

Board of Selectmen's Meeting Minutes

July 26, 2012

Harpswell Town Office

Approved on August 9, 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; Bill Wells, Code Enforcement Officer; and Marguerite Kelly, Treasurer

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 item 7.5 Setting of the Mil Rate; motion passed 3-0.

2. Public Comment: Mary Ann Nahf, Shoreland Zoning Review Task Force Chair, stated the Task Force held its first forum in Cundy's Harbor. The next one is scheduled for July 31 at 6:00 pm at Library Hall on Bailey Island. Elizabeth Davis stated the Ash Point Community Library has issued 100 library cards in 4 months and has excellent children and adult collections. Ms. Davis commented on the Selectmen's discussion about the Library made at the previous meeting. Robert McIntyre stated there will be winter moth information available at the Harpswell Festival and at meetings on August 20 and September 20 (located to be determined). Mr. McIntyre requested the Board consider reducing the speed limit near the end of Basin Point Road. Ronald Ponziani, Road Commissioner, suggested installing a rumble strip in the area approaching the Dolphin Marina. Dorothy Rosenberg agreed a rumble strip or temporary bump would be helpful.

3. Town Administrator's Report: Administrator Eiane announced the Harpswell Festival is this Sunday from 10:00 a.m. to 9:00 p.m. at Mitchell Field. The Town's Conservation Commission will have information available on the winter moth and Charlene Donahue, State Entomologist, will be present to answer questions. Administrator Eiane stated the Harpswell Neck Physical Education Association (HNPEA) submitted an application to use the gym at West Harpswell School tomorrow from 9:00 a.m. to 12:00 p.m., if it rains. The application meets the Board's policy and while staff can approve it, HNPEA has requested a waiver of the \$50 application fee. The Board will consider the waiver request under item 7.6. Administrator Eiane reported staff continues to review the single stream concept and financial data, including having visited the facilities in Lisbon, Topsham and Freeport.

4. Selectmen's Announcements: Selectman Henderson stated the Town reconstituted its Solid Waste Committee into the Recycling Committee and is looking for volunteers for the new committee. Volunteers can apply on-line or contact the Town Office. Selectman Henderson noted Harpswell resident Bob Walsh passed away. Mr. Walsh was a Cumberland County Sheriff's Deputy, substitute teacher, well known in the community and will be missed.

5. Midcoast Regional Redevelopment Authority (MRRA)

- **Acceptance of \$3,300:** John Moncure stated he has been on the MRRA Board since its inception four years ago. The MRRA requested donations from area towns to help fund advertising and marketing of the site and Harpswell donated \$3,000. The MRRA recently sold the housing and the Board wants to thank Harpswell for its donation by returning the \$3,000 plus 10% interest. Chairman Multer moved, seconded by Selectman Hawkes to accept the \$3,300; motion passed 3-0.
- **Nomination and Letter of Support for John Moncure:** Mr. Moncure requested the Board re-nominate him to be on the MRRA Board as his current term is ending. Chairman Multer moved, seconded by Selectman Henderson to nominate John Moncure and send the nomination letter with a minor change; motion passed 3-0.

6. Approval of the Minutes: Selectman Henderson moved, seconded by Chairman Multer to approve the June 28 and July 12 minutes; motion passed 3-0. Chairman Multer moved, seconded by Selectman Hawkes to approve the July 18 minutes; motion passed 2-0 (Selectman Henderson abstained).

7. Marie Pressman Wharf Application, Tax Map 42, Lot 46, 26 Narrows Lane: Bill Wells, Code Enforcement Officer, reviewed the proposal for a ramp and float. Selectman Henderson noted that while the Harbormaster signed the form, he did not mark whether he recommended it or not. Joe Leblanc, owner's representative, stated the height of the ramp allows the public to pass under. Mr. Leblanc added the proposal includes moving a 10'x10' float onto a mooring. The hearing was opened and closed at 6:40 p.m. Selectman Henderson moved, seconded by Chairman Multer to approve the application with the condition the Harbormaster provides his written approval; motion passed 3-0. The findings of fact were stated for the Notice of Decision.

7.5 Set the 2012 Mil Rate: Debbie Turner, Assessing Agent, provided the Board with calculation sheets showing the different 2012 tax rate options, ranging from \$5.70 to \$5.80 (2011 rate) and the associated overlay amounts. Administrator Eiane stated staff has reviewed the different rates and recommended \$5.75 but due to the fractional problem, \$5.74 or \$5.76 would be appropriate. Administrator Eiane explained the assessment of an overlay amount is outlined in the state statute and allows the assessors to avoid the fractional issue and the Harpswell Town Meeting has approved overlay funds be used to cover abatements. Chairman Multer moved, seconded by Selectman Hawkes to set \$5.76 as the 2012 tax rate [with an overlay of \$187,637]; motion passed 3-0.

7.6 Consider Harpswell Neck Physical Education Association (HNPEA) Request for Waiver of Fee: Deb Cornish, camp director, stated HNPEA is a non-profit and offers an affordable day camp for children. Ms. Cornish stated tomorrow is the last day of the program and if it rains, she plans on using the West Harpswell School gym and requested the Board waive the \$50 fee. Selectman Henderson and Selectman Hawkes agreed a policy is needed regarding fee waivers. Chairman Multer stated she did not believe the fee was a hardship and was not in favor of waiving. Selectman Henderson moved, seconded by Selectman Hawkes to waive the fee for this occasional community activity that will not generate notable expenses; motion passed 2-1 (Chairman Multer opposed).

8. Consider Clarification to Ash Point Community Library (APCL) Lease: Chairman Multer stated she and Selectman Hawkes expressed concerns at the last meeting that the library space is being used by other organizations for meetings and for programs during open hours. Donna Frisoli, of APCL, requested a workshop with the Board of Selectmen and the APCL Board to discuss the issues. Chairman Multer responded the issues could be discussed tonight. Chairman Multer stated it was inappropriate to allow use of the library to other unaffiliated groups and that due to the small size of the library, she was concerned about offering certain program during open hours. The Board discussed possible amendments to Sections 9 and 10 of the lease proposed by Chairman Multer. Ms. Frisoli stated the one time a meeting was allowed in the library, it did not work and the APCL Board made a decision to not allow such meetings again. The Board of Selectmen agreed with the proposed amendment to section 9 and the proposed change to section 10 was further discussed. Chairman Multer moved, seconded by Selectman Henderson to implement the proposed amendments to sections 9 and 10. Ms. Frisoli clarified that programs could continue during open hours; the Board concurred. Selectman Hawkes stated she never said she was against the Mommy and Me program; her concern was that everyone has a right to use the library. Motion passed 3-0.

9. Consider List of Capital Equipment for Lease-Purchase to be used by Harpswell Community TV for Public, Educational and Governmental Purposes and Sole Sourcing with Vendors: David I. Chipman stated he has worked for four months to develop the necessary equipment list to bring Harpswell Community media services into the 21st century at a total cost of \$81,902. This equipment will be reliable and provide a digital signal. Mr. Chipman recommended sole sourcing with Maine Video as it offers the lowest pricing, is local and

offers service. Mr. Chipman also recommended sole sourcing with Maestrovision as HCBC currently uses equipment from this company and due to the relationship, the new equipment is being offered at a 50% discount. Mr. Chipman stated the new server will put out streaming code but since Harpswell does not have the necessary bandwidth, renting space from a streaming company would be necessary. Marguerite Kelly, Treasurer, stated if the Board is satisfied with the equipment list and vendors without a formal bid, Androscoggin Bank has prepared a lease for the purchases. The net amount of the lease is \$42,000 with \$6,000 a year payment to be paid from the Comcast capital grant funds. Ms. Kelly asked the Board to authorize her to sign the term sheet and the Administrator or Deputy Administrator to sign the lease; both have been reviewed by bond counsel. Androscoggin Bank will share in the security of the equipment and when the lease is paid off; the Town will own all the equipment. Selectman Henderson moved, seconded by Selectman Hawkes to approve the lease and term sheet; motion passed 3-0.

10. Consider Agreement with Androscoggin Bank for AndroPay Services: Marguerite Kelly, Treasurer, stated this Agreement is for AndroPay, an on-line service that will allow residents to pay certain items from home using electronic checks. There is a \$1.00 fee per transaction. Androscoggin has offered four applications free and the first item will be property taxes. The Agreement was reviewed by the Town attorney and Androscoggin has accepted all the proposed changes. Chairman Multer moved, seconded by Selectman Hawkes to approve the agreement; motion passed 3-0.

11. Consider Scheduling Vote on Changing from Elected Treasurer to Appointed: Chairman Multer stated it appears to be a good idea to put this question on the November ballot as a decision needs to be done 90 days before Town meeting. Chairman Multer suggested the Board vote to place the question on the November ballot and review the detail later. Administrator Eiane stated any question for the November ballot must be to the Clerk in September. Selectman Hawkes stated she preferred to review and approve the detail before voting to place it on the ballot. Selectman Henderson moved to authorize staff to prepare the information including current pay; motion passed 3-0. David Chipman agreed this position should be appointed and stated we are so lucky to have Marguerite Kelly. Ann Standridge agreed and stated she does not want to lose Ms. Kelly. Selectman Henderson agreed that Ms. Kelly is great but the reason to do this is assure in the long term that the Town has qualified people in this position. Chairman Multer stated this is not a power move, it is necessary to assure having qualified people as anyone can run for elected positions.

12. Consider Policies

- **Town Boat Towing:** Administrator Eiane stated in anticipation of the arrival of the new Marine Patrol boat, the Watercraft Task Force drafted a towing policy that allows towing of boats with the Marine Patrol boat under certain circumstances. The policy would only apply to the Marine Patrol boat as the Harbormaster boat is not equipped for towing. Administrator Eiane said that only trained Marine Patrol and the Harbormaster should operate the boat and was not aware that emergency personnel intended to operate the boat, but she will check into it. Selectman Henderson suggested replacing the reference to the Marine Patrol Officer with the Marine Patrol Boat. Ronald Ponziani suggested the Marine Patrol or Harbormaster provide contact numbers to those in need of a tow but do not qualify under the policy; there is such language currently in the policy. Chairman Multer asked for the amendments to be made and the policy brought back to the Board.
- **Town Dock:** Burr Taylor, chair of the Harbor and Waterfront Committee, thanked the Town Administrator for assisting in the development of this policy. Selectman Hawkes stated she believed a \$10 fee was not enough; Administrator Eiane responded this registration is only for half a year and the mooring fee is \$18. Since this is a trial period, the Harbormaster can track his time and the fee could be increased later if need be. Mr. Taylor explained that if a dinghy is found regularly at the float without a registration, the Harbormaster has the authority to remove it to the Transfer Station. Chairman Multer agreed with the removal but wants the policy to say to a Town location to give flexibility on where the items will be removed to. Selectman Henderson questioned parking; Mr. Taylor stated parking was an

issue at the site before and is not directly tied to boat use as not everyone boats at the same time. The policy allows for first come first serve on registration spots and allows for a guest dinghy area. Ronald Ponziani suggested having a sign at the dock on who to call regarding a guest dinghy spot; Mr. Taylor responded signs will be on-site with the Harbormaster's cell phone number and that the policy will be mailed to all mooring holders in that area. Administrator Eiane noted this is a trial period and changes can be made as necessary. Chairman Multer moved, seconded by Selectman Hawkes to accept the short-term policy, as amended with the length of the dinghy and the location for removal, effective August 15; motion passed 3-0.

13. Sign Winter Road Maintenance Contract with Goodall Landscaping: Administrator Eiane stated the Board approved contracting with Goodall Landscaping at the last meeting and the contract has been prepared. Administrator Eiane stated West Harpswell School has been added to the list of plow areas and the per mile rate (\$5,474 in 2012-2013) which has been added to the contract, will apply to any additional roads that may be added to the contract. Ben Goodall requested the Board adjust the payment schedule by at least splitting the planned December 10, 2012 payment in half and paying one half on November 10, 2012. The contract begins on October 1 and the payment schedule change will help with the cash flow. Selectman Henderson moved, seconded by Selectman Hawkes to split the December payment as outlined. Chairman Multer suggested a few changes to the contract and Selectman Henderson and Hawkes agreed. Chairman Multer moved, seconded by Selectman Henderson to split the payment and approve the contract; motion passed 2-1 (Chairman Multer opposed).

15. Set Hearing for Lower Cove Road on Orr's Island: Administrator Eiane stated the Town attorney suggested following a process outlined in State statute that allows the Board to determine the legal status of a road. The Board must hold a hearing and gather information on whether the Town has maintained the road for 20 years or more. Ronald Ponziani, Road Commissioner, stated that past Road Commissioners have maintained the road for more than 20 years. Selectman Henderson encouraged Mr. Ponziani to have the people with information regarding maintenance to attend the hearing. Selectman Henderson moved, seconded by Selectman Hawkes to set August 9 at 7:00 p.m. as a hearing to determine the legal status of Lower Road; motion passed 3-0.

14. Exploring Long Term Options for West Harpswell School: Chairman Multer suggested directing staff to contact the three commercial realtors recommended by Jack Sylvester to solicit views, including obstacles, expectations and price range, on selling West Harpswell School. Additionally Chairman Multer suggested staff contact Greater Brunswick Housing Authority to follow up on the interest expressed to use the School as senior housing. Selectman Hawkes preferred to solicit ideas from the public. Chairman Multer stated everyone is welcome to attend the meetings and noted the highest vote in the straw vote was to keep the property for community use and at a close second was a vote to sell the property. Chairman Multer does not want to go to the 2012 Town Meeting to keep operating as currently. Selectman Henderson stated it would be useful to get a package of community resources and costs. The Board discussed how to proceed and Chairman Multer asked Selectman Henderson to suggest a plan at a later time. Chairman Multer suggested beginning with the realtors and Greater Brunswick Housing Authority. The Board agreed for staff to schedule the meetings and inform the Board of the dates.

16. Consider Amendment to Memorandum with Maine State Planning Office: Administrator Eiane stated this amendment is due to the dissolution of the Maine State Planning Office and now the agreement for the aerial photography is with Maine Department of Conservation. Chairman Multer moved, seconded by Selectman Henderson to sign the amendment; motion passed 3-0.

17. Acceptance of Donation for Summer Swim: Administrator Eiane stated the parents of the children involved in the summer swim program donated \$170 for the summer swim program. Chairman Multer moved, seconded by Selectman Henderson to accept the donation with gratitude; motion passed 3-0.

18. Other Business: None

19. Public Comment: Donna Frisoli reminded the Board that the voters last choice in the straw vote regarding West Harpswell School was businesses. She asked the Board to use the school and make it easier for others to use by not requiring the insurance. Selectman Hawkes stated if the Board did not require the insurance then the Town is accepting more risk.

20. Authorization of the Warrants: Chairman Multer moved, seconded by Selectman Hawkes to approve warrant #38 in the amount of \$154,191.70; motion passed 3-0. Payroll warrant #29 in the amount of \$18,800.27 was noted for the record.

21. Administrative Matters: The Board scheduled a meeting for August 7 at 9:00 a.m. with Jack Sylvester, followed by a meeting at 10:00 a.m. with Harpswell Oceanic Center followed by a site visit to the Hildreth Road property (map 3, lot 73) with the Harpswell Heritage Land Trust. The Board signed two purchase orders (Thompson Road and Holbrook Street landing). The Board reviewed the Urban Rural Road Initiative Project form for submission to the State.

22. Adjournment: The meeting was unanimously adjourned at 9:15 p.m.

The Board of Selectmen visited several street lights on or near Harpswell Neck Road.

Respectfully Submitted,

Terri-Lynn Sawyer
Deputy Town Administrator

Attachments: Town Dock Policy

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