

Board of Selectmen's Meeting Minutes
January 7, 2010
Harpswell Town Office
Approved on January 21, 2010

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At 5:30 p.m. the Board met to handle administrative matters; an executive session was scheduled for 5:00 p.m. January 14, regarding the possible acquisition of real property; the Board was provided area wage and salary information and Selectman Multer requested actual pay rate comparisons for similar positions with other towns and SAD #75; the Board concurred with appointing committee members as applications are received and agreed that committee resignations are not required to be accepted at a public meeting but requested to be informed of any; the Board asked for the language of the proposed bill regulating email communication and to place it on the next agenda; the Board was provided information regarding a land use matter; Selectman Multer and Selectman Wallace declined Chairman Henderson's request to place an item on the agenda to consider joining the citizens suit re: West Harpswell School closure matter; and the Board reviewed and signed four purchase orders.

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

Staff Present: Kristi Eiane, Town Administrator; and Terri Sawyer, Deputy Town Administrator

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 Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by adding Review of Charter Environmental Agreement under 15. Other Business; motion passed 3-0.

2. Public Comment: Robert McIntyre, of Friends for Harpswell Education, reported the group has filed a petition "pro se" as a place holder and may amend it with a formal complaint if the group decides to proceed with legal counsel, Murray Plumb and Murray. The "pro se" complaint has not been served and will be if it is made more formal. Mr. McIntyre informed the Board it doesn't have standing to join under the "pro se" complaint but could if it proceeds to professional representation. If the group decides not to file a more formal complaint, Mr. McIntyre will file an amendment to correct typos and add additional complainants.

3. Approval of the Minutes: Selectman Multer moved, seconded by Selectman Wallace to approve the December 17 minutes by accepting the editorial suggestions submitted to the office by email by individual selectmen motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to approve the December 30 minutes; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the December 31 minutes; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane reported she would be attending a January 21 hearing with the Public Utilities Commission re: complaint filed against Verizon [now Fairpoint] regarding the maintenance of generators for phone service during power outages. Administrator Eiane announced the group TRIAD has organized a program that delivers 5 gallon buckets of sand to the elderly and disabled. The buckets are being donated by Lowe's and Home Depot and interested residents should call Terry Goan at the Brunswick Police Department until the program is approved and handled by Cumberland County. Administrator Eiane announced that papers are available for the elected positions of Selectman, Town Clerk, Treasurer, Tax Collector and MSAD 75 Board Member. Administrator Eiane announced the annual Town audit will begin the week of January 19 and that a special Selectmen's meeting may be necessary next Thursday to review and approve the carryover list.

5. Selectmen's Announcements: Selectman Wallace stated he has received many complaints about the Town's new winter road maintenance contractor and he assured the public that the complaints have been passed on to the contractor and that it has been responsive and is improving. Chairman Henderson encouraged the public to let the Town know if there are specific road issues. Selectman Multer stated that with 58 miles of roads to plow, there will be times that the roads are slick and encouraged slow, cautious driving.

6. Road Commissioner's Report: Bob Venard, Road Commissioner, stated the Town has a new snow plow contractor this year and acknowledged there have been some issues including the lack of familiarity with the roads, contractor employee turnover, and contractor equipment issues. The contractor has been responsive to the Town's concerns and residents' complaints and has agreed to begin earlier and use more material. On the plus side, the Town has a better control over and more efficient use of sand and salt material than ever before. Additionally, Goodall Landscaping is touching base with the three Fire Departments. Mr. Venard asked the public to bear with the Town during the learning curve of the new contractor. Dan Boland expressed concern about the roads and noted that the Cumberland County Sheriff's Department has noted at least 16 treacherous spot areas and wondered if the Road Commissioner was aware. Mr. Boland expressed concerns about the Road Commissioner's job description and the Road Commissioner's contact re: safety with the bus drivers etc. Ms. Eiane stated the Road Commissioner reports at the Board of Selectmen meetings and that there is a constant conduit of information from the Road Commissioner to Town staff. Selectman Wallace noted that he and Mr. Venard had made Goodall Landscaping aware of the hot spots in the Town and they are being addressed. Selectman Wallace encouraged everyone to drive slowly during inclement weather.

- **Speed Limit Request:** Bob Venard, Road Commissioner, explained the Town received a request from Mr. Conrad to reduce the speed limit from 50 mph to 35 mph at the intersection of Rt. 24 and Cundy's Harbor Road. Mr. Venard stated this intersection was dangerous and required special attention and therefore, recommended asking the Department of Transportation (DOT) to reduce the speed limit from Indian Rest to the Harpswell Islands School from 50 to 35 mph. The Board members agreed with the dangerousness of the intersection and to ask DOT to analyze it. Chairman Henderson moved, seconded by Selectman Wallace to forward Mr. Conrad's letter, together with a supporting letter from the Town, to the DOT asking the Department to consider a solution; motion passed 3-0.

7. Accept Heating Assistance Donations, Including Cook's Lobster House Benefit Dinner: Administrator Eiane expressed appreciation to Cook's Lobster House for organizing and holding the benefit dinner and auction that raised \$3,332 for the heating program. The evening was a great community event and several members of the Town staff attended and had a terrific time. Selectman Multer moved, seconded by Selectman Wallace to accept the following donations with thanks: Cook's \$3,332; Harley Boyington \$100; Bonarrigo Real Estate \$100; Anonymous \$100; All Saints' Chapel \$200; and John Leo Murray Jr. Post 171 \$100; motion passed 3-0.

8. Consider Amendments to the Ordinance Restricting Vehicle Weight on Posted Ways: Chairman Henderson stated the Board previously discussed amending the current ordinance by adopting an exemption chart like the Department of Transportation's. Deputy Town Administrator Sawyer reported that the proposed chart was sent to 30 businesses in Town inviting them to attend tonight's meeting to provide comment. Once the Board concurs on a proposed amendment, a hearing will be necessary prior to adopting any changes. Marolyn Bibber expressed concern about posting any roads as the potential impact to businesses is too great. Chairman Henderson explained the Board was considering adopting the exemption chart that would allow vehicles such as bait trucks to travel posted roads and he believed most attendees at the last meeting thought that was a workable solution. Chairman Henderson encouraged Ms. Bibber to work with Town staff to determine how the proposal would impact her based on the truck weights needed for her business. Laddie Whidden questioned whether the chart used the gross weight of the load or the registered weight of the vehicle. The Board asked staff to work on a draft proposal for the next meeting by working in the chart as exemptions

and clarifying which weight is used. The draft will be provided to the Board for review to then set a public hearing date. Chairman Henderson reminded the public this ordinance can be amended by the Board without Town Meeting approval.

9. 7:00 PM Public Hearing Re: Ordinances for March 2010 Town Meeting:

- **Animal Control Ordinance:** Chairman Henderson opened and closed the hearing at 7:23 p.m. There were no public comments. Lee Johnson, Animal Control Officer, stated the proposed changes will bring the Town's ordinance in line with State law. The Board agreed to the proposed amendments.
- **Shellfish Ordinance** Chairman Henderson opened and closed the hearing at 7:24 p.m. There were no public comments. Deputy Administrator Sawyer provided the history behind the proposed changes and reminded the Board that the Marine Resource Committee would prefer to proceed without the proposed language in 202.3.8.1 as it is redundant and not what the Committee previously developed in a policy. Selectman Multer agreed with the Committee's position and Chairman Henderson asked for input from the Town attorney regarding the importance of the additional language.
- **Gift Ordinance** Chairman Henderson opened and closed the hearing at 7:25 p.m. There were no public comments. The Board made some changes to the proposal including the monetary gift and maintenance limits. The Board concurred with setting another public hearing on this issue.

10. Consider Concept for "Welcome to Harpswell" Signs: The Board discussed Chairman Henderson's proposal to have a contest and vote at Town Meeting on final designs for "Welcome to Harpswell" signs to be placed at the two Town lines. Selectman Multer preferred the signs to include only words, no pictures. Chairman Henderson agreed to refine his proposal for further discussion at the next meeting.

11. Consider Cumberland County Development Block Grant Applications: The Board made a few changes to the two grant applications: pier assessment and removal of unsafe building, both at Mitchell Field. Selectman Multer moved, seconded by Selectman Wallace to approve each application as amended; motion passed 3-0.

12. Consider Guidelines for Accepting Benches on Town Property with Inscription: The Board discussed the information regarding how other towns handle bench donations with inscriptions and different options to consider for the Town's guidelines. The Board agreed to limit the size of inscriptions to not exceed 3" x 5", to require the dedication to be brief and to require the same bench type on the same property. Staff will draft guidelines based on this information for approval by the Board at a future meeting. Selectman Multer moved, seconded by Chairman Henderson to accept the bench for Tide Mill from Donald Jones with thanks and to authorize inscription based on the recommendation, not to exceed 3" x 5"; motion passed 3-0.

13. Consider Assessing Agent Contract: Administrator Eiane reviewed the contract and the couple of changes from the 2009 contract, including the need for additional field work time. The rate is \$56.25/hour which has been the same for three years. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator sign the contract. Selectman Multer suggested adding language that mileage compensation, if needed, will be at the Town's standard rate. Motion passed 3-0.

14. Set Mileage Reimbursement Rate: Administrator Eiane stated the Town's current rate is .55/mile, based on the IRS 2009 rate, which the IRS is now reducing to .50/mile and she recommended the change. Chairman Henderson moved, seconded by Selectman Multer to set the town's mileage reimbursement rate to .50/mile, effective January 1, 2010; motion passed 3-0.

15. Other Business: Agreement with Charter Environmental Re: Pipeline Removal: Administrator Eiane stated that Charter Environmental has been awarded the contract to remove the pipeline following a public bid

process with the Navy. The final work plan should be submitted to the Department of Environmental Protection (DEP) on Monday; then the Navy will send letters to affected property owners and hold a meeting with the property owners in early February with work beginning in 30-40 days from DEP's approval. The Contractor is seeking an area to use for equipment and a mobile office and both the Mitchell Field Implementation and Pipeline committees have approved this site at Mitchell Field, near the generator building. Charter has provided proof of insurance and has worked with DEP for approval to use the site. Chairman Henderson moved, seconded by Selectman Multer to approve the agreement with Charter Environmental for use of an area at Mitchell Field; motion passed 3-0.

16. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Multer to approve warrant #90 (2009 payments) in the amount of \$1,640.92; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Multer to approve warrant #91 (2009 payments) in the amount of \$19,303.22; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #2 (2010 payments) in the amount of \$157,170.74; motion passed 3-0. Payroll warrant #2 in the amount of \$14,126.32 was noted for the record.

17. Adjournment: The Board adjourned by unanimous vote at 9:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

[Attachments are available at the Town Clerk's Office or by email at harpwell@gwi.net]