

Board of Selectmen's Meeting Minutes
November 19, 2009
Harpswell Town Office
Approved on December 3, 2009

Page 1 of 4

At 5:30 p.m. the Board met to handle administrative matters; the Board was asked to provide comments on the draft contract with Planning Decisions regarding developing land use regulations and other management approaches for the proposed marine business areas at Mitchell Field, including the need for a schedule, before the November 30 Committee meeting; the Board agreed that committees should only have information on the Town's website, maintained by staff, and not separate sites maintained by committee members; the Orr's Island Library capital budget request was noted; the Board was asked to consider candidates to be an ambassador for the County's 250th celebration; the Board agreed to allow Aerial Survey to sell Town tax map information as requested once staff fully understands what the data is and why Town staff cannot provide it; the Board was reminded of the Monday, November 23 Board of Assessors meeting; and a purchase order exceeding \$1,000 in value was signed for minor energy improvements at the Town Office. There was a brief discussion regarding the scheduled December 10 hearing with the Planning Board regarding ordinance amendments. The Town attorney has not reviewed the proposed amendments and the Board agreed that once completed, that version should be made available for the hearing. Administrator Eiane handed out the Animal Control Ordinance with proposed amendments necessary to meet State law for the Board's review.

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

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

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 Wallace to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: James Knight asked the Board to solicit for more Board of Appeals members as an alternate is needed. Mr. Knight asked the Board to consider the impacts on local commerce and the livelihood of many residents before considering posting any roads. Mr. Knight objected to the proposed amendment to the Ordinance Restricting Vehicle Weight on Posted Ways that gives the Town Administrator authority to issue permits as Harpswell is a Selectmen/Town Meeting form of government and not a Council/Town Manager form. Mr. Knight requested that the Board place any proposed amendments to the Ordinance on Town Meeting for vetting by residents instead of amending at the Board level as State law allows. Mr. Knight has been asked to prepare a petition to require this item to be on the Town Meeting warrant but stated he would prefer not to take that approach. Chairman Henderson advised Mr. Knight that the Board was considering using a formula based on the weight per axles/wheels instead of the State's recommended 23,000 pound weight limit and asked Mr. Knight to provide the specific language he would like to have placed before the Town Meeting so the Board could consider his request for placement on the Town Meeting warrant.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the November 12 minutes as edited earlier by email; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane turned over her report to the Cumberland County Sheriff's Department. Sheriff Dion introduced Captain Davis, Captain Goulet, Peter Crichton, County Manager, and Chief Deputy Joyce. Sheriff Dion stated that the recent increase in burglaries in Harpswell is unsettling and the department is working hard on solving the cases, including having the deputies go door to door. Sheriff Dion acknowledged that while the Department typically keeps the Town Administrator

adequately briefed about Town situations, the communication was not as good with this recent situation and he apologized. Captain Goulet reported that there were 11 burglaries in the first 10 days of November, totaling 17 since September. One arrest has been made in connection with a late September burglary and there are suspects in others that will solve multiple cases upon arrests. Captain Goulet assured the Town that the cases are actively being worked on and that the Deputies are very visible, including Detective John Fournier, working on the cases. Sheriff Dion reported that the Department is working on a program called Comstar that will map crime data and he hopes to have it available on the Sheriff's website for different towns. Chairman Henderson echoed the need for such information. Chairman Henderson asked if the Deputies could do house checks when the owners are not in Town and Captain Davis responded yes if requested. Chairman Henderson encouraged non-residents to request this service. Administrator Eiane asked if the Board wanted to hear from Peter Crichton for a County budget update. Harpswell's share is projected to decrease in 2010. Mr. Crichton reported that the County has just completed its fourth budget hearing on a budget that is approximately \$200,000 less than 2009. Mr. Crichton stated there is \$100,000 in the budget for capital items for the Civic Center for a new Zamboni (ice maintenance machine) and an economic analysis to help determine the best options for the Center. The Center is over 35 years old and has hosted over 5,000 events and contributes about \$12-15,000 annually to the County economy. The County will be engaging the community over the next couple of years to solicit use ideas for the Center.

5. Selectmen's Announcements: Chairman Henderson announced that the Town has given all necessary permissions and approvals for the communication tower and the Town has no role in the timeline for the carriers to be activated as that is in the hands of Tower Specialists.

6. Residential Wharf Application, Sara Theberge, 20 Old Town Road, Map 35, Lot 146: Bill Wells, Code Enforcement Officer, reviewed the application for walkways, ramp and float. The seasonal float will rest on the beach at low tide and the public has room to walk around it. Chairman Henderson opened the hearing and then closed it after hearing no comments. Chairman Henderson moved, seconded by Selectman Wallace to approve the seasonal wharf system for map 35, lot 146 as there is no hazard to navigation and it does not cause an injury to the rights of others; motion passed 3-0.

7. Recommendation for Solid Waste Disposal Contractor: Administrator Eiane referenced a memo from the Recycling Center/Transfer Station Manager and analysis of the five bids received in response to the Town's request for proposals for a solid waste disposal contractor. Ecomaine is the low bidder and based on 2009 disposal weights, would be \$5,000 less in costs. Staff is working on contract language since it must differ from Ecomaine's standard contract to work with a municipality that is not a member of its organization. It was noted that if the contract language cannot be worked out, it may be necessary to revert to the next lowest bidder. The contract should be ready for the next meeting. Chairman Henderson moved, seconded by Selectman Multer to direct the Town Administrator to negotiate a contract with Ecomaine; motion passed 2-0 (Selectman Wallace abstained).

8. Select Cumberland County Community Development Block Grant Preliminary Applications for Submission: Carol Tukey, Planner, reviewed the list of ideas for both the planning and general grant application categories with the Cumberland County Community development Block Grant Program. Planning: Impact Study Re: Elementary School Closure, Town District Master Plan, Law Enforcement Assessment, Low and Moderate Income Youth and Elderly Needs Assessment and Harpswell Business Association concept. General: Mitchell Field – removal of buildings, Mitchell Field – infrastructure, Mitchell Field pier assessment, and vernal pools mapping. The Town is required to submit preliminary applications for the general category by December 10 and could submit all four but in the end, only two applications are allowed in the formal application process due in January. There is not a requirement for preliminary applications for the planning category and the Town can only submit one in the formal application process in January. Ms. Tukey is seeking

direction on which general to submit for the preliminary process and which planning concepts to focus her efforts on. The Board discussed the different concepts and agreed to submit all four general concepts in the preliminary process and directed Ms. Tukey to focus on the Low to Moderate Income Youth and Elderly Assessment first with a secondary focus on the Harpswell Business Association concept, time permitting.

9. Revised West Harpswell School Closure Report: Administrator Eiane explained the Town received the revised report last Friday, which is when the 10-day comment period began. The revised report shows a reduction in transportation and now includes information about student choice. Administrator Eiane asked if the Board wanted to respond. The Board opted to take no action.

10. 7:00 P.M. Public Hearing Re: Norman Stevens Automobile Junkyard, Map 46, Lot 31: Bill Wells, Code Enforcement Officer, noted that the State of Maine statute regarding junkyards/automobile graveyards has changed and permits are now valid until the first day of the next year. Mr. Wells recommended extending Mr. Stevens' current permit to the end of the year and, if appropriate, approve his new permit effective January 1, 2010. Chairman Henderson suggested approving the extension now and having the applicant re-apply in January. Selectman Multer agreed with approving the permit for January. Chairman Henderson moved, seconded Selectman Wallace to extend the Stevens junkyard permit, map 46, lot 31, to December 31, 2009; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the Stevens automobile junkyard permit effective January 1, 2010; motion passed 3-0. The public hearing on the site this past Monday was noted. Chairman Henderson closed the hearing.

11. Mitchell Field

- **Bandstand Donation:** Judith Redwine, chair of Mitchell Field Implementation Committee, stated a resident wants to donate a bandstand and the Committee recommends the Town accept it and then work on the specific location. Administrator Eiane noted the Board should have a level of detail to bring to Town Meeting. Chairman Henderson requested a sketch and the details from the donor.
- **Contractor Laydown Area:** Ms. Redwine reported the Committee does not want the contractor that is removing the pipeline to use the area at the entrance of the Mitchell Field as a laydown area. Instead the Committee suggests an area by the generator building or as a second option, the houses property. The generator building area would require the trucks to travel down the outer right-side road that has been designated a pedestrian way. Chairman Henderson suggested the contractor should be required to build a gravel path for pedestrians. The Pipeline Committee is reviewing the contractor's request next week and the item will come back to the Board for a decision.
- **Midcoast Regional Redevelopment Authority (MRRA) Board Member:** Ms. Redwine requested that a member of the Mitchell Field Implementation Committee be on the MRRA Board. Originally, towns were asked to suggest members for the Governor's review and appointment. Carol Tukey noted she attended a meeting yesterday and the meeting time has been moved to 4:00 p.m. to make it more convenient to members and positions are available. The Board agreed that it was a reasonable idea for a committee member to submit a resume to the Board for review. Selectman Multer invited resumes from others in Town as well since economic development is a Town-wide issue.
- **Committee Update:** Ms. Redwine noted the Committee needs to establish a timeline in the proposed contract between the Town and the zoning and performance standards consultant, Planning Decisions. Selectman Multer stated she preferred the consultant working with the full Committee and not a sub-committee. Chairman Henderson suggested perhaps the sub-committee could work with the consultant and invite the rest of the committee members to the meetings. Karin Blake, member of the MFIC, expressed concern about the contract delays, which according to her will delay the progress by 6 weeks. Administrator Eiane noted it is important to have a clear contract where there is mutual agreement and understanding regarding workscope and timeline.

12. Consider Holiday Lighting Offer Re: Blue Spruce at Town Office: Administrator Eiane explained that Tim Vail offered to donate lights and to string them on the blue spruce tree at the entrance to the Town Office. The timer and extension cords would also be donated. The only cost to the Town is the electricity. Selectman Wallace was concerned about offending some people. Chairman Henderson and Selectman Multer noted the lights are not Christmas lights but are holiday lights. The Board agreed to proceed with the lighting from December 1 to January 15. Chairman Henderson suggested the need for a brief agreement thanking the donors and informing them the damage to their material is at their own risk.

13. Execute Easement Deed to Fairpoint Communications: Administrator Eiane stated that the November 3 referendum authorizes the Town to execute this easement deed to Fairpoint. Fairpoint already installed the conduits and line to the tower at its own risk. Chairman Henderson agreed to sign since voters authorized it.

14. Execute Memorandum of Lease with Tower Specialists: Paul Strout, of Tower Specialists, explained that in order for Verizon to locate on the tower, it required this Memorandum of Lease that summarizes the Town's lease with Tower Specialists for recording in the Cumberland County Registry of Deeds. Selectman Multer moved to approve the Memorandum of Lease subject to the Town Administrator's review that all the changes have been incorporated. Administrator Eiane responded it appeared to have all the changes incorporated. Carol Tukey noted that Tower Specialist's letter of credit expired in October and a new one is required pursuant to the Lease. Mr. Strout will have his bank contact Carol. The motion passed 3-0. Mr. Strout noted that AT&T is holding a bid walk tomorrow and should begin construction in a month and Verizon won't come on until early next year.

15. Old Business

- **Secret Ballot Policy:** The Board reviewed the proposed policy and agreed on some changes. Chairman Henderson asked for a legal interpretation regarding how to address LD1 if budget items are placed on secret ballot. Chairman Henderson moved, seconded by Selectman Multer to adopt the policy; motion passed 3-0 [attached].
- **Sign Ordinance:** Selectman Multer suggested repealing the existing ordinance and replacing with the new one. Along with the new ordinance, a summary document is needed and Selectman Multer handed out a suggested summary. The Board discussed and made additional changes to the draft ordinance. Chairman Henderson stated he wanted to be sure this ordinance is in a condition that enough residents are in favor of it; otherwise he would prefer not putting it before the Town Meeting.

16. Set Annual Town Meeting Date for Saturday, March 13, 2010: Selectman Wallace moved, seconded by Chairman Henderson to set the date; motion passed 3-0.

17. Authorization of the Warrant: Selectman Wallace moved, seconded by Selectman Multer to approve warrant #77 in the amount of \$845,967.40; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #78 in the amount of \$2,130.17; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #47 in the amount of \$13,767.31 was noted for the record.

18. Adjournment: The meeting was adjourned by unanimous vote at 9:17 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Secret Ballot Policy

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