

**Board of Selectmen's Meeting Minutes**

**February 23, 2012**

**Harpswell Town Office**

**Approved on March 8, 2012**

**Page 1 of 4**

At 5:30 PM, Chairman Multer moved, seconded by Selectman Hawkes to move into Executive Session pursuant to 1 M.R.S.A. § 405 (6)(c) to discuss the possible acquisition of real property; motion passed 3-0. The Board returned to open session 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; Debbie Turner, Assessing Agent; Bill Wells, Code Enforcement Officer; 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 6:05 p.m.

**1. Adoption of the Agenda:** Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by moving item 11 to 5.5, adding 10.5: Consider Revision to Draft Warrant Article 55 Re: PEG; adding 16a. Consider Unofficial Seal; and 16.b Consider Use of Contingency for West Harpswell School; motion passed 3-0.

**2. Public Comment:** John Boomer, board member of the Harpswell Heritage Land Trust (HHLT), stated the HHLT has focused on gathering community input regarding how the organization is functioning, and what is important to the public, particularly what land to acquire. Recently, the HHLT mailed a questionnaire to each resident and he encouraged each recipient to complete and return it. Anyone looking for an additional survey can contact the HHLT.

**3. Town Administrator's Report:** Administrator Eiane stated the preliminary infrastructure report for Mitchell Field has been received and there is a significant amount of information in the report. A meeting will be scheduled with the engineers to review the report highlights. The report has been provided to Jack Sylvester, Town Negotiator, and he was impressed with the information. Administrator Eiane stated that the information regarding the pier was concerning and calls for securing the pier for safety reasons. The report will be posted on the Town's website. Administrator Eiane announced that absentee ballots are available at the Clerk's Office. Administrator Eiane reported the Board has made decisions regarding street lights to be added and removed, and the recommended list of actions is available on the Town's website.

**4. Selectmen's Announcements:** There were no announcements.

**5. Approval of Minutes:** Selectman Henderson moved, seconded by Chairman Multer to approve the minutes of February 2, 9, 14 and 16; motion passed 3-0.

**11. Interim Applications for Use of West Harpswell School:** Elizabeth Davis stated there is a new non-profit called Ash Point Community Center that has been formed and this group now seeks use of the library, gym, home schooling at the former West Harpswell School. Ms. Davis stated she and David Chipman will share the responsibility of making sure the area is safe and clean. Selectman Henderson asked if this proposal will reduce the vacant building insurance costs. Administrator Eiane responded the application was provided to the Town's insurance representative and he believes the proposal would qualify as regular use and reduce the insurance costs. She was also informed that the applicant's insurance certificate must name the Town as an additional insured and not just a certificate holder. Administrator Eiane stated that since the building was vacant and there were no applications for use that appeared to meet the Board of Selectmen's Interim Use Policy, until last Friday, and because expenses exceeded the budget, items such as the boiler inspection, drinking water testing, fire extinguisher inspections had been postponed. The Board will want to consider the use of contingency funds as any expense now will require funding from that source, or consider waiting until after the proposed budget is voted on at the March Town Meeting. The proposed 2012 budget includes an assumption of use, including by

recreation programs that will allow the insurance cost to shift from the WHS budget to the general policy. Selectman Henderson stated he was inclined to support the application once the critical safety needs are addressed, such as the items listed by Administrator Eiane, and to use contingency. Chairman Multer stated she could support Town-sponsored use of the building without a fee since that would be funded through taxes but that other users should have to pay a fee to help cover the high costs of maintenance. Selectman Hawkes agreed to assess a fee on an entity that is making a profit only. David I. Chipman agreed about the need for a policy and noted that the proposal is not seeking any direct appropriation such as the three libraries. Ms. Davis suggested the policy could exempt groups benefiting the community. Ms. Davis indicated the insurance is paid quarterly. Selectman Henderson moved, seconded by Chairman Multer to approve the application for use as presented pending having the Town named as an additional insured, pending the resolution of the various safety issues to be effective upon completion of the safety issues to be re-considered upon completion of the applicant's first quarter insurance coverage (3 months from the effective date shown as 2/17/12). Ms. Davis and Susan Horowitz expressed disappointment that the building was not prepared for immediate occupancy and encouraged the Board to use contingency for the necessary costs. Motion passed 3-0.

**6. Consider An Abatement for Lot 127 on Map 7:** Debbie Turner, Assessing Agent, stated the property owner is requesting an abatement of \$304,000 in value and submitted comparables. After review of the application and information, Ms. Turner recommends approving the abatement due to the comparables, due to the discovery of a second easement that qualifies for a 5% reduction and due to the condition of the bathroom and kitchen. Chairman Multer moved, seconded by Selectman Henderson to approve an abatement of \$72,800 resulting in a \$422.24 reduction in taxes; motion passed 3-0.

**7. Auditor's Report on 2011 Financial Statements:** Kathy Tyson, partner with Runyon, Kersteen, Ouellete auditors, reviewed the 2011 financial statements and handouts summarizing the highlights. Ms. Tyson stated this is the second year that staff, Terri Sawyer and Marguerite Kelly, prepared the financial statements. Ms. Tyson believes Harpswell is the smallest community that accomplishes such a feat. Ms. Tyson stated the audit for the Town takes place in a very short timeframe and thanked the staff for its preparation and assistance. It was an unqualified audit. Chairman Multer asked Ms. Tyson if there is a calculation on how much debt an entity can have. Ms. Tyson responded that rating agencies use a per capita calculation. Marguerite Kelly stated she believes the Maine Municipal Bond Bank posts outstanding debt information on their website and that Harpswell's debt is well under the per capita test and that our debt service is significantly under 10-15% of the total budget.

**10. Public Hearing Regarding West Harpswell School Non-Binding Referendum:** Katherine Chatterjee read a statement (attached for further review). Selectman Henderson stated that the non-binding ballot does not contain only two options of keep or sell as the other two listed options may be a combination of choices such as sell a part for housing and retain the gym for Town uses. The ballot would have been too complicated if every option was detailed. Ms. Chatterjee clarified her point was to move the process along for the voters as the 2012 budget request of \$70,000 may be a problem. Selectman Hawkes stated Ms. Chatterjee's point, about the priority vote system on the ballot, is concerning since voter results may not be as clear as was intended. Chairman Multer stated there are plans to address that issue with signs and a television piece on Channel 14 explaining that voters do not have to cast a vote for each option. Robert McIntyre stated that, in his opinion, the explanatory handout regarding the ballot makes it seem easier than it may be to sell the property due to the recreation easement area. Administrator Eiane noted there is no easement but an agreement, that Harpswell is not a party to, obligating MSAD 75. David I. Chipman encouraged voters to keep the property for community services. Kay Ogrodnik encouraged voters to vote for option 1 to keep the building and to leave the other choices blank.

**8. William and Mary Sheehy Wharf Application, Bethel Point Road, Map 58, Lot 6-1:** Chairman Multer moved, seconded by Selectman Henderson to remove this application from the table; motion passed 3-0. Bill Wells summarized the proposal including the dimensions of the components. Ben Wallace, property owner's agent, stated the proposal is restricted by property lines and he presented an aerial map with the proposal drawn

on it to show that it does not cause a hazard to navigation. Mr. Wallace stated, based on concerns he heard at the on-site public hearing, that he proposed to reduce the float to 16-feet and to not have boats tied up on the end of the float for long periods of time. After visiting the site again, Mr. Wallace does not plan to offset the wharf as nothing is gained and this proposal is not in the channel and does not prohibit navigation. Jim Hays, Harbormaster, stated his investigation of the proposal showed it would not interfere with navigation and since the area is tidal, when the tide is low, there is no access. Selectman Henderson asked Mr. Hays if a significant boat was tied on the end of the float, would it cause a hazard to navigation. Mr. Hays responded he did not believe so and if a hazard was created in the future, he could address it at that time. Jonathon Burbank stated the proposed structure does not cause a hazard and he supports the Sheehy's dock, he is just concerned if a large boat is tied up and the wind blows it. Chairman Multer suggested adding a condition regarding no tie ups. Mr. Wallace asked how much regulation should the Town take and suggested leaving it for the Harbormaster to address if it ever becomes an issue. Selectman Henderson agreed to consider not applying a condition since the Harbormaster could address any possible future issues. Selectman Hawkes asked Mr. Hays if he considers the moorings in the area when he reviews for navigational issues. Mr. Hays responded it is not part of the channel calculation but he considers them, particularly when issuing mooring permits. Chairman Multer asked for a legal opinion on if the Board did not assign a condition and a large boat ties up on the float, does it weaken the Town's case. Selectman Henderson moved, seconded by Chairman Multer to consider this application in two weeks after consulting with the Town attorney; motion passed 3-0.

**9. Consider Authorizing Site Plan Review Application for New Scale Building at Transfer Station:** Fred Cantu, Recycling Center and Transfer Station Manager, provided the history of the existing 10' x 10' "scale shack" that was constructed from materials delivered to the Transfer Station. The building has mold, rodents and bug infestations. Mr. Cantu requested the Board authorize him to apply for a site plan approval from the Planning Board to construct a replacement scale building. The new building will be 16' x 16' with heat, a storage closet and a small generator to allow business to continue during power outages. There was a discussion regarding the generator proposal. Chairman Multer moved, seconded by Selectman Hawkes to authorize the Planning Board application and to request a waiver of the fees; motion passed 3-0. Mr. Cantu asked the Selectmen if they would be attending the Eco-Excellence Award Ceremony on March 7; the Selectmen declined as Mr. Cantu will represent the Town.

**10.5 Consider Revision to Draft Warrant for Article 55:** Administrator Eiane asked the Board to consider a revision to the current Article 55 for a \$13,000 appropriation to fund a purchase agreement for equipment for the Town media room and Harpswell Community Television (HCBC). The Town heard from the President and Vice President of Harpswell Community Television requesting that the existing funds be used such as the \$25,000 raised and appropriated for the digital conversion and the \$8,902 remaining in the public, educational and governmental (PEG) account for the lease before raising and appropriating new funds. Additionally, the funds received from Comcast for PEG use may be used in the future for lease payments instead of raising and appropriating the funds. The \$82,500 value in the article references the total estimated principal lease amount for 7 years so the voter knows what the total commitment will be. Selectman Henderson asked how this proposal relates to the digital conversion. Tom Allen, President of HCBC, stated these funds will purchase the cameras for the Town's media room and other equipment needed to send digital signal to HCBC and prepare the equipment inside HCBC. Mr. Allen stated HCBC will fund the cost for the transmitting portion later and will not request funding from the Town for that purpose. Mr. Allen stated that once the upgrades are done, in addition to digital quality, the upgrades will allow live streaming to the internet. Marguerite Kelly, Treasurer, stated the equipment purchased with the \$82,500 lease will be owned by the Town and the upgraded transmitter that HCBC will purchase will be owned by HCBC. Selectman Henderson moved, seconded by Selectman Hawkes to amend article 55 regarding PEG as presented; motion passed 3-0. Each Selectman recommended the article.

Tom Allen asked the Board to consider how the proposed Mobile Food Handler's Ordinance will affect the Harpswell Festival's vendors and its non-profits that set up food booths for the day.

**12. Open Bids Packages on Boats:** No bids were received. The Board discussed reducing the minimum bids for each package. Selectman Henderson moved, seconded by Chairman Multer to bid the packages again with no minimum bids; motion passed 3-0.

**13. Set Public Hearing for March 1, 2012 to Consider Posting Town Roads:** Administrator Eiane stated the Town's Restricting Weight on Town Ways Ordinance requires the Board to hold a hearing to consider posting Town Roads and asked if the Board wanted a notice to be sent to each business as has been done in the past. The Board agreed that a notice should be posted on the web, and on Channel 14, and the Town should notify the Harpswell Business Association and the businesses that attended last year's hearing. Selectman Henderson explained the Board worked with businesses to amend the Ordinance to allow for exemptions similar to those used by the Department of Transportation and the businesses indicated the chart limitations were reasonable. The Board agreed to hold the hearing at the meeting on March 1.

**14. Consider Issuing Request for Proposals for Mowing at Trufant Summerton Athletic Field:** Chairman Multer moved, seconded by Selectman Henderson to approve sending the request for proposals with some minor changes; motion passed 3-0.

**15. Consider Renewal Liquor License for Cook's Lobster House:** Chairman Multer moved, seconded by Selectman Hawkes to approve the renewal license; motion passed 3-0.

**16. Other Business: Consider Unofficial Seal:** Administrator Eiane reported the design that the Town uses on its letterhead was originally designed for a patch for the Fire Department and she could check with the Fire Departments regarding its history. The Town Attorney advised the design could be trademarked if appropriate upon further research. The Board agreed Administrator Eiane should further investigate.

**16b. Consider Use of Contingency for West Harpswell School:** Administrator Eiane asked the Board to authorize \$350.43 of contingency use to cover overages as of today for the maintenance of West Harpswell School over the budgeted \$25,000. There will be additional requests as more bills such as power and fuel will be billed. Chairman Multer moved, seconded by Selectman Hawkes to authorize use of contingency for \$350.43 and an amount to cover the inspections as discussed under item 11; motion passed 3-0.

**17. Public Comment:** None.

**18. Authorization of the Warrants:** Chairman Multer moved, seconded by Selectman Henderson to approve warrant #10 in the amount of \$94,694.16; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #11 in the amount of \$62,480.88; motion passed 3-0. Payroll warrant #8 in the amount of \$17,095.23 was noted for the record.

**19. Adjournment:** The meeting was unanimously adjourned at 8:55 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)]