.55; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #42 in the amount of \$12,276.93; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #24 in the amount of \$14,008.92 was noted for the record.

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

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Order of Municipal Officers

[Attachments are available at the Town Clerk's Office or by email at [harpswell@gwi.net](mailto:harpswell@gwi.net)]