

Board of Selectmen's Meeting Minutes

May 28, 2009

Harpswell Town Office

Approved on June 11, 2009

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

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

At 5:30 p.m. the Board met to handle administrative matters; Debora Turner, Assessing Agent, reviewed the Ratio Declaration & Reimbursement Application with the Board and the Board signed the form; the Board agreed on its July and August meeting schedule; the Board signed an Orr's Island Wharf lease as previously approved; the Board agreed to review a couple of submitted committee mission statements per meeting during the administrative review; Administrator Eiane reported that the County receives concealed weapons permit checks in addition to the Town and suggested that she sign the forms, to which the Board agreed; the Board signed a thank you letter to the Mt. Ararat Middle School class that cleaned up Mackerel Cove and created an education website on the topic; the Board agreed to contact owners of materials deposited at Mackerel Cove when there is evidence of current or past ownership; Administrator Eiane passed out a draft Continuity of Operations Plan for review by the Board; Administrator Eiane provided an update on the communications tower. The contract calls for it to be completed by mid-July based on the permit issuance date; the Board agreed to have Paul Pettingill attend a future meeting to provide information regarding the Volunteers in Police Program (VIP's); Administrator Eiane reported that a VIP volunteer would be covered under the County's liability insurance only if they were performing a duty within their training; and the Board signed a purchase order exceeding \$1,000 in value.

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: Selectman Multer moved, seconded by Chairman Henderson to removed item 10: Consider Petition to Hold Hearing on School Consolidation. Selectman Multer stated that such a hearing was premature until the School Board acts and if it decides to close the school, a hearing would appropriate to consider whether the Town will fund the costs to keep it open. Chairman Henderson stated he was not in favor of this motion as people want to talk about the issue. Motion failed 1-2 (Selectman Multer for). The Board discussed implementing a time limit on speakers on the agenda item when it arrives. Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by adding under 12a: Consider Road Name; motion passed 3-0.

2. Public Comment: None.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the May 14 minutes as amended earlier by Selectman Multer via e-mail; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane reminded the public of the annual school budget vote on May 30 at the Orion Performing Arts Center in Topsham. You have to attend to affect final budget figure that will come to towns for a final vote on June 9. Administrator Eiane thanked Shirley Thompson for her coordination of the Memorial Day Parade. Administrator Eiane reported that the State's budget passed with several aspects that affect the local taxpayers such as the cut in revenue sharing. Other cuts in State funding will put additional pressure on the Town budget. Additionally, this November voters will decide whether to cut the excise tax which would have a significant impact on the local budget. Administrator Eiane announced the Town has been awarded a \$20,000 grant for a harbor management plan and thanked Harbormaster Jim Hays for his efforts. Administrator Eiane stated the Town recently selected Bob Waddle of Sebascodegan Marine to make repairs to the Town's Potts Point Dock and while it is hoped it will be open to the public by June 15, the

date may be delayed due to the need for treated wood which is special-ordered. The repairs must be completed to assure the safety of the dock.

5. Selectmen's Announcements: Selectman Wallace thanked the Mt. Ararat Middle School students for cleaning up 1400 pounds of material from the Mackerel Cove beach. Selectman Wallace encouraged the public to visit their Mackerel Cove clean up website through a link on the Town's website on the homepage to the site. Chairman Henderson announced that Burr Taylor passed on information that encouraged the public to dispose of clam shells back into the ocean as studies show that it helps the young clams develop.

6. Old Business:

- **Consider Investment Policy:** Administrator Eiane noted the changes from this evening's presented policy and the earlier version from two weeks ago. Chairman Henderson moved, seconded by Selectman Wallace to adopt the May 18 investment policy; motion passed 3-0.

7. Update from the Carrying Place Assembly: Sam Alexander spoke on behalf of the Carrying Place Assembly group comprised of people unhappy with the 1998 boundary line decision. Mr. Alexander thanked Selectman Multer for her efforts in the cause and thanked Chairman Henderson for his efforts on the project, after his initial apparent opposition. Mr. Alexander summarized the recent hearing and workshop in Augusta regarding LD1410: An Act to Restore the Historical Boundary Between Harpswell and Brunswick. The day after the hearing, two members of the Carrying Place Assembly traveled to Massachusetts and uncovered new information regarding the fact that the 'gore' does not exist that affected the 1998 decision. Mr. Alexander stated that while the information was submitted to the Legislature's State and Local Government Committee, in his opinion, the Committee members voted "Ought Not to Pass" by 10 to 3 due to politics and not fact. Mr. Alexander stated they are not giving up and asked residents to get involved. Gareth Anderson, Carrying Place member, handed out information to the Board and read information supporting the position of the Carrying Place. Mr. Anderson also stated they will not give up and if voters in 1998 had the information that is available now voters would not have supported the 1998 decision. Amy Haible, Carrying Place member, explained the map with the current boundary line and the 'true' boundary line. Ms. Haible stated that Harpswell's integrity is at stake and the Carrying Place will not give up. Members will be meeting with legislative representatives tomorrow.

8. Fishing Families Request for Group Use of Mitchell Field: Deputy Administrator Sawyer stated this application is the same as last year. Chairman Henderson moved, seconded by Selectman Wallace that pending receipt of appropriate proof of insurance, the Board approves the application submitted by Fishing Families for Harpswell for the use of Mitchell Field for a fundraising shore dinner on Saturday, August 22, and allowed the use of motorized vehicles to the site. The Board waived provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; motion passed 3-0.

9. Consider Position on School Consolidation: [Discussed after item 10] Chairman Henderson expressed concern that the Workgroup had a June 8 deadline for making its decision and that the Board is asked to take a position now and that he would like to wait until after the June 10 hearing. Selectman Multer will inquire whether the Workgroup's decision can be delayed until after the hearing. David I. Chipman read excerpts from the Town's Comprehensive Plan (pages 45, 46 and 200) and asked Selectman Multer to follow the Plan in making her vote. Selectman Multer responded that the issue is whether the school is viable now. Hannah Beattie, parent representative, said she has spoken to a lot of parents in Harpswell and she has four daughters she wants to attend West Harpswell Elementary School. Mrs. Beattie stated the School is needed to attract more young families and since taxpayers pay so much now for education, asked why should we pay more at the local level? Selectman Multer stated the School Board member obligation is to the entire District and not to individual towns. Sara Clemons asked if Selectman Multer represents herself or the entire Board when she

votes. Chairman Henderson provided a brief historical lesson regarding dual political tension. Chairman Henderson stated he was on the Regional School Unit Group and the Selectmen didn't tell him how to vote. Chairman Henderson will let his position be known after the hearing and hopes the hearing will take place before a vote. Selectman Multer will call Superintendent Wilhelm and ask if the Workgroup vote can be delayed until after June 10. Mr. Beattie and Mrs. Ogrodnik provided additional comments for keeping West Harpswell Elementary School open.

10. Consider Petition to Hold Hearing on School Consolidation: Chairman Henderson stated this agenda item is to allow interested persons to give reasons why the Selectmen should hold a public hearing. Rob McIntyre expressed concerns about the upcoming decision and asked for a hearing to further discuss the topic including wanting more specific figures on the costs. Linda Hall supports holding a hearing to solicit a wider group of participants. Leon Ogrodnik stated that Harpswell residents pay 60% of taxes to MSAD 75 and gave reasons not to close the school. Bart Beattie stated it was important to hold a hearing and openly discuss the issue before the Workgroup votes. Rob McIntyre expressed concern about the potential costs involved with deferred maintenance on the two schools. Chairman Henderson read the petition wording that was submitted to the Selectmen by several residents requesting a public hearing on this issue. Chairman Henderson moved, seconded by Selectman Wallace to hold a public hearing in the next three weeks to hear resident's concerns of the West Harpswell Elementary School consolidation issue. Schedules were discussed. Chairman Henderson amended his motion to hold the hearing on June 10 at 7:00 p.m. at Harpswell Islands School. Selectman Multer expressed concern about the structure of the hearing and that the School Board should be able to respond to attacks heard tonight. Chairman Henderson stated the hearing will be regulated by time and he will rule out hearsay. Administrator Eiane asked if the Board thought a key element to the hearing is to have the School Board there. The Board responded yes it is key. Chairman Henderson amended his motion to set the date pending the availability of the school board members and administration. Motion passed 3-0.

11. Sign Ordinance Task Force Report: Jennifer Verplanck read a summary of the Task Force's proposed ordinance changes which are meant to address the ordinance shortfalls in the simplest and most flexible way. Chairman Henderson stated he appreciated the Task Force completing its report within the timeframe and that the Board needs more time to review the proposal. Selectman Multer agreed and suggested holding a workshop to get into the detail with the Committee. David Chipman responded to Selectman Multer that grandfathering was not addressed. Ms. Verplanck stated that the Harpswell Business Association has read the proposed changes and is in favor of them.

12. Liquor License Renewal Request for Middlebay Lobster: Deputy Administrator Sawyer reported there were no apparent code violations or complaints from Cumberland County. Chairman Henderson moved, seconded by Selectman Wallace to approve the renewal liquor license for Middlebay Lobster; motion passed 3-0.

12a. Consider Road Name: Chairman Henderson explained the proposal was reviewed by the 911 addressing officer and it does not appear to conflict with current names. Selectman Multer moved, seconded by Chairman Henderson to approve Liberty Lane; motion passed 3-0.

13. Appointments: Chairman Henderson moved, seconded by Selectman Wallace to appoint Janet Coombs, Susan Lowery and Megan Hubbard as Wardens for the June 9 election; Melody Coombs, Patricia Leary and Helen Tupper as Deputy Wardens for the June 9 election; Joyce Thomas and Carolyn Perow as election/ballot clerks for one year; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to appoint Trevor Cote as Shellfish Warden; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to appoint David Chipman to the Comprehensive Plan Implementation Committee; motion passed 3-0.

14. Nomination for Maine Municipal Executive Committee: Chairman Henderson moved, seconded by Selectman Wallace to nominate Selectman Multer to the Executive Committee of Maine Municipal, with the final vote up to MMA; motion passed 2-0 (Selectman Multer abstained). Chairman Henderson asked Selectman Multer to poll the Board on big issues that may come before the MMA Executive Committee, should she be elected.

15. Board Position on Reduction to Excise Tax: Selectman Multer explained the legislature was petitioned to reduce excise tax by half and more in subsequent years and to make fuel efficient cars tax free. There being no action by the Legislature, the citizens' petition has forced a referendum vote in November. This vote could cause a 40% reduction in Harpswell excise taxes (about \$340,000) which will hit Harpswell taxpayers hard. Selectman Multer suggested the Board consider opposing this and bring it back for discussion of such possible action at the end of July.

16. Disposition of Two Municipal Trucks: Administrator Eiane explained Fred Cantu, Recycling Center/ Transfer Station Manager, recommends putting two dump trucks to public bid for salvage or scrap vehicles. Selectman Multer expressed concern about the vehicles being placed on the road. Chairman Henderson didn't want to limit the bids to scrap but agreed to move, seconded by Selectman Multer to approve the sale of the two dump trucks provided there is no on-road use; motion passed 2-0 (Selectman Wallace abstained).

17. Authorization of the Warrant: Selectman Multer moved, seconded by Chairman Henderson to approve warrant #36 in the amount of \$129,830.94; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #37 in the amount of \$4,871.93; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Multer to approve warrant #38 in the amount of \$75.00; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #38 in the amount of \$303.78; motion passed 3-0. Payroll warrant #22 in the amount of \$17,914.44 was noted for the record. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #37 in the amount of \$4,871.93

Sam Alexander asked what the County tax was and what happened to the push to expand County Commissioners. He was told that the Town does not yet know what the next County tax will be.

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

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

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