

Board of Selectmen's Meeting Minutes
January 22, 2009
Harpswell Town Office
Approved on January 29, 2009

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

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Carol Tukey, Town Planner; William Wells, Code Enforcement Officer; Gina Perow, Interim Recreation Director, Liz Bouvé, former Recreation Director; and Marguerite Kelly, Treasurer

The Board met at 4:30 p.m. in a workshop with the Fire & Rescue Committee regarding emergency shelters and the regional disaster aid agreement. Immediately following the workshop, the Board continued to meet to handle administrative matters; January 29 and February 12 were scheduled as additional Selectmen's Meetings to process the Town Meeting warrant; purchase orders exceeding \$1,000 in value were signed.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM, and the Pledge of Allegiance was recited.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Haible moved, seconded by Selectman Wallace to remove item 5 and replace it with item 12. Volunteer Background Checks; motion passed 3-0.

2. Town Administrator's Report: Administrator Eiane reminded everyone that Town Meeting is March 14 and that there will be a public hearing on February 9 regarding warrant items, which will be posted on the web soon. Administrator Eiane reported that the Planning Board reviewed the letter of credit from Tower Specialists, regarding the restoration of the property in 20 years, in the amount of \$15,000 and an escalation cost has to be worked in. Administrator Eiane informed the Board of a property owner's request of the Town to extinguish the 1923 Neil's Point Road layout as the road was built based on the 1959 accepted road layout. The 1923 layout encumbers this owner's property to some extent and Administrator Eiane asked if the Board agreed with seeking legal advice on the issue. Chairman Haible requested an estimate on costs prior to performing the legal research. Administrator Eiane requested the Board vote to carryover the emergency services vehicle interest in the total amount of \$13,519 (\$5,277 in 2007 and \$8,242 in 2008) and \$51,881 for contingency. Chairman Haible moved, seconded by Selectman Henderson to carryover the amounts; motion passed 3-0.

3. Selectmen's Announcements: Chairman Haible encouraged the public to attend the February 9 public hearing to be better prepared for Town Meeting.

4. Old Business: There was none.

5. Volunteer Background Checks for Harpswell Neck Fire Department: David Mercier, Chief of the HNFD, stated the 2007 Emergency Services Study recommended the Departments use the Town's administration wherever possible for services. Therefore, Mr. Mercier requested the Town perform background checks on the Department's volunteers. Mr. Mercier stated the Department is a professional organization and recognizes that the records are confidential and he assured the Board the records would be secure. Mr. Mercier requested the Board allow the Department to retain the records at its site in a secure manner after signing a waiver releasing the Town of liability. Selectman Henderson asked why Mr. Mercier objected to the records being retained at the Town Office since a record will only be viewed once. Mr. Mercier preferred securing the records at the Department as the Town prefers to secure its own records. Chairman Haible moved, seconded by Selectman Henderson to have staff work with the HNFD to develop a clear policy and for the Town to perform the checks and release to HNFD once a waiver is signed; motion passed 3-0. It was clarified that the motion includes criminal and motor vehicle background checks.

6. Wharf Application: Yarmouth Island Management Trust, Bush Island, Map 67, Lot 11: The hearing was opened. William Wells, Code Enforcement Officer, reviewed the application for access to Bush Island which is replacing an existing wharf. Selectman Henderson questioned the navigability of the channel; Mr. Wells reported the channel is mud at low tide. Selectman Henderson moved, seconded by Selectman Wallace to approve the wharf application as it does not interfere with navigation or cause injury to the rights of others; motion passed 3-0. The hearing was closed.

7. Recreation Awards: Gina Perow, Interim Recreation Director, stated general recreation awards are being given this evening and introduced Don Miskell, member of Recreation Committee and swim instructor. Don Miskell spoke very kindly of the honorees: Phyllis Blanton (passed away in 2007) for her work with the swim programs and of Linda Blanton for her tireless work with the swim programs. Liz Bouvé told some kind stories showing Linda's selflessness. Linda Blanton thanked everyone and stated that the programs are in need of more instructors.

8. Devil's Back Proposed Improvement Plan: Don Miskell stated the Town Lands and Recreation Committees worked together on the Giant's Stairs project and with its completion, is now working on the Devil's Back. The proposal (attached) includes future parking and a loop trail on the west side of the parcel. The Committees are requesting permission to clear the blown down trees and do a 'rough cut' of the area to better assess the property for the trail placement. Administrator Eiane stated she believes the parcel's deed includes a "forever wild" clause and perhaps trails are acceptable but wanted to raise the point. Selectman Henderson stated that Baxter State Park also has a similar clause and that trails and rough roads are permissible. Chairman Haible asked the Committees to look into parking alternatives on the same side as the trail so no one has to cross the street. Chairman Haible moved, seconded by Selectman Henderson to approve the Recreation and Town Lands Committees January 15 proposal; motion passed 3-0.

9. Treasurer's Report: Marguerite Kelly, Town Treasurer, reviewed her monthly report for December (attached) and noted there could be minor adjustments in some figures upon completion of the auditors work. Ms. Kelly reported that if the Board wants to proceed with the Ash Point Road project in the spring, the application is due at the Bond Bank by February 4 and an interest payment will be due in 2009. The Board agreed to have Ms. Kelly return to the 1/29 meeting with the Bond Bank application. Chairman Haible reported she met with the auditors this week and they were impressed with how the Town is prepared for its audit and with its financial processes.

10. Cumberland County Development Block Grant Applications: Carol Tukey, Town Planner, explained the Town went through the pre-application process and now has one planning grant (performance and standards review at Mitchell Field) and three general grants (energy efficiency improvements; removal of buildings at Mitchell Field; and Hamilton Place) before the Board for selection (only two general grants are allowed) and approval to submit to Cumberland County. Deputy Town Administrator Sawyer answered questions of the Board regarding the energy efficiency application. Chairman Haible moved, seconded by Selectman Henderson to authorize the Town Planner to submit the one planning grant application and the energy efficiency and the Hamilton Place grant applications; motion passed 3-0.

11. Sign Ordinance Task Force

- **Report:** Jennifer Verplanck, chair of the Sign Ordinance Task Force, reviewed the Committee's report and recommendations for certain amendments to the Ordinance. Chairman Haible requested the Committee make a diagram showing what a site could look like if it exercised all the options available for signage.

- **Mission Statement:** Ms. Verplanck explained the mission statement was not updated in 2008 and still has dates from the 2007 creation of the Committee and a revision was proposed. Chairman Haible moved, seconded by Selectman Henderson to amend the mission statement as proposed; motion passed 3-0.

12. Moved to item 5

13. Zoning/Conservation Proposal On Map 60, Lot 28: Jay Herrick, architect and property owners' representative, presented the proposal for the owners to put many acres of their land in conservation if the Town allows them to rebuild their non-conforming house in the same location and to exceed the 30% maximum expansion rule. Administrator Eiane and Deputy Administrator Sawyer explained the Shoreland Zoning Ordinance is state mandated and cannot be negotiated at the Selectmen level with the Board of Appeals being the only body that can hear variance requests. Dee Carrier, Planning Board member, stated the proposal came before the Planning Board and they sent it to the Selectmen as it exceeded their authority. Mr. Herrick asked the Board if they would look favorably on the request if DEP endorsed the proposal. Chairman Haible explained it wouldn't be likely for DEP to do so and that the Board doesn't have the authority to approve this.

14. Lease Agreement: Brush Truck: Administrator Eiane stated this lease agreement is for the brush truck that the Town purchased for the Orr's/Bailey Island Fire Department. The vehicle was rejected and sent back to the company and will be returned soon. OBI has already approved the lease and the leases for other vehicles with the other departments will be similar. Selectman Henderson moved, seconded by Selectman Wallace to approve the 1/5/09 lease; motion passed 3-0.

15. Emergency Services Agreement with Orr's/Bailey Island Fire Department: Administrator Eiane explained the Town currently has a services agreement with Harpswell Neck and Cundy's Harbor, which will be coming back to the Board with revisions. This agreement is with OBI for them to provide emergency services and the Town to provide worker's compensation, dispatch, vehicle funding and some operational funding, subject to Town Meeting approval. Chairman Haible moved, seconded by Selectman Wallace to sign the Agreement; motion passed 3-0.

16. Agreement with Bowdoin College for Use of the Pool for Family Swim: Administrator Eiane reported this agreement is the same as in the past and if for the January – April family swim program. Selectman Henderson moved, seconded by Selectman Wallace to authorize the Town Administrator to sign the Bowdoin College Athletic Agreement for \$1,095.50; motion passed 3-0.

17. Committee Resignations: Chairman Haible moved, seconded by Selectman Henderson to accept the resignations of Scott Ruppert from the Mitchell Field Implementation Committee and Bob Waddle from the Governance Committee with thanks; motion passed 3-0.

18. Open Bids for the Replacement of an Overboard Discharge System: The bids were opened as follows for the Weaver project: Ray Labbe \$12,100 plus \$2,650 pump; Ed Skillin \$16,100 less \$1,000 if no pump; JR Hill \$15,950; John Davis Construction \$11,849; Tupper Construction \$15,881.05. Chairman Haible moved, seconded by Selectman Henderson to approve the John Davis bid pending DEP approval and if not, then the next lowest bid; motion passed 3-0.

19. Department of Transportation Radar Speed Trailer Lottery: Administrator Eiane explained the MDOT offers a lottery for the radar speed trailer and asked if the Board would like to submit a letter of interest. Selectman Wallace moved, seconded by Chairman Haible to join the lottery; motion passed 3-0.

20. Bargaining Agreement for 2008: Administrator Eiane explained that the employees belonging to a Union never received a raise in 2008 as the contract expired December 31, 2007 and negotiations were delayed in 2008. This proposed agreement provides for a 3% retroactive raise for the four union employees for 2008 with all other items remaining the same as outlined in the 2005-2007 agreement. Selectman Henderson asked for clarification regarding the retirement. Administrator Eiane stated the Town continued to work under the previous agreement throughout 2008, including the same retirement and health insurance contributions. Chairman Haible moved, seconded by Selectman Henderson to ratify the one year agreement for 2008 as outlined in Administrator Eiane's 1/21/08 memo; motion passed 2-0 (Selectman Wallace abstained).

21. Acceptance of Donations: Chairman Haible moved, seconded by Selectman Wallace to accept \$500 from the Elijah Kellogg Church for the home heating assistance program; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to accept \$200 in food cards from Elijah Kellogg Church; motion passed 3-0.

22. Set Public Hearing Date (Monday, February 9 at 6:30 P.M.) and Items: Selectman Henderson moved, seconded by Selectman Wallace to set February 9 at 6:00 p.m. as a public hearing date on the following items: Recall Ordinance, Open Space Plan, Shoreland Zoning Amendments, Rezoning request, Appointed/Elected Officials, Sign Ordinance Amendments, Shellfish Ordinance and Harbor and Waterfront Ordinance; motion passed 3-0.

23. Authorization of the Warrant: Chairman Haible moved, seconded by Selectman Henderson to approve warrant #5 in the amount of \$102,783.53; motion passed 3-0. Chairman Haible moved, seconded by Selectman Henderson to approve warrant #6 in the amount of \$663.89; motion passed 2-0. (Selectman Wallace abstained). Payroll warrant #4 in the amount of \$13,728.42 was noted for the record.

24. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Haible to approve the January 8 minutes as revised; motion passed 3-0. Chairman Haible moved, seconded by Selectman Wallace to approve the January 15 minutes as printed; motion passed 3-0.

25. Public Comment: Selectman Henderson presented Glenn Gott with a picture of him as a young boy attending Growstown school. Mr. Gott questioned if the excise tax goes to road reconstruction; Ms. Eiane explained the non-property tax revenue is used to offset the amount of the budget needed to be collected from property taxes. Mr. Gott stated that he would be attending the hearing to comment on certain items. Donna Frisoli announced she was hosting a call in show on Tuesday, January 27 at 7:00 p.m. regarding the DTV conversion and she spoke about the process.

26. Adjournment: The meeting was adjourned by unanimous vote at 9:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Devil's Back Proposal
Treasurer's Report
Sign Ordinance Task Force Report and Mission Statement