

**Board of Selectmen's Meeting Minutes**

**February 7, 2013**

**Harpswell Town Office**

**Approved on February 14, 2013**

**Page 1 of 4**

At 5:00 pm, the Board entered executive session pursuant to 1 M.R.S.A. § 405(6)(C) re: Cedar Beach.

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:15 p.m.

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

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Carol Eyerman, Planner; and Jim Hays, Harbormaster

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

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as amended by moving item 16 to 13.5; motion passed 3-0.

**2. Public Comment:** There was none.

Chairman Multer asked her colleagues when the Board wanted to further discuss the matter of marine patrol services. The Board agreed to place the matter on the February 14 meeting agenda.

**3. Town Administrator's Report:** Administrator Eiane reported the Town received an invitation to attend a Federal Emergency Management Agency meeting on Monday regarding digitizing the flood maps. Several staff and Bob Gerber, Town's consultant, will attend the meeting and report back to the Board. Administrator Eiane announced the Town will hold a third economic development forum on February 11 at 6:30 p.m. at the Town Office. Public participation and feedback is welcome. Administrator Eiane stated a major winter storm is coming and she encouraged everyone to stay off roads if possible and to check on your neighbors. Administrator Eiane stated the Town staff members contribute \$1 to a fund to wear jeans on Friday and was able to donate \$250 to the Coastal Humane Society and \$250 to the Midcoast Hunger Prevention, specifically for pet food, for 2012. Administrator Eiane announced absentee ballots relating to the March 9 Town Meeting are now available at the Clerk's Office for certain elected positions and the annual appropriation for the Curtis Memorial Library. Ballots will be available until March 6.

**4. Selectmen's Announcements:** Selectman Henderson stated he received a call from a taxpayer who disposed of material at the Transfer Station and was upset by the total cost of \$312. Selectman Henderson explained the fees and costs to the Town to the taxpayer. Selectman Henderson suggested that Transfer Station personnel could inform users that the cost may be high depending on the material. Additionally, the taxpayer believes he is being overtaxed on his property tax bill and Selectman Henderson encouraged taxpayers to ask questions of the Town to completely understand what is being taxed. The Budget Advisory Committee will be reviewing all fees and making recommendations for changes. Administrator Eiane noted that the public and staff are able to remove items from the Transfer Station by signing out the material, including wood that can be used for firewood. Deputy Administrator Sawyer stated the concerned taxpayer spoke with her after disposing of his material and he submitted a letter that she provided to the Board. The material disposed of was tree trunks and the Transfer Station attendant informed the user prior to disposal that it would be costly due to the weight of the material. A total of 5,200 pounds was disposed of.

**5. Consent Agenda: 1) Approval of the Minutes; 2) Appointments; 3) Accept Heating Assistance Donation:** Chairman Multer moved, seconded by Selectman Hawkes to approve the consent agenda [January 24, 29 and 31 minutes; appointments of Frank Hilton as Fire Chief of Harpswell Neck and Edward Blain Fire Chief of Orr's/Bailey Islands Fire Department and both to the Town's Fire and Rescue Committee; heating assistance donation of \$100 from Richard and Helen Regan]; motion passed 3-0.

**6. Update on Borrowings:** Marguerite Kelly, Treasurer, stated the Board authorized her to submit applications to the Bond Bank for borrowing up to 3 million dollars. Additionally, the Board asked her to investigate the Town issuing bonds on its own or borrowing from a bank. Ms. Kelly stated that after speaking with the Bond Bank, the Town's depository bank and a financial advisor, it is difficult to determine if the Town will save any money on borrowing on its own without actually doing it. If the Town were to issue its own bonds, it would have to hire a financial advisor. Ms. Kelly suggested proceeding with the 1 million dollar borrowing from the Bond Bank as Town Meeting authorized an article that specifically outlined the 1 million dollars will be used for the road projects and therefore, the cost for a financial advisor could not be included in that borrowing. The Town could send out requests for proposals to banks and in four weeks would know a rate to compare to the Bond Bank. For the 2 million dollar borrowing, there is time to include the \$30-40,000 fee for the financial advisor. The financial advisor Ms. Kelly spoke with believes the Town may get a AA rating. Most of the Town's borrowings are tax exempt and if the pier is rehabilitated for a for-profit use, the borrowing would need to be taxable. It could start as tax exempt but then depending on the future use of the pier, may need to be converted to taxable (about 1.5-2 percentage points higher). The Town bond counsel's preliminary review has determined the pier borrowing would be tax exempt at this time. The Board agreed to consider borrowing for the 2 million on our own once the cost estimate is more firm. Ms. Kelly noted the Bond Bank application is pending town Meeting approval and can be withdrawn at any time. Also Ms. Kelly will check with the Town's bank to see if she can obtain an informal rate for the 1 million borrowing to compare to the Bond Bank.

**7. Consider Offer for Acquiring ½ Interest of Map 42, Lot 6:** Deputy Administrator Sawyer stated the Town received an offer in writing from a property owner who owns a ½ interest in tax map 42, lot 6, and the Town owns the remaining ½ interest. The offer is to transfer her ½ ownership to the Town for reimbursement of taxes she has paid on the property totaling about \$3,317.07. The Town currently owns the properties on both sides of this lot and while the lot may be zoned Resource Protection, owning all three lots would provide opportunities. The property is assessed at \$53,600. Chairman Multer moved, seconded by Selectman Henderson to bring this offer to Town Meeting; motion passed 3-0.

## **8. Wharf Applications**

- **Orr's Island Fuehrer Family Trust, 4 Aldrich Road, Orr's Island, Map 35, Lot 11:** Bill Wells, Code Enforcement Officer, reviewed the proposal to repair/rebuild an existing pressure treated wood 5.5'x40' access ramp and 5.5'x100' pier (employing a replacement aluminum 4'x40' access ramp and a 4'x100' pier), remove one rock-filled crib and relocate a second rock-filled crib; and extend ramp by 10' to 3'x40'. The hearing was opened at 6:55 p.m. Mr. Leblanc, applicant's representative, stated the owner plans to reuse as much material as possible from the crib that is being removed and the one being relocated and will use new pressure treated wood treated with CCA, as needed for the cribwork. Selectman Henderson asked what the height is under the access ramp and beginning of the pier; Mr. Leblanc responded 8-feet which is high enough for the public to pass under. The hearing was closed at 7:02 p.m. Selectman Henderson moved, seconded by Chairman Multer to approve the application and cited the findings of fact for the Notice of Decision; motion passed 3-0. After the discussion of the Kalmanash application, Deputy Administrator Sawyer asked if Selectman Henderson intended for her to strike out the language in the Notice of Decision regarding CCA. Selectman Henderson moved, seconded by Chairman Multer to reconsider the Fuehrer application; motion passed 3-0. Selectman Henderson moved, seconded by Chairman Multer to approve the application and cited the findings of fact for the Notice of Decision (including the CCA notation); motion passed 3-0.
- **Andrew and Angela Kalmanash, 24 Brittany Lane, Harpswell, Map 51, Lot 131:** Bill Wells, Code Enforcement Officer, reviewed the proposal to construct a 6'x80' pressure treated wood pier with batter pilings, 3'x50' aluminum ramp, 10'x20' PT wood float, 8'x40' PT wood timber frame float haulout and 4'x10' PT wood stairs off pier. Selectman Henderson stated at a past meeting that Mr. Wells indicated he would have applicants provide information as to characteristics of the pressure treated wood proposed to be used in the construction of each system. Mr. Wells stated Mr. Leblanc can address that issue for this

proposal and future applications will contain the information. Selectman Henderson stated one of the documents circulated, regarding the pressure treated wood issue listed the best management practices to use in relation to pressure treated wood. Mr. Leblanc indicated the upper pier will be ACQ treated wood and the pilings will be CCA. Mr. Leblanc stated he will include in the application narrative which material will be used in the construction. The hearing was opened and closed at 7:13 p.m. Selectman Henderson moved, seconded by Chairman Multer, to approve the application and cited the findings of fact for the Notice of Decision; motion passed 3-0.

**10. Request for Use of Economic Development Funds:** John Halpin, Vice President of the Harpswell Business Association (HBA), asked the Board to authorize two expenditures – one for a poster to be located at the Brunswick Train Station and another to co-sponsor a Southern Maine Midcoast Chamber “after hours” event in Harpswell. Selectman Hawkes stated she would like to see the proposed poster design for Harpswell. Mr. Halpin agreed and stated the Board will be involved in the approval process. Gail Kass, Marketing Chair of the HBA, handed out the current brochure for Harpswell that has an aerial of Mackerel Cove and stated the poster would be similar to the brochure cover. Mr. Halpin stated the HBA will pay for the production of the poster and the first sponsorship for the event and asked the Town to cover the poster space fee of \$600 and a second sponsor fee for the event of \$150. Selectman Henderson disclosed he is a member of the HBA. Chairman Multer moved, seconded by Selectman Hawkes to authorize the Town to spend \$750 for the proposal outlined; motion passed 3-0.

**9. Ordinance Amendments:** Carol Eyerman, Planner, stated the Planning Board held a hearing on the following ordinances: Shoreland Zoning and Map, Basic Land Use, two Definitions Addendums, and Subdivision and there are six possible warrant articles. Ms. Eyerman reviewed the proposals and will follow up on the amendment relating to stairs for shoreline access. C. Matthew Rich stated the changes he suggested have not been incorporated and asked the Board not to put these amendments before Town Meeting as they are not ready. Selectman Henderson responded to one of Mr. Rich’s comments regarding the use of the assessed value of a structure in the Shoreland Zoning Ordinance and stated that change was made several years ago and as he understood it, market value was too ambiguous.

- **Solid Waste:** Administrator Eiane stated the attorney reviewed the Solid Waste Ordinance to see if any changes were required to facilitate the operational change to single stream. The Attorney stated there were no changes required and suggested two changes to encourage recycling. The Board agreed to proceed with the suggested amendments and Chairman Multer made a few additional changes.

Deputy Administrator Sawyer reported the Harbor and Waterfront Committee submitted suggested changes to the Harbor and Waterfront Ordinance and Pott’s Point Dock Policy today. At the last meeting, the Board agreed to proceed with the ordinance amendments as previously outlined by the Harbormaster with removing the definition of a slip and exempting the Town from the parking requirements for docks in existence since January 1, 2013. The Committee has suggested alternative language, to the attorney’s suggested exemption in the parking section, that should be reviewed by the attorney and may affect others in addition to the Town. The Board was asked which version should be made available for the hearing. The Board discussed the changes and agreed to proceed with the Board’s version and the Committee’s suggestions can be discussed at the hearing on the 14<sup>th</sup>.

**11. Consider Lease with Cundy’s Harbor Fire and Rescue for New Pumper Tanker:** Removed.

**12. Set Start time for Business Portion of Annual Town Meeting:** Administrator Eiane reminded the Board that the Town has been advised that holding its Town Meeting at the same time as secret ballot voting is not a good practice. The Board agreed to set the start time for the Business Meeting as 10:00 a.m. Administrator Eiane said she would check with MMA as to whether holding both events on the same day is actually illegal or just inadvisable.

**13. Consider Discharging Minor or Burdensome Tax Amounts:** Administrator Eiane referenced a memo from the Tax Collector asking the Board to discharge personal property taxes that she had deemed minor or burdensome as the two businesses are no longer in business. Personal property tax is different from real property tax and liens are not assessed on personal property as they are on real property taxes. Each year the Assessing Office sends businesses a questionnaire and relies on self-reporting. The Board asked staff to look into the concept of placing liens on personal property over a certain limit, either based on a yearly amount or cumulative over a certain number of years. Selectman Henderson moved, seconded by Chairman Multer to discharge these taxes as outlined; motion passed 3-0.

**13.5 Public Comment:** None.

**14. Review of 2013 Town Meeting Warrant and Budget:** The Board reviewed the details of the following budgets and reached consensus for approval: heating assistance for \$6,000 (a \$6,000 reduction from the original request); general assistance \$18,000; social service agencies \$16,380; Orr's Island Library \$13,000 (\$800 less than original request); Cundy's Harbor Library \$13,800; Curtis Memorial Library \$123,904; Harpswell Historical Society \$3,000; Pejepscot Historical Society \$500; Memorial Observances \$1,600; Harpswell Community Broadcasting \$58,000; Bailey Island Library Hall \$2,403; Five Rivers Arts Alliance \$500; Ash Point Community Library \$1,500; Recreation Department \$26,975; recreation programs \$10,850; vehicle replacement and equipment reserve \$45,000 (\$15,000 less than original request); Recycling Center reserve \$30,000; boat and motor replacement reserve \$10,000 (\$10,000 less than original request); office equipment reserve \$5,000; emergency communications equipment reserve \$5,000; emergency services vehicles \$150,000; debt service \$435,000. The Board took no action on the request from the Harpswell Festival pending confirmation that there will be a Festival in 2013. Administrator Eiane reported Captain Goulet, of Cumberland County, indicated he was open to one marine warden conducting work in the boat with the Harbormaster. The Board set a meeting for Tuesday at 10:00 a.m. specifically to review the budget and warrant. Selectman Henderson asked staff to follow up with Joe Grady regarding the Harpswell Coastal Academy's position relating to future use of West Harpswell School.

**15. Other Business:** None.

**17. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #7 in the amount of \$41,365.33; motion passed 3-0. Payroll warrant #6 in the amount of \$14,485.48 was noted for the record.

**18. Administrative Matters:** Town Administrator Eiane noted she would submit a letter of interest on behalf of the Town for use of the State's radar speed trailer.

**19. Adjournment:** The meeting was unanimously adjourned at 10:07 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)]