

Board of Selectmen's Meeting Minutes
March 27, 2008
Harpswell Town Office
Approved on April 10, 2008

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5:00 P.M. Executive Session: Chairman Haible moved to enter executive session pursuant to 1 M.R.S.A. § 405 (6)(C) to discuss the lease of Town-owned property with Tower Specialists, seconded by Selectman Henderson and passed 3-0.

Selectmen Present: James S. Henderson, Mark Wallace and Chairman Amy N. Haible

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

The Board met at 6:00 p.m. to handle administrative matters; purchase order requisitions and holding tank applications were reviewed and signed; staff was directed to send out the proposed Tide Mill Cove Landing landscape plan to abutters; and Debbie Turner, assessing agent, spoke to the Board regarding the changes in the personal property tax laws and reviewed a letter she would be sending to all businesses in the Town.

Call to Order and Pledge of Allegiance: The meeting was called to order by Selectman Haible at 6:35 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

Chairman Haible moved, seconded by Selectman Henderson to move out of executive session and the administrative meeting into regular session; motion passed 3-0.

1. Adoption of the Agenda: Chairman Haible moved, seconded by Selectman Wallace to adopt the agenda as printed; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane stated the Town attorney is preparing to file the complaint regarding the Selectman/Employee situation and the draft was reviewed by Selectman Wallace's Attorney (Jim Katsiaficas) and he proposed a few changes. The intent is to file the complaint (with the Town attorney letter from January, Attorney Katsiaficas' letter and the Maine Municipal Association opinion) on Friday and Administrator Eiane requested that each Selectman contact her by noon on Friday with any changes. Administrator Eiane reported that Kyes Insurance has responded that general liability coverage applies to both employee and Selectman and that worker's compensation provided by MMA applies to both positions as well. Administrator Eiane reviewed a proposal to restructure the Code Office from two full time Code Officers to one Code Officer and one Code Assistant. This opportunity was created with the departure of Tracey Thibault (Code Officer) and the secretary and William Wells is willing to proceed with this plan. Administrator Eiane stated there may be some areas where the timeliness of customer service may be affected and some tasks that may be eliminated such as shoreline surveying with the DMR (the Harbormaster may be asked to perform this duty). William Wells stated that the restructuring could work with the right person in the Codes Assistant position. Administrator reported that approximately \$50,000 in wages and benefits could be saved and the Board agreed to go forward with the proposal. Administrator Eiane reviewed the proposed job description for the new Youth Program Coordinator position that will be supervised by the Recreation Director. With the addition of this person, the Recreation Director will reduce hours from 22 to 15/week and the new position will be 15 hours. The Board concurred with the process of hiring for this position.

3. Selectmen's Announcements: Selectman Henderson stated the SAD 75 Board voted against the Lisbon consolidation and thanked the Board members for their hard work. Selectman Wallace thanked everyone for supporting him in this Selectman-Employee situation and stated he's dedicated to being a Selectman. Chairman Haible announced the executive session meeting held at 5:00 this evening was positive and it is hopeful the tower will be constructed this summer. Chairman Haible read a letter from Edward Bush to AT&T regarding the need for better coverage in Harpswell. Chairman Haible noted she and Judith Redwine met at Mitchell Field to review the portions of the fence to remove and locations for a boat ramp. Chairman Haible stated there needs to be a discussion in the near future regarding opening the front gate for vehicular traffic to the public.

Administrator Eiane briefly responded by pointing out some issues for consideration. Selectman Henderson expressed this item should be included in the Committee's detailed proposal to the Board.

4. Auditor's Report: Kathy Tyson, auditor with Runyon, Kersteen & Ouellette, stated her firm audits 30 communities and Harpswell is one of the most prepared towns. Ms. Tyson reviewed the audit process and provided an overview of the 2007 financial statements. (Attachment)

5. Road Commissioner's Report: Bob Venard, Road Commissioner, welcomed Mark Wallace as Selectman. Mr. Venard stated that if Mitchell Field is opened to the public, the roads need to meet the Town of Harpswell Road Ordinance standards. Mr. Venard reported that a few yards were scraped up by the snow plows this year due to the lawns being located at the edge of the shoulders. Since the damage is possibly in the right-of-way, Mr. Venard requested direction from the Board on how to proceed; either to make repairs with public funds or to inform the owners they are responsible. After a Board discussion, the Board agreed to only consider repairs if an owner can prove the damage was to private property. Mr. Venard stated there is approximately \$380,000 in funding for a capital road project and he would like to have Randy Tome, of Woodard & Curran, do the engineering work. Mr. Venard asked the Board if they would consider sole sourcing with Harry Crooker & Sons or prefer to do a detail RFP process. The risk with sole sourcing is the price could be higher but the risk to not proceeding with Harry Crooker is the price could be higher for additional engineering costs. Last year, the Board sole sourced with Crooker and the Town saved money in the engineering costs due to the prior relationship and Crooker's familiarity of the Town's roads. Selectman Henderson stated he believes the project should be sent out for RFP's. Selectman Wallace stated he is not very confident in engineers and believes Crooker and Webbers know the Town roads and how to improve them. Chairman Haible agreed with Selectman Wallace that the contractors know our roads. Mr. Venard believes that engineering helps with the longevity of the roads. Chairman Haible asked Mr. Venard to develop a list of desired roads along with ball park engineering costs and the costs to do a RFP to help the Board make a decision. Selectman Henderson stated that there is a difference between engineering knowledge and general observation of what is necessary for road improvements and an engineer helps understand what is necessary beneath a road surface.

6. Wharf Applications

- **Cove Enterprises, LLC, 1247 Harpswell Islands Road, Map 35, Lot 198:** William Wells, Code Enforcement Officer, reviewed the application for a commercial wharf reconstruction. Chairman Haible noted that this proposal was approved by the Planning Board with a condition that limits the use to one fisherman and one sternman. Chairman Haible moved, seconded by Selectman Henderson to approve the application as it does not impede navigation or the riparian rights of others and with the conditions outlined in the Planning Board Notice of Decision signed on March 11, 2008; motion passed 3-0.
- **Kathleen & Marc Davidson, 15 Yuhas Drive, Map 43, Lot 43:** William Wells reviewed the application. Joe Leblanc, representative, stated at low tide there's just enough water for a skiff and that the entire proposal is seasonal and will be removed and stored on the property in off-months. Chairman Haible moved, seconded by Selectman Henderson to approve this application as it does not impede with navigation or affect the rights of others; motion passed 3-0.

7. Petition Re: Iran: Kate Chipman stated she was here on behalf of 330 residents who signed a petition that was submitted on March 11. Administrator Eiane reported the Town Clerk has reviewed the petition and validated 321 signatures which reaches the 10% threshold of those that voted in the last gubernatorial election. Additionally, the petition was reviewed by the Town Attorney. Administrator Eiane explained that now the Board can either put it on a future warrant (i.e. June 10 ballot or March 2009 meeting) or hold a special Town Meeting in the next 60 days. Ms. Chipman requested this be placed on the June ballot which will yield the maximum numbers of voters. Selectman Henderson and Selectman Wallace agreed to place this on the June 10 ballot. Chairman Haible believes this is an item that should be discussed at an open Town Meeting. The Board agreed to make a decision on this item at the April 10 meeting. Ms. Chipman read the petition language.

Gretchen Kamilewicz commented on the importance of having this item voted on and to help prevent another needless war.

8. Consider Harpswell Festival Committee Application for Use of Mitchell Field: Tom Allen stated that the Harpswell Festival Inc. application has been summarized by staff and offered to answer any questions the Board may have. Chairman Haible moved, seconded by Selectman Wallace provided the Board receives proof of insurance covering the date of the event, naming the Town as additional insured, the Board approves the application submitted by Harpswell Festival, Inc. for the Use of Mitchell Field for a community event on Sunday, July 27, and waives provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; that the Board agrees to allow amplification of sound as described in the application and the use of motorized vehicles as described in the application; and that Harpswell Festival, Inc. will be responsible for monitoring shorefront activity and for preventing unauthorized access to the pier; motion passed 3-0.

9. Orr's Island Lease Agreements: Deputy Town Administrator Sawyer, explained there were three issues for the Board to consider: 1. approval of sending out leases, as presented for review, to those who entered leases last year; 2. consider the request from Harold Maney to relocate from his current location to the location previously occupied by James Groves who has since then removed his wharf; and 3. consider the safety issue with Duane Toothaker's wharf and whether to enter into a lease. The Board agreed the Town's insurance company should be questioned as to whether the Town holds any liability if someone gets hurt on the Toothaker wharf or is it covered strictly under the Toothaker's insurance and to send a letter to Mr. Toothaker notifying him of the safety concern. The Board discussed and agreed to allow Mr. Maney to move to the previous Groves location. Selectman Henderson moved, seconded by Chairman Haible to approve the leases and to check with the insurance company and to allow Maney to relocate as long as he confers with the Code Officer and complies with any necessary requirements and doesn't leave any debris behind at his previous location; motion passed 3-0. Deputy Town Administrator Sawyer requested the lease holders work together and remove the debris left behind by the Brockett wharf and requested the Board waive the fees at the Transfer Station for disposal. Selectman Henderson moved, seconded by Chairman Haible to waive the fees at the Transfer Station for the specific disposal of the debris at the Orr's Island Bridge site until April 30; motion passed 2-0 (Selectman Wallace abstained).

10. Committees

- **Call for Volunteers:** Chairman Haible made a call for volunteers.
- **Acceptance of Resignation:** This item was not addressed by the Board.
- **Consider Formation of:**
 - **Energy Task Force:** Chairman Haible read the proposed mission statement. Glenn Gott stated that this wasn't a committee issue. Donna Frisoli believed the future needs to be evaluated for alternatives and other towns should be consulted and a committee could help.
 - **Governance Committee:** Chairman Haible read the proposed mission statement.
 - **Mitchell Field Implementation Committee:** Chairman Haible stated she had suggested changes to this mission statement and suggested all three new committees be considered at the next meeting.
- **Committee-Wide Meeting Set for Saturday, April 12, 9:30 A.M.:** Chairman Haible stated this meeting conflicts with a housing forum and the Board rescheduled this meeting for April 26.
- **The Board made the following committee appointments:**
 - Affordable Housing:** Chairman Haible will call the members to see if this committee is needed.
 - Board of Appeals:** Selectman Henderson moved, seconded by Chairman Alexander to appoint Jim Knight and George Every as members for three years; motion passed 3-0.

Budget Advisory: Chairman Haible moved, seconded by Selectman Henderson to appoint Ellen Lebauer (2 years), Marguerite Kelly (2 years), Burr Taylor (1 year), Robin Brooks (1 year) and Elinor Multor (2 years); motion passed 3-0.

Communications Advisory: Chairman Haible moved, seconded by Selectman Henderson to appoint Alan Shaver, CV Noyes and David Chipman for one year terms; motion passed 3-0.

Comprehensive Plan Implementation: Selectman Henderson moved, seconded by Chairman Haible to appoint Elsa Martz (1 year), John Papacosma (1 year), Kenneth Cichon (2 years), Robin Brooks (1 year), Louise Huntington (2 years), David Chipman (1 year) and Burr Taylor (1 year); motion passed 3-0.

Conservation Commission: Selectman Henderson moved, seconded by Chairman Haible to appoint Mary Ann Nahf (3 years) and Burr Taylor (1 year); motion passed 3-0.

Fire & Rescue: Chairman Haible moved, seconded by Selectman Henderson to appoint David Mercier, William Beazley, Ben Wallace Jr., Helen "Cricket" Tupper, Joyce Thomas and Ed Sparks all for one year; motion passed 3-0.

Harbor & Waterfront: Chairman Haible moved, seconded by Selectman Henderson to appoint Robert Bartley (2 years), Henry Schwartz (1 year) and Lee Bradbury (1 year); motion passed 3-0.

Library: Selectman Henderson will call the members to see if this committee wants to continue.

Marine Resources: Chairman Haible moved, seconded by Selectman Henderson to appoint Shelly Wilson (2 years), David Wilson (2 years), Weston Watts (1 year), Scott Moody Sr. (1 year), Lee Bradbury (2 years), Michael Bernier, Sr. (1 year) and Vincent Hersey (2 years); motion passed 3-0.

Pipeline Easement Advisory: Chairman Haible moved, seconded by Selectman Henderson to appoint Len Freeman, Nancy Dimmick, Patricia McGovern, Kay Ogradnik, Rick Daniel, Walter Norton and Richard Barton all for one year; motion passed 3-0.

Planning Board: Selectman Henderson moved, seconded by Chairman Haible to appoint John Papacosma (3 years), Dorothy Carrier (3 years) and Kenneth Cichon (3 years); motion passed 3-0.

Recreation Committee: Selectman Henderson moved, seconded by Chairman Haible to appoint Tony Barrett (2 years), Susan Rich (2 years), David Brooks (2 years), George Every (1 year), Rick Meisenbach (1 year) and Don Miskill Jr. (1 year); motion passed 3-0.

Sign Task Force: Chairman Haible moved, seconded by Selectman Henderson to appoint Elinor Multon, Cathy Martinez, Michelle Henning, Hati Modr and Jennifer Verplank all for one year; motion passed 3-0.

Solid Waste: Selectman Henderson moved, seconded by Chairman Haible to appoint Spike Haible, Anita Veilleux, Henry Schwartz and Prescott McCurdy all for one year; motion passed 3-0.

Town Lands: Selectman Henderson moved, seconded by Selectman Haible to appoint John Loyd Jr., Jane Smith, Robert Waddle, David Hackett (2 years), Chris Coffin, Melinda Richter, Henry Schwartz and Ellen Lebauer for one year; motion passed 3-0.

11. Contract for Water/Septic Consulting Project: Administrator Eiane recommended Ransom Environmental Consulting, Inc. to perform this study at the amount budgeted, \$20,380. Administrator Eiane scheduled the kick-off meeting with the Board for April 15 at 5:00 p.m.. Chairman Haible moved, seconded by Selectman Henderson to authorize the Town Administrator to sign the contract as presented; motion passed 3-0.

12. Appointment for 911 Addressing Officer: Selectman Henderson moved, seconded by Selectman Wallace to appoint William Wells as 911 Addressing Officer; motion passed 3-0.

13. Accept Delivery of Talbot Dry Hydrant Deed: Administrator Eiane explained this dry hydrant was a condition of Planning Board approval for a subdivision and that the developer paid for the dry hydrant and is responsible for the maintenance. Chairman Haible moved, seconded by Selectman Wallace to accept his dry hydrant deed; motion passed 3-0.

14. Consider Renewal of Cook's Lobster House Liquor License: Deputy Town Administrator reported that Cook's appears to be in compliance with local codes and there have not been any disorderly complaints with the

Sheriff's Department. Selectman Henderson moved, seconded by Chairman Haible to approve this renewal; motion passed 3-0.

15. Adoption of Mileage Reimbursement Rate: Chairman Haible moved, seconded by Selectman Henderson to adopt the new IRS set mileage rate of 50.5 cents per mile effective 4/1/08; motion passed 3-0.

16. Consider Issuing Request for Proposal for Municipal Vehicle: Administrator Eiane explained this item has been budgeted for and approved by Town Meeting. Administrator Eiane stated the Town was looking for a vehicle with low mileage, good gas miles per gallons and other criteria that will make for a better conditioned vehicle than Cumberland County returns. Chairman Haible moved, seconded by Selectman Henderson to approve the RFP for the Town vehicle to not exceed \$14,000; motion passed 3-0. Selectman Wallace noted that new vehicles are not much more and Administrator Eiane noted the intent was for a used one.

17. Authorize Harpswell Heating Assistance Program: Chairman Haible reviewed this proposal which was approved at Town Meeting and Administrator Eiane stated the price of oil is steadily climbing.. Households would be eligible even though they may not be for LIHEAP or General Assistance; at 200% of the federal poverty level monthly income of \$1734 for a family of 1 would qualify. Additionally emergencies can be considered. Selectman Henderson moved, seconded by Chairman Haible to authorize the Town Heating Assistance Program effective immediately and thanked Administer Eiane for her work; motion passed 3-0.

18. Consider Use of Municipal Seal Policy: Administrator Eiane reported the legislature passed a law that prohibited the unauthorized use of a seal and she recommended the Town adopt a policy for use. Selectman Henderson stated there is a state policy regarding this issue. Donna Frisoli questioned whether this seal has ever been accepted as the Town seal. The Board agreed that personal use is acceptable.

19. Authorization of the Warrant: Administrator Eiane recommended approval of warrants 15, 16 and payroll warrant 13. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 15 in the amount of \$131,739.04; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 16 in the amount of \$1,090.77; motion passed 2-0 (Selectman Wallace abstained). Selectman Henderson moved, seconded by Chairman Haible to approve payroll warrant 13 in the amount of \$17,757.58; motion passed 2-0 (Selectman Wallace abstained).

20. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Haible to approve the minutes of February 28; motion passed 2-0 (Selectman Wallace abstained). The Board tabled the 3/13 minutes.

21. Public Comment: Donna Frisoli questioned where the Town was in hiring a person to videotape meetings. Administrator Eiane responded that the Town is currently working under the extension of the contract with HCBC where HCBC is responsible for taping. Ms. Frisoli stated the Town should not be waiting as someone is needed and Selectman Henderson stated it would be useful to have HCC part of the interview team.

22. Adjournment: The meeting was adjourned by unanimous vote at 10:10 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Auditor's summary