

Board of Selectmen's Meeting Minutes

March 24, 2011

Harpswell Town Office

Approved on April 7, 2011

Page 1 of 6

At 5:30 PM, Chairman Henderson moved to enter executive session pursuant to 1 M.R.S.A. Section 405(6)(e) to discuss with legal counsel its responsibilities regarding the proposed legislation LD 69, Selectman Multer seconded the motion and it passed 3-0.

The Board returned to open session at 5:50 p.m.

Selectmen Present: Elinor Multer, James S. Henderson, and Alison S. Hawkes

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

The meeting was video recorded and broadcast live on Harpswell Community Television.

1. Election of the Chair: Selectman Henderson moved, seconded by Selectman Hawkes to nominate Elinor Multer as chair; motion passed 2-0 (Chairman Multer abstained). Chairman Multer thanked Selectman Henderson for his service as Chairman and stated she has big shoes to fill.

2. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as printed; motion passed 3-0.

3. Administrative Matters: Administrator Eiane welcomed Selectman Hawkes and stated that staff is here to support her efforts. Administrator Eiane asked the Board to schedule a workshop regarding the 2011 capital road project with the Road Commissioner and Town engineers; the Board scheduled March 29 at 4:30 p.m. Selectman Henderson asked staff to mention to Department of Transportation the poor condition of the Mountain Road, from the bridge to Rt. 123. Administrator Eiane reviewed the proposed Property Tax Assistance Ordinance Application; the Board made minor changes and asked that the program be advertised in the bulletin, channel 14, on the website and in a tax insert. Administrator Eiane stated the Town Planner has been working with the State regarding a small expansion project on Eagle Island and it was determined there is no official zoning on the Island; therefore ordinance and map amendments are proposed for the June ballot. The Planning Board will hold a public hearing on April 20 and since Harpswell typically holds joint Planning Board and Selectmen hearings, the Board of Selectmen were invited. The issue will likely come back to the Board for a vote to place this item on the June 14 secret ballot. Administrator Eiane explained that the Town received an offer to hay Mitchell Field. Selectman Hawkes questioned the liability issues; Administrator Eiane responded the person would be required to have liability insurance. Chairman Multer expressed concern as to whether this proposal is for profit and if it complies with the Town's policies. Staff will look at the policies and procedures regarding such a proposal. Three purchase orders exceeding \$1,000 in value were reviewed and signed.

4. Public Comment: Donna Frisoli noted that the corner across from the property the Harpswell Heritage Land Trust just purchased is very dangerous due to melting and re-freezing. There have been several accidents and perhaps the Department of Transportation could look at that section as well.

5. Town Administrator's Report: Administrator Eiane asked Donna Frisoli, Channel 14 Station Manager, to come to the podium and be recognized for being an eco-maine award recipient. The Board of Selectmen nominated Ms. Frisoli for her work on the Recycling Center Manager's video, It's Easy, that has been recognized by the State Planning Office. Ms. Frisoli has also assisted a Girl Scout troop with its Earth Day badge and the students at Harpswell Islands School on a public service announcement promoting recycling.

Chairman Multer stated that Harpswell Community Television officials need to publicize this accomplishment on channel 14 as she knows Ms. Frisoli will not promote herself but it's a great accomplishment. Selectman Hawkes stated this event was the first time she had been to eco-maine and that she learned a lot, including that Donna Frisoli is held in high esteem with others that think outside the box. Ms. Frisoli thanked everyone and stated that the eco-maine facility was fascinating, especially the process for burning trash for energy. Administrator Eiane reported that last Friday she viewed a verbal presentation from Harpswell Oceanic Center, Inc. of an economic proposal at Mitchell Field. Subsequent to that meeting, Harpswell Oceanic Center submitted a letter to the Board requesting an executive session to review its proposal; the Town Attorney advised this would be an acceptable first time matter for executive session. Selectman Henderson stated that once a formal proposal is received, the Town's policy calls for the proposal to be sent to affiliated Town committees for comment. The Board set 1:00 p.m. on Wednesday, March 30, for an executive session meeting. Administrator Eiane reported that she, Chairman Multer and Rosalind Knight, Clerk, participated in the Meals on Wheels delivery day which is a beneficial community program. Administrator Eiane announced that Representative Olsen has organized a meet and greet session with the new Department of Marine Resources Commission, Norman Olsen, on April 4 at 6:00 p.m. at Harpswell Island School. Administrator Eiane announced that as a result of voters approving a County Charter, the County Commissioners will increase to 5; there are nominations papers available for anyone who wants to run. More information is available on the Town's website. Administrator Eiane reported that in response to the Town's letter regarding the delay in LIHEAP funding, Senator Susan Collins responded and stated that she has worked hard to keep that funding at the same level and that anyone who has had difficulty during the process is encouraged to call her office. Administrator Eiane reported there was a Pipeline Committee meeting yesterday and the Navy and Maine Department of Environment Protection attended. Everyone is hopeful that the easement on private property will be extinguished in the next couple of months as testing is completed and all appears to be satisfactory, with the exception of one property that appears to have had a jet fuel leak into the soil and the Navy is working with those owners directly. The Navy will hold a public information meeting in the next couple of months. Administrator Eiane announced that the Home Energy Marketplace event that was scheduled for April has been postponed until a fall timeframe, more information will follow.

6. Selectmen's Announcements: Selectman Hawkes thanked everyone for their support in electing her as Selectmen and she stated she looks forward to fulfilling the responsibilities. Chairman Multer announced the Team [representing Harpswell in meetings with Brunswick regarding the boundary line] is prepared to meet with Brunswick to review the proposed agreement on the boundary line matter. The Board authorized Administrator Eiane to set up a meeting with Brunswick.

7. Consent Agenda: 1) Adopt Policy on Treasurer's Disbursement Warrants for Employee Wages & Benefits; 2) Approval of the Minutes; and 3) Authorization of the Warrant: Chairman Multer moved, seconded by Selectman Henderson to adopt the consent agenda for items 1 and 3; motion passed 3-0. Selectman Henderson made minor amendments to the March 10 minutes and moved, seconded by Chairman Multer to adopt the revised minutes; motion passed 2-0 (Selectman Hawkes abstained).

8. Cedar Beach Update: Administrator Eiane stated that subsequent to Town Meeting, the Town received an email from the Abrahamsons indicating that the \$950,000 price for a public easement access to Cedar Beach Road and Cedar Beach is non-negotiable. Additionally, an advance of the Town Meeting approved amount of \$220,000 was requested; however the Town does not have authority to advance the funds. Since Town Meeting, members of the public have expressed interest in assisting with the acquisition of a public easement. Reed Coles, Harpswell Heritage Land Trust Executive Director, stated the Trust had a meeting last Thursday along with members of the public and the Bailey Island Association to explore the possibilities to assure the continued public access to Cedar Beach and Robinhood Beach. Mr. Coles stated he's not sure the efforts can be successful but the options will continue to be explored and he asked the Town to play a

role in the process. Administrator Eiane stated this proposal presents an opportunity for a public-private partnership. Town Meeting capped the Town's amount at \$220,000 but the warrant article allowed for gifts and grants as well. Mr. Coles stated the Town is in a better position to be the owner of the easement and manage the beach etc. Chairman Multer stated she received a call from a citizen wanting to raise funds on his own for this purpose and she referred him to the Trust. Chairman Multer asked Selectman Henderson to represent the Town along with Administrator Eiane or Marguerite Kelly at the meetings and monitor what role may develop for the Town. Selectman Henderson agreed. The next meeting is March 31 at 9:00 a.m. at the Harpswell Heritage Land Trust building. Selectman Hawkes asked if Cedar Beach was open or closed; Administrator Eiane responded the Abrahamsons indicated it would be closed. Selectman Henderson stated last year only Cedar Beach was blocked off, not the Road nor Robinhood Beach.

9. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for both January and February (attached).

10. Consider Adopting the Bond Resolutions for the \$800,000 Bond Bank Borrowing: Marguerite Kelly, Treasurer, reported the Maine Municipal Bond Bank approved the Town's application for \$800,000 for capital road improvements and is requiring the Bond Resolutions be adopted by the Board. Ms. Kelly reviewed the Resolutions. Chairman Multer moved, seconded by Selectman Henderson to adopt the Resolutions; motion passed 3-0.

11. Authorize Request for Proposals for Tax Anticipation Financing: Marguerite Kelly, Treasurer, explained that every year, the Town borrows money on a short-term basis to cover the Town's expenses from about May to September when the Town begins receiving tax revenue. Ms. Kelly requested the Board authorize her to send out requests for proposals to financial institutions for a tax anticipation note (TAN) up to \$3,000,000. Selectman Henderson asked if Ms. Kelly knew why there appears to be a large increase in the Town's borrowing starting in 2002; Ms. Kelly will check. Chairman Multer moved, seconded by Selectman Henderson to authorize the Treasurer to send requests for proposals for a TAN to not exceed three million; motion passed 3-0. Chairman Multer noted the Governor's proposal to change municipal revenue sharing from a formula to an appropriation was unanimously opposed in the legislative committee.

12. Accept \$20,000 State Planning Grant for Boat Ramp Study at Mitchell Field: Administrator Eiane stated that Jim Hays, Harbormaster, applied for a grant to fund a boat ramp feasibility study at Mitchell Field and the Town was awarded \$20,000. Since the Town has not approved an appropriation for such a purpose in the past, there was an article on the March 2011 Town Meeting that voters passed, allowing the Board to accept the grant. The Harbormaster and Planner will prepare a request for proposals for the Board's review. Chairman Multer moved, seconded by Selectman Henderson to accept the grant; motion passed 3-0.

13. Consider Contracts for Energy Efficiency Improvements to Town Owned Buildings: Deputy Administrator Sawyer stated the Town was awarded in 2010 a \$73,000 grant from the Midcoast Council of Governments (MCOG) for energy efficiency improvements with the assistance of John Monaghan, chair of the Town's Energy Committee, who has taken the lead on this project. Requests for proposals were sent out for specific improvements to the Town Office, Recycling Center and Harpswell Community Television building. Based on the responses, the Board agreed to proceed with Thayer Corp. for the heating and ventilation, lighting and plumbing at \$26,760, Wirenuts for the lighting at \$27,384 and to re-bid the weatherization portion. Due to the total project coming in under budget, Mr. Monaghan has recommended adding the HVAC alternate to the Thayer contract and to proceed with Insulation System's base bid and two additional options for weatherization. Based on the Board's prior approval and Mr. Monaghan's recent recommendations, staff prepared contracts with Thayer Corp. (\$30,030), Wirenuts (\$27,384) and Insulation Systems (\$6,445) (for weatherization). Jason Bird from MCOG will attend a meeting with the contractors to

review the contract attachments, required due to the federal funding. Selectman Henderson moved, seconded by Chairman Multer to approve the contracts as presented; motion passed 3-0.

14. Consider Memorandum of Understanding: Federal Emergency Management Agency (FEMA):

Robert Gerber, Town's consultant, reviewed FEMA's earlier proposal to modernize the Flood Insurance Rate Maps for municipalities in Cumberland County. Several municipalities appealed and enlisted the assistance of the Congressional Delegation, which led to FEMA withdrawing the proposals. Instead, FEMA has proposed a new program, RISK MAP. In this Program, FEMA will help identify the risks, explain mitigation, offer other assistance, conduct more public outreach and produce better maps. To participate, FEMA asked towns to enter into Memorandum of Understandings (MOU). Mr. Gerber used a model MOU from FEMA and then flushed out specific needs for Harpswell and detailed those issues and needs in the MOU, including the need for additional transects. Mr. Gerber reviewed the MOU with the Board. This RISK MAP Program is contingent upon federal funding. Mr. Gerber stated that in FEMA's map proposals, Harpswell had the greatest differences in wave height run ups compared to Mr. Gerber's study. FEMA has agreed to use Mr. Gerber's methodology in this new process. Agreeing to a MOU doesn't prevent municipalities from appealing or withdrawing at any time. Mr. Gerber stated he could provide the information required from Harpswell in the MOU to FEMA. This new Program also allows municipalities to improve community ratings which results in lower insurance premiums. Mr. Gerber recommended if the Board approves this MOU, to send the draft with a cover letter to FEMA since the MOU is still subject to FEMA's review and funding. Chairman Multer moved, seconded by Selectman Hawkes to forward the MOU and a letter indicating the Board's approval of the MOU to FEMA; motion passed 3-0.

15. Consider Request for Use of Mitchell Field by Harpswell Festival: Selectman Hawkes is on the Harpswell Festival Committee and recused herself from the discussion. Deputy Administrator Sawyer stated the Town received an application from the Harpswell Festival, Inc. on March 4 for its annual community event on Saturday, July 23. The application is consistent with past year's applications and the Festival is proposing to partner with the Harpswell Shindig this year again, similar to last. Chairman Multer stated she spoke with Tom Allen, of Harpswell Festival, Inc., and asked if there was a legal partnership between the Festival and Shindig and he responded no. Chairman Multer moved, seconded by Selectman Henderson to approve the application submitted by Harpswell Festival, Inc. for the Use of Mitchell Field for a community event on Saturday, July 23; agree to sponsor the event; waive 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 agree to allow: amplification of sound as described in the application, the use of motorized vehicles and use of the pier for fireworks; and that Harpswell Festival, Inc. will be responsible for monitoring shorefront activity and for preventing unauthorized access to the pier; motion passed 2-0 (Selectman Hawkes abstained). Selectman Hawkes questioned the situation with the insurance coverage. Administrator Eiane explained that Tom Allen attended a meeting with her, Deputy Administrator and the Town's insurance representative and was advised that while the Town sponsors the event and will likely be the lead defender in a liability suit, it does not preclude the Festival from being sued. Mr. Allen was going to consider the options and perhaps obtain a general liability policy for the Festival as well.

16. Consider Scheduling VOANNE Re: Senior Housing in the West Harpswell School Building:

Administrator Eiane stated that Selectman Hawkes provided an email received from Volunteers of America Northern New England (VOANNE) regarding senior housing opportunities in Harpswell. VOANNE has offered to come and talk to the Town regarding possibilities at the West Harpswell School building. Chairman Multer agreed to have them come to a future Selectmen's Meeting. Selectman Henderson stated he believed the better forum is the West Harpswell School Re-Use Task Force since its mission is to develop possible ideas of reuse and then refer the information to the Board. The Board discussed how other committees may be interested as well, such as the Affordable Housing Committee and whether the Board of

Selectmen should co-sponsor the forum with the Task Force. The Board agreed to refer VOANNE to the Task Force and that the Board be notified of the meeting date.

17. Committees

- **Appointments to the West Harpswell School Re-Use Task Force:** Chairman Multer moved, seconded by Selectman Hawkes to appoint Kara Douglas and Elizabeth Davis to the West Harpswell School Re-Use Task Force; motion passed 3-0. Selectman Henderson suggested that maybe a participant in the 2009 Facilities report could be contacted to join the Re-Use Task Force. Chairman Multer stated she hoped the Task Force will consider the geography of the building and whether that is a deterrent as well as the cost to the Town for maintenance of the building. Selectman Henderson added that the concept of mixed uses should be looked at and whether various uses would interfere with one another. Selectman Hawkes questioned whether the playground remains with any proposal. Elizabeth Davis responded the play space was funded by Parent Teacher Organization and installed by volunteers and doesn't belong to SAD 75. If the play equipment is moved, it voids the warranty. Administrator Eiane stated that since the equipment is on school district property, she's not sure who owns it. Administrator Eiane reported that a letter was received today from MSAD 75 stating that the West Harpswell School property is being offered formally to the Town. Chairman Multer asked to be the liaison to the West Harpswell School Re-Use Task Force.
- **Revise Education Advisory Committee Mission Statement to Include Withdrawal:** Selectman Henderson proposed an amendment to the Education Advisory Committee's mission statement to allow it to pursue information relating to other forms of education besides belonging to an MSAD. Selectman Henderson stated the 4-member Committee is enthusiastic and motivated to pull together information for the public before a vote to withdraw. Chairman Multer stated she has issues with this proposal as 80% of the proposed activities belong with a withdrawal committee if so voted by the Town. Chairman Multer stated it was appropriate to seek general information regarding education alternatives from the Department of Education but not to meet with other towns and explore topics that would be the purview of a withdrawal committee. Selectman Henderson indicated that communication with other towns would lay out the problems and pluses with each scenario. Information should be available for the first vote so a voter can decide whether it's feasible to explore withdrawal. Chairman Multer stated all the detailed information comes later. Selectman Hawkes stated she is concerned with adding language about withdrawal before the Town votes. Additionally, the volunteers signed up for this Committee with a certain mission and now it's being changed. Selectman Henderson stated he believes there must be information available about the options at the time of the first vote on whether to form a withdrawal committee or not. Chairman Multer suggested alternative language to amend the mission to allow the Committee to solicit information in person or by other means from the Department of Education (DOE) as to the legal framework of various alternatives if it [Harpswell] chooses to withdraw from SAD 75. Selectman Henderson asked if the Committee could also prepare a list of questions that the public may ask. Chairman Multer responded yes she could accept that. Administrator Eiane clarified that staff will contact any outside entity for a committee and that committees do not contact directly. Chairman Multer moved, seconded by Selectman Henderson to approve an amendment to the Education Advisory Committee mission that allows the group to solicit information in person or otherwise from the DOE as to the legal framework of various alternatives if Harpswell chooses to withdraw from SAD 75; motion passed 2-1 (Selectman Hawkes opposed).
- **Call for Committee Volunteers:** The Board made a general call for volunteers for boards and committees. The Board agreed the Town saves so much money through the quality of work performed by its volunteers.
- **Resignation:** Chairman Multer moved, seconded by Selectman Henderson to accept with regrets and with thanks Louise Huntington's resignation from the Comprehensive Plan Implementation Committee; motion passed 3-0.

18. Consider Administrative Staff Re-Structuring Plan: Administrator Eiane stated the Town's receptionist retired in 2010 and the position was temporarily filled between the existing office assistant and existing planning assistant. The re-structuring was anticipated during the 2011 budget process and the budget was prepared with the office assistant covering the front desk for 24 hours a week and increasing the planning assistant's hours for front desk coverage to 13.5 hours a week, making the planning assistant eligible for benefits. This proposal saves about \$10,000/year before the addition of health insurance for the planning assistant. Chairman Multer stated she was pleased to increase an existing employee's status. Chairman Multer moved, seconded by Selectman Hawkes to implement the plan; motion passed 3-0.

19. Consider Cumberland County Contracts for Law Enforcement and Marine Patrol: Chairman Multer moved, seconded by Selectman Henderson to sign the Cumberland County law enforcement contract for \$290,779.89 effective April 1 to March 31, 2012; motion passed 3-0. Chairman Multer moved, seconded by Selectman Henderson to sign the Cumberland County marine patrol contract for \$169,578.13 effective April 1 to March 31, 2012; motion passed 3-0.

20. Reconsideration of Liquor License for Estes Lobster House, Map 18, Lot 108: Deputy Administrator Sawyer explained the Board approved what was thought to be a renewal liquor license for Estes Lobster House at the last meeting. Since then, staff was informed by the State Liquor Licensing & Inspection Division that the application is considered new since Estes' owner did not hold a license under his name for the past two years. The application was returned to the applicant explaining the need for a public hearing and requesting the application be completed and re-submitted. Deputy Administrator Sawyer asked the Board to reconsider its prior approval. Selectman Henderson made a motion to reconsider the Estes Lobster House liquor license approval; motion passed 3-0. Selectman Henderson made a motion to deny the application signed February 28, 2011 based on new information; motion passed 3-0.

21. Other Business: There was none.

22. Public Comment: There was none.

23. Adjournment: The meeting was adjourned at 9:27 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Revised Education Advisory Mission Statement
Treasurer's Report
Bond Resolutions

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