

**Board of Selectmen's Meeting Minutes**  
**October 29, 2009**  
**Harpswell Town Office**  
Approved on November 12, 2009

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At 5:30 p.m. the Board met to handle administrative matters; the Board agreed with the swimming pool ordinance amendment; the Board concurred the best process for an individual regarding farm animals may be to pursue a case under the nuisance law Administrator Eiane agreed to research just what provisions of law would apply to such a case; preliminary grant application concepts for the Cumberland County Development Block Grant were discussed; Carol Tukey noted the Harpswell Business Association may have an idea for a CDBG application; permit information and law enforcement call information was provided to the Board; thank you notes and invitations from various entities were handed out; the legal response regarding CDBG applications, email and meeting notifications was provided to the Board; Chairman Henderson noted that the Cumberland County budget hearings were beginning and asked Administrator Eiane to note any areas that the Board may want to comment on; and purchase orders exceeding \$1,000 in value were signed. Carolyn Perow explained her idea for a Town thrift shop and the Board noted how thoughtful Ms. Perow is and that it may be simpler for her to proceed on her own property as she suggested.

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Marguerite Kelly, Treasurer; and Fred Cantu, Recycling Center Manager

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:35 PM.

The meeting was videotaped for future broadcast on Harpswell Community Television.

**1. Adoption of the Agenda:** Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as amended by removing item 13; motion passed 3-0.

**2. Public Comment:** Glenn Gott stated the public comment section of the agenda is too early and that townspeople need to be more active in informing the Board of their positions and feelings. Chairman Henderson noted that the Board may entertain an exception to the public comment rule if requested.

**3. Approval of the Minutes:** Selectman Multer moved, seconded by Selectman Wallace to approve the October 15 minutes as edited earlier by email; motion passed 3-0.

**4. Town Administrator's Report:** Administrator Eiane announced the Town received a letter from the Commissioner of Education stated she was not accepting the school closure figures from MSAD 75 and that the transportation figures and the school choice issue must be addressed before re-submitting. The 20 day comment period will likely begin anew. Administrator Eiane stated the Town has received the first semi-annual lease payment for the tower as it is substantially complete and the carriers and County emergency communication equipment will soon follow. Administrator Eiane reminded the public of the November 3<sup>rd</sup> Election Day and that the Town Clerk's Office has extended hours for Friday until 8:00 p.m. and Saturday from 9:00 a.m. to 2:00 p.m. to facilitate voting.

**5. Selectmen's Announcements:** Selectman Wallace announced that US Cellular's equipment is on the tower and will be ready to go soon. He explained that Verizon and AT&T may pay roaming charges to US Cellular until they are active on the tower. Selectman Multer announced that Harpswell Community Broadcasting Corporation is obtaining the County Commissioner meetings and County Budget Meetings for replay on channel 14. Chairman Henderson stated that he attended the meeting with the Friends for Harpswell Education with the Commissioner of Education on October 19.

**6. Authorize Treasurer to Proceed with \$40,000 Borrowing:** Marguerite Kelly, Treasurer, reported that there were six responses to the request for proposals that was sent out; two declined to submit a response and the other four offered interest rates as follows: Androscoggin Bank at 3.14%; Bangor Savings Bank 2.85%; Northeast Bank 3.00%; and TD Bank 4.25%. Ms. Kelly recommended borrowing the \$40,000 from Bangor Savings with a repayment schedule of \$10,000 in 2010, \$15,000 in 2011 and 2012. Chairman Henderson moved, seconded by Selectman Multer to authorize the \$40,000 of general obligation bonds from Bangor Savings and that the Board adopts the resolution (attached); motion passed 3-0.

**7. Consider Maine Efficiency Grant Application for Rotophaser:** Fred Cantu, Recycling Center/Transfer Station Manager, provided a brief history of the Recycling Center's electrical/rotophaser situation. Mr. Cantu explained the Board previously approved sending out request for proposals for an upgrade, including submitting for an Efficiency Maine grant to reimburse for 25% of the costs. Based on the payback period, Mr. Cantu does not recommend proceeding with the grant and upgrade at this time. He will use the grant information and research for the Regional Grant, if approved by the Board later in the agenda.

**8. 6:45 P.M. Public Hearing Re: General Assistance Ordinance Maximums:** The hearing was opened at 6:58 p.m. Administrator Eiane stated this was an annual responsibility of the Board to append to the Town's General Assistance Ordinance the State's suggested maximums, and a Town Meeting is not necessary. The Town was just audited by the State General Assistance Program and was found in compliance; Administrator Eiane thanked Linda Strickland for her administration of the compliance program that makes the Town eligible for 50% reimbursement from the State. Administrator Eiane stated the proposed maximums represent \$665 for a household of one and \$776 for a household of 2, etc. Selectman Multer moved, seconded by Selectman Wallace to adopt appendices A&B (and not C as it does not represent Harpswell's rental rates); motion passed 3-0.

**9. 7:00 P.M. Public Hearing Re: Restricting Vehicle Weight on Posted Ways Ordinance:** The public hearing was opened at 7:02 p.m. Chairman Henderson stated the Board is trying to protect Town roads without greatly impacting businesses. Chairman Henderson suggested that perhaps limiting the weight per axles may be better than the 23,000 pound set weight per vehicle. Selectman Multer suggested limiting a weight per tire. Mike Webber agreed with Chairman Henderson's suggestion and stated that he has an 18,000 pound truck with 6 tires and a 25,000 pound truck with 10 tires and that truck makes less of an impact with 2,500 pounds applied to each tire. Malcolm Whidden spoke against posting the roads. Marolyn Bibber stated that Ash Point Road has four commercial fishing wharves at the end of it and if it is posted at 23,000 pounds, those businesses will be closed down. There is a 69,000 pound bait truck that delivers every day with four axles; a single axle is 33,000 pounds and a 10 wheeler (3 axles) is 54,000 pounds loaded. Jenny Bichrest, Purseline Bait owner, spoke against posting the roads at 23,000 pounds due to the economic impact on the businesses and community. The Town of Phippsburg posts its roads at 23,000 pounds and it greatly affects her business and no others in the area. Cindy Baumgartner, Glenn's Lobsters, said that Harpswell is a fishing community and posting roads at 23,000 pounds will hurt the lobstering industry. Mike Innis, builder, stated posting the roads in the spring at 23,000 would put him out of work. Mary Ann Nahf stated there are no alternatives for travel in Harpswell and she wanted to see business prosper and was willing, as a taxpayer, to take the risk of repairing the roads. Chairman Henderson asked for a workable solution. Mike Webber suggested 23,000-30,000 pounds for single axle; 40,000 pounds for wheelers and triaxles. The hearing was closed. Chairman Henderson asked the Road Commissioner and Town Administrator to work on formulas for vehicle weight and axles. Selectman Multer asked that DOT and the Town engineers be asked to assist in gathering the information. Mike Webber asked the Board to consider the enforcement part of the ordinance as well. Jenny Bichrest provided the Board with the standards she has to follow in Phippsburg. The item will come back for discussion early December.

**10. Consider Conservation Commission Resolution for Green Practices:** Mary Ann Nahf, chair of the Conservation Commission, introduced the Commission's goal of protecting water quality within the Town and Ann Nemrow and Donald Jones, of the Commission, read the proposed Resolution. The Commission wants to include residents in this program and asked them to take the pledge and stated the "how to" will be posted on the Town's website. Lawn professionals, clambers and lobstermen seem to support this program. Chairman Henderson stated the Commission has done so much and this program is very visible and shows the Commission's commitment. It was noted the Town is currently utilizing green practices. The Marine Resource Committee voted Tuesday night in favor of this Resolution. Chairman Henderson moved, seconded by Selectman Multer to adopt the Resolution; motion passed 3-0. Geoff Gillis, of Well Tree, commented on the Town's green practices and on its active enforcement of the shoreland zoning rules requiring vegetation.

**11. Consider Grant Application to the Alfred M. Senter Fund:** Mary Ann Nahf, chair of Conservation Commission, explained this grant application is for a survey of the Otter Brook focus area and for an education outreach program to protect our water resources which have an impact on clam flats and lobster fisheries. Chairman Henderson moved, seconded by Selectman Wallace to approve the Alfred Senter grant application; motion passed 3-0.

**12. Memorandum of Agreement with Curtis Memorial Library:** Administrator Eiane stated there are no major substantive changes from the current agreement with the Curtis Memorial Library and this updated Memorandum of Agreement. Liz Doucette, of the Curtis Memorial Library, reported that 17% of Harpswell households hold library cards and that the Town pays 10% of the operating expenses. Chairman Henderson moved, seconded by Selectman Multer to adopt the memorandum of agreement; motion passed 3-0.

**13. Mitchell Field Implementation Committee Update:** Removed.

**14. Request for \$23,000 for the Cribstone Bridge Utilities Re-Location:** Constance Barker stated a committee has been formed, under the Harpswell Historical Society 501c3, to study the poles and wiring. Ms. Barker stated the Town had an original \$35,000, approved by voters, to perform the utility preparation in the sidewalk. The Town has signed a contract for \$13,000 and Ms. Barker requested the Town carryover the remaining \$22,000 to continue for the utilities relocation purpose. Administrator Eiane stated there were three available options: carryover the funds for the purpose; let the funds lapse if the Board believes the voters at the March Town Meeting said not to continue; or go back to Town Meeting and ask the voters. David I. Chipman stated he watched the Town Meeting tape and that the discussion was on the \$600,000 cost of the actual utility relocation. Mr. Chipman stated the committee will use the \$22,000 as leverage to obtain grant funding to complete the project. Glenn Gott spoke against continuing this project as he believes the voters have turned it down. John Chiquone stated the committee is asking for the money to be carried over at the end of the year to allow returning to Town Meeting to request continuing. Chairman Henderson asked to see the progress of the committee before the end of the year at which time he will further consider the request. Selectman Multer requested a legal opinion on whether it is legal to turn the money over to the Historical Society for this purpose and conform to 501c3 rules. Chairman Henderson stated that he believed the Town would retain these funds and not turn them over to the Historical Society. Administrator Eiane stated the Board could let the money lapse and ask Town Meeting to re-appropriate from the general fund or carry over the funds. Chairman Henderson asked for feedback from the committee on how much public interest there is by the Board's second meeting in December.

**15. Letter of Commitment for PUC Regional Grant Application:** David I. Chipman, chair of the Energy Committee, stated there has been an energy audit conducted on the Town Office and the Television Studio. The Committee is looking to make energy efficiency improvements to the buildings, including the Recycling Center. The Town could apply for a grant from Efficiency Maine with an \$85,000 maximum or join a regional approach

with Midcoast Council of Governments (MCOG) with a \$500,000 maximum and a greater chance of being approved. The Energy Committee recommends joining the regional approach. Chairman Henderson stated that both he and Selectman Multer attended the MCOG meeting when this grant was discussed. John Monaghan, of the Energy Committee, agreed with the regional approach and stated some goals are to change the parking lot lights and the older lights at the Town Office and Recycling Center. Debora Levensailor, Energy Committee, stated she was at first concerned the Town wouldn't receive as much with the regional approach then individually but now believes there is a greater chance of receiving funds through the regional approach. Administrator Eiane noted the city of Bath will be the administrator of the grant. Chairman Henderson moved, seconded by Selectman Multer to sign the letter to William Giroux, Bath City Manager, for the regional Efficiency Maine grant; motion passed 3-0.

## 16. Old Business

- **Economic Development Policy Amendments:** The Board reviewed the proposed amendments and changed a word to "shall". Karin Blake, member of Mitchell Field Implementation Committee, asked for some clarifications. Chairman Henderson moved, seconded by Selectman Multer to adopt the policy. Administrator Eiane informed the Board that Judith Redwine, chair of the Mitchell Field Implementation Committee, asked for this item to be tabled to allow the full Committee time to review and make comments. Chairman Henderson and Selectman Multer agreed that the policy is now up to the Board to finalize, but would consider changes in the future if needed. The motion passed 3-0.
- **West Harpswell School Work Group Appointments and Guidelines:** Selectman Multer reviewed her proposed Guidelines for the Work Group and moved to adopt them. Chairman Henderson seconded the motion; motion passed 3-0. Selectman Multer moved, seconded by Selectman Wallace to appoint Samuel Alexander and John Monaghan to the Work Group; motion passed 3-0.
- **Sign Ordinance Amendments:** The Board discussed the latest proposed amendments to the Sign Ordinance. Selectman Multer expressed wanting a sign in each direction from which a car may approach and to exempt "open" flags. Deputy Administrator Sawyer handed the Board comments just received from the Harpswell Business Association. Chairman Henderson appreciated the comments and said they could be considered at the hearing as he is prepared to put this draft forward for a hearing. Chairman Henderson moved, seconded by Selectman Wallace to table this ordinance to the next meeting and assign it for public hearing; motion passed 3-0. It was requested Carol Tukey make the suggested changes from tonight for the next meeting.

**17. Consider Policy Re: Secret Ballot:** The Board discussed the concept of which items would be good candidates for secret ballot. It is difficult to place money articles on secret ballot as Town Meeting needs to know if the budget is in compliance with LD1. Administrator Eiane noted that secret ballot items could be done on one day and Town Meeting another day. Chairman Henderson asked if the Town placed certain budget items on secret ballot and they are found to exceed LD1, how would the Town handle that? Glenn Gott spoke against placing any items on a secret ballot as it eliminates voter discussion. Chairman Henderson noted more people vote by secret ballot than participate in Town Meeting. Karin Blake suggested summarizing the pros and cons of the secret ballot items as previously suggested by a former Selectman. Chairman Henderson noted that the State does issue a Citizen's Guide but charges people to list information in it. Chairman Henderson suggested delaying this topic.

**18. Open Bids for Asphalt Surfacing at the Transfer Station:** The following bids were opened: Casco Bay Paving \$7,660 for 3,536 square feet; and Ray Labbe & Sons \$6,075 for 2,600 square feet. There was a discussion with Mr. Cantu regarding how the request for proposals stated 2,600 square feet and what to do about the two bids. Chairman Henderson stated that only one bid was received in compliance with the request the Town sent out and Selectman Multer was uncomfortable proceeding with either one. Chairman Henderson moved to award the bid to Ray Labbe & Sons; the motion failed due to a lack of a second. Selectman Multer

moved to re-bid the project for two weeks; the motion failed due to a lack of a second. Chairman Henderson moved, seconded by Selectman Multer to reject both bids; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Multer to authorize the Town Administrator to issue the request for proposals again [after the area is measured again]; motion passed 2-0 (Selectman Wallace abstained).

**19. Open Bids for Municipal Car:** Administrator Eiane recommended having staff return the unopened bids to the appropriate persons as the bids were based on the car's condition prior to the accident that happened earlier this week and caused damage to the car. The Board voted 3-0 to indefinitely postpone the topic.

**20. Recommendation for Wood Grinding Contractor:** Fred Cantu, Recycling Center/Transfer Station Manager, reviewed his analysis of the wood grinding bids opened by the Board two weeks earlier. Mr. Cantu recommended proceeding with Marshall Grinding at \$27.25/ton for demo, with a payment back to the Town of \$12.00/ton for the demo wood and \$1.17/ton for the brush. Chairman Henderson moved, seconded by Selectman Multer to hire Marshall Grinding; motion passed 2-0 (Selectman Wallace abstained).

**21. Committee Resignation:** The Board accepted, with regret, Sally Carignan's resignation from the Mitchell Field Implementation Committee.

**22. Certificate of Substantial Completion Re: Communications Tower:** Chairman Henderson moved, seconded by Selectman Multer to grant the Certificate of Substantial Completion to Tower Specialists, (dated October 29, 2009), and authorizes the Town Administrator to sign it; motion passed 3-0.

**23. Freedom of Access Policy Amendment:** The Board discussed whether the suggested fee for GIS information should cover employee time, the media cost, etc. Chairman Henderson moved, seconded by Selectman Wallace to table the item for more information from Carol Tukey; motion passed 3-0.

**24. Authorization of the Warrant:** Selectman Multer moved, seconded by Selectman Wallace to approve warrant #72 in the amount of \$187,882.63; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve warrant #73 in the amount of \$2,397.36; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #44 in the amount of \$17,537.46 was noted for the record.

**25. Adjournment:** The meeting was adjourned by unanimous vote at 10:05 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: \$40,000 General Obligation Bonds Resolution  
Economic Development Policy

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