

Board of Selectmen's Minutes
March 29, 2007
Harpswell Town Office
Approved April 12, 2007

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Selectmen Present: Samuel W. Alexander, Amy N. Haible and James S. Henderson

Staff Present: Kristi K. Eiane, Town Administrator and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

1. **Election of the Chair:** Selectman Haible moved, seconded by Selectman Henderson to elect Samuel Alexander as the chair of the Board of Selectmen; motion passed 3-0.

2. **Adoption of the Agenda:** Chairman Alexander moved, seconded by Selectman Haible to amend the agenda by adding 6a. To Establish a Dedicated Account for Emergency Vehicle Purchases and add 10a. Consideration of Open Space Plan Proposals; motion passed 3-0.

3. **Town Administrator's Report:** Administrator Eiane reported that she, Chairman Alexander and Superintendent Michael Wilhelm testified before the Education Committee in Augusta on behalf of LD 1473: An Act to Provide State Support for State Approved School Construction Projects in certain municipalities. Earlier this week the State Department of Education released figures depicting possible scenarios on how much state education would be provided. Under scenario A, Harpswell would receive \$886,000 for special education reimbursement. Harpswell worked very hard last year to get legislation, LD 1953, passed in Augusta for the special education funding. Faced with current budget issues there is a move to make reductions under scenario B. (Harpswell would not get any reimbursement.) Administrator Eiane introduced Superintendent Wilhelm to further explain the issue. Superintendent Wilhelm explained that due to a State revenue gap, the Education Department developed different scenarios to show the budget impacts. Mr. Wilhelm stated that he has spoken with Jim Rier, of the Department of Education. Mr. Wilhelm explained the two different scenarios and encouraged Harpswell to lobby in Augusta for the passage of scenario A. Dee Carrier, member of the SAD School Board and Finance Committee, announced the first SAD 75 budget hearing will be held at 7:00 p.m., Monday, April 2, at Harpswell Islands School and encouraged Townspeople to attend. Ms. Carrier encouraged everyone to be active in Augusta and help support application of the law as passed that will provide reimbursement to Harpswell. Chairman Alexander added that the passage of LD 1473 is very important to Harpswell as well. Joanne Rogers encouraged Townspeople to contact their legislators and express their concern with the possible cut in special education funding. Selectman Henderson asked if someone could assemble the key points in writing for people to use as guide for people to use in submitting comments to the State and to legislators. Selectman Haible asked for the Board and the School Board to send a joint letter in support of scenario A and for a bi-weekly update on the process. Administrator Eiane queried Mr. Wilhelm on when the final budget figures for voting by the towns in June would be expected. Mr. Wilhelm explained that a budget can be sent to referendum based on numbers provided by the State and if the State adjusts figures later, SAD 75 can make adjustments to the expenditures after the referendum. Administrator Eiane announced Representative Percy sent the Board a legislative alert asking if the Board wanted to comment on LD 718, an act to authorize a general bond issue to stimulate the midcoast economy. Responses are due by April 4. Selectman Haible suggested that the Town watch this LD closely as it may have an effect in attracting businesses to Mitchell Field in the next year as the master planning process is completed.

4. **Selectmen's Announcements:** Selectman Haible congratulated Sam Allen, a 4th grader from West Harpswell School, who was named a semi-finalist in the 2007 geographic bee. Tomorrow Sam will attend

another competition and she wished him well. Selectman Henderson expressed the urgent need for committee volunteers and encouraged people to apply.

5. Old Business: Harpswell Festival, Inc. Request for Use of Mitchell Field: Administrator Eiane reported that she checked with Cumberland County Sheriff's Office to obtain the cost of a security guard for the festival which is \$45/hour. Administrator Eiane stated that the Town received a letter from the Town attorney regarding the Town's liability exposures at Mitchell Field. Ms. Eiane explained the Town has insurance coverage at the site and is protected by the Maine Tort Claims Act that limits liability exposure. The Town has to be prudent in avoiding negligent situations by using monitoring and signage. Administrator Eiane noted that she has an inspection set up at Mitchell Field with the Town's insurance representative. Selectman Henderson stated he believes there are two issues, what goes on inside the fence and what happens outside the fence. Selectman Henderson recommended filling in the access hole under the fence that people currently use for passage from inside the fence out to the beach and pier. Selectman Henderson suggested that perhaps a written notice should be given to each visitor of Mitchell Field that warns about containing their use to inside the fence and also additional signage on the outside of the fence in the beach and pier area. Mr. Henderson explains that if this work was accomplished, it should eliminate the need for any organization to hire security for their functions. Selectman Henderson explained he spoke with Judith Redwine, chair of Mitchell Field, and she expressed that these precautionary actions would not interfere with the master planning process. Selectman Haible agreed with Selectman Henderson's suggestions and added that an ad-hoc safety committee might be an option for policing events. Chairman Alexander explained his interpretation of the attorney's letter that the Harpswell Festival itself would not be covered by the Maine Tort Act and a victim could sue the Harpswell Festival and that it is irresponsible to not require security personnel for the pier. Selectman Henderson moved, seconded by Selectman Haible to accept the Harpswell Festival Committee's proposal including the Town to waive the need for an independent security for the event and that the Committee monitor the safety at the event including discouraging use of the pier. David Chipman explained that he has seen people come from the beach to use the pier and since there is no signage on the pier, they are unaware that use on the pier is prohibited. Mr. Chipman offered to assist with installing a fence on the pier. Diane Moody expressed that the Festival Committee would be willing to have volunteers on the pier throughout the festival. Len Freeman expressed that the Committee is willing to keep people off the pier but would like authority to be issued to them to allow them to do so. Dan Boland asked what the Town's insurance loss prevention expert position is on Mitchell Field. Administrator Eiane read a proposed motion, which Selectman Henderson moved, seconded by Selectman Haible; Provided the Board receives proof of insurance and an acceptable site plan, it approves the application submitted by the Harpswell Festival Committee for the Use of Mitchell Field for a Community Event on Sunday, July 22, and waives provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; that the Board agrees to allow amplification of sound as described in the application and the use of motorized vehicles as described in the application; and that the Board requires the Harpswell Festival Committee to be responsible for monitoring the pier to prevent unauthorized access. The motion passed 2 -1 (Chairman Alexander opposed). The Board directed Administrator Eiane to investigate the steps and costs necessary to close the fence gaps to prevent access to the beach and pier and to place additional signage.

6. Selection of Banking Institution for Tax Anticipated Financing: Marguerite Kelly, Treasurer, explained that on March 19 request for proposals were sent to financial institutions and that three bids have been received. Marguerite Kelly recommended that the Board approve the TAN financing to TD Banknorth at 3.73 percent. Chairman Alexander moved, seconded by Selectman Henderson to accept the proposal for Tax Anticipated Financing with TD Banknorth and accepted the resolution authorizing tax anticipation borrowing (attached); motion passed 3-0.

6a. Establish a Dedicated Account for Emergency Vehicle Purchases: Marguerite Kelly, Treasurer, explained that she has receive verbal confirmation from TD Banknorth regarding the Town opening an

additional account, Emergency Vehicles Capital Account, initially funded at \$135,000 (approved at Town Meeting) and recommended by TD Banknorth to be placed in a certificate of deposit yielding a 5.15%. Assuming that the Treasurer receives the terms in writing, Chairman Alexander moved, seconded by Selectman Haible to authorize the Treasurer to open a dedicated Emergency Vehicle Capital Account; motion passed 3-0.

7. Extension of Closing Deadline for Purchase of Unknown Owner Parcels: Chairman Alexander explained the Town sold parcels with unknown ownership to individuals through a bid process and that some successful bidders have requested an extension in time for the closing date. The Town Attorney provided an opinion that a 1 or 2 week extension would be acceptable. Selectman Haible moved, seconded by Chairman Alexander to extend the deadline to April 2 with the condition that no other changes are made to the purchase agreements; motion passed 3-0. Administrator Eiane noted that three of the five closings have been completed to date.

8. Consider Recreation Special Revenue Policy Fund: Administrator Eiane explained that there is a dedicated recreation account that has accumulated revenue over the years, with a balance as of December 31, 2006 of \$29,496. The request tonight is for the Board to approve a policy that would allow use of the funds for (1) capital items that relate to recreation, (2) special equipment and (3) specific operational expenses as identified by the Recreation Director and Recreation Committee. Selectman Haible moved, seconded by Selectman Henderson to adopt the recreation special revenue policy and that it be administered in the manner described by the Administrator; motion passed 3-0.

9. Consider Cable Advisory Committee Proposed Comments to FCC (Federal Communications Commission): Administrator Eiane reviewed that at the last meeting, the Cable Committee reported that the FCC has exceeded its authority with a recent order. The Committee has recommended comments for the Board to submit to the FCC. Chairman Alexander moved, seconded by Selectman Haible to submit the comments, with any revisions necessary to be determined by the Town Administrator, to the FCC with carbon copies to our Congressional delegation. Andy Paulhus, member of the Cable Advisory Committee, explained the FCC order. Motion passed 3-0.

10. Consider Contract For Mitchell Field Master Plan Process with Holt & Lachman Architects and Planners of Portland, Maine: Selectman Haible explained that the Board previously moved to accept Holt & Lachman as the consultant for the Mitchell Field Master Planning Process. Selectman Haible explained that there are four planned meetings with Holt & Lachman; first is planned to discuss the background of Mitchell Field; the second will be a day long meeting to discuss ideas on how Mitchell Field should look; the third will be a summary meeting to present the draft master plan; and the final will be to present the master plan. Selectman Haible moved, seconded by Chairman Alexander to sign the contract with Holt & Lachman; motion passed 3-0.

10a. Consideration of Open Space Plan Proposals: Selectman Haible explained that this process is to study and form recommendations for which areas of Town should be conserved for open space. Selectman Haible reported that two consultants were interviewed and that the selection committee is recommending hiring FB Environmental in association with MRLD. Selectman Henderson explained that the identified areas would be a tool for Planning Board to consider when reviewing subdivisions but would not prevent private landowners from using their property. Selectman Haible moved, seconded by Chairman Alexander to accept the committee's recommendation to select FB Environmental in association with MRLD to perform the Town's open space review; motion passed 3-0.

11. Consider Cumberland County Contracts:

- **Law Enforcement Services:**
- **Marine Patrol**
- **Communications**

Chairman Alexander moved, seconded by Selectman Haible to accept all three contracts as they are the same as previous with the only change being in cost; motion passed 3-0.

12. Consider Amendments to the Commercial Trash Hauler's Rules: Selectman Haible moved, seconded by Chairman Alexander to approve the amendments to the Commercial Trash Hauler's Rules; motion passed 3-0.

13. Discussion of Selectmen's Meeting Schedule: The Board discussed meeting options and agreed to hold an administrative meeting every other Tuesday during the week of a regularly scheduled Selectmen's meeting. This schedule begins April 10.

14. Set Meeting Date Regarding Selectmen Goals and Objectives: The Board agreed to set Tuesday, April 24 at 8:30 a.m. for a goals and objectives workshop.

15. Set Meeting Date Regarding Committees: Selectman Haible proposed scheduling an informal meeting with committees on a Saturday morning to discuss communication and how the Board and the committees can work together in the best interest of the Town. The Board agreed to hold this meeting on Saturday, April 21 at 9:00 a.m.

16. Consider Coastal Humane Society Contract: Chairman Alexander moved, seconded by Selectman Haible to adopt the contract; motion passed 3-0.

17. Adoption of IRS Mileage Tax Rate: Administrator Eiane recommended the Board adopt the new IRS mileage rate of .485/mile with an effective date of 4/1/07. Selectman Haible moved, seconded by Chairman Alexander to adopt the mileage tax rate of .485 effective 4/1/07; motion passed 3-0.

18. Consider Selection of Legislative Representation and Monitoring Services: Administrator Eiane explained that time is of the essence here since the legislation is in the middle of a session. Two companies responded to the Town's Request for Qualifications, one is Jensen Baird Gardner and Henry and the other is Howe & Cahill Co. Administrator Eiane stated that both companies are responsive and that Howe & Cahill Co. appears to be better positioned and recommended the Board select Howe & Cahill Co. Chairman Alexander moved, seconded by Selectman Henderson to hire Howe & Cahill Co. as the Town's legislative representatives; motion passed 3-0.

19. Orr's Island Lease Agreement Discussion: Administrator Eiane reviewed the draft policy that allows the Board to enter lease agreements with wharf holders on the Town owned property at the Orr's Island Bridge for commercial fishing use. There is a concern that the use by some may be changing to recreational and no longer commercial. Administrator Eiane explained this proposal is for the Board's consideration and the issue will be brought back before the Board at the April 12 meeting. Selectman Haible requested input on the issue from the lessees, Harbor & Waterfront Committee, Town Lands Committee and the Planning Board.

20. Consider Amendment to Purchasing Policy: Chairman Alexander explained this amendment would raise the purchase order amount approved by the Town Administrator from \$500 to \$1000, over \$1,000 requires the Board's approval. Selectman Haible moved, seconded by Chairman Alexander to approve the purchasing policy amendment; motion passed 3-0.

21. Authorization of the Warrant: Kristi Eiane, Town Administrator recommended approval of Warrant 16 and Payroll Warrant 14. Chairman Alexander moved, seconded by Selectman Henderson to approve Warrant 16 for \$114,424.22; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to approve Payroll Warrant 14 in the amount of \$18,221.33; motion passed 3-0.

22. Approval of the Minutes: Chairman Alexander moved, seconded by Selectman Haible to approve the minutes of February 22 and March 8; motion passed 2-0 (Selectman Henderson abstained). Selectman Henderson moved, seconded by Chairman Alexander to approve the minutes of March 15, 2007; motion passed.

23. Public Comment: Dennis Richards encouraged people to attend the Legislative workshop on Monday to support the passage of LD 1318 regarding water testing. Louise Huntington stated that the work of the Comprehensive Plan Implementation Committee is not finished and encouraged people to apply for the Committee. Dan Boland requested that the school budget not be voted on until final numbers are determined and firm on the ballot. Dan Boland suggested if the Board considers constables in relation to Mitchell Field that they consider a supervisor position. Dan Boland requested that if committee submissions are modified by the Selectmen that they sign their name to the changes. Dan Boland spoke about the Housing Committee continuing in the new year.

24. Executive Session Pursuant to 35 M.R.S.A. 841 (2) Abatement for Infirmary or Poverty: Chairman Alexander moved, seconded by Selectman Henderson to enter executive session; motion passed 3-0. Selectmen returned to open session at approximately 9:25 and voted unanimously to grant the abatement for infirmity and poverty for tax years 2005 and 2006 (including all interest and charges).

25. Adjournment: The meeting was adjourned by unanimous vote at 9:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Tax Anticipated borrowing resolution