

Special Board of Selectmen's Meeting Minutes
March 2, 2012
Harpswell Town Office
Approved on March 8, 2012

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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; and Roz Knight, Clerk

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

Call to Order and Pledge of Allegiance: The meeting was called to order at 9:00 a.m.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt an abbreviated version of the agenda that was cancelled on March 1 due to weather and to consider the final Town Meeting warrant, including the Mobile Food Handler's Ordinance and an appropriation for fencing at Mitchell Field; and to consider a request regarding the Red Cross Flag; motion passed 3-0.

2. Public Comment: None.

3. Consider Final Town Meeting Warrant

- **Mobile Food Handlers Ordinance:** Administrator Eiane stated Selectman Henderson had additional questions regarding specific sections in the proposed Ordinance and she handed out a response from the Town Attorney. Selectman Henderson suggested the background check should be on the operator of the food unit and not the owner and suggested a change to the definition of a 3-day event. Tom Allen asked if this Ordinance is intended to only apply to professional food handlers; the Board responded no. Mr. Allen asked if it would apply to non-profits such as the Girl Scouts and Elijah Kellogg Church. Mr. Allen expressed appreciation for exempting the Harpswell Festival but noted it may open a loop hole for others that may not fit under the Mitchell Field Rules. The Board discussed these issues and how to amend the proposed ordinance. The discussion included defining non-profits or not-for-profits possibly exempting them. Administrator Eiane noted there may not be enough time to make additional changes and have them reviewed by legal since the warrant and attachments must be posted today. The Board agreed to perform further work on this proposal before presenting to voters. There will be a future workshop with the Board, the Planner and Town Attorney.

4. Consider Red Cross Flag Celebration: Dee Miskell stated March is National American Red Cross month and municipalities are being asked to fly the Red Cross Flag on their flag poles during the month to honor the Red Cross. Selectman Henderson and Chairman Multer expressed concern that if this request is approved then it will be difficult to not allow future requests regardless of the purpose. Chairman Multer suggested having a presentation area inside the Town Office where a banner or other acknowledgement could be displayed. Selectman Hawkes stated she would love to see the American Red Cross flag fly on the Town's flag pole. Selectman Henderson moved to deny the request for the flag on the pole and to instead ask administration to provide suitable space inside the Town Office for recognition. Motion failed for lack of a second. The Board asked administration to provide space.

(Town Meeting Warrant continued)

- **Shellfish Ordinance Amendments:** Administrator Eiane stated the Board previously asked her to follow up on the State's concern of possible unfair labor practices relating to conservation time for new license applicants. She spoke with the Department of Marine Resource's area biologist and was informed there is not an issue with the proposed language since the conservation time is voluntary and will allow one to be placed in a higher priority lottery. Chairman Multer expressed concern that a new applicant may not be able to attend the conservation dates. Roz Knight, Town Clerk, stated the Marine Resources Committee

sets the dates which vary with weekends and weekdays and there has not been an issue with attendance. The Board discussed the medical waiver for conservation obligations. Chairman Multer asked for information for the last 3 to 4 years on how many new applicants have fulfilled conservation time and did not obtain a license as it concerns her that someone may repeatedly do conservation time without obtaining a license. Selectman Henderson and Hawkes agreed the conservation time helps Harpswell and allows an applicant to be in a preferred lottery. Administrator Eiane reiterated these proposed amendments are to make the license process fairer as there are a limited number of licenses and a lottery is preferred over a first come, first serve basis. Deputy Administrator Sawyer added this proposal makes the license process after June 1 the same as the first 90-day license process with lotteries. Deputy Administrator Sawyer stated the Board previously approved placing the amendments on the warrant and asked for follow up regarding the conservation time. The Selectmen confirmed they each recommended the article.

- **Possible Appropriation for Fencing at Mitchell Field:** Administrator Eiane stated the report the Town received regarding the infrastructure at Mitchell Field listed the pier as unsafe even for pedestrian traffic. In response to the engineer's concerns, Administrator Eiane suggested the Board consider prohibiting access by either adding some additional fencing onto the existing fence for approximately \$2,500 or moving the existing fence about 30 feet towards the water for approximately \$5,000. The second option would continue to allow use of the small boat area. Chairman Multer stated she met with the Mitchell Field Implementation Committee chair at the site and he believes the second option would be best as it also makes it more difficult for kids to access the pier from below. Selectman Henderson moved, seconded by Chairman Multer to place an appropriation request onto the warrant for \$5,000; motion passed 3-0. Chairman Multer added that the Committee chair does not agree that the pier is unsafe and is preparing alternative suggestions for the future workshop with the Board and the engineers.

5. Adjournment: The meeting was unanimously adjourned at 10:00 a.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments:

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