

**Board of Selectmen's Meeting Minutes**

**July 9, 2009**

**Harpswell Town Office**

Approved on July 23, 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; Carol Tukey, Planner; Debora Turner, Assessing Agent; and Marguerite Kelly, Town Treasurer

At 5:30 p.m. the Board met to handle administrative matters; Bill Wells, Code Enforcement Officer/Local Plumbing Inspector, reviewed three subsurface wastewater disposal applications requiring approval by the Municipal Officers: one holding tank and two systems requesting first time system variances. The Board tentatively approved the Coughlan holding tank application pending its resubmission with the reference of a one-bedroom single family-dwelling unit removed and replaced by the current use of the structure (art studio). The Board agreed to require conditions: the structure is not to be used for human habitation as a dwelling; the water usage is limited to gray water from one lavatory fixture for hand washing; and no additional fixtures may be added to the system. The Board agreed to table the Mcenroe first time system variance request for a reduction in the tank setback from the ocean of 100 feet to 90 for further information regarding the reasons why 100 feet cannot be met. A brief history was explained to the Board regarding the Littlefield case – there was information showing the lot was previously unbuildable but recently a building permit and septic permit were issued; the septic permit was then voided as it was determined to not meet the requirements; the neighbor appealed the issuance of the septic permit; a new design has been created for the lot with experimental technology, requiring several approvals, including the municipal officers. The Littlefield's site evaluator, Al Frick, explained the experimental Busse system and that a backup system is required in case of failure with the experimental system. The back up system is to be located approximately 2/10's of a mile from the lot and requires several easements, and involves going under and along Town roads. Mr. Wells stated this was the first step and if the Board approves, the design will be sent to the State for approval and he will not issue the experimental system permit until the back-up design easements have been obtained and the system is able to be permitted as well. Chairman Henderson and Selectman Wallace were in favor of approving the variance request and Selectman Multer preferred to wait until the application was made more complete and to seek further input from the State. This item was further discussed after item 5 on the regular agenda. [The rest of the administrative meeting items were postponed and then briefly discussed at the end of the Selectmen's meeting due to time constraints.]

**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 moved, seconded by Selectman Wallace to move item 14 to after Selectmen's Announcements and to add an Action on the Littlefield Variance Request after Selectmen's Announcements; motion passed 3-0.

**2. Public Comment:** None.

**3. Approval of the Minutes:** Chairman Henderson moved, seconded by Selectman Multer to approve the June 25 minutes as edited earlier via e-mail; motion passed 3-0.

**4. Town Administrator's Report:** Administrator Eiane announced the Town's bookkeeper is leaving at the end of July after adding tremendous value and making the position very efficient. The part-time position will be advertised as approximately 12 hours per week. Advertisements will also be posted for a part-time seasonal help for the Recycling Center as the Manager tried to proceed without the summer help but due to the volumes, finds it necessary. Administrator Eiane reported the Town was offered a 19-20 acre parcel on Upland Lane for fair market value by the current owners and they are willing to go public with the offer. The Board agreed to refer

the offer to certain Town committees for review. Administrator Eiane reminded the Board of the 3:00 p.m. July 10 workshop with the Budget Advisory Committee for a preliminary discussion regarding the upcoming budget season. Administrator Eiane stated the annual non-resident taxpayer meeting was held on Tuesday and there were several issues raised that are being followed up by staff. Administrator Eiane informed the Board that the final contract amount with Sugarloaf Ambulance/Rescue Vehicles for an ambulance for use by Cundy's Harbor Fire and Rescue is \$146,918, representing a \$138 reduction in the original contract.

**5. Selectmen's Announcements:** Selectman Wallace reminded the public that the Recycling Center and Transfer Station schedule is changing effective September 8 and not until then. Selectman Wallace announced the former Moe's Store, now called the Ship to Shore Store, is open.

Chairman Henderson stated the Board reviewed a first time system variance request for an experimental septic system for the Littlefields at the Administrative meeting and he read the variance request. Chairman Henderson and Selectman Wallace agreed to approve the variance and Selectman Multer suggested waiting. Administrator Eiane stated for the record that the back-up design (which was just provided) requires an effluent line to run alongside three Town roads (Aucocisco, Eggmoggin and Oakledge) which may require Town Meeting approval. Selectman Multer expressed concern about approving the variance request without having all the information. Bill Wells stated the applicant will be required to obtain all necessary approvals for the back-up system before the experimental system is permitted, including Town Meeting approval if necessary. Chairman Henderson signed the variance request.

**5a. Supplemental Tax for Open Space Withdrawal and for Homestead Reimbursement:** Debora Turner, Assessing Agent, explained that Rebecca Stanley asked to remove her property from open space and therefore must be assessed a supplemental tax of \$10,500. Ms. Turner explained the amount was calculated based on State law. Chairman Henderson moved, seconded by Selectman Multer to remove Map 5, Lot 141 from open space and assess a \$10,500 supplemental tax; motion passed 3-0. Ms. Turner explained the next request is from John Hansen who is a New Hampshire resident and wants to reimburse the Town for the homestead exemption he received in 2006, 2007 and 2008. The Board signed the supplemental forms.

**6. Old Business: Committee Guidelines:** The Board reviewed the existing committee guidelines in conjunction with some suggested changes. Several amendments were made and will be further reviewed at the next meeting. Chairman Henderson tabled the guidelines until the next meeting; motion passed 3-0.

**7. Norman Stevens Wharf Application, Map 46, Lot 52, Acadia Lane:** Removed from the agenda.

**8. Treasurer's Report:** Marguerite Kelly, Town Treasurer, explained that due to a computer glitch the taxes receivables should be lower than listed. The error and the figures will be corrected for the web summary report. Ms. Kelly reviewed her monthly report for June. Ms. Kelly reported the two property owners that have entered into installment contracts with the Town to purchase their tax acquired property are current in payments. Ms. Kelly explained the Town Attorney has recommended the Town not enter into such contracts in the future and with the Board's concurrence, Ms. Kelly will draft an amended tax-acquired policy. The Board concurred.

**9. Consider Recommendation Re: Transfer Station Fees:** Ms. Kelly stated the Budget Advisory Committee believes the Transfer Station operational costs should be covered by the fees collected – a user-based system. The current fees are \$100/ton for separated materials and \$200/ton for non-separated. Based on a review of costs and revenues, the Budget Advisory Committee recommends maintaining the minimum charge of \$1.00 and implementing a 20% increase in the separated and non-separated fees effective September 8, which will cover about 90% of the costs (other than capital). Selectman Wallace strongly opposed this recommendation as it's an additional burden on taxpayers, there will be complaints and he fears residents will drop items on the side of

roads instead of paying the fees for proper disposal. Chairman Henderson suggested charging flat fees for some items and Ms. Kelly responded that it doesn't make sense unless they were extremely heavy materials such as refrigerators that are already on a separate fee schedule. Chairman Henderson moved, seconded by Selectman Multer to raise the fees for weighed material to \$120/ton for separated and \$240/ton for non-separated effective September 8 with a minimum \$1 fee; motion passed 2-0 (Selectman Wallace abstained).

#### 10. Planner's Update:

- **Consider Request for Proposals Re: Mitchell Field Consultant:** Chairman Henderson commented that the draft request for proposals seems overly participatory and won't result in enough technical standards such as water supply. Ms. Tukey explained that was done on purpose since this is a hot topic and the public should be heavily included. The goal of this consultant is to establish zone information such as a Marine Business Zone and establish performance standards such as height, noise, etc. Items such as septic and water fall under development standards which is a separate process. Chairman Henderson questioned if this result will give a potential developer parameters to fit into and she responded yes. The Board clarified in the schedule section that the Board hires the consultant and not the Mitchell Field Implementation Committee. Chairman Henderson moved, seconded by Selectman Multer to approve the request for proposals; motion passed 3-0.
- **Proposed Affordable Housing Ordinance:** Ms. Tukey briefly reviewed the proposed ordinance language concerning affordable housing to be integrated into current ordinances which may make typical unbuildable lots buildable. Selectman Multer suggested a workshop to review the proposals in detail.

Carol Tukey, Planner, briefly reviewed the ordinance changes that have been suggested for further investigation. All Selectmen expressed concern about the regulations in the proposed blasting ordinance. The Board requested that a hydrologist be asked if the Town should be concerned about water quality and suggested more simple standards such as abutter notification. Selectman Wallace requested information on what other similar coastal towns (without public sewer and water) do. Chairman Henderson asked if other towns regulate farm animals or if it's a civil issue under the nuisance law. The Board agreed to pursue an ordinance regarding outdoor wood boilers. Chairman Henderson suggested adding language to Town ordinances about pools having to meet State Statute. The Board agreed on August 26 or September 2 for a workshop with the Sign Ordinance Task Force chair and the president of the Harpswell Business Association regarding the Sign Ordinance. The Selectmen will provide their concerns regarding the Sign Ordinance Task Force's report to Terri by August 19 to provide to the Chair for review (also comments on the Affordable Housing proposal). Ms. Tukey informed the Board that there will be no July meeting of the Midcoast Council of Government (MCOG) and that there is one general membership position available.

**11. Contracts with Cumberland County Development Block Grant Program:** Deputy Town Administrator, Terri Sawyer, explained the Town submitted three grant applications to the County under the CDBG program and all three were approved. The Hamilton Place road contract is on hold until Town Meeting votes to approve the use of funds from one of the grants. The weatherization (\$10,000) and Mitchell Field planning consultant (\$25,000) were approved and Deputy Administrator stated staff is prepared to administer both programs. The Town is partnering with Habitat for Humanity on the weatherization program as they are well established in this field. Chairman Henderson moved, seconded by Selectman Multer to enter into the Agreement with Cumberland County for the weatherization program; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to enter into the Agreement with Cumberland County for the Mitchell Field performance standards; motion passed 3-0.

**12. Open Bids for Two Municipal Trucks:** No bids were received. Administrator Eiane recommended the Board direct the Recycling Center/Transfer Station manager to dispose of the dump trucks in the best possible method. The Board agreed.

**13. Committee Appointments:** Chairman Henderson moved, seconded by Selectman Multer to appoint Joanne Rogers as a Town Lands Steward (preferred parcel is Mackerel Cove); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Patricia McGovern to the Pipeline Committee; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Robert Small, Susan Luce, Douglas Johnson, Don Miskell and Lee Johnson, ACO, to the Animal Control Task Force; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Susan Luce chair of the Task Force; motion passed 3-0.

**14. Supplemental Tax for Open Space Withdrawal and for Homestead Reimbursement:** Moved to 5a.

**15. Request for Use of Mitchell Field by Harpswell Festival for a Thank You Dinner:** Chairman Henderson moved, seconded by Selectman Wallace to approve the application submitted by Harpswell Festival, Inc. for the Use of Mitchell Field for a volunteer barbeque on Sunday, August 9, and waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; and the Board agrees to allow the use of motorized vehicles to the site; motion passed 3-0.

**16. Contract Extension for Ash Point Capital Road Project:** Administrator Eiane explained the rainy weather has been a deterrent from meeting the July 2 deadline for completing the Ash Point Road project. The requested extension is to July 18. Administrator Eiane reviewed the five change orders that have occurred during the project. Selectman Wallace provided the reasons why the geotextile fabric change order was necessary. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to sign change order #1 for project #99001428; motion passed 3-0.

**17. Authorization of the Warrant:** Selectman Wallace moved, seconded by Chairman Henderson to approve warrant #47 in the amount of \$809,016.32; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #48 in the amount of \$5,876.47; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #28 in the amount of \$16,941.99 was noted for the record.

The Board briefly discussed the remaining items from the administrative agenda; it was noted the Recycling Center manager provided recycling data on pay as you throw and single-stream and the Board referred this topic for review by the Budget Advisory Committee; it was explained that George Morgan's son signed the Orr's Island Lease Agreement in addition to George and Chairman Henderson moved, seconded by Selectman Multer to approve the lease for exclusive use by George Morgan – motion passed 2-1 (Selectman Wallace opposed); the Board set July 29 at 4:30 p.m. as a meeting with Central Maine Power and agreed to invite Senator Gerzofsky and Representative Percy; the Board was provided a letter from Tower Specialists regarding a delay in completion of the tower to late August/mid September; Chairman Henderson agreed the Town seal should not be used on someone's website and suggested the seal may be an item for Town Meeting adoption; a catering permit and purchase orders exceeding \$1,000 in value were signed.

**18. Adjournment:** The meeting was adjourned by unanimous vote at 9:43 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

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