

**Board of Selectmen's Meeting Minutes**  
**March 6, 2013**  
**Harpswell Town Office**  
**Approved on March 14, 2013**

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**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 10.5 Clarification of Article 12 on Town Meeting warrant and by removing item 8; motion passed 3-0.

**2. Public Comment:** Burr Taylor Stated he made a reference at last week's meeting that the Pott's Point Dock was more expensive per user than the Curtis Memorial Library. He clarified that his point was to consider items based on value to the Town, value as a whole and not just costs.

**3. Town Administrator's Report:** Administrator Eiane stated Saturday, March 9 is the annual Town Meeting at Harpswell Community School and Town Reports were mailed on Tuesday, which was later than anticipated due to a printing press breaking down. The Town Report has a lot of worthwhile information, including the warrant, and she thanked the staff, committees, departments, elected officials for the many contributions to the process. Polls will be open from 9:00 a.m. to 5:00 p.m. with the business meeting beginning at 10:00 a.m. Administrator Eiane reported the Topsham American Legion invited her and Selectmen to attend the annual law enforcement breakfast on Saturday, April 6 to honor law enforcement and emergency services personnel. Administrator Eiane announced there is a Casco Bay Marine Resources Summit tomorrow at 6:00 p.m. in Brunswick and she and the Board will be attending. The Summit was organized by the Brunswick Shellfish Warden with participation from others such as the Friends of the Clammers Association. Administrator Eiane reported she received a letter from the State Department of Marine Resources stating that it will be conducting shoreline surveys in Harpswell from April to November which includes walking the shoreline and looking for any pollution sources. The Town partners in the program by following up on any issues found. The surveys try to identify problems for remediation to prevent shellfish closures or allow for shellfish flat openings. Administrator Eiane stated she received a request from the Recycling Center/Transfer Station manager to authorize an employee's request for a 30-day leave of absence. The Union contract allows for the Board or its designee to review such requests and she asked if the Board would like to review the request or designate someone. Chairman Multer moved, seconded by Selectman Henderson to name the Town Administrator as its designee for this request; motion passed 3-0.

**4. Selectmen's Announcements:** Selectman Hawkes stated it has been an honor to serve with James Henderson for the last two years and noted how caring he is of the Townspeople. Selectman Henderson stated the feeling was mutual and always encourages people to run for Selectman as it is worthwhile and enjoyable. Chairman Multer stated she and Selectman Henderson have disagreed sometimes but he was never disagreeable. Chairman Multer stated it has been a pleasure and honor to work with Selectman Henderson.

**5. Paramedic Quarterly Report:** Dave Hudson, lead paramedic, reviewed the paramedic statistics for the prior 9 months. Chairman Multer stated she has heard the program is a success and asked him if there is anything the Town should be doing. Mr. Hudson stated he is working with the Departments on expanding the EMT staff and believes the program is working very well. Selectman Henderson noted the figures show calls are heavy on the weekend and asked if the Town should consider shifting the schedule. Administrator Eiane noted the schedule was established for the weekdays when the volunteers are not as available as they are on the weekends. Mr. Hudson noted there are very few calls at 6:00 a.m. but they start then because volunteers are not available.

**6. Consider Setting Public Hearing for March 14 Re: Road Postings:** Selectman Henderson moved, seconded by Chairman Multer to set March 14 at 7:00 p.m. as a public hearing to consider posting Town roads; motion passed 3-0.

**7. Consider Lease Agreement with Cundy's Harbor for Pumper/Tanker:** Administrator Eiane stated the Town contracted for a pumper/tanker to be leased to Cundy's Harbor. Jonathon Burbank, Cundy's Harbor Board President, was unable to make it tonight but suggested one change in the last paragraph that allows the insurance company to notify the Town within 10 days of a policy cancellation due to non-payment. Other than that change, this is the same lease language used for other vehicles. Administrator Eiane noted this contract experienced several delays but the vehicle is expected to arrive next week. Chairman Multer moved, seconded by Selectman Henderson to approve the lease; motion passed 3-0. Chairman Multer stated in future leases she wants to see a clause that allows the Town to terminate as there is currently a termination clause (requiring no cause) for the Departments but not the Town. Administrator Eiane noted there is a clause that automatically terminates the leases if a Department no longer provides services as agreed to in another document signed by both parties. Administrator Eiane asked the Board to consider amending a previous lease with Cundy's Harbor for an ambulance to add this new insurance language. Chairman Multer moved, seconded by Selectman Hawkes; motion passed 3-0.

**8. Consider Conservation Plan for Hildreth Road Property, Tax Map 3, Lot 73:** Removed.

**9. Consider Adopting Pott's Point Town Dock Policy:** Deputy Administrator Sawyer stated the priority list was amended as discussed at last week's meeting and definitions of each term in the priority list was added from the Harbor and Waterfront Ordinance. Additionally, Burr Taylor, suggested from the Harbor and Waterfront Committee that priority one become plural and Chairman Multer suggested different language for the lottery paragraph that keeps the same meaning but clarifies the point. Chairman Multer moved, seconded by Selectman Henderson to adopt the policy; motion passed 3-0.

**10. Consider Updated Job Descriptions:** Administrator Eiane reviewed the three updated job descriptions: appointed Treasurer, Deputy Tax Collector and Payroll/Accounts Payable Clerk and Deputy Town Administrator. Administrator Eiane suggested the Board meet in executive session with the prospective appointee prior to appointment at next week's meeting; the Board agreed at 5:15 p.m. Chairman Multer moved, seconded by Selectman Henderson to adopt the job descriptions; motion passed 3-0.

**10.5. Clarification of Article 12 on Town Meeting Warrant:** Chairman Multer read the following statement:

Two fiscal aspects (**The letters below, a), c) refer to sections of the article.**)

- a) Up to \$220,000 in bond proceeds which may be used only to obtain from the then owner(s), the easements necessary to provide beach access for Harpswell residents, property owners and their guests; and
- c) Gifts or grants from non-Town sources to help pay for the acquisition of such public access easements, as the CBCIS may have significant expenses around their pursuit of this matter.

This latter aspect (item c)) involves **NO** appropriation from Harpswell taxpayers.

*Good deal of discussion to-date. The Town's concern revolves around Maine Law barring use of public funds for a private purpose. Our attorney has indicated that there may be ways to handle this matter to everyone's satisfaction and my position is that I will be guided by our attorney and accountants as to implementation of this item.*

Selectman Henderson noted the new Board will decide the final process but he hopes the Board will have the easement to the Road and Beach compensated directly based on proposed costs and not do something separately. Selectman Hawkes stated the Board was advised not to allow the \$220,000 to be used for legal costs and only for acquisition. Selectman Henderson noted it is difficult to assure what one does with a payment as the legal costs may be included in the proposed easement price. Chairman Multer stated the \$220,000 will only go to the people from whom the Town buys an easement and not to cover any legal costs. The gifts and grants is another situation and these funds may be able to cover legal costs if the Town's attorney and accountants can resolve outstanding matters.

**11. Acceptance of Committee Resignation:** Chairman Multer moved, seconded by Selectman Henderson to accept Judith Arndt's resignation from the Recreation Committee with thanks; motion passed 3-0.

**12. Consider Setting March 29 as Shellfish Lotteries:** Chairman Multer moved, seconded by Selectman Henderson to set March 29 at 5:00 p.m. and 5:30 p.m. as the resident and non-resident shellfish lotteries, respectively; motion passed 3-0.

**13. Other Business:** Deputy Administrator Sawyer stated Article 26 on the Town Meeting warrant is no longer needed as the owners of Snow's Island have decided to proceed with the pumpout float plan privately and not through the Town. This will allow them to own the float and manage it themselves.

**14. Public Comment:** None.

**15. Authorization of the Warrants:** Selectman Henderson moved, seconded by Chairman Multer to approve warrant #12 in the amount of \$25,874.31; motion passed 3-0. Administrator Eiane Payroll warrant #10 in the amount of \$14,223.74 was noted for the record.

**16. Administrative Matters:** None.

**17. Adjournment:** The meeting was unanimously adjourned at 7:05 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator

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