

Board of Selectmen's Meeting Minutes
November 10, 2011
Harpswell Town Office
Approved on December 1, 2011

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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; Marguerite Kelly, Treasurer; and Bill Wells, Code Enforcement Officer

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

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:20 p.m.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Henderson to adopt the agenda as printed; motion passed 2-0.

2. Public Comment: James Knight spoke in honor of Veteran's Day and referenced a State Statute, Title 30-A Section 2901 that requires municipalities to cause public bells to ring at 11:00 a.m. on that day and for the municipal officers to request ringing of all other bells also. Mr. Knight suggested that Harpswell start observing the law and celebrating veterans. [Selectman Hawkes arrived]. Mr. Knight understands the Town does not currently own any bells and encouraged the Selectmen to locate the bell that was in the original West Harpswell Elementary School belfry and consider installing it at the Town Office for all to enjoy. Selectman Henderson suggested staff follow up on the location of the bell perhaps for next year.

3. Town Administrator's Report: Administrator Eiane announced that in honor of Veteran's Day tomorrow, the Town Office and Recycling Center/Transfer Station will be closed. Administrator Eiane extended a thank you to the Clerk's Office and election workers for the November 8 vote that resulted in a 53% voter turnout for Harpswell. The results are posted on the Town's website. Administrator Eiane stated she was contacted by Chris Shaw, MSAD 75 Facilities Director, who stated it was the District's intention to leave excess books at the West Harpswell School upon closing. However at the time, there apparently was not enough time to sort through the books and compare with the Harpswell Community School collection and this has since been done and the District would like to offer the excess books to the Town and deliver them to the West Harpswell School. Administrator Eiane reported the artwork from the former West Harpswell School has been relocated to the Town Office and the Recreation Director is preparing labels for each piece as well as a brochure for the collection. There has been a lot of public interest in and appreciation of the artwork during the week it has been here. An appraiser came this week to assess the pieces and will deliver the appraisal report soon to the Town.

4. Selectmen's Announcements: Selectman Hawkes announced the Dolphin Marina will donate 100% of its profits from Saturday, November 12, to the Harpswell Community School fund and she encouraged all to attend for a good time and good food. Chairman Multer commented on Veteran's Day, noting that it was known as Armistice Day and marked the official end of World War I. Over the years, the day and its title changed and ultimately it is called Veteran's Day and observed on November 11 at 11:00 a.m. Chairman Multer saluted the veterans and encouraged all to observe the day.

5. Consent Agenda: 1) Approval of minutes; 2) Road Name Request; and 3) Committee Appointments: Selectman Henderson asked to remove the minutes. Chairman Multer moved, seconded by Selectman Henderson to approve items 2 and 3; motion passed 3-0. Selectman Henderson noted minor changes in the minutes and moved, seconded by Chairman Multer to approve the October 27 minutes as amended; motion passed 3-0.

6. Old Business: Engagement Letter with Runyon Kersteen Ouellette (RKO) for Audit Services: Administrator Eiane stated that a memo from Marguerite Kelly, Treasurer, has been provided in response to the Board's request for more information regarding the audit and auditor's responsibilities at the last meeting. Ms. Kelly stated she was previously an auditor and that it was her understanding the Board wanted to know under

what circumstances an auditor would not issue an opinion. Ms. Kelly reported she spoke with Greg Chabot, a technical partner of RKO, who stated that in his 21 years of experience, he has never experienced a situation where the auditors declined to issue an opinion. A situation where an auditor may decline might be if an entity's computer crashes and information regarding taxes receivable is lost and the auditors cannot obtain sufficient information. Another example would be if on a first time audit the auditors discovered the internal controls are so poor that the financial information could not be relied on. Ms. Kelly explained that RKO provides a description of the Town's internal controls to personnel for reviewing and updating and then RKO compliance-tests to assess the risk to RKO for auditing. Audit firms, generally, do not include an opinion on internal controls as part of an audit of financial statements but typically offer additional services at a fee to specifically address internal controls. Ms. Kelly stated the basic responsibilities for the financials belong to the Board, Administrator, Deputy Administrator and the Treasurer. Selectman Henderson asked what a clean bill of health from the auditor means for the public. Ms. Kelly responded it provides detailed reports and assurance that items such as the expenses voted on at Town Meeting are not materially misstated. The Board consensus was to proceed with the engagement letter.

7. Ray and Jeanne Lash Wharf Application: Bill Wells, Code Enforcement Officer, reviewed the proposal and the on-site hearing. The hearing was opened at 7:47 p.m. Mr. Wells stated the area is very tidal and will be primarily used for small boats similar to kayaks. Selectman Henderson asked if the height of the system allows for the public's passage; Mr. Wells responded the public can pass under and around due to the tidal location. The hearing was closed at 7:48 p.m. Mr. Leblanc noted the height is 5-feet at the land side and 10-feet at the end. Selectman Henderson moved, seconded by Chairman Multer to approve the application and cited the specific findings in the Notice of Decision. Chairman Multer asked Jim Hays, Harbormaster, in general how much area, water depth, and passageway is needed for navigation. Mr. Hays responded that it depends on the boats that travel in an area and he takes all conditions into consideration. The motion passed 3-0.

8. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for October (attached).

9. Consider Grant Applications

- **Access Health Community Mini Grant:** Gina Perow, Recreation Director, stated this grant application requests \$467 to cover the printing costs for 1500 copies of the Harpswell Guide to Trails, Town Lands and Landings. The Recreation Director, Recreation Committee, Town Lands, Harbor & Waterfront and Conservation Commission have and will continue to collaborate on this project. Selectman Henderson asked if the Harpswell Heritage Land Trust properties will be included; Ms. Perow responded two properties that border Town properties are included and more may be included. Selectman Hawkes stated she was very pleased to see everyone working together on this project. Chairman Multer moved, seconded by Selectman Hawkes to approve the grant application; motion passed 3-0. Administrator Eiane thanked Ms. Perow for taking the lead on this.
- **Shore and Harbor Technical Grant – Public Access Points:** Jim Hays, Harbormaster, stated a previous grant from the State Planning Office funded a Harbor Management Plan for the Town. That Plan suggests further review of public access points to the shore. Mr. Hays stated he had participated in a study with the Island Institute to locate public points that inventoried 135 points in Harpswell, including 21 Town-owned (7 boat launches and 1 pier). This grant application requests \$20,000 to hire a consultant to develop a working inventory of and current condition of the Town-owned access points and will evaluate potential new sites. Selectman Henderson asked if the study will include traditional access points from shellfish harvesters over private property; Mr. Hays responded it will. Selectman Henderson stated that information will be very valuable and may result in the Town approaching property owners to acquire easements. Chairman Multer moved, seconded by Selectman Henderson to approve submission of the grant application; motion passed 3-0.

Mr. Hays provided a report on the status of the feasibility study for a boat ramp at Mitchell Field. The consultant has completed designs for a launch on both the north and south sides and for parking. The

indication at this point is that the launch is more feasible on the north side. The consultants will next gather information on permit requirements and will draft a report for review at the Harbor & Waterfront Committee meeting on November 21. The consultant will attend a future Selectmen's meeting to provide an update and make a presentation.

- **Shore and Harbor Technical Grant – Shoreland Zoning:** Carol Tukey, Town Planner, stated she is recommending submitting an application for \$20,000 from the same grant source as Mr. Hays. A consultant would be hired to review the Town's Shoreland Zoning and certain areas, potentially resulting in ordinance and zoning changes. Ms. Tukey stated she will work with the Planning Board and the Harbormaster on this project. Selectman Henderson asked for a specific example of what might be studied. Ms. Tukey cited Cundy's Harbor as an example where non-conforming uses exist and it is potentially appropriate for zoning amendments. Ms. Tukey noted this grant together with funds from Mr. Hay's application could be used to evaluate the zoning for public access points. Chairman Multer moved, seconded by Selectman Hawkes, to approve the submission of this grant application; motion passed 3-0.

10. Consider Snow Plow Contract Extension Request with Goodall Landscaping: Ben Goodall stated he submitted a written request to extend the contract for an additional 3 years that includes a 3% yearly escalator and he is available to answer any questions. Mark Wallace stated that the first year of the contract with Goodall was a learning process and the second year was much improved. Mr. Wallace is still monitoring Goodall and believes it can do the job while keeping costs down for the Town. Chairman Multer noted the Board could accept the extension or send the contract out to bid. Selectman Henderson moved to accept the contract extension request. Ben Wallace Jr., Cundy's Harbor Fire Chief, expressed concern about the readiness of Goodall for the recent October 29 snow storm. Mr. Goodall stated he received a call from Cumberland County dispatch regarding the concerns in Cundy's Harbor and he made sure his crew was out and acknowledged the storm was early and his crew was not the full normal complement. Mr. Goodall stated he wants to keep the communication open with emergency services and his main goal is to keep the roadways safe and he provided all of his contact numbers, which dispatch does have. There was a discussion regarding which areas of Town are sensitive and need more winter maintenance attention. There was also a discussion regarding the amount of material used and how the Town is balancing the use of salt/sand and the associated environmental issues. Mr. Wallace noted the key is that drivers need to slow down during inclement weather. Chairman Multer seconded the motion. Selectman Hawkes stated Goodall appears to be learning and is eager to please the Town. Mr. Wallace noted Mr. Goodall added GPS to each of his plow trucks which enable s monitoring the speed and route of the drivers. The motion to approve the contract extension passed 3-0.

11. Policy for Interim Use of the West Harpswell School and Group Use Form: Administrator Eiane stated, based on the Board's previous discussion, the policy was revised and a use form was developed. Selectman Henderson asked if the Town's insurance is reduced based on the use, does a group still need to provide liability insurance? There was a discussion about how a user has been required to carry liability insurance for other uses on Town-owned properties unless the event is sponsored by the Town. The Town has sponsored certain one day events only and not ongoing activities. Selectman Henderson asked how use by the Recreation Department would be different; Administrator Eiane responded that would be a Town use by approved programs. The Board discussed the form and policy and made revisions to both. Selectman Henderson moved, seconded by Selectman Hawkes to adopt the policy as amended; motion passed 2-0 (Chairman Multer abstained).

Administrator Eiane asked if the Board was prepared to address the District's offer of the excess books, approximately 40 boxes. The Board discussed accepting the books and storing them at the former library in the boxes. Chairman Multer moved, seconded by Selectman Hawkes to accept the books with thanks, for storage at the West Harpswell School; motion passed 3-0. Donna Frisoli stated her group is still interested in using the property as a library and that it is not a formal entity but that insurance coverage is possible with an individual as the insured. Selectman Henderson stated the Board will review applications for use and that in order to approve, the use(s) must result in a reduction in the Town's insurance costs. Administrator Eiane stated the insurance

company will have to review the proposals for use to determine if it is sufficient to change the insurance status. There was a discussion regarding the potential uses including the library, recreational uses in the gym and home schooling. Chairman Multer stated a concern about entering an agreement with non-formal entities and asked for a legal opinion if there would be any implications to the Town to allow use by non-corporate entities. Ms. Frisoli stated she could obtain liability insurance for certain areas of the building that will cover anyone using those areas. Chairman Multer asked that staff follow up with the Town's insurance company regarding the individual coverage option. Chairman Multer asked if the Town Attorney provided an opinion regarding interim use; Administrator Eiane stated she was informed the Board needed a policy regarding use. Selectman Henderson asked that the Recreation Director complete an application for interim use along with long-term plans. The Board asked staff to arrange meetings with two different developers for ideas on long-term use of the property.

12. Consider Curtis Memorial Library Agreement: Selectman Henderson stated this Memorandum of Understanding is before the Board early at Chairman Multer's request and the Board made changes to the agreement earlier this year. Chairman Multer moved, seconded by Selectman Henderson to approve the agreement. Selectman Hawkes stated she is leaning towards not supporting a large appropriation for the Curtis Memorial Library (CML) and is concerned about approving this agreement. Selectman Henderson stated the agreement outlines the services CML will provide and requires the Town to place a certain appropriation request on the warrant that can be reduced or denied by Town Meeting. Selectman Henderson detailed many reasons for supporting CML. The Board tabled this item to the next regular meeting.

13. Responses Re: Selling of Town-owned Vehicle: Chairman Multer opened one bid for \$50 which was rejected as it did not meet the minimum bid requirement. Selectman Hawkes suggested calling car dealers to solicit interest. Selectman Hawkes moved, seconded by Selectman Henderson to place the vehicle for bid without a minimum bid; motion passed 3-0.

14. Consider Use/Sale of Fireworks: Ben Wallace Jr. stated that the Statute is well crafted, including Section 8 that allows certain fireworks in certain time frames. The Statute prohibits any fireworks that are held in the hand to detonate and bottle rockets; the types that can be set off from the ground are allowed. Portland adopted an ordinance to prohibit fireworks and is denser than Harpswell and has more law enforcement officers to track down offenders. Mr. Wallace believes logistically fireworks cannot be prohibited in Harpswell and recommended the Board consider an ordinance to prohibit fireworks on certain fire hazard days such as class 5, prohibit "cakes" and to address how neighbor complaints will be handled. Selectman Henderson stated that maybe multiple articles can be brought to Town Meeting with options on restricting all use or certain restrictions. Wiscasset's ordinance allows a permit for consumer fireworks to be issued by the Fire Chief. Selectman Hawkes suggested signage be added to Town properties prohibiting fireworks. Mr. Wallace stated the statute requires users to be on their own properties and to be at least 21 year of age. Mr. Wallace asked the Board to consider a moratorium on the selling of fireworks since Harpswell does not have a building code (until the State-imposed Code in July 2012) and therefore a storage building for fireworks would not be required to have sprinklers. The Board agreed to table this topic and asked staff to gather photos of which fireworks are prohibited and which are allowed.

15. Acceptance of \$8,750 from Bowdoin College: Chairman Multer moved, seconded by Selectman Hawkes to accept with thanks the \$8,750; motion passed 3-0. Administrator Eiane stated staff from the Bowdoin College Museum of Art moved the artwork collection from the West Harpswell School and installed each piece at the Town Office. She suggested including an acknowledgement of the staff members in the thank you letter.

16. Accept Donation for Harpswell Heating Assistance Program: Chairman Multer moved, seconded by Selectman Hawkes to accept the \$100 from the West Harpswell Baptist Church; motion passed 3-0. Chairman Multer stated that fuel prices are high and the Town has seen a significant increase in assistance applications. She encouraged others to consider donating as it helps others in need and is greatly appreciated.

17. Other Business: Selectman Hawkes asked for an update on collecting the maintenance information from past Road Commissioners. Administrator Eiane responded that information from the current road commissioner and one prior one has been forwarded to the Attorney. Mike Webber's responses are important in this process and he is apparently working on it. Chairman Multer stated the Board members received an anonymous complaint about a staff member and that it carries no creditability with her since it was unsigned. If this is a valid complaint there are ways to register such issues but you must have the courage to be identified. Selectmen Hawkes and Henderson indicated they feel the same way about anonymous complaints.

18. Public Comment: None.

19. Authorization of the Warrants: Selectman Henderson moved, seconded by Chairman Multer to approve warrant 58 in the amount of \$647,541.11; motion passed 3-0. Payroll warrant #45 for \$14,109.56 was noted for the record.

20. Administrative Matters: The Board scheduled a brief Selectmen's meeting to authorize a warrant and possibly a contract for the infrastructure report at Mitchell Field on November 17 at 4:30 p.m.; a workshop with the Planner was scheduled for November 15 at 9:00 a.m.; and a site visit on additional street lights was scheduled for December 1 at 4:30 p.m. The Board agreed that any additional comments on street lights should be forwarded to the members for review. Chairman Multer moved, seconded by Selectman Hawkes to authorize bid proposals for winter sand; motion passed 3-0.

21. Adjournment: The Board returned to open session and adjourned at 9:47 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

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