

Selectmen's Meeting Minutes
May 9, 2013
Harpswell Town Office
Approved on May 30, 2013

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At 5:15 p.m., the Board attended a site visit at Map 17, Lot 1 on Basin Point Road.

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; Ronald Ponziani, Road Commissioner; and Marguerite Kelly, Treasurer

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

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as amended by adding 18.1 Bandstand Concerts and 18.2 Request for Proposals for Mowing at Mitchell Field; motion passed 3-0.

2. Public Comment: There was none.

3. Town Administrator's Report: Administrator Eiane thanked the Garden Club for taking care of the front garden at the Town Office under the leadership of Peggy Shanler. Administrator Eiane announced the Town bulletin will be mailed tomorrow to all taxpayers and includes information on the Memorial Day celebrations and the June 11 MSAD 75 and municipal ballots.

4. Selectmen's Announcements: Selectman Daniel stated that due to the importance of the MSAD 75 budget meeting on May 23, the Selectmen moved their regular meeting to May 30. He encouraged public attendance at the meeting. Chairman Multer agreed as it's the largest part of Harpswell's budget.

5. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for April (attached). Ms. Kelly reported the Maine Municipal Bond Bank closing documents for the Town's \$1,000,000 borrowing are ready for the Chairman's signature at an annual interest rate of 1.75% for 10 years.

6. Margaret & Peter Cowgill Wharf Application, 388 Basin Point Road, Tax Map 17, Lot 11: Bill Wells, Code Enforcement Officer, reviewed the application to add an 11'x16' float to an existing wharf, ramp and float system. Selectman Hawkes asked what the distance between the float and the opposite side of land was. Mr. Wells responded it was open water and not a channel. Chairman Multer moved, seconded by Selectman Daniel to approve the application given the Harbormaster has indicated there was no hazard to navigation and there is no apparent injury to the rights of others; motion passed 3-0. Selectman Hawkes asked if the required material safety data sheets (MSDS) were submitted. Chairman Multer moved, seconded by Selectman Hawkes to amend the motion to understand the approval is based upon the MSDS material; motion passed 3-0. Deputy Town Administrator asked the Board to clarify its Notice of Decision and whether the chromated copper arsenate (CCA) language is included. Chairman Multer stated the language is not binding and not included with her motion. Selectman Hawkes moved, seconded by Selectman Daniel to amend the Notice of Decision to include the CCA language; motion passed 2-1 (Chairman Multer opposed).

7. Mackerel Cove Baseline Document and Request for Proposals for Fishermen Parking: Reed Coles, Executive Director of the Harpswell Heritage Land Trust (HHLT), stated in order for the Land Trust to be accredited it needs a current baseline condition report for all overseen properties. Mr. Coles stated the Board is not legally bound to sign this document and that it summarizes the current condition of the property both for the Town and HHLT. Deputy Administrator Sawyer stated staff reviewed it and it seems to accurately depict the current conditions. Chairman Multer moved, seconded by Selectman Daniel to sign the document; motion passed

3-0. Selectman Daniel asked Mr. Coles about the parking at the site; Mr. Coles responded in addition to this proposal for more fishermen parking, the HHLT has made more spaces available for public parking and has posted signs indicating the area if for parking. Mr. Coles stated the Town's easement includes limitations for scenic value and HHLT believed the use for the fishermen allowed this additional space. Chairman Multer moved, seconded by Selectman Hawkes to approve the request for proposals for parking. Selectman Hawkes asked if the parking area would have lines; Deputy Administrator Sawyer suggested proceeding without lines and seeing how the parking situation unfolds. Motion passed 3-0.

8. Consider Requests from Harpswell Business Association: Gail Kass, of the Harpswell Business Association, requested \$480 from the economic development fund to help defray the costs of a Town-wide events calendar. Ms. Kass noted that Administrator Eiane asked how the for-profit events affect the Town contribution and she explained the calendar used to be just for businesses and has expanded to include Town sponsored events and non-profits. Ms. Kass stated 35,000 will be printed and can be used as an insert in a brochure or alone. Chairman Multer asked if there is a way to measure success; Ms. Kass responded that is difficult but has heard of personal success stories such as cross promotion of the Grange last year. Chairman Multer stated the HBA is making more requests and while she could consider approving this, she wants to see information on the financial status of the HBA and have HBA requests brought to the Budget Advisory Committee (BAC) level. Ms. Kass agreed and is working on the financial information and will come to the BAC for 2014. Chairman Multer added if the list of events continues to grow she wants to see the HBA's policy on what gets listed. Chairman Multer moved, seconded by Selectman Daniel to approve the request for \$480 and that future requests must come with more financial information. Selectman Hawkes noted the HBA receives very little revenue from its memberships. Selectman Daniel thanked Ms. Kass for her continuing efforts to get Harpswell out there. Motion passed 3-0.

Ms. Kass requested the Board consider installing an ATM machine at the Town Office, preferably outside. She stated the HBA is in favor of an ATM as well as its members that have been polled. Chairman Multer stated this topic could be placed on a future agenda after receiving staff input, pros and cons and the potential impacts on the Town Office. Ms. Kass stated the Town would receive revenue for each transaction and that a phone line and electricity would be needed. Selectman Daniel asked if there were any other ATMs in Town; Ms. Kass responded no and a lot of businesses do not accept credit cards.

Ms. Kass noted there will be an article in the Portland Magazine on Harpswell. Also that she is continuing talks with the State regarding a sign on I-295 for a Harpswell Coastal Region. There are 10 region signs from Kittery to Brunswick.

9. Consider Request for Proposals for Maintenance of Basin Point Road: Administrator Eiane reported the Road Commissioner is recommending sending out Requests for Proposals for certain work on Basin Point Road to contractors who provided minimum qualifications to the Town. Mr. Ponziani, Road Commissioner, stated he plans on reviewing all Town roads and began with Basin Point Road. There are a number of culverts that need to be replaced or repaired and areas that need ditching. Selectman Hawkes moved, seconded by Selectman Daniel to approve the RFP. Selectman Daniel asked if the contractor had to properly cover any disturbed areas and seed. Mr. Ponziani responded the work needs to be done in accordance with Department of Transportation best stormwater practices and erosion control and suggested that language be added. Motion passed 3-0.

10. Consider Variance Request to Basin Point Road from Property Owners of Map 17, Lot 1: Deputy Administrator Sawyer stated the Board of Appeals granted certain variances and one was for the property owner's property line along Basin Point Road, a Town road. It is within the Board of Appeals authority to grant a variance up to 20% and can exceed the 20% if an abutter agrees in writing. The Notice of Decision for the case states that a 10-foot variance is granted unless the Town objects as the abutter in which case a 5-foot variance is granted. The Town Attorney has indicated the Board acts on behalf of the Town in this situation. Deputy

Administrator Sawyer stated Chairman Multer previously asked if the Board of Selectmen's decision should be tabled until the Board of Appeals (BoA) decides on whether to hear the requests for reconsideration on the case and if it does, until the BoA makes a decision. The Town Attorney has responded there is no legal requirement causing the Selectmen to act now or later, it is a decision for the Board. The additional 5-foot variance request is distinct from the question on whether or not the variance(s) should have been issued, which is a matter for the Board of Appeals. The Select Board only has to address the additional 5-foot request before any permit might be issued. Chairman Multer stated she preferred to table the matter until after the Board of Appeals decides on whether to reconsider the case and if so, after the Board of Appeals has reconsidered it. Dorothy Rosenberg asked the Board to wait as she believes its decision is premature. Hope Hilton asked the Board to wait as there is no hurry. Chairman Multer moved, seconded by Selectman Hawkes to table this matter until after the Board of Appeals makes its decision(s); motion passed 3-0.

11. Consider Request for Waiving Fee for Use of West Harpswell School: Administrator Eiane stated the Harpswell Coastal Academy, through Elizabeth Davis, submitted an application for use of the West Harpswell School for a pot luck dinner for the students and families. The \$50 fee was paid and the request was approved. Ms. Davis has requested in writing that the \$50 fee be waived and reimbursed. Chairman Multer expressed concern regarding HCA's future if it is struggling now. Selectman Hawkes stated she was not inclined to waive the fee. The Board took no action.

12. Consider Lease Extension for Ash Point Community Library: Administrator Eiane stated the lease with the Ash Point Community Library was signed in July of 2012 but that the term ended March 30, 2013. Administrator Eiane stated the Town has been negotiating with Harpswell Coastal Academy (HCA) for use of the School and it has indicated it wants to keep the presence of the Library. Administrator Eiane spoke with the Ash Point Community Library regarding a month- to- month lease now and Ms. Frisoli indicated she would feel better with a long term commitment. Chairman Multer stated the Board received an email from Gordon Weil that said the Town agreed the Library could continue if HCA occupied the building. Chairman Multer stated she was going to watch the Town Meeting video first as she does not believe such a firm commitment was made. Administrator Eiane requested the Board consider extending the current lease to June 30. Chairman Multer moved, seconded by Selectman Hawkes to extend the lease to June 30 on a month- to- month basis with 30-day notice; motion passed 3-0.

13. Consider Renewal Alcohol License for Morse Lobster, LLC at 1945 Harpswell Islands Road, Bailey Island: Deputy Administrator Sawyer stated both the Code Office and Cumberland County have indicated there are no compliance issues with the Town's land use ordinances or with alcohol-related matters, respectively. Selectman Hawkes moved, seconded by Selectman Daniel to approve the renewal license. Selectman Daniel asked out of curiosity why the State application asked if any principal officers are law enforcement officials. Staff will inquire of the State. Motion passed 3-0.

14. 2013 Wage and Salary Adjustments: Administrator Eiane stated annual performances evaluations have been completed and for the Board consideration is a 2% wage and salary increase, with a couple of exceptions. The Deputy Town Clerk and Assessing Assistant are proposed to receive 9%. Additionally the Code Enforcement Officer is proposed for a 4% raise. Administrator Eiane is not included in tonight's proposal as the Board needs to perform her annual performance evaluation. Administrator Eiane asked the Board to determine if the 2% applies to the former Deputy Tax Collector from January 1 to through March 9, when she was elected the Tax Collector. Chairman Multer moved, seconded by Selectman Daniel to apply the 2% to the Deputy's wage for that time period; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve the wage and salary adjustments. Selectman Hawkes asked if only non-elected staff members were reviewed. Administrator Eiane responded elected officials are not evaluated by her. It was noted that the elected officials' pay is determined by Town Meeting and the warrant article is structured to say "To see what sum". Selectman Hawkes stated she is not sure Town Meeting understands that elected officials are not evaluated. Administrator

Eiane noted the Town has always been fortunate to have quality elected officials. Selectman Hawkes asked for all staff, elected and non-elected, to be listed at budget review time. Motion passed 3-0.

15. Sign Special Town Meeting Warrant for June 11, 2013: Administrator Eiane stated when voters go to the polls on June 11 for the MSAD 75 budget, there will be a municipal ballot asking voters to accept gift and grants for the bandstand. Selectman Daniel asked if a moderator is still chosen even though it is not a floor meeting. Administrator Eiane responded she believes there is one at each polling site. Selectman Hawkes asked that the wording be made clearer that no Town funds are being used. It was noted the Board approved the article language at its last meeting since ballots had to be printed. Chairman Multer stated she is writing an article for the Anchor to further clarify the article. Chairman Multer moved, seconded by Selectman Daniel to sign the Special Town Meeting warrant; motion passed 3-0.

16. Set Public Hearing for Secret Ballot Item for May 30, 2013 at 7:00 p.m.: Chairman Multer moved, seconded by Selectman Hawkes to set May 30 at 7:00 as the public hearing; motion passed 3-0.

17. Appointments: Selectman Hawkes moved, seconded by Chairman Multer to appoint: Jim Henderson to the Comprehensive Plan Implementation Committee to April 30, 2016; Robert Modr, Bryan Foster, Judith Swol to the Bandstand Committee to April 30, 2014; Ed Blain and Walter Johnson as Deputy Fire Wardens to April 30, 2014. Selectman Daniel asked if there was training required and any limits on how many Deputy Fire Wardens. Administrator Eiane responded there is no limit, the Fire Warden must have specific training and Deputies follow certain procedures. Motion passed 3-0.

18.1: Bandstand Concerts: Administrator Eiane stated Bob Modr has assembled bands for a summer concert series to play at the bandstand and is seeking the Board's approval so it could be promoted as Town-sponsored. Selectman Hawkes asked who is paying for the advertising; Administrator Eiane responded the costs would be minimal for posters etc. The Bandstand organization wants to say Town-sponsored to save on insurance and to show Town support. Administrator Eiane stated the Organization will turn over funds to the Town and has indicated there is more than enough to cover this band schedule. The Board discussed that there is no fee to attend the concerts and that appropriate fundraising methods still need to be discussed. Administrator Eiane noted the schedule mentions the concerts will move to West Harpswell School if inclement weather and the Board agreed that is not secured at this time. The dedication ceremony will be on June 16 at 2:00 p.m. and the Board is invited. Selectman Hawkes moved, seconded by Chairman Multer to approve the concert series; motion passed 3-0.

18.2 Consider Request for Proposals for Mowing at Mitchell Field: Deputy Administrator Sawyer asked the Board to approve a Request for Proposals for mowing certain areas at Mitchell Field, including the entrance areas, bandstand and shorefront areas. Chairman Multer asked that the area at the bandstand be made more definitive. Chairman Multer moved, seconded by Selectman Daniel to approve the RFP; motion passed 3-0.

19. Public Comment: Donna Frisoli stated the Town Meeting discussion regarding the Ash Point Community Library is on video 4 of 6 at 26 minutes 16 seconds into the video. Ms. Frisoli stated the Library supports the Harpswell Coastal Academy and wishes to have a long term lease. Chairman Multer suggested she contact HCA.

20. Authorization of the Warrant(s): Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #23 in the amount of \$583,979.31; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #24 in the amount of \$44,131.60; motion passed 3-0. Payroll warrant #19 in the amount of \$114,829.97 was noted for the record.

21. Administrative Matters: A Orr's Island lease was signed and a catering permit (the corrected one received by fax). The Board adjusted the meetings on May 15 to begin at 3:30 p.m. re: public easements and then 5:00

p.m. for the aquaculture workshop. The Board scheduled: 5:00 p.m. on May 30 for Administrator Eiane's evaluation; a special meeting on May 23 at 9:00 a.m. to cover a few time -sensitive matters; July 8 at 6:30 p.m. as the annual non-resident taxpayer meeting; June 20 at 6:00 p.m. as the committee-wide meeting; June 13 for the economic development plan presentation; and possibly MSAD directors on the June 27 meeting. The Board agreed to not schedule Chad Coffin on a future agenda as he could be invited to attend a Marine Resources meeting if he has constructive input.

22. Executive Session: At 8:45 p.m., Chairman Multer moved to enter executive session pursuant to 1 M.R.S.A. § 405(6)(C) regarding possible acquisition of property; motion passed 3-0.

23. Adjournment: The Board returned to open session at 9:10 p.m. and adjourned the meeting.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Treasurer's Report

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