

**Board of Selectmen's Meeting Minutes**  
**February 9, 2012**  
**Harpswell Town Office**  
**Approved on February 23, 2012**

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**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; James Hays, Harbormaster; and Marguerite Kelly, Treasurer

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 amended by adding 8f. Consider Amending the Terms of Office for Harpswell School Board District Members; motion passed 3-0.

**2. Public Comment:** Katherine Chatterjee questioned the process regarding article 3 and its relation to article 26. Chairman Multer noted there can be no changes to article 3 as it is on secret ballot which has already been printed. Ms. Chatterjee will speak to article 26 during the warrant review.

**3. Town Administrator's Report:** Administrator Eiane reported that the Board previously made a final decision regarding which street lights to remove (45), add (8) and relocate (2) and the final list is available at the Town Office and on the Town's website.

**4. Selectmen's Announcements:** None.

**5. Approval of the Minutes:** Chairman Multer moved, seconded by Selectman Henderson to approve the January 19 minutes; motion passed 2-0 (Selectman Hawkes abstained). Chairman Multer moved, seconded by Selectman Hawkes to approve the January 26 minutes; motion passed 3-0.

**6. Consider Creating a Shoreland Zoning Review Task Force and Adopting Mission Statement:** Chairman Multer moved, seconded by Selectman Henderson to create the Task Force and adopt the mission statement with minor amendments; motion passed 3-0. Selectman Henderson agreed to be the Task Force's liaison.

**7. Wharf Applications**

- A. Indian Rest Association, Abenaki Road, Map 50, Lot 176:** Joe Leblanc, applicant's representative, reviewed the proposal for a common use dock by property owners on Abenaki Road and the other property owners in Indian Rest. Attorney James Day issued a letter regarding right, title or interest to the intertidal zone, which the Town's attorney reviewed. Bill Wells, Code Enforcement Officer, stated there was a site visit and public hearing held. The hearing was opened and closed. Selectman Henderson moved, seconded by Chairman Multer to approve the application and cited the findings for the Notice of Decision; motion passed 3-0.
- B. Vikki Howard, 8 Hackmatack Road, Map 45, Lot 71:** The hearing was opened at 6:19 p.m. Mr. Wells described the proposal. Jim Hays, Harbormaster, stated he reviewed the proposal and does not find any issues with navigation. Joe Leblanc, applicant's representative, confirmed the proposal includes a 6'x30' fixed pier and not 4'x30' as some drawings showed in error. The hearing was closed at 6:24 p.m. Selectman Henderson moved, seconded by Chairman Multer to approve the application and cited the findings for the Notice of Decision; motion passed 3-0.

Joe Leblanc stated that since he has been involved in the wharf permitting process in Harpswell, a member of the Marine Resource Committee attended only one on-site hearing. Mr. Leblanc stated it would be beneficial

if the Committee attended the on-site hearing to express concerns as it would allow time to modify the proposal before presenting it to the Board of Selectmen.

**C. William & Mary Sheehy, Bethel Point Road, Map 58, Lot 6-1:** Mr. Wells asked the Board to table this application since the applicant's representative was not present to answer questions. Chairman Multer and Selectman Henderson noted that the representative submitted a letter stating that no boats will be tied up at the end of the float and agreed that would probably be a condition of approval, therefore assurance should be forthcoming from the owner not representative. Jon Burbank stated he attended the on-site hearing and had concerns regarding the system blocking access in and out of Diamond Cove. Mr. Burbank stated there was a discussion on-site resulting in three probable changes: 1. reduce the float size from 20-feet to 16-feet; 2. look at mounting the dock off center; and 3. allow no boats to be tied up at the end of the float. Chairman Multer asked Mr. Burbank to put his concerns in writing. David Wilson, Marine Resources Committee member, stated he too has concerns of the system blocking access to and from the Cove. Chairman Multer moved, seconded by Selectman Hawkes to table the application for two weeks; motion passed 3-0.

**8. Review of 2012 Town Meeting Warrant and Budget:** Administrator Eiane reviewed the remaining open items in the proposed 2012 budget beginning with the Animal Control budget. She stated that the Animal Control Officer (ACO) is on-call 24 hours, 7 days a week and compensated on a per diem bases, without benefits, and has seen an increase in the workload and complexity over the last 6 years. Administrator Eiane recommended increases in the ACO's daily rate from \$35.82 to \$40.83 and the alternate ACO's rate from \$26.01 to \$29.65, resulting in an additional \$400 to the Animal Control budget. Selectman Henderson moved, seconded by Selectman Hawkes to approve the Animal Control budget at \$24,623; motion passed 3-0. Administrator Eiane stated she checked with the County regarding the new computers for Harpswell's marine and law enforcement officers and they will be returned to the Town when they are no longer needed. Administrator Eiane stated she spoke with the Recreation Director regarding proposals to use West Harpswell School and how that affects her time. The Recreation Department budget was prepared to allow up to 25 hours per week for the Recreation Director after Town Meeting which will allow for some programming at West Harpswell School. Administrator Eiane stated firm estimates regarding aerial mapping have been received for \$12,000, \$3,000 more than was budgeted. However, the \$12,000 cost is for a product initially quoted at \$25,000. Administrator Eiane reviewed the Budget Advisory Committee's recommendation for a \$1,000,000 borrowing in 2012 for capital road projects in early 2013. Administrator Eiane stated she was asked by the Board to see if the Town is paying a fair rate for video filming. The Maine Municipal Association's salary survey lists a library video technician at \$12 and Administrator Eiane recommended increasing the Town's rate to \$12, which can be covered by the budgeted amount; the Board agreed. Selectman Henderson moved, seconded by Chairman Multer to increase the aerial mapping budget to \$12,000; motion passed 3-0. Total budget is \$4,345,818.

**A. Possible Article Regarding Mitchell Field Boat Launch:** Selectman Henderson stated he drafted this article to bring to Town Meeting to see if there is support for the launch before spending time looking for grant funds. Katherine Chatterjee stated Town Meeting should not be asked for an appropriation before weighing in on wanting the launch. Ms. Chatterjee suggested two questions: one to see if Town Meeting wants the launch and authorize pursuing funding; and one to see if Town Meeting will authorize seeking funds from sources that mandates access by all members of public, not just Harpswell. Chairman Multer stated there could be a long debate over what benefits Harpswell, for example if boats are here from other places and spending money in Town, some say that benefits. Chairman Multer stated she believes it is premature to ask Town Meeting about the launch until the details on funding sources are available. Selectman Henderson stated he wants to know Town Meeting's position before seeking funding. Selectman Hawkes asked if there were funds for the infrastructure in the budget; Administrator Eiane responded only for more planning and grant matches for demolition of the houses. The Board discussed different article options. The Board agreed for staff to draft two possible articles similar to Ms. Chatterjee's suggestion for review at the next meeting.

- B. Possible Article Regarding Tax-Acquired Hildreth Road Property:** Administrator Eiane stated that while the Board has the authority to dispose of tax-acquired property, the Board had previously mentioned seeking Town Meeting approval. The Board authorized a standard boundary survey and court action to clear the title of this 11-acre lot. The lot borders Otter Brook on the backside and the Board expressed interest in creating a conservation easement to be held by the Town or a third party such as Harpswell Heritage Land Trust. Marguerite Kelly, Treasurer, suggested the Board may want to consider placing the proceeds into the existing land acquisition account for future purchases. The Board agreed to place the article on the warrant.
- F. Consider Amending the Terms of Office for Harpswell School Board District Members:** Chairman Multer stated she would like to hear from the School Board members before considering. Selectman Henderson noted this proposal was a result of him hearing from one School Board member. The proposal is to change the date of when Harpswell School Board members take office from June to March. This item was tabled to the next meeting.
- C. Review of Draft Warrant:** Jonathon Burbank noted that the enhanced paramedic services article includes the \$15,000 for the fly car service the Town has had for years and recommended that the \$15,000 also be included in the emergency services article in case the enhanced paramedic article does not pass. If it does pass then the later article can be reduced by \$15,000. Katherine Chatterjee stated that article 3 is basically asking to sell or keep the West Harpswell School (WHS) property but there are 4 choices which is confusing and she hopes it will be made clear to the voter that any Board decision for use will come back to the voters. Selectman Henderson stated it is not as simple as keep or sell WHS as some options may be mixed such as selling part of it and retaining part of it like the gym. Chairman Multer agreed that all the options except using it for Town uses needs to go back to voters. Ms. Chatterjee did not agree. Ms. Chatterjee suggested the Board ask Town Meeting to appropriate \$25,000 for the operations of WHS to allow time for the Board to provide voters with specific options and costs for a vote by June 30, 2012. Chairman Multer responded the options may not be clear in such a short time. Selectman Henderson noted the article for the WHS operations budget allows for some Town use. Ms. Kelly noted the proposed \$70,000 budget is a 9-month budget since voters approved \$25,000 for the operations from then to March 2012. Contingency will be needed before March due to a major unforeseen problem with the underground oil tanks piping. The Budget Advisory Committee added an additional \$10,000 to the original presented budget as this is new territory with unknown issues. Ms. Chatterjee stated her point is that the Board needs to set a certain time frame to have a plan for voters to vote on. Ms. Chatterjee received clarification on the carryover article and the grant funding article.

Ms. Kelly stated the proposed 2012 budget is compliant with LD-1 due to the proposed use of \$350,000 from fund balance. Ms. Kelly asked the Board to consider using \$250,000 of fund balance, causing the budget to exceed LD-1 and allowing the Town to potentially increase the limit, primarily due to the new paramedic service. Selectman Henderson asked procedural questions regarding LD-1 and Administrator Eiane stated a handout could be made available at Town Meeting regarding the use of fund balance and LD-1. Jonathon Burbank asked the Board not to seek an increase in LD-1 and to not assign the reason to the paramedic services. Ms. Chatterjee agreed to not assign the issue to one category. Ms. Kelly stated the Town has big budget items on the horizon such as the boat ramp and infrastructure and having more fund balance available could allow for later use of fund balance for one of these items. Selectman Henderson expressed concern about increasing LD-1 to allow for later use when fund balance is available now.

Selectman Henderson stated he would like an article for Town Meeting to adopt the Town seal to allow the Town to prohibit reproduction from others. If Town Meeting says no then others can use it. Chairman Multer asked staff to check with legal counsel on other ways to prohibit reproduction without adopting it.

Administrator Eiane reviewed the draft warrant with the Board and noted the articles with changes from the Town attorney.

**D. Recommendations on Articles:** Administrator Eiane noted recommendations are only required on secret ballot monetary items and the Board agreed to provide recommendations at the next meeting since it is tradition in Harpswell.

**E. Use of Revenues and Fund Balance:** Discussed earlier under warrant review.

**9. Set Start Time for Business Portion of Annual Town Meeting:** Administrator Eiane stated the Town has been advised for years from the Maine Municipal Association that Town Meeting should not be held at the same time as voting but it has been the tradition in Harpswell. Selectman Henderson moved, seconded by Selectman Hawkes to start the business meeting of Town Meeting at 10:00 am; motion passed 3-0.

**10. Acceptance of Donations for the Harpswell Heating Assistance Program:** Chairman Multer moved, seconded by Selectman Hawkes to accept \$4,040 in donations for the Heating Assistance Program from Harpswell Festival, Ned Simmons and an anonymous donor; motion passed 3-0.

**11. Consider Renewal Liquor License for Dolphin Marine Service, Inc.:** Administrator Eiane reported there are no apparent code violations or disorderly conduct calls placed to Cumberland County Dispatch. Chairman Multer stated she called Chris Saxton and suggested he revise his application in the future to eliminate how close to a school the business is since West Harpswell School is no longer a school. Selectman Henderson moved, seconded by Selectman Hawkes to approve the renewal license; motion passed 3-0.

**12. Other Business:** The Board set February 16 and 23 as hearings regarding the non-binding referendum on West Harpswell School. Chairman Multer moved, seconded by Selectman Hawkes to retroactively appoint Jason Marshall as interim Code Officer since Mr. Well's vacancy extended further than expected; motion passed 3-0. Administrator Eiane stated that with the completion of the removal of the pipeline, the Board may now disband the Pipeline Advisory Committee. Chairman Multer moved, seconded by Selectman Henderson to disband the Committee with appreciation; motion passed 3-0.

**13. Public Comment:** None.

**14. Authorization of the Warrants:** Selectman Henderson moved, seconded by Selectman Hawkes to approve warrant #7 in the amount of \$625,574.14; motion passed 3-0. Chairman Multer moved, seconded by Selectman Henderson to approve warrant #8 in the amount of \$389.79; motion passed 3-0. Payroll warrant #6 in the amount of \$13,485.63 was noted for the record.

**15. Administrative Matters:** The Board was reminded of the February 14 site visit to the Hildreth Road right-of-way and executive session immediately following the site visit. The Board scheduled a meeting to follow the public hearings on February 16 to finalize the warrant.

**16. Adjournment:** The meeting was unanimously adjourned at 9:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

Attachments:

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