

**Board of Selectmen's Meeting Minutes**  
**January 17, 2012**  
**Harpswell Town Office**  
Approved on January 26, 2012

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

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

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

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

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

**2. Public Comment:** Linda Hall stated it would be more convenient for the public if the Recycling Center could be open one a day a week later than 4:30 p.m. and perhaps as an offset, open later in that same day. Chairman Multer suggested passing the comment on to the Recycling Center Manager.

**3. Town Administrator's Report:** Administrator Eiane stated the property owner abutting the public's access off Hildreth Road (via Gravel Pit road) expressed concerns about the proposed Letter Agreement with the Town. The property owner is concerned about liability issues that may be associated with someone damaging their vehicle on the boulders, proposed to demarcate the property line. Administrator Eiane reported that staff will further review the options, including possibly locating the boulders on another property and asked if the Board would like to schedule a site visit; the Board agreed to do so. Selectman Henderson asked for input from the Town Attorney if the liability issues would become the responsibility of the Town if the Town leased the area in question for placement of the boulders. Selectman Hawkes asked why the property Agreement would not transfer to future property owners; Administrator Eiane responded the current property owner did not want potential future owners to be limited. Deputy Administrator Sawyer noted the Town may also benefit by not being bound to future owners in case it decides to pursue a prescriptive easement case. Administrator Eiane stated the annual audit began today and she thanked Deputy Administrator Sawyer and Treasurer Marguerite Kelly for their hard work in preparing for the process.

**4. Selectmen's Announcements:** Selectman Hawkes stated she has received numerous calls regarding the quality of Goodall Landscaping's winter road maintenance for the Town. She shares in the expressed concerns and stated the Board and staff are working closely with Goodall to resolve the issues. Selectman Hawkes encouraged people to call the Town Office with any concerns.

**5. Consent Agenda: 1) Approval of the minutes; 2) Contract with Bowdoin College for Family Swim:** Selectman Henderson moved, seconded by Selectman Hawkes to adopt the consent agenda; motion passed 2-0. (Chairman Multer abstained).

**6. Wharf Applications**

- **James Merryman, Map 17, Lot 133, 242 Ash Point Road:** Bill Wells, Code Enforcement Officer, stated this proposal includes reconstructing and reconfiguring an existing system. The hearing was opened at 6:17 p.m. Deputy Administrator Sawyer noted the Code Assistant stated there may be an outstanding issue with the applicant's evidence to right, title or interest and asked for clarification. Mr. Wells responded there is no issue with right, title or interest. Selectman Henderson asked if the public could pass under the proposed reconstructed wharf for fishing, fowling or navigating. Mr. Merryman responded the area is not very desirable but that it was possible to pass. Selectman Henderson moved, seconded by Chairman Multer to approve the application and cited the findings for the Notice of Decision; motion passed 3-0. The hearing was closed at 6:25 p.m.

- **Anne & Armand Bouchard, Map 47, Lot 161, 457 Tondreau Point Road:** Mr. Wells stated this proposal was to reconstruct and reconfigure an existing system and that the proposed structure does not protrude further seaward. The hearing was opened at 6:25 p.m. Selectman Henderson moved, seconded by Chairman Multer to approve the application of the Trustees and cited the findings for the Notice of Decision; motion passed 3-0. The hearing was closed at 6:27 p.m.

Selectman Hawkes asked if the wharf procedure could be amended to require obtaining input from the Marine Resources Committee. Mr. Wells stated each Committee member receives notice of the wharf hearing and location and that with the exception of one member for a short time, no other member has attended the hearings or provided input. Selectman Hawkes suggested requiring a sign off sheet from the Committee, once they are able to meet. Chairman Multer and Selectman Henderson agreed not to delay the process as any individual member could express a concern. Selectman Hawkes asked how will the Board know when enough wharves have been constructed? Selectman Henderson noted past Board's have discussed this issue and he believes property owners have a right to construct wharves. The Board agreed to have administration send a letter to the Marine Resources Committee encouraging input on each proposed wharf system.

**7. Consider Community Development Block Grant (CDBG) Applications:** Carol Tukey, Planner, requested approval to submit the general CDBG application for the demolition of the houses and sentry building at Mitchell Field and for the Board to select one of the three concepts to prepare for the planning grant application. The Board discussed the demolition grant and suggested some changes including stating that if the grant is not approved, the Town may divert funds from other sources for this purpose. Chairman Multer moved, seconded by Selectman Hawkes to approve the demolition application with modifications; motion passed 3-0. The Board discussed the three planning grant concepts: Needs Assessment for Senior and Workforce Housing; Comprehensive Assessment for Mitchell field Pier; and Economic Development Plan. There was a discussion regarding the different concepts. Chairman Multer moved, seconded by Selectman Hawkes to approve the economic development concept for preparation into a planning grant application for review at the next meeting; motion passed 3-0. Selectman Henderson asked for information regarding how much in total Harpswell businesses pay either in commercial property tax or personal property.

**8. Consider Consumer Fireworks Ordinance Options:** Administrator Eiane stated for the Board's review, there is a proposed ordinance to prohibit the sale of fireworks, one to prohibit the use and one comprehensive that prohibits both. Selectman Hawkes agreed with prohibiting sale but not use. Selectman Henderson suggested including all three ordinances on Town Meeting warrant. If the comprehensive ordinance fails, each of the others could be considered. If the comprehensive ordinance is approved, the other two would be passed over. . Chairman Multer moved, seconded by Selectman Henderson to place all three ordinances on the warrant for Town Meeting [on the floor]; motion passed 3-0. The Board discussed specifically allowing the use of sparklers and restricting use of other consumer fireworks to the days around July 4 and December 31 rather than total prohibition, similarly to the Town of Cumberland. Staff will make the revisions for a future meeting.

**9. Secret Ballot Items: West Harpswell School Non-Binding Referendum:** Chairman Multer reviewed her proposed non-binding ballot with use options and suggested that in addition to the ballot, there be a page 2 for comments that are placed in a separate ballot box. Selectman Henderson asked if ranking would be possible through our ballot machines. Linda Hall agreed ranking and getting the information out to the public regarding each option is important. Robert McIntyre suggested mentioning the conditions that may be associated with selling the property and that the possibility of a charter school at the building is a more feasible option than a business center. Mr. McIntyre noted that home schooling is becoming very popular and could be a good use. Selectman Henderson stated he would make a few changes and the Board will meet Thursday at 6:00 p.m. to finalize this item.

**10. Accept Donations for Harpswell Heating Assistance:** Chairman Multer moved, seconded by Selectman Hawkes to accept \$2,650 in donations for the Harpswell Heating Assistance program; motion passed 3-0.

**11. Nomination for Eco-Excellence Award:** Fred Cantu, Recycling Center Manager, has recommended the Board nominate Abigail Svenson, teacher at Harpswell Community School, for this award for her work with the students regarding recycling and energy conservation. Chairman Multer moved, seconded by Selectman Hawkes to nominate Ms. Svenson; motion passed 3-0.

**12. Consider Interim Appointment:** Chairman Multer moved, seconded by Selectman Hawkes to appoint Jason Marshall as an Alternate Code Enforcement Officer for the week of January 23 at an increased compensation level; motion passed 3-0.

**13. Other Business: 2011 Carryover List:** Administrator Eiane stated an additional invoice for consulting on the Federal Emergency Management Agency mapping project was received which reduced the previously approved (on 1/13/12) carryover amount to \$4,186.18. Additionally, due to rounding, the contingency carryover was reduced to \$48,776. Chairman Multer moved, seconded by Selectman Hawkes to approve the updated figures; motion passed 3-0.

**14. Public Comment:** None.

**15. Adjournment:** The meeting was unanimously adjourned at 7:53 p.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](mailto:harpswell@town.harpswell.me.us)]