

Board of Selectmen's Meeting Minutes
December 3, 2009
Harpswell Town Office
Approved on December 17, 2009

Page 1 of 4

At 5:30 p.m. the Board met to handle administrative matters; an invitation to donate to and attend the Rippleeffect dinner was handed out; an invitation to the Maine Municipal Association event was handed out; the Orr's Island Library capital budget request was noted for \$15,000; the Board reviewed the revised ordinance amendments for the December 10 hearing and agreed to hand out the most current version by the Town attorney; Selectman Multer mentioned she preferred, in the future, to not hold a joint ordinance public hearing with the Planning Board; the Board set Monday, December 7 at 4:30 as an executive session regarding the bookkeeper position; and the Board agreed to hold a regular meeting on December 17 and a brief meeting on December 30 to approve the warrant.

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Carol Tukey, Planner

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:50 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 adopt the agenda as amended by adding 18a. Accept Bowdoin College Gift; motion passed 3-0.

2. Public Comment: Julia Stevens stated that she is part of a group called Friends for Harpswell Education that is interested in getting the Board and the public to understand that closing the West Harpswell Elementary School is the beginning of the end of education in Harpswell as schools are the vital social fabric of a community. Signe Daniel expressed concern about the long term impacts of closing West Harpswell School and encouraged the Town to start looking at conducting an impact study. Robert McIntyre asked if the Town was aware that Commissioner Gendron approved MSAD 75's request to close to West Harpswell School; the Town was not aware. Mr. McIntyre questioned the accuracy of the figures supplied by MSAD 75 and asked the Board to stand up and represent the Comprehensive Plan and to provide a channel with the Town Attorney to secure information from MSAD 75 that is not easily available. Chairman Henderson stated he personally does not agree with the school closure and agreed that there needs to be confidence in the figures for a vote. Selectman Multer objected to Mr. McIntyre's use of the meeting to attack MSAD 75 without evidence; Chairman Henderson agreed. Chairman Henderson stated MSAD 75 is in control of setting the date for a vote and that there will be a public hearing.

3. Approval of the Minutes: Selectman Multer moved, seconded by Selectman Wallace to approve the November 19 minutes as edited earlier by email; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane informed the Board that the Cumberland County Development Block Grant contact has made a preliminary review of the Town's general applications and determined they all belong in the planning category except for one. The Board was provided with additional information regarding the Harpswell Business Association's request for a planning grant and was asked to consider the updated list for the next meeting. Administrator Eiane asked the Board if it wanted to invite Robert Gerber to the next meeting to describe in detail what he can do for the Town regarding the Federal Emergency Management Agency (FEMA) map updates that have the potential to affect many property owners in Town by limiting use of the property and/or requiring higher insurance rates. Administrator Eiane stated there will be a meeting in Harpswell with FEMA sometime early next year; the date is not certain as FEMA has withdrawn its

first proposal and is working on a new one which once released, will begin the 90-day appeal period. The Board agreed to have Mr. Gerber on the next meeting agenda. Administrator Eiane stated she would be attending a workshop on Tuesday with U.S. Representative Chellie Pingree's office regarding federal grant opportunities.

5. Selectmen's Announcements: There were no announcements.

6. Old Business: There was none.

7. Consider Solid Waste Disposal Contract with ecomaine: Administrator Eiane explained this contract is between the Town and ecomaine to remove all the solid waste at the Transfer Station and Recycling Center for one year with two one-year extension options. The proposed contract with ecomaine is as a result of the company being the lowest bidder following a request for proposals. The Board asked some questions about the contract and Administrator Eiane responded the contract is modeled after the contract with the current vendor. Chairman Henderson moved, seconded by Selectman Multer to enter into the agreement with ecomaine; motion passed 2-0 (Selectman Wallace abstained).

8. Consider Consultant Contract for Mitchell Field Zoning & Performance Standards: The Mitchell Field Implementation Committee is recommending Planning Decisions as the consultant to develop the zoning and performance standards for the marine business zones at Mitchell Field. Chairman Henderson moved, seconded by Selectman Multer to enter into the agreement with Planning Decisions in an amount not to exceed \$29,500; motion passed 3-0.

9. Consider Contractor Laydown Area at Mitchell Field: Administrator Eiane explained the new location, shown on the map, near the generator building will not interfere with the parking for the Harpswell Festival nor will it with daily activities, and the area will be fenced. Both the Mitchell Field Implementation and Pipeline committees are satisfied with the location. Administrator Eiane recommended that the company, Charter Environmental, sign an Agreement if the Board concurs with the location. The Board had a brief discussion regarding the amount of traffic that would be associated with the laydown area. The Board concurred with the recommendation. The Agreement will be brought back to the Board at a future meeting and will include a provision that the company is responsible for the associated liability and for obtaining approval from the Department of Environmental Protection.

10. Consider Additional Information Re: Restricting Vehicle Weight on Posted Ways: Chairman Henderson asked if the Board should continue considering posting roads. Selectman Wallace responded no as the Town has not experienced substantial damage in the past and the contractors use good judgment. Chairman Henderson and Selectman Multer expressed an interest to have some level of protection for the roads. Chairman Henderson stated that the Town engineer said you may not always see the damage and the Maine Department of Transportation posts certain roads. Chairman Henderson suggested it would be better to adopt an exemption table, similar to Phippsburg, and allow the vehicles at those listed weights to be exempt from the road posting than to do nothing at all. The Board agreed to have the proposal sent to businesses for input at a January meeting.

11. Lease Agreement with Cundy's Harbor Fire & Rescue Department Re: Ambulance: Administrator Eiane stated this is the same agreement as previously signed with Orr's/Bailey Fire & Rescue. The Town commissioned the building of an ambulance for Cundy's Harbor use and should enter into a lease agreement with Cundy's Harbor for 10 years for the use of the ambulance where Cundy's is responsible for the insurance and general maintenance. The lease has been legally reviewed. Selectman Multer moved, seconded by Chairman Henderson to approve the lease; motion passed 3-0.

12. Consider Revolving Loan Fund Program: Deputy Administrator Sawyer explained that the Town Meeting in 2004 approved the borrowing of \$50,000 for a revolving loan program for the replacement of failing septic systems and overboard discharge systems. A draft program has been written for the Board's review. It provides that: an applicant must meet the Cumberland County low-moderate income standards for eligibility and the re-payment terms are for 10 years. The Board requested flexibility based on the applicant as to whether it would be a 10-year loan or a soft second mortgage and whether the repayment terms include monthly payments or once a year. Selectman Wallace moved, seconded by Chairman Henderson to approve the program with the flexibility based on the client as mentioned; motion passed 3-0.

13. Consider Request for Proposals for Engineering Services: Administrator Eiane explained this request for proposals was prepared based on other town examples. Language in the last paragraph was discussed and modified. Chairman Henderson moved, seconded by Selectman Wallace to send the revised request for proposals out to companies; motion passed 3-0.

14. Consider Posting All Town Policies on the Town's Website: Selectman Multer stated her opinion about the public being so technologically advanced and where the more posted on the website, the better. The Board reached a consensus to post the Town's policy manual on the website and announce such on HCBC.

15. Selection of Ambassador for Cumberland County 250th Celebration: Administrator Eiane suggested Shirley Thompson would be a great ambassador. No other person has expressed an interested since announced at the last meeting. The Board concurred with the nomination of Ms. Thompson.

16. Consider Abatements: Chairman Henderson explained the Board of Assessors held a meeting with the Assessing Officer earlier this week and reviewed each application. Each applicant was invited to attend and provide information regarding their case. Chairman Henderson moved, seconded by Selectman Multer to deny the application of Ash Cove Lobster as the appraisal is not credible; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to deny the Leneler Wilson request as there is not support of unbuildable status; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to deny Robert Graves application as the owner failed to allow an inspection to obtain necessary information to evaluate his application; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to deny Sherry Johnson and Richard Morgan request due to lack of credible evidence to support lower evaluation and the wetlands have already been accounted for; motion passed 3-0. Selectman Wallace moved, seconded by Chairman Henderson to deny the request of Heather Cahill and Joseph Missback as the lending appraisal is not suitable for basis of taxation; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the application of Irwin Kent to abate \$70,100 in value (\$433.92 in taxes) as the building is overgraded and he is unable to sell the property for the assessed value; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to approve the Jack Merrill application to abate \$39,100 in value (\$242.03 in taxes) as the existing structure cannot be used for habitation but the property can take a new septic and new house location; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the application of Vincent & Shawn George to abate \$4,600 in value (\$28.47 in taxes) as the property is encumbered with an easement for another property septic and 5% is past practice; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the application of Mark Nowakoski to abate \$35,900 in value (\$222.22 in taxes) as the staff mistakenly listed the year built as 2002, but the correct year is 1995 and the additional depreciation accounts for the reduction; motion passed 3-0. Selectman Multer stated she cannot support the Assessing Agent recommendation to abate Rose Pletts value to \$45,400 as there were no direct reasons of support and the property was purchased for \$30,000 and is encumbered for boat access by other properties. Selectman Multer moved, seconded by Selectman Wallace to reduce the valuation to \$35,000 and abate the appropriate amount in taxes; motion passed 3-0. Selectman Mutler moved, seconded

by Chairman Henderson to abate \$1,500 for Rachel Miller as the owner has been assessed twice; motion passed 3-0.

17. Consider Pay Adjustment for Emergency Management Agent: Administrator Eiane noted the EMA has completed the necessary National Incident Management System classes and recommended the stipend increase from \$1,600 to \$2,000/year effective 1/1/09. Selectman Multer moved, seconded by Chairman Henderson to approve the increase from \$1,600 to \$2,000; motion passed 3-0.

18. December Schedule: Hours of Operation for Town Office and Recycling Center: Chairman Henderson read a memo from Administrator Eiane regarding the Town Policy that allows the Board to approve for a 4-hour holiday for Town employees. Administrator Eiane recommended the Town Office open from 1:00 p.m. to 2:30 p.m. and the Transfer Station close at 12:00 p.m. noon. Selectman Wallace moved, seconded by Selectman Multer to not open the Town Office on December 24 and December 31; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to close the Recycling Center/Transfer Station at 12:00 Noon on both days; passed 2-0. (Selectman Wallace abstained). In both cases, 4 hours of holiday pay are authorized.

18a. Acceptance of \$8,330 Gift from Bowdoin College: Chairman Henderson read the thank you letter from Bowdoin College to the Town and a copy of one to Orr's/Bailey Island Fire Department. Chairman Henderson moved, seconded by Selectman Multer to accept the money with thanks; motion passed 3-0.

19. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to approve warrant #80 in the amount of \$36,846.31; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #81 in the amount of \$7,893.27; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #49 in the amount of \$16,418.91 was noted for the record.

20. Adjournment: The meeting was adjourned by unanimous vote at 8:53 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

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