

Board of Selectmen's Meeting Minutes
February 17, 2011
Harpswell Town Office
Approved on March 3, 2011

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

Staff Present: Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Town Administrator

Call to Order and Pledge of Allegiance: The meeting was called to order at 5:30 p.m.

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

1. Adoption of the Agenda: Chairman Henderson stated the Board just received a response from the Abrahamson's attorney and moved, seconded by Selectman Wallace to adopt the agenda as amended by adding 8a. Consider Cedar Beach Articles; motion passed 3-0.

2. Public Comment: There was none.

3. Town Administrator's Report: Administrator Eiane reported the work session in Augusta regarding LD 69 – An Act to Restore the Historical Boundary Line between Harpswell and Brunswick went well. The Committee asked for additional information and Bob Howe, the Town's legislative lobbyist, developed responses with the Carrying Place Assembly. The major question was whether there is a solution that will give both Towns what they want. Harpswell's position began to develop to press for the restoration of the historic boundary along the high water in the Maquoit Bay area. Since Brunswick made the case to protect the flats, the consensus was to present Harpswell's position to restore the historic line but allow Brunswick to retain the current area for shellfish harvesting. Harpswell's Marine Resource Committee met on Monday, February 14, and voted 5-1 to support the concept. The concept was presented at Wednesday's workshop and was well received. Brunswick presented some information that appeared to be a bit much for some members. The Legislative Committee decided to table the issue and have the two towns work together and come back with an agreeable solution. Brunswick only formally heard of Harpswell's concept at the hearing on Wednesday. Administrator Eiane suggested the Board direct her to invite Brunswick to get together and keep the process moving forward. The Board concurred. Amy Haible encouraged the Board to be proactive and put a meeting date in the letter to Brunswick and consider who will sit at the negotiations table for Harpswell and suggested including Laddie Whidden and John Loyd from the Carrying Place Assembly. Chairman Henderson moved, seconded by Selectman Wallace to authorize the Town Administrator to write a letter to the Brunswick Town Manager and indicate the desire to meet and review the idea that the Harpswell Select Board endorses the concept that the "historic boundary be restored and Brunswick retain harvesting in the current area"; motion passed 3-0. Selectman Multer suggested for future planning, meetings would be best with one Selectman (Chairman Henderson) and not herself or Selectman Wallace so the planning meeting is not public. Chairman Henderson stated he spoke with Don Gerrish and Charlie Priest and that the meetings of the two towns and the process should be very open with a record of the discussions and the outcome and consensus. Administrator Eiane reported she received an invitation from the Superintendent of MSAD 75 to attend a meeting with the preliminary budget figures for the new fiscal year and she will be circulating the letter.

4. Selectmen's Announcements: None.

5. Consider Setting June 14, 2011 as a Special Town Meeting Re: Withdrawal Petition: Chairman Henderson stated that June 14 is convenient as there is a vote on the MSAD 75 budget. Chairman Henderson moved, seconded by Selectman Wallace to authorize a special Town Meeting on June 14 for the purpose of holding a referendum regarding the petition to withdraw from MSAD 75; motion passed 3-0.

6. Consider Mission Statement for West Harpswell School Re-Use Committee: The Board discussed changes to the proposed mission statement. Chairman Henderson moved, seconded by Selectman Wallace to establish the WHS Re-use Task Force with the mission statement (attached) as amended; motion passed 3-0

7. Review Property Tax Assistance Ordinance: Administrator Eiane stated the Board previously adopted the Ordinance and to bring it to Town Meeting but when the Board met with the Budget Advisory Committee, it was suggested to prorate the refund based on the State's refund. The change to the Ordinance includes making the refund equal to 50% of what the person receives from the State and increasing the maximum refund to \$800 from \$300. This Ordinance requires the taxes to be paid which the State does not require. Selectman Multer stated tying of the State refund program to the income tax process is being considered. Selectman Multer suggested a few changes. Chairman Henderson moved to place the Ordinance on the 2011 warrant as adjusted tonight; motion passed 3-0.

8. Final Review of 2011 Town Meeting Warrant for Town Report: Article 14 was presented to the Board. It allows the Board of Selectmen to enter into a multi-year lease with a business in the Marine Business District. The Board discussed what the number of years for a lease should be and Selectmen Multer requested information from other towns on what is an appropriate number of years for a lease. The Board decided to further review the number of years at the next meeting and to proceed to print for the Town Report without the number of years. Article 16 was presented which allows the Board of Selectmen to enter into a multi-year lease with a business for use of the water tower for locating telecommunications equipment and the Board agreed with proceeding with 20 years. Article 65 was presented to the Board. It gives the Selectmen the authority to carry over and assign fund balance accordingly. The Board currently has this authority but a GASB (Governmental Accounting Standards Board) change is requiring the legislative body to give the authority. Selectman Multer suggested a wording change to article 14 and the Board agreed.

8a: Consider Cedar Beach Articles: Chairman Henderson stated the Board received a letter from Attorney Abbondanza, the Abrahamson's attorney, minutes before tonight's meeting. The letter was in response to the Town's attorney letter explaining that the Board was considering three options for the Town Meeting warrant, one to place an article with the Abrahamson's amount of \$1,345,000; a second option is to place the Town's appraisal amount in an article for \$220,000 and the third option is to have Town Meeting authorize the Board to commence the initial process for eminent domain. The Town has made several attempts to make contact with the Abrahamson's attorney and finally after no response sent the letter. Today's letter offers an alternative to the Board's first option which now includes the Abrahamson's price of \$950,000 and other conditions such as completing the transaction by April 1, 2011 and having the Harpswell Heritage Land Trust administer the easement. The letter also includes an offer for \$750,000 for an easement over Cedar Beach Road and not for Cedar Beach itself. Chairman Henderson stated the Board needs to consider placing the \$950,000 offer before Town Meeting and also still consider the option of \$220,000 to include accepting donations to increase that amount and perhaps the eminent domain authorization. Selectman Multer stated there is a legal cost to the eminent domain option and she could not support it at this point and also doesn't understand the point to option two as Town Meeting can lower the first article amount. Chairman Henderson agreed that it could be left up to Town Meeting and that it would be important to inform voters that the article could be reduced and then it would be up to the Abrahamsons whether they accept or not. Selectman Multer stated the information regarding the Town's appraisal number and the Abrahamson's figure has to be made available to voters in an information handout. Chairman Henderson agreed that option one may be the way to proceed and then the Board could consider eminent domain later if the transaction is unable to be completed. Administrator Eiane expressed concern about meeting the Abrahamson's term of closing by April 1 as the Town attorney has said that is nearly impossible to achieve as Town Meeting is March 12. Selectman Multer stated she isn't concerned by the deadline because if Town Meeting approves a figure that the Abrahamsons accept then they will allow the closing to be later as long as it proceeds expeditiously. Administrator Eiane asked if the Board would wait to decide on the warrant article(s) and allow time to draft the wording for review at the March 3 meeting. The

Board agreed to wait and proceed with one formal article after reviewing the language. The Board also agreed to not make any recommendation on the article and to provide detailed information to the voters.

9. Acceptance of Donations for Heating Assistance and Food Cards: Chairman Henderson moved, seconded by Selectman Wallace to accept, with thanks, the \$200 in food cards from the Elijah Kellogg Church and \$100 from Selectman Multer for the heating program; motion passed 2-0 (Selectman Multer abstained).

10. Renewal Liquor License for Dolphin Marine, Inc., Map 17, Lot 34: Chairman Henderson moved, seconded by Selectman Wallace to approve the renewal liquor license for the Dolphin Marine, Inc.; motion passed 3-0.

11. Consider Second Request for Proposals for Weatherization Improvements to Town-owned Buildings: Administrator Eiane explained the Board previously authorized sending out a request for proposals for several energy efficient improvements to Town-owned buildings and only one response was received for the weatherization portion and it appeared to be high. Therefore, staff is proposing to send out another request for proposal for the weatherization work. Chairman Henderson moved, seconded by Selectman Multer to authorize the request for proposals with a return date of March 7; motion passed 3-0.

12. Consider Request for Proposals for Backhoe Tires at the Transfer Station: Selectman Multer made a few changes to the wording. Chairman Henderson moved, seconded by Selectman Multer to authorize the request for proposal as amended; motion passed 2-0 (Selectman Wallace abstained).

13. Other Business: The Board made some changes to the proposed Town Report dedication. Chairman Henderson moved, seconded by Selectman Multer to proceed with the dedication; motion passed 3-0.

14. Authorization of the Warrant: Selectman Multer moved, seconded by Chairman Henderson to authorize warrant #11 in the amount of \$1,454.52; motion passed 2-0 (Selectman Wallace abstained). Selectman Wallace moved, seconded by Selectman Multer to authorize warrant #12 in the amount of \$63,221.30 (including an overage in a sand delivery); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #13 in the amount of \$362,335 for a pumper for use by the Harpswell Neck Fire Dept; motion passed 3-0. Administrator Eiane asked Selectman Multer and Selectman Wallace to meet next week to finalize the lease agreement for the pumper; the Selectmen agreed as long as it is the only item and set February 24 at 4:30 as the meeting. Payroll warrant #7 in the amount of \$13,627.40 was noted for the record.

15. Public Comment: None.

16. Adjournment: The meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: West Harpswell School Re-Use Task Force Mission Statement
[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]