

Board of Selectmen's Meeting Minutes

May 8, 2008

Harpswell Town Office

Approved on May 22, 2008

Page 1 of 5

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

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

The Board met at 5:30 p.m. to handle administrative matters; May 15 at 4:30 p.m. was scheduled for a site visit to the Stover's Point area; May 21 at 5:00 p.m. was scheduled for a committee meeting regarding Tide Mill Cove; Wharf Lease Agreements, Committee appointment sheets and purchase order requisitions were signed; May 15 at 5:30 was scheduled as an executive session regarding the cell tower; Administrator Eiane reported that oral arguments on the Wallace/Town case is scheduled for May 15 at 10:00 a.m.; the Board discussed different ideas on how to handle wharf applications; and the Board discussed the Dingley Island Road situation.

Call to Order and Pledge of Allegiance: The meeting was called to order by Selectman Haible at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Haible amended the agenda by adding Accept a \$20,000 grant from the Dept. of Conservation under Old Business and Engineering Contract as 11A. Chairman Haible moved, seconded by Selectman Henderson to adopt the agenda as amended; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane stated there was a high volume of strong candidates for the Code Officer Assistant position and recommended Jason Marshall for the position at \$15.00/hour. Administrator Eiane explained the funds for the position will be covered with the departure of the second full time Code Officer and will also result in a reduction in benefits since the office will be staffed by 2 full time rather than 3 full time employees. Selectman Wallace moved, seconded by Selectman Henderson to hire Jason Marshall; motion passed 3-0. Administrator Eiane recommended Gena Perow for the Town's Youth Program Coordinator at \$13.75/hour for 15 hours a week, without benefits. Selectman Henderson moved, seconded by Selectman Wallace to hire Gena Perow; motion passed 3-0. Administrator Eiane announced that oral arguments in the Wallace/Town case have been scheduled for May 15 at 10:00 a.m. at the Superior Court in Portland. Administrator Eiane requested permission to junk the 2000 Ford Crown Victoria at a junkyard for approximately \$500-\$700 since no bids were received when the Town placed it out to bid. Chairman Haible moved, seconded by Selectman Henderson to authorize the Town Administrator to dispose of the vehicle; motion passed 3-0.

3. Selectmen's Announcements: Chairman Haible announced on Saturday, May 10 at 10:00 a.m., there is a volunteer day at Mitchell Field to remove the fence on the shorefront. Selectman Henderson encouraged the public to attend the Special Town Meeting, May 12 at 7:00 p.m. at Harpswell Island School re: Peace with Iran.

4. Old Business: Selectman Henderson stated that Harpswell Community Broadcast Corporation has reviewed the latest proposed contract and Tom Allen, president of HCBC, has informed the Town that it is acceptable with two changes: 1. HCBC must be consulted on issues pertaining to them such as the franchising agreement and 2. to have the contract's time period be for 10 years. Selectman Henderson stated he agreed with the changes and suggested posting the draft contract on the website for public comment and to mail it to those who requested it. This item will be on the agenda in two weeks for discussion and Chairman Haible requested this item be on the administrative agenda prior to the Selectmen's meeting as well. Administrator Eiane will forward the contract to the Town attorney for review. Selectman Henderson reviewed his proposal for creating Town Land steward positions that would be appointed by the Board of Selectmen and would work with the Town Lands Committee to monitor a certain Town

property. Chairman Haible suggested the monitoring report require pictures as opposed to suggesting taking pictures. Selectman Henderson moved, seconded by Chairman Haible to establish the position of Town Land stewards as outlined; motion passed 3-0. Staff will send the proposal to the Town Lands Committee for review and comment.

Deputy Town Administrator Terri Sawyer reviewed that the Town, with extensive assistance from volunteers, applied for a \$30,000 grant from the Department of Conservation for trail improvements at the Giant's Stairs property and the Town has been granted \$20,000. Selectman Henderson stated he walked the site with a couple of Town Lands Committee members who suggested moving the trail further inland and Ms. Sawyer stated that was not the Town's request to create a new path but to improve the existing path. Selectman Henderson requested that a cover letter be sent with the signed contract requesting the Maine Conservation Corps crew stay in touch with the Town regarding any changes to the proposal and to note that the grant is for the project as outlined in the Town's grant application. Chairman Haible moved, seconded by Selectman Henderson to accept the \$20,000 grant and authorize the Chairman to sign the contract; motion passed 3-0.

5. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for April (attached as further review).

6. Consider Tax-Acquired Property Situation: Marguerite Kelly, Treasurer, explained that the Town's tax lien mortgage on Map 3, Lot 73 for non-payment of 2005 real estate taxes foreclosed on December 26, 2007. Ms. Kelly stated she made all the necessary notifications plus extra attempts to get in touch with the owner, Ray Parker, prior to the foreclosure. On January 10, the Board of Selectmen agreed to enter into a Land Purchase Installment Contract to allow Mr. Parker to repurchase the property for outstanding taxes, interest and costs with monthly payments, the final date being July 10, 2008. Mr. Parker made the February 10 payment and did not make the March payment. Ms. Kelly sent notices giving Mr. Parker a right to cure on default by April 10; the payment was not made, therefore the Town continues to own the property. Ms. Kelly informed the Board that since the tax lien was filed, Mr. Parker has sold 6 acres of the original parcel in three separate transactions for a total of \$83,000; no tax payments were made. Ms. Kelly outlined three options for the Board: keep the property, sell it back to the property owner or sell it by public bid. Ray Parker stated he was unaware that the taxes had been unpaid after the sale closings and more recently, he asked his daughter to resolve this issue for him and he was unaware of the final notices. Mr. Parker asked the Selectmen to consider allowing him to pay the taxes and acquire the land back. Chairman Haible asked Mr. Parker why after all the notices and conversations he had not resolved such an important issue; Mr. Parker acknowledged he dropped the ball. Selectman Wallace stated he went through a similar issue with the Town of Topsham and it's important to respond and stay on top of such issues. Selectman Henderson stated that he was not sure he was willing to sell back land valued at \$175,000 for ±4,500, especially after the proper and numerous notices. Selectman Henderson stated he would consider selling back to Mr. Parker with a penalty such as \$25,000 to send a message to taxpayers that you need to pay your taxes. Fred Kenney asked the Town to let Mr. Parker repurchase the property and if not, what happens to them since they purchased the 6 acres in question. Terrence Kenney stated that Mr. Parker should be able to pay the taxes and get the property back. Chairman Haible suggested tabling the item to have a conversation with the Town Attorney regarding the options; including considering allow Mr. Parker to purchase the property for the taxes, costs and a penalty in one single payment. Ms. Kelly agreed this is an option but that a written agreement would be necessary. Chairman Haible moved, seconded by Selectman Henderson to table the issue and have a conversation with the Town Attorney and Treasurer in executive session; motion passed 3-0. Mr. Parker offered to pay everything tonight including a penalty. Tentative dates of May 12 at 5:00 and May 16 at 4:30 were discussed.

7. Wharf Applications

- **Jean Calderwood and Andrew Bernier, Map 2, Lot 39:** William Wells, Code Enforcement Officer, reviewed the application and stated this system is to be shared with two lots. Selectman

Henderson questioned if the series of floats will affect the clam flats. Ben Wallace, builder, responded that due to the site conditions, this type of system was the best option and the floats will have keels on them to minimize the impact on the clam flats. Chairman Haible moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.

- **Pierre Boutan, Map 38, Lot 35:** William Wells, Code Enforcement Officer, reviewed the application. Selectman Henderson questioned why the float is 20 feet. Tim Forester, owner's representative, responded that a 10'x20' float is standard. The owners also own the abutting lot and Chairman Haible expressed concern about the possibility of the abutting lot being sold and another request for a wharf system on that lot. Code Officer Wells and Deputy Town Administrator discussed whether these two lots would be subject to the automatic lot merger clause in the Shoreland Zoning Ordinance and will follow up on that question. Chairman Haible requested there be a letter to the property owner requesting them to allow both lots to share the system even if one of the lots were sold. Selectman Henderson moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others and that a letter be sent requesting the owner share the wharf with the two lots; motion passed 3-0.
- **Jules Dostie, Map 38, Lot 28:** William Wells, Code Enforcement Officer, reviewed the application. The Board questioned navigation with so many wharves in the area. William Wells stated the open water is not impacted by the wharves, and boats can travel. Chairman Haible moved, seconded by Selectman Wallace to approve the application as it does not impede navigation or adversely affect the rights of others; motion passed 3-0.
- **Brett Chapman, Map 38, Lot 70:** William Wells, Code Enforcement Officer, reviewed the application for replacement and an upgrade. Mr. Wells stated there has been some concern about this proposal impeding navigation and the Army Corps issued a permit with the condition that after the construction, if there is a hazard to navigation that the system be altered or removed. The Army Corps allows a structure to extend 25% into the channel and this proposal does not exceed that amount. Peter Spencer described the difference between the current structure and the proposed replacement. Mr. Spencer stated he measured with a tape the width of the channel at a 0 tide and it measured 105 feet and the proposal is using 21' which is less than 25%. Jim Hays, Harbormaster, expressed concerns about the narrowness of the channel and stated he used the tax map and scaled the channel to be 85 feet. Mr. Hays would like to see a survey of the channel. Chairman Haible moved to table this application until a survey is completed that satisfies the Harbormaster. Selectman Henderson asked Mr. Hays if a survey is all he would accept. Mr. Hays responded that he was willing to go with Mr. Spencer to measure the channel. Chairman Haible moved, seconded by Selectman Henderson to table this item until the Harbormaster reports to his satisfaction on the navigation issue; motion passed 3-0.

8. Municipal Vehicle Update: Deputy Town Administrator Terri Sawyer reviewed that the Town received three bid responses for the Town's municipal vehicle and recommended the Board reject them as the vehicles did not meet the needs of the Town. Ms. Sawyer stated she and Code Enforcement Officer Bill Wells went to a number of car dealers last week and have narrowed the recommendation to two vehicles for the Board's consideration. Unfortunately, the Bath Subaru dealer would not hold the vehicle until the Board decided and sold the vehicle yesterday, which reduced the options from the two to one, the 2006 Ford Escape at Brunswick Ford. Chairman Haible moved, seconded by Selectman Henderson to authorize Terri Sawyer to finalize the transaction with Brunswick Ford for the 2006 Ford Escape for a total cost of \$14,000 and to reject the prior bids; motion passed 3-0.

9. Mitchell Field Update: Judith Redwine, chair of Mitchell Field Implementation Committee, stated that the Board previously voted to remove the fence at the shorefront on Mitchell Field and that included the fence posts. The Board concurred with the fence and fence posts removal. Ms. Redwine announced that volunteers

are meeting at 7:00 on Saturday, May 10 to remove the fence. Ms. Redwine reported on other issues the Committee is working: dog run with the Recreation Committee; removing the fence on Rt. 123; and exploring grant availability with the Town Planner. Ms. Redwine announced that all the Town committees will meet regarding the pier at Mitchell Field, first on May 17 at 10:00 a.m. at Mitchell Field and then on May 19 at 5:30 p.m. at the Town Office. William Wells announced to all the volunteers that he will be at Mitchell Field at 6:00 a.m. and each volunteer has to sign a liability release before working. The Board reached a consensus to remove the barbed wire on the fence on the Route 123 side.

10. Harpswell Business Association: Dick Moseley, owner of the Harpswell Inn, reported that local businesses have formed a new Harpswell Business Association as a non-profit entity. The group has been expanded and encourages all businesses, non-profit, seasonal, year round etc. to join the Association. Currently there are 60 members and the Association has a goal of 100 members this year. The next meeting is May 15 at 7:00 p.m. at the Harpswell Inn and all businesses are encouraged to attend. The HBA will be printing a brochure soon which will include business names and locations so you must contact either Dick Moseley or Jennifer VerPlanck soon to be included in the printed information. Jennifer VerPlanck, owner of Black Sheep Wine Shop, explained the brochures will be in the Visitor's Center; HBA is on the web and is working with Harpswell Community Broadcast Corporation to highlight certain business aspects. The website is being updated and will include business information and employment opportunities. Debbie Turner, Town assessing agent, will speak at the May 15 meeting regarding personal property tax. For more information, the Harpswell Business Association website is Harpswellmaine.org.

11. Coastal Humane Society Contract: Administrator Eiane explained this is an annual contract which gives the Town authority to take stray domestic animals to the Society as municipalities are required by law to have a placement location. Lee Johnson, Animal Control Officer, is also on the Board of Directors for the Society. Selectman Henderson moved, seconded by Chairman Haible to authorize the Town Administrator to sign the contract; motion passed 3-0.

11a. Engineering Contract: Administrator Eiane reviewed that the Board previously agreed to make capital road improvements to three roads: Ash Point, Steamboat and Grassy. Work order 22A is the engineering contract for the three roads and the costs are detailed on page 3 with a total of \$59,000. Chairman Haible stated that if the Board agreed to sole source with Crooker that the engineering costs would be less but it was decided that going to competitive bid may save money. Administrative Eiane stated this contract does not include construction monitoring. By July 15 the design should be completed and by August 15 the bidding process should be completed. Selectman Wallace expressed concern about the timeline and line boring as information is being missed even with line boring and he doesn't want to approve that step. Chairman Haible and Selectman Henderson agreed that since this was the process agreed upon then all the necessary engineering needs to be completed. Selectman Henderson moved, seconded by Chairman Haible to approve Work Order 22A for \$59,000; motion passed 2-1 (Selectman Wallace opposed).

12. Set Date and Time for Non-Resident Taxpayer Meeting: The Board set Tuesday, July 8 at 6:30 p.m. for the annual non-resident taxpayer meeting.

13. Accept Donation of Food Cards from Kellogg Church: Administrator Eiane explained that the Kellogg Church donates to the Town's general assistance program and they have donated \$500 in Shaw's food cards. Selectman Henderson moved, seconded by Chairman Haible to accept \$500 in food cards; motion passed 3-0.

14. Warden Appointment for May 12, 2008 Special Town Meeting: Chairman Haible moved, seconded by Selectman Henderson to appoint Catherine Doughty as warden for the May 12 Special Town Meeting; motion passed 3-0.

15. Committees:

- **Adopt Mission Statement and Nominees for Emergency Vehicles Committee:** Administrator Eiane explained this item was carried forward from two weeks ago to get application from the nominees which has since been determined unnecessary. Selectman Henderson suggested adding that the Fire Chiefs nominate their members. Selectman Henderson moved, seconded by Chairman Haible to adopt the mission statement and the proposed committee composition (Ben Wallace, Jr., Helen Tupper, Bill Beazley, Ed Sparks, David Mercier, Rick Leary, Town Treasurer and Selectman Wallace); motion passed 3-0.
- **Adopt Mission Statement and Appoint Members to Energy Task Force:** The Board agreed on changes to the Town Administrator's proposed mission statement. Chairman Haible moved, seconded by Selectman Henderson to appoint Edmund Pelta, Trudy Riensenberg, Debora Levensailor and David I. Chipman to the Task Force; motion passed 3-0.

16. Consider 2008 Wage and Salary Adjustments: Chairman Haible recommended approving the Town Administrator's recommended salary adjustments. Selectman Wallace wants to recommend a greater than 3% raise for one hourly person. Chairman Haible moved, seconded by Selectman Henderson to approve the recommended salary adjustments for the Deputy Town Administrator, Code Enforcement Officer and Recreation Director; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve the salary adjustment for the Recycling/Transfer Station manager; motion passed 2-1 (Selectman Wallace abstained). Chairman Haible moved, seconded by Selectman Henderson to approve the wage adjustments as outlined on the May 6 sheet; motion passed 3-0. Selectman Henderson suggested setting a date for executive session to discuss Selectman Wallace's concern and the Town Administrator's adjustment. Administrator Eiane stated she will return with a suggested date.

17. Authorization of the Warrant: Administrator Eiane recommended approval of warrants 25, 26, 27, 28 and payroll warrant 19. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 25 in the amount of \$701,774.73; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Haible to approve warrant 26 in the amount of \$2,260.35; motion passed 2-0 (Selectman Wallace abstained). Selectman Henderson moved, seconded by Chairman Haible to approve warrant 27 in an amount not to exceed \$500.00 to mail the bulletins; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant 28 in the amount of \$14,000; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve payroll warrant 19 in the amount of \$12,793.83; motion passed 2-0 (Selectman Wallace abstained).

18. Approval of the Minutes: The Board made changes to the April 10 minutes; Chairman Haible moved, seconded by Selectman Henderson to approve them; motion passed 3-0.

19. Public Comment: There was no public comment.

20. Adjournment: The meeting was adjourned by unanimous vote at 10:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report
Energy Task Force and Emergency Vehicles Committee Mission Statements