

**Board of Selectmen's Meeting Minutes**  
**February 14, 2013**  
**Harpswell Town Office**  
**Approved on February 21, 2013**

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At 5:05 pm, the Board met with the Road Commissioner, Ronald Ponziani, and then Jill Caldwell, current Deputy Tax Collector running for Tax Collector, regarding the responsibilities of each position and their specific requests for compensation.

**Call to Order and Pledge of Allegiance:** The meeting was called to order at 6:00 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 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 adding a discussion of LD235 under other business; motion passed 3-0.

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

**3. Town Administrator's Report:** Administrator Eiane reported she and other staff members attended a Federal Emergency Management Agency (FEMA) workshop on Monday regarding digitizing the flood maps. Bob Gerber, Town's consultant, also attended and will report to the Board at a future meeting. FEMA took into account Mr. Gerber's information and the upcoming maps do not appear to change as dramatically as the prior proposal. Once the maps are formally presented, FEMA will be accepting comments from the municipalities and the public. FEMA's timeline includes municipalities adopting the new maps in 2014.

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

**5. Consent Agenda: 1) Approval of the Minutes; 2) Appointments:** Selectman Henderson moved, seconded by Chairman Multer, to approve the consent agenda [February 7 minutes; appointments from January 1, 2013 to December 31, 2014 of Rosalind Knight as Registrar of Voters, Catherine Doughty, Shirley Thompson, Pauline Toothaker, Carol Jean Richter as Deputy Registrar of Voters; Catherine Doughty and Megan Hubbard as Warden and Deputy Warden, respectively, for the March 9, 2013 Town Meeting]; motion passed 3-0.

**6. Marine Patrol/Resources Services:** Chairman Multer stated she is interested in having more time to make a decision regarding a change in marine patrol. She stated that since the Town first contracted with Cumberland County, there has been a shift in focus from enforcement to a biological aspect. More time is needed to thoroughly research the issues. Chairman Multer stated she would like a contract with the County for one full time warden for a year and one for six months. Selectman Henderson and Selectman Hawkes both agreed with needing more time. Don Goulet, Cumberland County Captain, stated that he could not give an official answer regarding a six month contract as it would be up to the Sheriff and Commissioners, but he would recommend it. Six months would go to September 30 and Chairman Multer would consider another extension if needed. David Wilson, chair of the Marine Resources Committee, stated the existing relationship with Cumberland County has been very helpful and the Town is up against environmental and biological issues that are unrelated to lack of management of the resource. Harpswell has not been experiencing many enforcement issues due to the lack of resources but will experience more enforcement issues when the resource issues are resolved and it will be too much for just one warden. The Committee has been working with Denis MarcNault and Pete Thayer, both from the State Department of Marine Resources, and they both recommend the Board meet with them, prior to making any decision, to better understand the biological issues. Selectman Hawkes agreed that both wardens should have enforcement authority. Mr. Wilson stated Mr. Nault has indicated more research needs to be done before re-

seeding and that reducing licenses is not the way to resolve this biological issue. Administrator Eiane stated the Committee recently submitted a budget request for \$6,500 for seed, signage, testing fees and supplies and asked if the request is still valid. Selectman Hawkes stated she wants to see a budget line for this and then after the research, the Town would be prepared to proceed with the project. The signage is to alert the public to the areas that have been re-seeded with the hope that worms will not disturb said areas. The brochures are intended to educate the public about the resource. The Board agreed to budget \$6,000.

**7. 6:30 PM Public Hearing on Ordinance Amendments:** The hearing on three ordinances was opened at 6:35.

- **Shellfish:** Administrator Eiane stated since posting the ordinance with the proposed amendments, the attorney has reviewed it and made minor changes without changing the substance. Administrator Eiane reviewed the amendments and attorney changes. There were no public comments.
- **Harbor and Waterfront:** Deputy Administrator Sawyer reported a previous version of the ordinance amendments included a definition of slip that Harbormaster Jim Hays proposed to assure that a dinghy tie-up is distinguished from a slip and therefore would not require the parking standards at the Town dock. The Board had a concern about unintended consequences in other areas and the Town Attorney advised if the Board wanted to exempt the Town from the parking requirements, the best way is to add an exemption. The Board heard concerns from the public about the Town exempting itself from standards. Since then, the attorney was asked to review the entire issue and advise if the Town permitting dinghy tie-ups at the Pott's Point Dock triggers the requirement for parking. The attorney reviewed the issue and advised that the dinghy tie-up area and associated policy does not trigger the parking requirements since the Town as a governmental entity is offering a service and the registration or application fee doesn't cover the cost of the service, and therefore, this area is not considered rental slips. The proposed exemption language can be removed from the proposed amendments. Burr Taylor, chair of the Harbor and Waterfront Committee, agreed tie up areas should not be subject to parking for reasons associated with the common definition of a slip. The Board discussed the proposed change to remove the language and reached a consensus to do so.
- **Solid Waste:** Administrator Eiane reviewed the amendments that were proposed to promote recycling. The changes are not required to facilitate single stream. Deputy Administrator Sawyer noted the 'physical quantity' phrase in the special waste definition comes directly from the Maine Department of Environmental Protection definitions and applies when certain waste in large quantities requires special handling as opposed to the waste in small quantity (e.g. animal waste). No member of the public commented.

The hearing was closed at 7:00 p.m.

**9. Other Business:** Chairman Multer stated emergency services volunteers are currently covered under Worker's Compensation if injured on the way to a call once at the public way. LD235 proposes to cover the volunteers from the time a call is received and she asked her colleagues if they agreed to oppose the legislation. Selectman Henderson moved, seconded by Chairman Multer to oppose the proposal; motion passed 3-0. Administrator Eiane reminded the Board that the Town purchases additional insurance coverage to cover the emergency services volunteers where there is a gap of coverage with worker's compensation. Selectman Henderson asked why then should the Town oppose the legislation and asked what specific additional coverages the Town has. Administrator Eiane responded she could provide the Board with the policy but cannot recall the specifics without reviewing the policy. Selectman Henderson moved to reconsider the motion. Chairman Multer asked if that had to be done or if he could oppose the motion. Selectman Henderson opposed the original motion due to lack of details about the Town's additional policy.

**10. Public Comment:** None.

**8. Review of 2013 Town Meeting Warrant and Budget:** The Board reviewed the draft Town Meeting warrant and specific budget lines. The Board agreed to combine the Shoreland Zoning, Basic Land Use and Definition

changes from the Shoreland Zoning Review Task Force into one article. The Board agreed to budget last year's rate plus 2% for the retiring Tax Collector and the 2012 rate for the incoming Tax Collector and noted a policy is needed in the future. Selectman Henderson and Selectman Hawkes agreed to recommend \$6,000 for the Road Commissioner and Chairman Multer is considering recommending \$15,000. Captain Goulet stated he spoke with the Sheriff by phone and there is an issue with extending the marine patrol contract for six months as there is an opening in the County now that a warden could be transferred to and that position cannot be left open for another six months. If it is filled and then the Town decides to end the contract, the County could be faced with laying off an employee. Chairman Multer responded the Town could enter a contract for the two and then exercise the termination clause for one if needed. The Board discussed the potential article relating to selling West Harpswell School and Chairman Multer and Selectman Henderson opposed such an article stating it is too premature plus noting the playground restriction. Robert McIntyre stated he has communication from US Representative Chellee Pingree's Office regarding the playground restriction and he will provide it to the Town. The Board discussed whether a multi-year lease question regarding West Harpswell School should be voted on and Chairman Multer was opposed since eventually she sees selling the property. Selectman Hawkes was in favor of a lease article. No lease article will be placed on the warrant. The Board moved the Harbormaster, Animal Control and Recreation departments to the front of the warrant with the other departments. The Board recommended the remaining articles. 6% interest on unpaid taxes and on abated taxes was set. Barney Baker, Town's consultant on the Mitchell Field pier, will report his findings to the Board at the next meeting. The Board agreed to discuss the Cedar Beach article at the next meeting and that representatives of the Cedar Beach group should attend.

**11. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Henderson to approve warrant #8 in the amount of \$573,821.88; motion passed 3-0. Payroll warrant #7 in the amount of \$14,372.95 was noted for the record.

**12. Administrative Matters:** The Board reviewed the proposed covers for the Town Report and agreed to proceed with the cover depicting the trail at Devil's Back.

**13. Adjournment:** The meeting was unanimously adjourned at 9:15 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.harpwell.me.us](mailto:harpwell@town.harpwell.me.us)]