

Board of Selectmen's Meeting Minutes

March 14, 2013

Harpswell Town Office

Approved on March 28, 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, Alison S. Hawkes and Richard A. Daniel

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Bill Wells, Code Enforcement Officer; Marguerite Kelly, Treasurer; and Jim Hays, Harbormaster

The meeting was recorded and broadcast live on Harpswell Community Television.

2. Adoption of the Agenda: Selectman Multer moved, seconded by Selectman Daniel to adopt the agenda as amended by adding 6.5 Acceptance of Committee Resignation and 14 Consider Resolution Regarding Governor's Budget Proposals; motion passed 2-0.

3. Public Comment: Robert McIntyre stated that any bands that were placed on trees to address the winter moth issue should now be removed. Mr. McIntyre stated that latent oil sprays can be used on the trees not near the water and encouraged the placement of newspapers at the base of the trees to catch any excess oil. Mr. McIntyre stated the winter moth infestation is now all throughout Harpswell and Harpswell Heritage Apples is now back in business. Heather Davis announced the Harpswell Community Nursery School is now accepting applications for the 2013-2014 school year beginning in the fall for ages 3 to 5. There will be an open house on Saturday March 30 from 9:00 to 11:00 a.m. at the Kellogg Church on Harpswell Neck. Mrs. Davis also thanked the public for its support and donations. [Selectman Hawkes arrived.] Ronald Ponziani, Road Commissioner, thanked the public for its support and reported he has received a lot of phone calls praising the winter road conditions throughout the season.

1. Election of Chair: Selectman Hawkes nominated Ellie Multer as Chairman, seconded by Selectman Daniel and carried 3-0. Chairman Multer welcomed Selectman Rick Daniel.

4. Town Administrator's Report: Administrator Eiane welcomed Selectman Daniel and stated staff is here to provide support. Administrator Eiane expressed appreciation for and thanked the Town Clerk, Deputy Town Clerk and election workers for their work at the Town Meeting. Administrator Eiane stated that at a MSAD 75 Finance Committee meeting on Tuesday, the towns heard details regarding the difficult budget times that would result in an increase in the local cost share. The District can no longer maintain status quo and provide programs, particularly with the State's budget figures in flux. Administrator Eiane suggested inviting Harpswell School representatives to a future Selectmen's meeting to hear the issues; schedules will be reviewed. Administrator Eiane reported several Town representatives attended a Marine Resources Summit where many environmental issues affecting the area flats were discussed. The area towns are looking to partner and share information to work toward addressing these issues in a more effective and collaborative process. Administrator Eiane reported the Town's consultant has reviewed the preliminary floodplain work maps issued by Federal Emergency Management Agency (FEMA) that generated some questions and areas of concern that our consultant, Robert Gerber, would like the Town to address in a letter to FEMA. Administrator Eiane stated she is concerned the carryover funds for this issue may not be enough to properly address concerns in 2013.

Administrator Eiane stated she has provided updated documents, reviewed by the Town Attorney, regarding the Hildreth Road property conservation easement and asked for comments prior to providing the drafts to the Harpswell Heritage Land Trust. Administrator Eiane stated the County has provided the new contracts for law enforcement and marine patrol and she will forward to the Board for comments prior to the next meeting. She noted the marine patrol contract needs to ensure that the clam flat surveys will be done and that if the Harbormaster navigates the boat, that only one warden is necessary. Administrator Eiane stated the Board previously approved the job description for the Deputy Tax Collector and Payroll/Accounts Payable Clerk

position and with the approval of the budget, that position is now being advertised and applications are being accepted. She asked if a Board member wants to participate with the interviews to let her know. Administrator Eiane announced that homestead and veteran's exemptions forms need to be submitted to the Assessing Office prior to 4/1. Bill Wells added that he and Jason Marshall attended a seminar on clam flats being affected by wastewater discharge. Chairman Multer added that the MSAD 75 budget presentation is on MSAD's site and she encouraged the public to review it.

5. Selectmen's Announcements: Selectman Daniel thanked Jim Henderson for his service and stated he was looking forward to working with his colleagues and staff. Selectman Daniel thanked Annie McIntyre for her role as the captain of Mt. Ararat girl's hockey team and he congratulated her for receiving the Hobey Baker Character Award. Selectman Hawkes welcomed Selectman Daniel and stated that she was eager to work with him.

6. Approval of the Minutes: Chairman Multer moved, seconded by Selectman Hawkes to approve the February 28 and March 6 minutes; motion passed 3-0.

6.5 Acceptance of Committee Resignation: Chairman Multer moved, seconded by Selectman Hawkes to accept Rick Daniel's resignation from the Budget Advisory Committee; motion passed 3-0.

7. Wharf Applications

Jane Clavet, Birch Run, Map 47, Lot 191-2: Bill Wells, Code Enforcement Officer, summarized the proposal to construct a 4'x4' PT wood access platform and 4'x14' access ramp or stairs; a 6'x42' fixed pier; a 3'x34' aluminum ramp; a 10'x20' PT wood float and 10'x40' PT wood timber frame float haulout. Mr. Wells stated the Code Office is now receiving the safety data sheets and best management practices for the material used in wharf construction.

Chairman Multer asked Deputy Administrator Sawyer to provide a brief summary of the Board's review process regarding wharves. Deputy Administrator Sawyer referenced the Maine Revised Statute Title 38, Chapter 9: Wharves and Fish Weirs that outlines the process, including that the municipal officers, or their designee, will hold an on-site hearing after publishing a notice stating the date, time and location of such hearing. Harpswell's Board of Selectmen has designated its Code Enforcement Officer as its designee. The Code Office also notifies property owners within 250' feet of the proposed site location of the hearing. Bill Wells then comes before the Board to report on the hearing and whether the proposal complies with certain standards. Subsection 1022 states: "...the officers decide that such erection or extension would not be an obstruction to navigation or injury to the rights of others, ..." The Board of Selectmen tends to rely on its Harbormaster for determination on whether the proposal causes an obstruction to navigation and takes comments from the public regarding whether there is an injury to the rights of others. Additionally, the Board assures that the public may pass through the intertidal zone either under or over the proposed structure. If the Board finds that the proposal can be approved, the Board agrees on findings for the written Notice of Decision. Chairman Multer stated that if she is the Selectman making a motion to approve an application, she does not plan to include the language in the Notice of Decision regarding the chromate copper arsenate (CCA) treated wood as it has no binding effect. Instead she would like to establish a group to look at the issue and she has asked Jim Henderson to chair the group.

The hearing for the Clavet proposal was opened at 6:35 p.m. Joe Leblanc, owner's representative, stated this application was prepared before he promised to provide the details regarding what level of pressure treatment would be used in the specific parts of the system. He handed out a sheet regarding the Clavet proposal and stated the pilings and cross bracing will be treated with CCA; upper pier deck structure with ACQ; access platform & ramp or stairs with ACQ; ramp to float will be aluminum; float skids will be with CCA and float understructure with CCA or ACQ. Mr. Leblanc stated the public can pass under the pier as there is about 6-8 feet clearance. Mr. Leblanc stated he has provided the Code Office will all the material safety data sheets. Selectman Daniel asked how long a permit is valid for; Mr. Wells stated one year for substantial start and then 4 more years to

complete the project and obtain a certificate of compliance. Mr. Wells stated he obtained documents from the last 10 to 20 years on CCA and the information is available in the Code Office. Selectman Hawkes stated she understands Chairman Multer removing the CCA language but she does not want the issue to get lost and it was a way to inform property owners. Chairman Multer stated Mr. Wells is assuring that documentation regarding levels of CCA are included in the packets and maybe a notice can be placed on the application regarding CCA if the group's research warrants it. Mr. Wells stated for the public's knowledge that utility poles are not allowed to be used in the water. Selectman Hawkes expressed concern about the State participating in the CCA research process as the State should already have an answer; Chairman Multer responded the State is necessary. Chairman Multer moved, seconded by Selectman Hawkes to approve the application on the CEO's evidence that it meets approval requirements, Harbormaster's determination on navigable issues, and there are no indications of injury to the rights of others. Chairman Multer added the Board retains the concern regarding CCA but is not prepared to make rules governing it. The motion passed 3-0 and the Notice of Decision was completed. The hearing was closed at 6:45 p.m.

Constance Lewis, 240 Pinkham Point Road, Map 45, Lot 39: The hearing was opened at 6:45 p.m. Bill Wells, Code Enforcement Officer, summarized the proposal to construct a 4'x10' PT wood access ramp and 4'x9' access stairs leading to a 6'x12' pier, a 3'x40' aluminum or PT wood ramp and an 8'x12' PT wood float. Mr. Leblanc, owner's representative, stated the application was prepared last June and he reviewed what material would be used: the pilings and cross bracing will be treated with CCA; upper pier deck structure with ACQ; access ramp and stairs with ACQ; ramp to float will be aluminum or wood with ACQ; float skids will be with CCA and float understructure with ACQ. Mr. Leblanc stated the public can pass through the intertidal zone. Selectman Daniel asked if the float will remain on water or on flats; Mr. Leblanc responded it will float at all tides, not very deep but there is water. Chairman Multer moved, seconded by Selectman Daniel to approve the application on the CEO's evidence that it meets approval requirements, Harbormaster's determination on navigable issues, and there are no indications of injury to the rights of others. Chairman Multer added the Board retains the concern regarding CCA but is not prepared to make rules governing it. The motion passed 3-0 and the Notice of Decision was completed.

8. Amendment to Personnel Policy: Administrator Eiane stated the Town offered the elected Treasurer single coverage health insurance and the Town covered 80% of the premium. This policy amendment would allow the coverage to continue. Administrator Eiane stated the Chairman asked staff to review a possible amendment to provide for Town contributions for regular part-time employees and a proposal will come back to the Board. Chairman Multer asked that the minimal hours worked and average hours worked for regular part-time employees be provided as well. Chairman Multer moved, seconded by Selectman Hawkes to approve the amendment; motion passed 3-0.

9. Appointment of Treasurer: Administrator Eiane stated that voters approved changing the method of selecting a Treasurer from elected to appointed for a three-year term effective March 2013. The Board indicated it wanted to proceed with appointing the current Treasurer and previously approved the job description. Administrator Eiane reviewed the current Maine Municipal Association salary survey and a previous salary survey conducted by a Town consultant. Administrator Eiane noted the Board indicated to voters in its municipal newsletter and in the March 9, 2013 Town Meeting warrant that the appointed Treasurer's salary would be up to \$20,000 annually. Administrator Eiane noted there may be weeks of working fewer than 14 hours and weeks of working more than 14 hours, particularly during the audit and committee meetings. Selectman Daniel asked Marguerite Kelly for input regarding the average of 14 hours per week. Ms. Kelly responded she has not previously tracked her hours but used to plan approximately 12 plus the additional meetings with the Board of Selectmen, Budget Advisory, and Emergency Vehicles Committees. She stated she had no concerns with using an average of 14 but noted it is not scientifically derived. Jim Knight read a statement that included concerns relating to the increase in pay for this position from \$6,000 to \$10,000 a few years ago and concerns with the current proposal of increasing the pay from \$10,000 to \$20,000 and including benefits. He noted he has

previously worked with Ms. Kelly and with another Treasurer and they were both very qualified. Ms. Kelly stated she was against making this position appointed; she was concerned with a three-year term; and noted the increase in pay to \$10,000 was done on the floor of Town Meeting. Ms. Kelly also stated that she had not actively participated in setting this salary; that she believed Administrator Eiane had shared with her Administrator Eiane's proposal as a courtesy. Chairman Multer asked Administrator Eiane to confirm that the Treasurer is a key part of the audit and helps save the Town money. Administrator Eiane agreed the Treasurer and Deputy Town Administrator prepare the financials and work diligently throughout the audit. Chairman Multer and Selectman Hawkes agreed Ms. Kelly is professional and a value. Chairman Multer moved, seconded by Selectman Hawkes to appoint Marguerite Kelly as the Treasurer for a term not to exceed three years. Selectman Daniel thanked Jim Knight for his comments and while he understands the concerns, he believes professional positions can save the Town money similar to the Road Commissioner. Motion passed 3-0.

11. Public Hearing Re: Posting Town Roads: Ronald Ponziani, Road Commissioner, recommended that Town roads should be posted. Mr. Ponziani asked if he could make certain exceptions in the field based on road conditions. Administrator Eiane responded an ordinance change would be required since currently only the municipal officers can issue waivers. The Board agreed to look at revising the ordinance in the future. Mr. Ponziani recommended posting from 3/15 to 4/30 with the understanding that if conditions improve, the posting can be removed sooner. Chairman Multer moved, seconded by Selectman Hawkes to post the roads from 3/15-4/30 unless lifted sooner; motion passed 3-0.

10. Settlement and Recommitment of Property Taxes: Administrator Eiane stated this is a process to settle the outstanding taxes with the outgoing Tax Collector and recommitment to the newly elected Tax Collector. Chairman Multer moved, seconded by Selectman Daniel to approve and sign the documents; motion passed 3-0.

12. Consider Road Name: Administrator Eiane stated the Board was provided the Enhanced 911 Road Name Policy and noted the 911 Addressing Officer did not appear to make a recommendation. The Board agreed options 1 and 4 were too similar to other road names. Selectman Daniel stated Shoreline Drive could be acceptable. Selectman Hawkes believes all four are too similar. Deputy Administrator Sawyer stated Shoreline Drive may be distinct enough and noted it is in the Orr's Island Emergency District and the other two similar road names, Shore Acres Road and Shore Road are in the Harpswell Neck and Cundy's Harbor Districts, respectively. The Board discussed whether to reject all options and ask the owners to develop other choices. Chairman Multer moved, seconded by Selectman Daniel to approve Shoreline Drive; motion passed 3-0.

13. Policy for Treasurer's Disbursement Warrants for Employee Wages & Benefits: Administrator Eiane stated this policy allows one Selectman to approve payroll warrants where as accounts payable warrants must be approved at a Selectmen's meeting by a majority of Selectmen. Chairman Multer moved, seconded by Selectman Hawkes to approve the policy; motion passed 3-0.

14. Other Business: Consider Resolution Regarding Governor's Budget Proposals: Chairman Multer stated she is not pleased with the Governor's budget proposals and believes they mostly are shifting the tax burden to the local property taxpayers. Chairman Multer proposed a resolution to send to the Legislature and moved to do so. Selectman Hawkes stated she cannot support the resolution as she believes municipalities need to make budget cuts. Selectman Daniel stated he believes the State cuts are being asked to be made up at the local level. He noted the State funding to MSAD 75 looks like an increase but the District is being asked to cover the teachers' retirement. Selectman Daniel seconded the motion and it carried 2-1 (Selectman Hawkes opposed).

15. Public Comment: Joe Leblanc stated Marguerite Kelly is very professional and does a great job. Also that the Governor's proposals will affect local budgets and the Town should consider resources to help absorb the effects such as increasing wharf application fees.

16. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Daniel to approve warrant #13 in the amount of \$670,061.41; motion passed 3-0. Payroll warrant #11 in the amount of \$15,124.89 was noted for the record.

17. Administrative Matters: The Board set the following meetings: March 21 at 2:30 as a workshop (to be videotaped) with the Marine Resources Committee; March 25 at 3:30 p.m. with the Comprehensive Plan Implementation Committee; and April 9 at 6:30 pm as a public presentation regarding single-stream recycling. The Board agreed to continue leasing to the wharf owners at the Orr's Island Bridge Town property and proceed with updated leases. The Board agreed to send a letter to Central Maine Power acknowledging the infrastructure improvements resulting in improved reliability and delivery of service.

18. Adjournment: The meeting was unanimously adjourned at 8:20 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Resolution Re: Governor's Budget
[Attachments are available at the Town Clerk's Office or by email at harpwell@town.harpwell.me.us]