

Board of Selectmen's Meeting Minutes
February 10, 2011
Harpswell Town Office
Approved on March 3, 2011

Page 1 of 4

At 5:45 p.m., Chairman Henderson moved, seconded by Selectman Wallace to enter executive session pursuant to 1 M.R.S.A. § 405(6)(c) Re: possible acquisition of real property (Cedar Beach); motion passed 3-0.

The Board returned to open session at 6:00 p.m. to handle administrative matters: the action list was reviewed; Administrator Eiane reported the Harpswell Neck Fire Chief stated that during extensive road closures, signs would be posted to alert travelers in advance and that signs were not posted during the recent road closure due to the short time involved; Chairman Henderson reiterated his request to have staff contact the owner of Little Snow Island and request that port-a-potties be made available during the camping season; the Board discussed possible options for the 2010 Town Report dedication; the Board set February 17 at 5:30 as the next meeting and cancelled the February 24 meeting; Administrator Eiane briefly reviewed new and amended warrant articles that will be further discussed during the agenda item review.

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

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

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 p.m.

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: Bill Wells, Code Enforcement Officer, stated that signs of political nature need to be removed within 24 hours of the vote and there are a number of signs relating to the WHS closure vote that should be removed. Kay Ogradnik stated she was running for School Board Director for the parents and children of Harpswell.

3. Town Administrator's Report: Administrator Eiane reported there was a public hearing in Augusta on Wednesday regarding LD 69 – An Act to Restore the Historical Boundary Line between Harpswell and Brunswick. Harpswell was well represented and members of the Carrying Place Assembly made a particularly strong cohesive presentation that was well received by the Committee members. There will be a work session on February 16 at 10:00 a.m. regarding LD 69 and the Town will present additional information as requested by the Committee. Administrator Eiane stated the Town Report will be submitted to the printers next Friday and that she appreciates the staff's work on the report. Administrator Eiane announced that absentee ballots will be available next week for two School Board Directors, one Selectman, the Curtis Memorial appropriation, and several minor ordinance amendments. A public hearing on the secret ballot items is scheduled for February 15 at 7:00 p.m. at the Town Office.

4. Selectmen's Announcements: Selectman Wallace stated he was tired of the snow and was looking forward to mowing his lawn. Chairman Henderson encouraged the public to attend the public hearing regarding secret ballot items and to review the proposals which are available on-line and at the Town Office.

5. Consent Agenda: 1) Approval of Minutes; 2) Contract with Bowdoin College for Family Swim: Chairman Henderson moved, seconded by Selectman Wallace to approve the consent agenda; passed 3-0.

6. Consider Recommendation for Ecological Assessment Consultant: Administrator Eiane reported the Town was awarded a \$5,000 grant from the Davis Foundation and the Board previously authorized a request for

proposals for a consultant to perform an ecological assessment of Town-owned property on the Mountain Road with the funds. There were three responses and the Conservation Committee and Town Planner are recommending proceeding with Normandeau Associates [for \$4,450]. Chairman Henderson moved, seconded by Selectman Wallace to accept the recommendation and authorize the staff to prepare a contract for review with Normandeau Associates; motion passed 3-0.

7. Wharf Applications

- **Ashley Saldanha & Dinny Wang, Map 51, Lot 1, 144 Gurnet Landing Road:** Bill Wells, Code Enforcement Officer, presented the application and stated there was an on-site public hearing and there have been no objections from abutters. Chairman Henderson opened and closed the hearing at 7:46 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not create a hazard to navigation or cause injury to the rights of others [motion later confirmed]; motion passed 3-0. Selectman Multer asked Mr. Wells to assure that the packets of information are complete.
- **CHH Properties, LLC, Map 63, Lot 69, 50 Field Road:** Bill Wells reviewed the application and stated the float will remain afloat at low tide. Chairman Henderson opened and closed the hearing at 7:50 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0.
- **Daniel and Linda Hebert, Map 43, Lot 11, 187 Doughty Point Road:** Bill Wells reviewed the application. Chairman Henderson questioned if the removal of the floats, in general, caused erosion; Mr. Wells responded it used to but more commonly now the floats are removed with a crane and stored away from the waters edge. Chairman Henderson opened and closed the hearing at 7:54 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not create a hazard to navigation or cause injury to the rights of others; motion passed 3-0.

8. Consider Action Relative to the Petition to Withdraw from MSAD 75: Administrator Eiane reported that State statute governing petitions requires a vote to be put on the next warrant or the calling of a special town meeting. The petition for withdrawal must be voted on by secret ballot. Administrator Eiane asked if the Board wanted to consider scheduling this item for vote in June with the annual MSAD 75 budget vote. Chairman Henderson asked if the petition has been determined to be in order by the Town attorney; Administrator Eiane responded yes. The Board agreed that it was reasonable to place the petition on the June ballot. Chairman Henderson stated he wants to institute a group to review the options if the Town were to withdraw from MSAD 75 so that voters would have the information before voting. Administrator Eiane explained that if the Town votes in June to commence withdrawal, a committee will be formed to review and develop a withdrawal plan which is presented to and voted on by the Town. Selectman Multer stated concerns about a group collecting information as that comes as part of the process with the withdrawal committee that will negotiate and develop an alternative plan. Chairman Henderson stated there are many options, such as tuition with Brunswick, Bath, establish our own district and he wants to know of the possibilities before voting. Selectman Multer stated the Town first votes to form a committee and authorize \$55,000 for use by the withdrawal committee and then the second vote is on an actual withdrawal plan and it is the function of the withdrawal committee to investigate the options. Chairman Henderson wants to start the process early so that voters are aware of the options. Selectman Wallace agreed it would be helpful to know of the options early. Leon Ogrodnik stated any information will help the public at the initial vote and possibly set a consensus with the community. Chairman Henderson stated he will try to develop an idea for the next meeting such as possibly having the Education Advisory Committee look into the options. The Board agreed to have the Administrator investigate the options for a vote on the petition in June.

9. Consider Formation of Committee for West Harpswell School Re-Use: Selectman Multer stated there is a lot of information regarding the West Harpswell School building available in the reported from December 2009. Selectman Multer wants voters to see various uses for the building and have information on the associated advantages and disadvantages such as the maintenance costs, location, etc. Selectman Wallace

wondered if a suggestion box for people to drop off ideas would be helpful. Chairman Henderson suggested a committee may be able to offer more information related to the ideas. Selectman Multer stated the annual maintenance cost is \$88,000 and that there was an option in the report to take down the building and sell the property. Chairman Henderson stated if the Town doesn't control the site there could be undesirable development on the site. Chairman Henderson suggested a motion would be to establish a group and develop a mission statement. Selectman Multer suggested advertising for volunteers and if need be, perhaps the Education Advisory Committee's mission could be revised for this issue. Selectman Multer moved, seconded by Chairman Henderson to form a committee to evaluate the advantages and concerns regarding the possible future uses of the West Harpswell School building; motion passed 3-0. Kay Ogradnik discussed the voting result that has caused a lot of grief and asked the Board to be sensitive and stop talking about tearing down the building. Ms. Ogradnik thanked Selectman Wallace for his service. Robert McIntyre read an excerpt from Title 20-A, subsection 4103 regarding lease of the building and asked the Board to consider it as an intervening strategy while uses of the building are straightened out.

10. Consider Ordinance Amendments for Town Meeting Warrant: Administrator Eiane reviewed a proposed change to the Property Tax Assistance Ordinance and noted it will be brought back to the Board for review at the next meeting. Chairman Henderson moved, seconded by Selectman Multer to place the Comprehensive Plan Regarding Mitchell Field, Mitchell Field Marine District, Wireless Telecommunications Facility, Animal Control, and the Harbor and Waterfront (with minor amendments from the public hearing) on the warrant; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to place the Solid Waste Ordinance on the warrant; motion passed 2-0 (Selectman Wallace abstained).

11. Continue Review of 2011 Town Meeting Warrant: Administrator Eiane explained there is one change to the budget to decrease the debt service by \$9,000 as a result of the Maine Municipal Bond Bank refinancing its 2004 fall issue resulting in a \$17,502.92 reduction, in the aggregate to the Town for its \$700,000 borrowing in 2004. The debt service is now reduced to \$433,500 and the total budget is \$4,020,097. The Board reviewed the new wording in the article regarding FEMA and the articles regarding the borrowing for a road project and the use of undesignated fund balance for the road capital account. Administrator Eiane stated there will be new articles proposed for multi-year lease agreements for the Mitchell Field business district and the water tower for review at the next meeting. The Board reviewed its recommendations for the warrant articles.

12. Consider Contract with Robert Gerber, Ransom Environmental, for FEMA Assistance: Administrator Eiane stated this contract is to continue with the services of Robert Gerber through the Federal Emergency Management Agency (FEMA) process of developing new flood maps, including FEMA's newest RISK Map procedure. The contract can be terminated at anytime so if Town Meeting doesn't approve the funding, the contract can be terminated. The contract is based on an hourly rate of \$146 on an as needed basis. Chairman Henderson moved, seconded by Selectman Multer to enter into the agreement with Mr. Gerber; passed 3-0.

13. Midcoast Council of Governments General Assembly Appointments: Administrator Eiane stated members should be appointed annually and previously, Selectman Multer, Chairman Henderson and Jennifer Verplanck were appointed. Selectman Multer stated she does not have an interest in continuing. Chairman Henderson stated he would continue and Ms. Verplanck has expressed an interest to continue. Chairman Henderson stated that other interested parties are being sought for the Assembly and that it meets once a year but that members can attend the regular meetings of the Executive Committee, of which Harpswell's Town Planner is a member. Chairman Henderson moved, seconded by Selectman Multer to appoint Jennifer Verplanck and James Henderson to the MCOG General Assembly; motion passed 3-0.

14. Other Business: None.

15. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Wallace to authorize warrant #10 in the amount of \$619,140.33 (including \$587,333.04 to MSAD 75); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #9 in the amount of \$7,405.96; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #6 in the amount of \$15,651.96 was noted for the record. Selectman Multer requested the most current salary survey from the Maine Municipal Association.

16. Public Comment: Robert McIntyre stated the initial energy for the withdrawal petition came from the Orr's Island area and he was originally approached during the first Town vote regarding the West Harpswell School closure. Mr. McIntyre stated reasons for withdrawal are financial and educational and the withdrawal is urgent due to the looming new high school building costs. Mr. McIntyre encouraged the Board to discuss the withdrawal process and options with the public and investigate other systems such as those in the Towns of Jefferson, Wiscasset and St. John. Chairman Henderson told Mr. McIntyre many of these ideas were discussed earlier in the meeting and the Board will consider either amending the Education Advisory Committee mission or to establishing a new committee to be a forum to hear options. Chairman Henderson reiterated the committee will hear information and provide information and not make recommendations. Mr. McIntyre stated there is a lot of experience in Maine with different organizational forms for education and this new committee should look at all the options.

17. Adjournment: The meeting was adjourned at 8:18 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]