

**WARRANT
ANNUAL TOWN MEETING
HARPSWELL, MAINE**

MARCH 10, 2001

Cumberland, s.s.

State of Maine

To any Constable or Resident of the Town of Harpswell:

You are hereby required in the name of the State of Maine to notify and warn the inhabitants of the Town of Harpswell qualified to vote in Town affairs to assemble at Harpswell Islands School, Route 24, Harpswell, Maine on Saturday the tenth day of March, 2001 at 9 o'clock in the forenoon of said day to act on Articles 1 through 3.

The business meeting to act on Article 4 and others that follow will begin at twelve o'clock noon.

Art. 1 – To choose a Moderator to preside at said meeting.

(POLLS WILL OPEN AS SOON AS ARTICLE ONE HAS BEEN ACTED UPON AND WILL CLOSE AT 5:00 P.M.)

Art. 2 – To choose by secret ballot one Selectman, who shall be an Assessor and Overseer of the Poor, for a three-year term; Town Clerk, Tax Collector and Treasurer, all for one-year terms; one M.S.A.D. #75 Director for a three-year term and one M.S.A.D. #75 Director for a one-year term.

Art. 3 – To vote by secret ballot on the following Referendum Question:

Shall the Town vote to raise and appropriate the sum of \$64,900 to continue the current relationship with Curtis Memorial Library in Brunswick?

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 4 – To see if the Town will vote to fix October 15, 2001 as the date when taxes shall be due and payable, and to see if the Town will vote to charge a 10% rate of interest on unpaid taxes after that date.

Recommended by Selectmen

Art. 5 – To see if the Town will vote to authorize the Tax Collector to accept payment of taxes not yet committed, as a service to our taxpayers. Any excess paid in over the amount finally committed shall be repaid without interest. (M.R.S.A. Title 36, § 506). (Excess payment of \$10.00 or less may be credited to 2002 taxes).

Recommended by Selectmen

Art. 6 – To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 6% for the period of assessment.

Recommended by Selectmen

Art. 7 – To see if the Town will vote to authorize and direct the Selectmen and Treasurer, at their discretion, to sell by sealed bid or public auction and to convey by quit-claim deed any real estate acquired from tax sources by the Town, or to convey the property to the prior owner upon payment in full of all taxes, interest and charges incurred by the Town. Selectmen reserve the right to reject any and all bids.

Recommended by Selectmen

Art. 8 – To see if the Town will vote to authorize the Selectmen to accept conditional and unconditional gifts of money and to disburse such funds to any purpose for which the Town has appropriated funds or for any purpose consistent with the Town of Harpswell Comprehensive Plan.

Recommended by Selectmen

Art. 9 – To see if the Town will vote to authorize the Selectmen to spend an amount not to exceed 3/12 of the budgeted amount in each budget category of the 2001 annual budget from January 1, 2002 to the 2002 Annual Town Meeting.

Recommended by Selectmen

Art.10 – To see if the Town will vote to raise and appropriate the sum of \$222,587 for Debt Service.

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 11 – To see if the Town will vote to ratify the action of the Board of Selectmen in charging to the general fund balance the amounts overdrawn in 2000 in the following accounts:

Legal Expenses	\$23,154
Town Office Design & Renovation	166
Road/Street Signs	107
Transfer Station Operations	4,967
Cumberland County Sheriff's	206
Harbormaster	899
Dock Storage, Ramp & Float Replacement	2,674
Emergency Management	25
Transfer Station Capital Project	<u>21,159</u>
	\$53,357

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 12 - To see if the Town will vote, subject to such terms and conditions as are in the best interests of the Town:

- (a) To authorize the Board of Selectmen to take all action necessary to accept a deed of transfer from the United States of America, acting by and through the Commanding Officer, Northern Division, Naval Facilities Engineering Command, for the Fuel Depot property, other than that property used for residential housing, including all incidental personal property located on or attached thereto; and**
- (b) To authorize the Board of Selectmen to enter into a Memorandum of Agreement with the United States of America, acting by and through the Commanding Officer, Northern Division, Naval Facilities Engineering Command, to transfer to the Town property currently utilized by the Navy for residential purposes. This transfer is expected to take place after the Navy completes its use of the property in September 2002; and**
- (c) To authorize the Board of Selectmen to enter into an agreement with the Maine Department of Environmental Protection and/or the United States of America, acting by and through the Department of Defense concerning certain limitations, for environmental reasons, on the re-use of the Fuel Depot property and concerning environmental monitoring on the property after the Town's acquisition.**

Note of Explanation: Any and all of these transactions may take place simultaneously or separately whenever Selectmen deem said agreements are in such form as is acceptable to and in the best interests of the Town of Harpswell and subsequent to a publicly-recorded discussion and vote of the Board of Selectmen.

Art. 13 – To see if the Town will vote to authorize the Board of Selectmen to enter into a long-term lease with David and Diane Moody for construction of a private wharf, within the limits of existing Town ordinances, at the end of Wood Landing Road; provided, the term of said lease shall not extend for more than twenty-five years; and, provided, further that the terms of said lease shall not inhibit reasonable pedestrian access from the terminus of Wood Landing Road down to the ocean; and, provided that said lease shall provide reasonable compensation to the Town in the form of an annual leasing fee.

GENERAL GOVERNMENT & OPERATIONS

Art. 14– To see if the Town will vote to raise and appropriate the sum of \$95,000 for the following elected officials’ salaries and travel allowances, and when the Selectmen fill a vacancy in any elected position, they are authorized to establish the annual payment, at their discretion, but in no case in an amount less than three-quarters of the amount in this Article. These are annual salary figures, which shall be prorated and effective from the time of election through December 31 of that year.

	Salary	Expense/Travel
Selectman, Chair	\$8,000	\$1,000
Selectman	7,500	1,000
Selectman	7,500	1,000
Tax Collector	32,000	1,000
Town Clerk	28,500	1,000
Treasurer	<u>6,000</u>	<u>500</u>
	\$89,500	\$5,500

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 15 – To see if the Town will vote to raise and appropriate the sum of \$296,450 for General Administration.

Administration	\$235,700
Assessing	<u>60,750</u>
	\$296,450

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 16 – To see if the Town will vote to raise and appropriate the sum of \$33,570 for the Tax Collector’s Office.

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 17 – To see if the Town will vote to raise and appropriate the sum of \$32,110 for the Town Clerk’s Office.

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 18 – To see if the Town will vote to raise and appropriate the sum of \$124,225 for Codes Enforcement.

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 19 – To see if the Town will vote to raise and appropriate the sum of \$150,666 for employee benefits.

Maine State Retirement	\$5,000
Health Insurance	82,000
Social Security/Medicare	51,000
Deferred Compensation	6,000
IAM Pension Fund	4,666
Short-term Disability	<u>2,000</u>
	\$150,666

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 20 – To see if the Town will vote to raise and appropriate the sum of \$35,000 for Risk Management (Insurance and Workers’ Compensation).

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 21 – To see if the Town will vote to raise and appropriate the sum of \$55,000 for legal expenses.

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 22 – To see if the Town will vote to raise and appropriate the sum of \$11,829 for memberships.

Maine Municipal Association	\$6,179
Greater Portland Council of Governments	5,250
Chamber of Commerce	<u>400</u>
	\$11,829

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 23 – To see if the Town will vote to raise and appropriate the sum of \$12,000 for public information.

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 24 – To see if the Town will vote to raise and appropriate the sum of \$8,000 for Town Boards/Committees’ expenses.

Recommended by Selectmen
Recommended by Budget Advisory Committee

Art. 25 – To see if the Town will vote to raise and appropriate the sum of \$48,395 for operations and maintenance of Town-owned buildings and properties, and the preservation of Town records.

Town Office Building	\$40,595
Old Town House	800
Town Dock	1,800
Orr’s Island Community Building	2,200
Preservation of Town Records	<u>3,000</u> <i>(This may be used as a match for state funds).</i>
	\$48,395

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 26 – To see if the Town will vote to raise and appropriate the sum of \$33,000 for a Town Planner.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 27 – To see if the Town will vote to raise and appropriate the sum of \$5,000 for technical assistance to review and update the Town’s Comprehensive Plan. This \$5,000 may be used as matching funds to apply for a Maine State Planning Office grant.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 28 – To see if the Town will vote to raise and appropriate the sum of \$5,000 for continuing operation of the Town’s Geographic Information Systems (GIS).

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

PUBLIC WORKS

Art. 29 – To see if the Town will vote to raise and appropriate \$543,726 for Public Works.

Snow Removal Contract	\$282,226
Road Maintenance (Paving)	237,000
Road Commissioner Wages	17,000 <i>(Not to exceed)</i>
Road Commissioner Travel	3,000
Road/Street Signs	<u>4,500</u>
	\$543,726

Note of Explanation: Payment of Road Commissioner wages will be at the rate of \$17 per hour, up to a maximum of 1,000 hours, subject to submission and approval of time sheets. Payment for travel will be \$250 per month to be paid at the end of each month; a log of mileage needs to be provided to the Town at regular intervals.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 30 – To see if the Town will vote to raise and appropriate the sum of \$295,817 for Strawberry Creek Recycling Center and Transfer Station operations and personnel.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

PROTECTION AND SAFETY

Art. 31 – To see if the Town will vote to raise and appropriate the sum of \$195,100 for Emergency Services.

Operating	\$100,000	(Split evenly among 3 departments)
Capital	65,000	(\$20,000 for CH, \$20,000 for OBI, \$25,000 for HN)
Training	12,000	(Split evenly among 3 departments)
ALS	5,000	
EMS Coordination	1,100	
Central Communication Maint.	1,000	
911 Phone Access	3,000	
Fire Warden	3,000	
Forest Fire Operations	2,000	
Emergency Management	<u>3,000</u>	
	\$195,100	

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 32 – To see if the Town will vote to raise and appropriate the sum of \$10,000 for Harpswell Neck Fire and Rescue for the purpose of paying stipends to volunteers.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 33 – To see if the Town will vote to authorize the amount of \$25,085 from general fund balance to correct a previous accounting transaction and restore said amount to the Orrs-Bailey Island Fire Department’s capital reserve account .

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 34 – To see if the Town will vote to raise and appropriate the sum of \$12,000 for the dry hydrant reserve account.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 35 – To see if the Town will vote to raise and appropriate the sum of \$185,841 for Law Enforcement services contracted with Cumberland County Sheriff’s Department.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 36 – To see if the Town will vote to raise and appropriate the sum of \$93,965 for Shellfish Conservation and boat operations.

Cumberland County Marine Patrol Contract	\$91,965
Boat Operations	<u>2,000</u>
	\$93,965

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 37 – To see if the Town will vote to raise and appropriate the sum of \$10,024 for Communications services with Cumberland County.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 38 – To see if the Town will vote to raise and appropriate the sum of \$11,000 for water quality testing, shoreline surveys, clam flat surveys and New Meadows River Watershed Project.

Water Quality Testing & Shoreline Surveys	\$7,000
Clam Flat Surveys	3,000
New Meadows River Watershed Project	<u>1,000</u>
	\$11,000

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 39 – To see if the Town will vote to raise and appropriate the sum of \$27,900 for Street Lighting.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 40 – To see if the Town will vote to raise and appropriate the sum of \$14,790 for Harbor Management.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 41 – To see if the Town will vote to raise and appropriate the sum of \$16,412 for Animal Control.

Animal Control	\$11,400
Coastal Humane Society	<u>5,012</u>
	\$16,412

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

HEALTH AND WELFARE

Art. 42 – To see if the Town will vote to raise and appropriate the sum of \$14,350 for Health and Welfare.

General Assistance	\$12,000
Health Officer	1,600
Flu Clinic	<u>750</u>
	\$14,350

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 43 – To see if the Town will vote to raise and appropriate the sum of \$27,425 for Health and Welfare Agencies.

CHAN	2,500
Jessie Albert Dental Clinic	2,500
Independence Association	3,000
CED	730
Coastal Transportation	3,000
55 Plus	4,286
Senior Spectrum	5,032
Hospice	1,300
Family Crisis Shelter	500
Sexual Assault Response	240
Tedford Shelter	900
Big Brothers/Big Sisters	500
Respite	600
Child Abuse Control	337
Hunger Prevention	<u>2,000</u>
	\$27,425

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

CULTURAL AND RECREATIONAL

Art. 44 – To see if the Town will vote to raise and appropriate the sum of \$34,100 for Cultural and Educational Programs.

Harpswell Community Broadcasting	\$18,000
Orr’s Island Library	10,000
Cundy’s Harbor Library	4,000
Harpswell Historical Society	500
Pejepscot Historical Society	500
Memorial Observances	<u>1,100</u>
	\$34,100

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 45 – To see if the Town will vote to raise and appropriate the sum of \$15,700 for Recreation, and authorize Selectmen and Treasurer to disburse funds received for recreational purposes and also to disburse revenue generated by advertising and concessions for the operating expenses of Trufant-Summerton Field.

*Recommended by Selectmen
\$14,700 Recommended by Budget Advisory Committee*

CAPITAL PLANS

Art. 46 – To see if the Town will vote to raise and appropriate the sum of \$156,660 to fund a current capital expense fund for year 2001.

Town Office Septic System Replacement	20,000
Harpswell Meeting House Repairs & Planning	17,360
Harpswell Meeting House Cemetery Restoration	8,000
Strawberry Creek Recycling & Transfer	59,000
Software Plan Phase II	18,000
Software Maintenance & Upgrade Fund	5,000
Fuel Depot Telephone & Cable Conduit	<u>29,300</u>
	\$156,660

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 47 – To see if the Town will vote to authorize a capital reserve account for the replacement of voting machines in the amount of \$8,000 to be funded from carry-over funds remaining in the 2000 Town Clerk’s Office budget.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 48 – To see if the Town will vote to authorize a long-term capital reserve account for road replacement in the amount of \$250,000 to be funded from general fund balance. Funds will only be expended on the basis of an overall ten-year plan submitted by the Road Commissioner to the Selectmen and then presented and approved in the warrant at the next Annual Town Meeting.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 49 – To see if the Town will vote to authorize the Selectmen to utilize \$255,000 from undesignated fund balance, \$234,715 from Municipal Revenue Sharing, and \$1,332,338 of current year non-property tax revenue to reduce the tax commitment.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

ORDINANCES

Art. 50 – Shall an ordinance entitled ‘Harpswell Shellfish Ordinance’ be amended as proposed?

Recommended by Selectmen

Deletions Additions

104.11 “Suspension” means the temporary withdrawal of a license or privilege to obtain a license through the Harpswell Town Office.

301.3 **Resident Recreational Shellfish License.** This license is available to residents of the Town and entitles the holder to dig, take, and possess no more than one peck of ~~shellfish~~ soft-shell clams and one peck of quahogs per tide, for personal use. This license is not available to, or valid for, holders of a State of Maine Shellfish License with the following exception: † The holder of a State of Maine Shellfish License signs an affidavit stating that the State License is used to harvest species other than soft-shell clams. Use of the recreational license obtained under this exception for the purposes of selling is a violation of this ordinance, and will result in an automatic one year suspension to hold a license from the date of conviction. ~~Exception: Any Harpswell resident or real estate owner of the Town who is age 65 or older is entitled to and may be issued a one time license for the lifetime of the license.~~

301.4 **Non-Resident Recreational License.** This license is available to non-residents and entitles the holder to dig, take, and possess no more than one peck of ~~shellfish~~ soft-shell clams and one peck of quahogs per tide, for personal use. This license is not available to, or valid for, holders of a State of Maine shellfish license with the following exception: † The holder of a State of Maine Shellfish License signs an affidavit stating the State License is used to harvest species other than soft-shell clams. Use of the recreational shellfish license obtained under this exception for the purposes of selling is a violation of this ordinance, and will result in an automatic one year suspension to hold a license from the date of conviction.

301.5 **Lifetime Recreational License.** Any Harpswell Resident or Harpswell real estate owner who is age 65 or older may be issued a one-time license for the lifetime of the licensee. A licensee under this section is entitled to dig, take, and possess no more than one peck of soft-shell clams and one peck of quahogs per tide, for personal use.

305. **Application.** *(3rd paragraph)* The completed application will be reviewed by the Shellfish Conservation Warden(s) for accuracy and the applicant shall be notified by first class and certified mail of any discrepancies found. The applicant will have 10 business days from receipt of notice to respond to any discrepancies that may have been found. After midnight of the 10th day, if the applicant does not respond to a Shellfish Conservation Warden in writing regarding the notice received, the application will not be considered be deemed denied. If the license has already been issued before such discrepancy is found, the Selectmen shall suspend or revoke the license upon notice and a hearing shall be held only if requested by the licensee, until the discrepancy is resolved. If the discrepancy is not resolved in the licensee’s favor, the license may be revoked pursuant to section 311.

Sec. 310 Suspension.

- 310.1 In the event any Shellfish Licensee has two ~~convictions~~ adjudications for a violations of this Ordinance within a thirty-six month period, the licensee shall receive a notice of suspension of the license for thirty (30) days from the ~~Marine Resource Committee~~ Board of Selectmen or its designee. If the licensee has two adjudications of any municipal shellfish ordinance concerning closed area or harvesting without a license within a thirty-six month period the license shall be suspended, upon notice and hearing, for 30 days, and a hearing shall be held only if requested by the licensee. Any subsequent ~~conviction~~ adjudications will result in a notice of suspension of the license for ninety (90) days. Exception: Licensee may not be suspended or revoked for adjudications of sections 306 or 307.5 of this ordinance.
- 310.2 A recreational licensee whose Shellfish License has been suspended or revoked pursuant to this Ordinance may reapply for a recreational license only after the suspension or revocation period has expired.
- 310.3 The ~~Marine Resources Committee~~ Board of Selectmen or its designee shall send a notice of suspension via first class and certified mail to the licensee upon learning that the License Holder's State of Maine Department of Marine Resources License is suspended. This municipal license suspension shall remain in effect until such time as the License Holder's State of Maine Department of Marine Resources License is reinstated.
- 310.4 The notice of suspension or revocation shall be sent to the licensee's last known address as recorded at the Town Clerk's office. ~~time of issuance of the Town's shellfish license, and.~~ The suspension or revocation shall become effective if the appeal period ~~in subsection 311.5~~ as indicated in section 310.5 of this ordinance expires or after the Board of Selectmen's decision upholding the suspension or revocation is announced, ~~whichever is applicable.~~ If the Licensee does not sign for the certified mail notice, the Board of Selectmen may appoint a Law Enforcement Officer to serve a copy of the notice on the licensee.
- 310.5 Any licensee who receives a ~~notice~~ notification of a suspension or revocation pursuant to this Ordinance shall be entitled to a hearing before the ~~Municipal Officers~~ Board of Selectmen upon filing of a written Request for Hearing within seven (7) days of receipt of ~~notice~~ notification. ~~of suspension from the Marine Resource Committee.~~

Sec. 311 Revocation

- 311.1 Any License that has been suspended pursuant to this ordinance for at least 210 consecutive days, upon recommendation of the Marine Resource Committee, may be revoked by the Board of Selectmen. A license may also be revoked if it is discovered that the licensee has provided false information on the application. Licensee shall be notified pursuant to section 310.4, and may request a hearing before the Board of Selectmen as set forth in section 310.5.

Sec. 403 Method of Determining Shellfish Size Tolerance.

Sec. 407 Penalty

A person who violates this ordinance shall be punished as provided in Title 12 M.R.S.A. 6671.

Art. 51 – Shall the Definitions Addendum to the ordinances entitled ‘Town of Harpswell Site Plan Review Ordinance’ and ‘Town of Harpswell Subdivision Ordinance’ be amended as proposed?

[The Definitions Addendum is an attachment to this warrant].

Art. 52 – Shall an ordinance entitled ‘Town of Harpswell Basic Land Use Ordinance’ including the Definitions Addendum be amended as proposed?

[Copies of the text of the proposed ordinance are available at the Town Office.]

Art. 53 – Shall an ordinance entitled ‘Town of Harpswell Shoreland Zoning Ordinance’ including the Definitions Addendum be amended as proposed?

[Copies of the text of the proposed ordinance are available at the Town Office.]

Art. 54 – To see if the Town will vote to authorize the Board of Selectmen to accept anonymous gifts of (1) \$6,000 for the purpose of covering design fees and cost studies related to the rehabilitation of the Orr’s Island Community Building, in accordance with the donor’s intent and the Selectmen’s review and approval, and (2) new fencing for that property, valued at approximately \$12,000.

The Selectmen hereby give notice that the Registrar of Voters will be available at the Town Office during regular business hours for the entire week preceding said meeting to receive applications of persons claiming the right to vote at said meeting and to make corrections to the list of voters. Registrations will also be accepted at the meeting.

Given under our hand this second day of March, A.D. 2001.

Katherine Chatterjee

David I. Chipman

George H. Swallow
Selectmen, Town of Harpswell

