

Special Board of Selectmen's Meeting Minutes
March 8, 2012
Harpswell Town Office
Approved on March 29, 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; and Roz Knight, Clerk

The meeting was recorded 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 under Other Business: Handling of Non-Binding Referendum Ballots; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane reminded the public that Town Meeting is Saturday at Harpswell Community School. Polls are open from 9:00 a.m. to 5:00 p.m. and the business meeting will begin at 10:00 a.m. Voters who are unable to attend may vote by absentee until Friday, March 9 at 4:30 p.m. Administrator Eiane stated the Assessing Office would like to remind new residents to file the homestead paperwork with the Assessing Office by April 1 and to contact Debbie Turner with any questions. Administrator Eiane provided a summary of MSAD 75's obligation to maintain a public outdoor recreation space (see memo attached). Administrator Eiane reported the Department of Transportation (DOT) has made decisions regarding the Town's request to review speed limits in certain areas. The DOT is reducing the speed limit near Cundy's Harbor Road to 45 mph and will maintain the speed limit of 40 mph near Long Point Road. DOT is also making other changes not requested by the Town.

4. Selectmen's Announcements: Selectman Henderson encouraged all to attend Town Meeting on Saturday, March 10. Polls will be open from 9:00 am to 5:00 pm. The business meeting begins at 10:00 am. There will be food and childcare available. Selectman Henderson stated there are a number of important issues on the warrant, including a proposal to contract for paramedic coverage to respond to emergency calls and assist the volunteers. Selectman Hawkes stated she was not sure if this was the last time that Ellie Multer would be a Selectman and she thanked Chairman Multer for her service. Selectman Henderson thanked Chairman Multer as well.

5. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Multer to approve the minutes of February 23 and March 2; motion passed 3-0.

6. Old Business: William & Mary Sheehy Wharf Application, Bethel Point Road, Map 58, Lot 6-1: Administrator Eiane reported the Town Attorney advises that if what is constructed as a wharf or what is attached to it may create a hazard to navigation, then the Board has the authority to impose conditions. Additionally, the Board should rely on its Harbormaster regarding navigable issues. Selectman Henderson suggested instituting a general condition regarding not attaching large vessels that may cause a hazard to navigation on all approvals. Administrator Eiane clarified the Attorney's advise was related directly to a situation when the Board is aware of potential hazards. The Board discussed whether or not to apply a general condition beginning with this application. Selectman Henderson moved to approve the application, seconded by Selectman Hawkes and cited the findings of fact on the Notice of Decision with a condition under "other" that states no vessel can be attached to the float or wharf in a way that creates a hazard to navigation; motion passed 3-0. Jim Hays, Harbormaster, clarified that it is unlawful to create a hazard and if one occurs, he can notify the owners to rectify it. For clarification purposes, Chairman Multer moved, seconded by Selectman Hawkes to approve the application with the condition; motion passed 3-0.

7. Consider Agreement with Harpswell Community Bandstand Organization: Administrator Eiane introduced Dan Huber and Bob Modr, from the Harpswell Community Bandstand Organization (HCBO), with whom she has been working to finalize an agreement, for review by the Board, between the Town and HCBO relating to the construction and donation of the bandstand to the Town. Selectman Henderson asked if the Attorney reviewed the agreement; Administrator Eiane confirmed and stated the Attorney had recommended language in Section 8 that HCBO would indemnify the Town in perpetuity. HCBO has insurance and will be held liable during the term of the agreement and is providing a warranty for the construction of the unit for a year. Since HCBO will cease to exist upon completion of the project, the language was removed. Administrator Eiane stated the Department of Environmental Protection (DEP) must provide approval for the soil disturbance relating to the trench for underground power and that HCBO is responsible for obtaining permits, including Planning Board. Selectman Hawkes asked what could occur in the future to make the Attorney recommend the language; Administrator Eiane responded the Attorney was trying to fully protect the Town from whatever may happen in the future. There was a discussion regarding the soil issues and Mr. Huber stated if it is too complicated or not allowed, HCBO will forego the power. Selectman Henderson asked that the power conduits and power installation conform to all standards particularly as the Town is attempting to work through the infrastructure needs at the site. Mr. Modr asked for the Board's approval on the location per the site plan as attached to the Agreement. Mr. Huber stated the community has been fully supportive of this project and thanked all the contributors. Mr. Huber asked for a waiver of all Town application fees for the project. Chairman Multer moved, seconded by Selectman Henderson to waive any and all Town fees for the project; motion passed 3-0. Chairman Multer asked that a date be added to the Agreement to clarify when the one year warranty from the builder begins. Chairman Multer moved, seconded by Selectman Hawkes to approve the Agreement as presented and as amended [adding the warranty date of one year from conveyance]; motion passed 3-0. Mr. Huber showed the Board a PowerPoint presentation regarding the project. Mr. Modr asked the Board to allow HCBO to burn the grass at the proposed location under the oversight of the Fire Department. Selectman Henderson moved, seconded by Selectman Hawkes to allow the burn on the condition that issues relating to time and bird nesting are addressed; motion passed 3-0.

8. Public Hearing to Consider Posting Town Roads: The hearing was opened and closed at 6:47 p.m. Selectman Henderson moved, seconded by Chairman Multer to post the Town roads per standard practice. Selectman Henderson asked that the next Road Commissioner review the negative and positive impacts of posting the roads. Paul Standridge asked which roads will be posted; Selectman Henderson responded all Town roads. Administrator Eiane noted there is a permit process for extreme cases outlined in the Ordinance. Selectman Henderson explained the Ordinance used to limit any vehicle in excess of 23,000 pounds but after working with contractors, the Board amended the Ordinance to allow for certain exemptions, including a chart showing vehicle weights, axles and tire widths. The motion was amended to include an effective date of March 12 to April 15 or sooner based upon the Road Commissioner's recommendation; motion passed 3-0.

9. Public Hearing to Consider Shellfish Ordinance Amendments: The hearing was opened at 6:55 p.m. Jon Burbank asked about the amendment in 301.3 to change the word "and" to "or" which will only allow 1 peck of clams or quahogs and asked if a mixed peck is allowed. Rosalind Knight, Town Clerk, read the State law that now limits it to one peck of shell stock. The Board agreed to leave as is and to speak with the Town's wardens regarding allowing a mixed peck.

10. Set Date and Time for Resident and Non-Resident Commercial Shellfish Lotteries: Chairman Multer moved, seconded by Selectman Henderson to set March 30 at 5:00 p.m. and 5:30 p.m. as the resident and non-resident commercial shellfish lotteries, respectively; motion passed 3-0.

11. Committee Appointments & Resignation: Chairman Multer moved to appoint Ellen Shillinglaw to the Board of Appeals as an Associate; Ellen Shillinglaw to the Town Lands Committee as an Associate; Patricia Lawson to the Board of Appeals as an Associate; Eric Chipman to the Emergency Vehicles Committee; Jim

Knight, Aaron Fuchs Jack Dostie and Maryann Nahf to the Shoreland Zoning Review Task Force; motion passed 3-0. Chairman Multer moved, seconded by Selectman Henderson to accept John Noone's resignation with thanks from the Harbor & Waterfront Committee; motion passed 3-0.

12. Accept \$200 Donation in Food Cards: Chairman Multer moved, seconded by Selectman Hawkes to accept \$200 in food cards from the Elijah Kellogg Church with thanks; motion passed 3-0.

13. Other Business: Chairman Multer stated the Clerk's tally sheet for the non-binding referendum regarding the uses of West Harpswell School will accumulate the votes and also the converted points. The Moderator will be provided the tally to announce after polls close along with the other election outcomes and it will be posted on-line.

14. Public Comment: None.

15. Authorization of the Warrants: Selectman Henderson moved, seconded by Selectman Hawkes to approve warrant #13 in the amount of \$599,183.32 and to approve \$111.61 in contingency use for expenses relating to West Harpswell School; motion passed 3-0. Payroll warrant #10 in the amount of \$13,402.56 was noted for the record.

16. Adjournment: The meeting was unanimously adjourned at 7:15 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Town Administrator's Memo
[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]