

**Board of Selectmen's Meeting Minutes**

**August 4, 2011**

**Harpswell Town Office**

**Approved on August 18, 2011**

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**Selectmen Present:** Elinor Multer, James S. Henderson and Alison S. Hawkes

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Debbie Turner, Assessing Agent; and Marguerite Kelly, Treasurer

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

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:00 p.m.

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by moving 4a. Special Recognition to 1.1. and adding 13a. Re-examination of Public Comment Policy and 13b. Discussion of Marine Patrol Boat; motion passed 3-0.

**1a. Special Recognition:** On behalf of the Board, Chairman Multer presented Shirley Thompson with a plaque in recognition of her many years of dedicated service in leading the Town's Memorial Day celebration. Ms. Thompson thanked the Board and shared a personal story of her attendance at a Memorial Day Parade when she was a young girl.

**2. Public Comment:** Michelle Himes, property owner on Cragmoore Lane, stated that serious safety issues exist to property owners in her area due to the parking issues on Robinhood Road that prevents, at times, passage of emergency vehicles. Robert McIntyre encouraged the Board to consider a proactive process for acquiring public access parcels similar to the Harpswell Heritage Land Trust process and to include the Trust in the process and in a stewardship. Chairman Multer suggested seeking input from the Marine Resources Committee.

**3. Town Administrator's Report**

- **Status of Hildreth Road Public Access from "Gravel Pit" Road:** Administrator Eiane reported that as of today, the Board has received no response to its July 7 letter attempting to resolve access issues to the shore from Gravel Pit Road, off Hildreth Road. Administrator Eiane stated the road remains basically unusable for launching boats due to damage created at the end of the road and suggested the Board consider sending a follow-up letter. Chairman Multer stated she spoke with the property owner who was surprised the Town has not received a response from her attorney. The Board agreed to send a letter indicating the Town is looking for a timely response regarding this matter.
- **Recommendation from Emergency Vehicle Committee:** Administrator Eiane reported the Town received four responses to its request for proposals for a 2000 gallon tanker for use by the Orr's/Bailey Island Fire Department ranging from \$204,470 to \$248,892. The Emergency Vehicles Committee reviewed the responses and recommended the contract be awarded to Crimson, which is the lowest bidder, subject to satisfactory clarification of several issues. A contract should be available for review in about 30 days. Selectman Henderson asked that the company be researched if the Town has not conducted business with it before.
- **Finding of Suitability to Transfer Pipeline:** Administrator Eiane reported the Navy has issued to the Maine Department of Environmental Protection a document indicating that the Navy's pipeline easement is now suitable for release to the property owners. The Maine DEP will have time to review this document and if all is deemed to be in order the transfer or more aptly the extinguishment of the easement should be occurring in the not too distant future. The Pipeline Advisory Committee will work with the Navy to see if holding a public informational meeting in Harpswell would be helpful to the process. Selectman Henderson asked staff to inquire if a property owner finds issues sometime after the transfer, does acceptance of the easement extinguish the property owner's ability for recourse.

**4. Selectmen's Announcements:** Special Recognition moved to 1a.

**5. Consent Agenda: 1) Approval of the Minutes; 2) Requests fro Use of Mitchell Field: A. Harpswell Scouting Association; B. Fishing Families; C. Harpswell Heritage Land Trust; and 3) Appointments for Election Workers for August 23:** Chairman Multer moved, seconded by Selectman Henderson to approve the consent agenda; motion passed 3-0.

**6. Set the 2011 Tax Rate:** Curt Lebel, contracted Assessor's Agent, stated the property values have been determined and the Assessing Office is recommending setting the tax rate at \$5.80/thousand dollars of value. State law allows municipalities to assess up to 5% over the necessary amount for overlay and the use of overlay makes it possible for the assessors to round the commitment, avoiding fractional pennies. The \$5.80 mil rate will result in an overlay of \$118,248, which is about average over the past several years and would not result in the fractional issue. Selectman Henderson moved, seconded by Selectman Hawkes to set the tax rate at \$5.80 per thousand dollars of assessed value; motion passed 3-0.

**7. Treasurer's Report:** Marguerite Kelly, Treasurer, noted that while Crimson was the lowest bidder on the 2000 gallon tanker, their bid was of the highest quality and the most responsive to the requests for proposals. Ms. Kelly reviewed her monthly report for July. Ms. Kelly reported the requests for proposals for banking services will be sent tomorrow.

#### **8. Wharf Applications**

- **James Palmiter, 183 West Cundy's Point Road, Map 66, Lot 30:** The hearing was opened at 6:42 p.m. Bill Wells, Code Enforcement Officer, reviewed the application. Selectman Henderson questioned if the public's right to the intertidal zone is affected; Mr. Wells responded the public can still cross with this system. Selectman Hawkes noted the float rests on the flats at low tide; which Ben Wallace stated is common. Chairman Multer read the proposed Notice of Decision (NOD) and the Board completed the findings of fact section. Chairman Multer moved to approve the application and NOD; the motion passed 3-0. The hearing was closed at 6:57 p.m.
- **David & Christopher Kaufholz, Upper Goose Island, Map 78, Lot 6:** Bill Wells, Code Enforcement Officer, reviewed the application. Selectman Henderson asked if this replacement system is the same size as before and why the replacement was needed. Mr. Wells responded the existing system is thought to be unsafe and the end of the new wharf will be located where it was previously. Ben Wallace, applicant representative, stated there is 5 to 6-feet of clearance for the public along the shore. Jim Hays, Harbormaster, noted there is no hazard to navigation in his opinion. The Board completed the findings of fact section of the NOD and the Board approved the NOD and application 3-0. Mr. Wallace asked the Board to consider amending the language in the NOD to allow for revisions in the field; the Board agreed to consider. The hearing was closed at 7:05 p.m.

**9. Public Hearing Regarding the August 23 Special Town Meeting Warrant:** The hearing was opened at 7:12 p.m. Howard Nannen spoke, as a resident and member of the Harpswell Housing Community Trust, in favor of accepting the West Harpswell School property as it has great potential for senior housing. Leon Ogrodnik spoke in favor of accepting the property and having control for the future use of the property. Hope Hilton, chair of the West Harpswell School Re-Use Task Force, stated the Task Force listened to citizens and discussed several possible re-uses for the property. Ms. Hilton stated she believes accepting the property is a reasonable investment and the Town will have control over the future use or conditions for sale. Barbara White spoke in favor of accepting the property and stated that handicap housing for veterans might be an option. Kay Ogrodnik spoke in favor of accepting the property as maintenance costs are minimal compared to potential uses or sale proceeds. The hearing was closed at 7:33 p.m. Chairman Multer stated she did not recommend the warrant article on the ballot as she had not decided her position but she has now and voted in favor of acceptance.

**10. Consider Amendments to the Mitchell Field Group Use Policy and Rules:** Administrator Eiane reviewed a proposal to streamline the process for use of Mitchell Field. The proposal requires Board review for all for-profit entities and for non-profit groups larger than 125. Non-profit (informally) groups between 51 and 125 in size and repeat applicants will be subject to staff review and non-profits less than 51 are not required to apply or notify the Town as long as the group follows the Rules of the property. The Board agreed that groups under 51 should be encouraged to reserve a specific location to avoid conflict. The Board approved the Policy amendments by a vote of 3-0.

**11. Consider Process for Removal of Certain Street Lights:** Administrator Eiane stated that an Eagle Scout volunteer, Thaddeus Bond, visited each one of the Town's street lights and made recommendations as to removing or adding certain lights based on the Town's Street Lighting Policy adopted by the Board. The Energy Committee reviewed the volunteer's recommendations and made some adjustments. Based on the final recommendations, staff is suggesting the Board set a public hearing and staff will post each potentially affected street light pole with a notice of the hearing and advertise the hearing in the paper, on the website and at the Town Office. David I. Chipman, member of the Energy Committee, stated there was no consistency in the placement of lights and a policy was adopted and then the lights reviewed for consistency with the policy. Linda Hall noted that some areas are congested with a lot of walkers and those areas should be lighted. Robert McIntyre stated he believes some may drive faster in slower speed zone areas if lighted with street lights. Selectman Hawkes moved, seconded by Chairman Multer to set September 15 at 7:00 p.m. as a public hearing at the Town Office to hear input regarding the street lights; motion passed 3-0.

**12. Accept Committee Resignation:** Chairman Multer moved, seconded by Selectman Hawkes to accept Len Duda's resignation from the Harbor and Waterfront Committee with thanks for his service; motion passed 3-0.

**13. Other Business: Re-examination of Public Comment Policy:** Chairman Multer stated she has received a number of emails stating that the ruling she made at the July 7 meeting that prohibited further discussion of the Town's relationship with MSAD 75 may be unconstitutional. Chairman Multer stated she never wants to be the reason that the Town is in a legal battle and if it is unconstitutional, then paragraph 3 of the current Public Participation Policy has no meaning and she proposed its removal and proposed deleting the second comment period of 15 minutes. Chairman Multer suggested the Board seek a legal opinion from Maine Municipal Association whether the Board has the right to ban campaign speakers by the candidate or on behalf of a candidate. Chairman Multer moved to adopt her proposed changes, seconded by Selectman Henderson. Selectman Henderson stated that while he admired Chairman Multer acting on input, he suggested the Board table this item for consideration at the next meeting. Selectman Hawkes stated she was not in favor of either amendment and while she now understands that seconding a motion for discussion is respectful, she stated that there is a learning curve for a new Selectman and she did not previously understand that. Chairman Multer and Selectman Hawkes stated how they both believe the Selectmen's meeting is not the forum for repeated airing of issues and that channel 14 is a better forum. Selectman Henderson stated that the small amount of time allotted through public comment is a person's right and limiting campaigning can be tricky as to what exactly it is. The Board agreed to see what legal input is received and Selectman Henderson withdrew his second and Chairman Multer removed her motion. Mr. McIntyre stated an open microphone at Channel 14 is a great idea and cautioned the Board on another amendment to the Policy since the second comment period was established to help the public. Selectman Hawkes informed Mr. McIntyre that she did not mind people seeking information as long as it is done without constantly criticizing others. Chairman Multer suggested that Mr. McIntyre can seek information directly from the Superintendent regarding MSAD 75. There was a discussion regarding responding to citizens. Donna Frisoli stated that elected officials do have a tough job and part of it should be listening to everyone. Ms. Frisoli stated that the Harpswell Community Broadcast Corporation (HCBC) does currently offer an open microphone time called Soap Box and people can call 833-2363 to make arrangements. HCBC does not allow political ads and there was a discussion regarding what that means and how difficult it can be to decipher what exactly that is.

**13b. Marine Patrol Boat:** Selectman Hawkes stated the current Marine Patrol boat has been deemed unsafe and is not worth fixing due to the repair costs versus the value of the boat. Selectman Hawkes reported that she and Administrator Eiane have met with Cumberland County representatives to discuss the topic and the County has proposed a certain type of replacement boat. Administrator Eiane added that Cumberland County suggested the new boat could have a dual purpose, for use by the Marine Patrol and for use by general law enforcement to respond to island location calls. For the short-term, the Town could consider renting a boat and/or sharing the Harbormaster's boat. There was a discussion regarding possible long-term options, including contracting with a marina to transport law enforcement personnel to the islands, docking the boat at a site versus having it be accessible by trailer, and analyzing the options for a new boat and for what purposes. Staff is to further investigate the options.

**14. Public Comment:** There was none.

**15. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Henderson to approve warrant 43 in the amount of \$128,115.49; motion passed 3-0. Payroll warrant #31 for \$13,973.85 was noted for the record.

**16. Administrative Matters:** The Board scheduled a workshop with the Conservation Commission on September 1 at 5:00 p.m.; the Board agreed that an update from the Friends of Cedar Beach should be on the next agenda; the Board discussed topics for its workshop with the Recycling Center Manager on August 18; the Board reviewed a survey of the Town property, Map 3, Lot 73 and agreed to solicit input from the Conservation Commission at the workshop; catering permits were reviewed and signed; it was discussed that staff will monitor oil prices over the next few weeks; staff was asked to have the roadside of Robinhood Road trimmed and to check into the status of Cumberland County deputies issuing parking tickets; and Selectman Henderson noted he reviewed the Sturgis Rules as requested by Chairman Multer.

**17. Adjournment:** The meeting adjourned by unanimous vote at 9:23 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Mitchell Field Group Use Policy and Rules

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