

Board of Selectmen's Meeting Minutes
September 17, 2009
Harpswell Town Office
Approved on October 1, 2009

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At 5:30 p.m. the Board met to handle administrative matters; the Board signed the 2009 Municipal Valuation Return after Debbie Turner, Assessing Agent, explained the information on the form; Administrator Eiane updated the Board on the Federal Emergency Management Agency proposed map amendments including providing a map showing the existing flood zones as compared to the proposed flood zones; an information notice will be placed in local papers and the Code Office is preparing a handout explaining the main differences between the A and V zones; Chairman Henderson stated that Representative Pingree's office is trying to schedule a meeting where a FEMA representative would explain the current proposals to the entire legislative delegation; Carol Tukey, Planner, reviewed the map; homeowners can be dramatically impacted by either an increase in flood insurance rates or by an inability to build in the areas where zone changes are proposed; Administrator Eiane noted that representatives of FEMA are prepared to speak with the Board and provided tentative meeting dates (10/6, 10/13); the Board asked that Robert Gerber be invited; a draft commercial haulers permit was provided to the Board and it was suggested that the Recycling Center Manager represent the counter signature; the Board reviewed the action list; the Board concurred for Selectman Multer to be the Town's representative on the Maine Municipal Association Executive Committee; and the County Commissioners informed the Town that the Board's abatement decision with the Zimmerman property was upheld.

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

Staff Present: Kristi Eiane, Town Administrator and Marguerite Kelly, 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 Henderson moved, seconded by Selectman Multer to amend the agenda by adding 18b. Proclamation of Constitution Week and 18c. To Consider a Contract with Bowdoin College and to adopt the agenda as amended; motion passed 3-0.

2. Public Comment: None.

3. Approval of the Minutes: Selectman Multer moved, seconded by Chairman Henderson to approve the September 3 minutes as edited earlier by email; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane announced the Town's seasonal flu clinic is scheduled for October 8 from 9:00 a.m. – 12:00 noon and 5:00 p.m. to 7:00 p.m. for those ages 18 or older. Administrator Eiane thanked the Tax Office for its work during the busy month of September accepting the resident's first tax payments; Administrator Eiane stated the Board discussed the Federal Emergency Management Agency (FEMA) map proposals during the administrative meeting and encouraged property owners located in the Shoreland Zone to visit the Code Office and view the proposed FEMA maps and understand how the changes may impact their property; Administrator Eiane requested that a Board member join her in negotiating a new memorandum of understanding between the Town and Curtis Memorial Library, which will then be brought to the whole Board for review. Chairman Henderson volunteered.

5. Selectmen's Announcements: Selectman Wallace stated the communications tower is being delivered tomorrow and that the anchors are still being worked on. There will be a lot of congestion in the area and for everyone to stay aware and be careful.

6. Treasurer's Report: Ms. Kelly reviewed her monthly financial report for August.

- **Authorization to Borrow Re: Emergency Communications Equipment:** Marguerite Kelly, Treasurer, requested the Board authorize her to send out request for proposals for borrowing the \$40,000 approved by 2008 Town Meeting for the emergency communications equipment. The payment schedule will be \$10,000, \$15,000 and \$15,000 for 2010, 2011 and 2012, respectively. The bids will be due in 30 days and Ms. Kelly will check with the Town Attorney regarding making a payment from the general fund prior to the borrowed funds coming in and if that's not permissible, the 30 day return time will be shortened. Chairman Henderson moved, seconded by Selectman Multer to authorize the borrowing of \$40,000 at the said repayment schedule; motion passed 3-0.
- **Consider Amendment to Tax-Acquired Property Policy:** Ms. Kelly reviewed the proposed changes to the Tax-Acquired Policy that address the Town Attorney's objection to entering into sales installment contracts with property owners allowing them to purchase their property back. The Policy would still allow a property owner to re-purchase the property but without a sales installment contract. Ms. Kelly reviewed the proposed additions to the policy. Chairman Henderson moved, seconded by Selectman Multer to approve the amended Tax-Acquired Property Policy with the addition of "or to become homeless" under Section 4.1. The Board discussed liability issues. Motion passed 3-0.
- **Update on Hildreth Road Tax-Acquired Property:** Ms. Kelly reviewed the Town Attorney's proposed timeline for a foreclosure action on the Hildreth Road property. The Town previously foreclosed on the property and then entered into a sales installment contract which the property owner defaulted on. Therefore, this process must be followed to assure clear title to the Town. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to proceed with foreclosure action relating to the Hildreth Road property (map 3, lot 73); motion passed 3-0.
- **Release Deed, Map 15, Lot 87:** One of the two installment contracts entered into this year has been paid in full this week and a release deed now needs to be signed to return the property to the owner.
- **Update on Credit Card Usage:** Ms. Kelly reviewed that she has found a provider, PayPort, to process credit card payments for the Town. Ms. Kelly provided the background on PayPort. The State's credit card processor would act as the Town's third party credit card payment processor. Ms. Kelly has spoken with the other two towns that use this service and with the exception of Manchester having some reconciliation issues, both towns appear to be satisfied. There is no cost to the Town to proceed as all costs are borne by the user. The Town will still have the ability to refund payments but the credit card fee will not be refundable as InforME will not return the fee to the Town. Selectman Multer suggested a policy regarding refunds. Ms. Kelly also suggested a policy regarding restricting use of the program to the Town Office. Ms. Kelly asked the Board whether they want to process transactions over the phone as well or just in person. The Board agreed to just in person transactions at this time. Bob Venard questioned the security of the credit card information. Ms. Kelly stated all the liability is on the provider and not the Town. Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to sign contracts with InforME that would allow credit and debit card usage; motion passed 3-0.

7. 7:00 P.M. Public Hearing Re: Restricting Vehicle Weight on Posted Ways Ordinance: The hearing was opened at 7:07 p.m. There was no one in attendance. The hearing was closed. Bob Venard, Road Commissioner, asked if State Roads could be posted. Administrator Eiane responded that only the State can post State roads. Mr. Venard suggested that the Town post roads that the Town has recently invested funds into such as Ash Point and Dingley Island Road. Selectman Multer expressed concern that no businesses came for the hearing. Administrator Eiane explained that the proposed changes incorporate the Department of Transportation's exemptions and also allows the Town Administrator to issue permits for a specific occurrence. Administrator Eiane noted that law enforcement would have the ability to enforce the ordinance. Before posting any roads, a hearing is necessary and the Board would hear public comment on posting certain roads. Selectman Multer moved to adopt the amended ordinance on restricting vehicle weight on posted ways. The motion failed due to a lack of a second. Chairman Henderson moved, seconded by Selectman Wallace to consider the proposal at the next meeting under old business; motion passed 3-0.

8. Authorize Preliminary Grant Application Re: Town Property Conservation Easement: Administrator Eiane explained this grant application comes to the Board through the Conservation Commission and it was discussed at a workshop with the Commission last week. The deadline for the preliminary grant application was September 15. The grant is seeking funding to place a conservation easement on many acres of the Long Reach Town-owned property in the vicinity of the Cliff Trail. Chairman Henderson moved, seconded by Selectman Multer to approve the preliminary grant application to William Wharton Trust in the amount of \$10,000; motion passed 3-0. Administrator Eiane noted the Town would not be able to accept the funds until there is a Town vote as the use hasn't been previously approved.

9. Issue Request for Proposals for Winter Sand: Administrator Eiane reviewed some suggested additions to the request for proposals that was submitted for review by the Board. The additions include requiring 1000 cubic yards of sand in the salt shed by November 1; delivery slips are required for each sand delivery; and the Town reserves the right to weigh the delivery truck. Chairman Henderson moved, seconded by Selectman Wallace to authorize sending the RFP; motion passed 3-0.

10. Re-Consider Law Enforcement Task Force: Chairman Henderson explained the Board previously created the Law Enforcement Task Force to investigate the Town's law enforcement needs and the options available to fulfill the needs. Since no one was interested, Chairman Henderson moved, seconded by Selectman Multer to discontinue the Task Force; motion passed 3-0.

11. Consider Disposition of Excess Vehicle: Administrator Eiane asked the Board to table this item to the next meeting.

12. Execute Cumberland County Tax Assessment Form: Selectman Multer questioned what "polls" means in this form. Chairman Henderson agreed it is archaic language but that the Town is required to sign this. The Board agreed with crossing out 'polls and' and signed the form.

13. Consider Engineering Services: Administrator Eiane explained that this information is presented as requested by the Board and the Board can decide to continue with the same model as existing, send the services out to bid or consider an entirely different process. Selectman Wallace suggested sending the services out to bid when we have another reconstruction road project. Selectman Multer agreed to send out to bid but also stated she wanted to explore having an engineer on staff. For the past three road projects, \$80,000 has been spent on engineering services. Administrator Eiane stated if there was a staff engineer, the Town sometimes needs more information such as right-of-way surveys. If a staff person is added, there is the potential for other costs to the Town such as benefits and additional payroll taxes. The Board agreed to have the Town Administrator craft an RFP for review by the Board.

14. Consider Scheduling Referendum Vote for Fairpoint Easement: Chairman Henderson read the proposed warrant article to allow Fairpoint to install equipment for the communications tower: "To see if the Town will vote to authorize the Board of Selectmen to execute and deliver an easement deed to Northern New England Telephone Operations, LLC (d/b/a/ FairPoint Communications-NNE) for the installation of utilities for telecommunications related purposes on a portion of Town-owned land (a portion of Tax Map 42, Lot 70), which is currently leased to Tower Specialists, Inc." Chairman Henderson moved, seconded by Selectman Wallace to place the article on a secret ballot at the November 3 referendum; motion passed 3-0. Each Selectman recommended the article. Each Selectman recommended the Hamilton Place article that is also being placed on the November 3 referendum.

15. Issue Request for Proposals for Grinding Scrap Wood: Selectman Multer moved, seconded by Chairman Henderson to authorize the sending of the RFP for grinding the wood pile; motion passed 2-0 (Selectman Wallace abstained).

16. Old Business

- **Consider Selectmen Position on Reduction to Excise Tax Referendum:** Selectman Multer and Administrator Eiane attended the Maine Municipal Association meeting regarding the excise topic. Selectman Multer spoke against the excise bill as the decrease in excise doesn't apply to cars 6 years and older – only to newer and costly green autos, which implies an ability to pay since a new car is being purchased. The State sets the excise mil rate. Those people who have a car 6 years or older won't see a decrease in excise but may see an increase in property taxes. Selectman Multer offered to draft a resolution. Chairman Henderson asked the Town Administrator to arrange for a proponent to come and talk to the Board. Selectman Multer stated the Board needs to look at the TABOR issue as well before November 3.
- **Central Maine Power Response Re: Pole Location:** Administrator Eiane reported that CMP is working on identifying the poles in dangerous locations and that CMP cannot relocate such poles without a private property owner's permission. Selectman Multer suggested CMP may have greater power for relocating poles onto private property and asked Administrator Eiane to investigate that. Chairman Henderson suggested placing guard rails in front of the poles that are repeatedly hit by automobiles. The Board agreed for Administrator Eiane to continue working with CMP.

17. Accept Committee Resignation: Selectman Multer moved, seconded by Chairman Henderson to accept Debora Levensailor's resignation from the Affordable Housing Committee with thanks; motion passed 3-0.

18. Consider Road Name: Selectman Mutler moved, seconded by Selectman Wallace to approve Little Bird Lane; motion passed 3-0.

18b. Proclamation of Constitution Week: Chairman Henderson stated today is the 222nd anniversary of drafting the Constitution and read the Proclamation. Chairman Henderson moved, seconded by Selectman Multer that the Board declares the week of September 17 - 22 as Constitution Week; motion passed 3-0.

18c. Consider Contract with Bowdoin College: Selectman Multer moved, seconded by Selectman Wallace to authorize the Town Administrator to sign the contract for use of the pool for family swim; motion passed 3-0.

19. Authorization of the Warrant: Selectman Wallace moved, seconded by Selectman Multer to approve warrant #63 in the amount of \$1,940,523.19; motion passed 3-0. Selectman Multer moved, seconded by Chairman Henderson to approve warrant #64 in the amount of \$14,023.91; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #38 in the amount of \$14,363.62 was noted for the record.

20. Adjournment: The meeting was adjourned by unanimous vote at 8:45 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

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