

Board of Selectmen's Meeting Minutes
December 15, 2011
Harpswell Town Office
Approved on January 17, 2012

Page 1 of 4

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; Jim Hays, Harbormaster; and Carol Tukey, Planner

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 6:00 p.m.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Henderson to move item 22 to about 12.5; motion passed 3-0.

2. Public Comment: None.

3. Town Administrator's Report: Administrator Eiane reported she received a letter from Superintendent Brad Smith stating that the Harpswell Community School librarian did not have the full opportunity to look through the books donated to the Town by the district and he has asked for her to do so now. Chairman Multer moved, seconded by Selectman Henderson to allow the librarian to look through the books and take what is needed; motion passed 3-0. Administrator Eiane stated she received letter from MSAD 75 explaining that years ago MSAD 75 accepted a federal grant that aided in the construction of the West Harpswell School playground which placed an encumbrance on that portion of the property for public recreational use in perpetuity. All of the information from the State of Maine Department of Conservation has been sent to the Town Attorney for review. Administrator Eiane reported the Town's team will meet with Midcoast Hospital tomorrow regarding the dedicated paramedic proposal. Selectman Henderson asked that staff inquire if Midcoast Hospital is interested in establishing a remote location at West Harpswell School. Administrator Eiane stated she followed up on the Watercraft Task Force's recommendation to sole source and purchase a motor by December 16 and she recommended not pursuing a purchase at this time; staff will work with the Task Force to develop a request for proposals in the spring for a complete package of boat, trailer and outboard. Administrator Eiane announced that Cook's Lobster House will hold a benefit dinner and silent auction on December 17 beginning at 4:00 p.m. that will benefit the Harpswell Heating Assistance Program and the Harpswell Santa Fund.

4. Selectmen's Announcements: None.

5. Consent Agenda: 1) Approval of Minutes; 2) Acceptance of Access Health Grant: Chairman Multer moved, seconded by Selectman Henderson to the consent agenda; motion passed 3-0.

6. Treasurer's Report: Marguerite Kelly, Town Treasurer, reviewed her report for the month of November (attached).

7. Consider Post Issuance Compliance Policy Relating to Bonds Issued by the Town: Marguerite Kelly, Town Treasurer, reported that due to a procedural change with the Internal Revenue Service, the Town's Bond Counsel is recommending adoption of a policy governing compliance with IRS regulations after the issuance of tax-exempt bonds. Failure to comply with these regulations could result in the Town being required to pay interest at a taxable rate retroactive to the date of issue as well as other penalties. Failure to enact a policy could increase the risk of an IRS audit. Chairman Multer suggested a change to add the "Treasurer may recommend" in the last paragraph. Selectman Henderson noted that the IRS prohibits the use of tax-exempt funds for taxable purposes and this policy monitors those purposes until the bonds are repaid. Selectman Henderson moved, seconded by Selectman Hawkes to adopt the policy as amended; motion passed 3-0.

8. Animal Control Officer Report: Lee Johnson, Animal Control Officer, reported there was a dog bite incident on November 13 and after being notified by dispatch, he arrived on the scene where a 9-year old girl who was visiting a family at a duplex was bitten by a dog which resided in the other apartment at the duplex. Mr. Johnson took photos of the site, of the victim's injuries and required the owner to quarantine the dog for 10 days. Mr. Johnson stated that there is no available site other than the home to quarantine dangerous dogs; therefore the owner becomes responsible to quarantine the dog pursuant to Harpswell's Ordinance. Mr. Johnson has the dog owner sign an agreement regarding the obligations involved with quarantining and he visits the home several times during the 10-day period to check the health of the dog and assure it is being controlled. The family of the girl that was bitten was informed of the process and of the option to have the child undergo a series of rabies vaccinations, which in this case was not selected. The dog was found to be in healthy condition at the conclusion of the 10-day period and did not exhibit any signs of having rabies. Mr. Johnson noted that the Coastal Humane Society (CHS) is beginning a capital campaign to relocate into a larger facility and Mr. Johnson, a member of the CHS Board, asked CHS to consider including a space to manage dangerous quarantined dogs. The Board discussed the restrictions and possible options for quarantining dogs and asked staff to inquire of any interest from local veterinarians.

9. State Fire Marshall's Update Regarding Ld-83 Concerning Fireworks: Richard Taylor, Senior Research and Planning Analyst of the State Fire Marshall's Office, stated the State of Maine legalized consumer fireworks and showed some samples. The role of the Fire Marshall's Office is to license the facilities that intend to sell the products. A municipality can enact a local ordinance prohibiting the sale and/or use of consumer fireworks or if not, the product is allowed for use and sale. Mr. Taylor reported that most injuries are due to the user not following the safety standards. Mr. Taylor reviewed the highlights of the law including the clearance around and the other building requirements for a site that will sell consumer fireworks. Mr. Taylor stated the Consumer Product Safety Index lists the types of injuries associated with fireworks and referenced the additional information available on the Fire Marshall's website. Fatalities are rare and have not occurred in Maine. Selectman Henderson noted the Board could propose an ordinance further limiting the age of users and the types of fireworks permitted and prohibiting their sale. Glenn Gott asked if a building proposed for selling the products is explosion proof; Mr. Taylor responded no but that there are required setbacks and sprinkler systems. Mr. Taylor noted that the law inadvertently included products such as sparklers and morning glories and that the State Fire Marshall's Office probably won't pursue enforcement of their use. Selectman Henderson suggested staff pursue the language for an ordinance that prohibits the sale and seek information on the safety of certain fireworks.

10. Planner's Update Including Proposed Ordinance Amendments: Carol Tukey, Planner, stated she provided the latest update on language for the proposed Peddler's ordinance and land use ordinance amendments and asked to schedule a joint public hearing in January and another in February. The Board discussed the different dates and agreed on January 19 and a date in February to be determined. Chairman Multer asked a question regarding the Eagle Island Ordinance Amendment to clarify if there is only one house; Ms. Tukey agreed further clarification is needed. Selectman Henderson noted the recent public workshop with the Comprehensive Plan Implementation Committee was spirited and he encouraged Ms. Tukey to clarify the proposals for the public. Chairman Multer asked for Ms. Tukey to provide the Board with the definition of a growth zone.

11. Presentation of Mitchell Field Boat Launch Feasibility Study: Jim Hays, Harbormaster, introduced consultant Barney Baker, of Baker Designs, who was hired to perform a feasibility study for a boat launch at Mitchell Field. Mr. Baker presented his findings to the Board in a PowerPoint and recommended the Town submit the permit applications as it may help with grant applications. This item will be on the next agenda for further discussion with regard to applying for permits, seeking grants and considering what Town Meeting should be asked to authorize.

13. Engineer's Report Re: Graveyard Point and Town Lands Committee Recommendation: Ken Oehmig, Co-Chair of the Town Lands Committee, stated the Committee wants to promote more use of this site by restoring it to the original width and creating parking areas. The Town Engineers reviewed the site and provided a report with two options for site improvements; both include parking and making the landing area more stable. Option 1 also includes relocating the abutter's retaining wall at an estimated cost of \$90,000-\$100,000. Option 2 includes leaving the retaining wall and has an estimated cost of \$15,000-\$20,000. The Town Lands Committee has recommended the Board present option 1 to Town Meeting. Selectman Henderson noted that the engineer's study shows that vehicles with trailers could not use the site and remain within the Town's 33-foot wide property and that the public could continue to use the site as a small boat launch without relocating the wall. Selectman Hawkes stated it is difficult in this budget to consider spending \$100,000 in addition to considering \$300,000 for a boat ramp for all boat sizes and parking at Mitchell Field. Chairman Multer agrees the site needs improvements such as addressing the overgrown shrubs, creating parking and addressing the rough landing area but that this is a difficult budget year and relocating the wall is not practical. Staff was asked to prepare an option 3 that includes leaving the wall in its current location, creating parking, addressing vegetation, installing a bench and improving the landing area.

19. Public Comment: Glenn Gott stated he does not agree with the Watercraft Task Force on sole sourcing with Bamforths for a new boat as there are many affordable options in this economy. Mr. Gott noted the Harbormaster's boat was stored last winter in the open weather without a cover which affects its life. Mr. Gott stated that the Town's winter maintenance contractor, Goodall Landscaping, passed his house last year speeding and knocked him over, noting that the roads are not being properly maintained at those speeds. Mr. Gott thanked Selectman Henderson for his support during the public comment policy amendments.

22. Executive Session Pursuant to 1 M.R.S.A. § 405 (6)(D) to Discuss Labor Negotiations: Chairman Multer moved, seconded by Selectman Henderson to move into Executive Session Pursuant to 1 M.R.S.A. § 405 (6)(D) to Discuss Labor Negotiations; motion passed 3-0.

The Board returned to open session at 10:27 p.m.

12. Consider Housing Component of Mitchell Field Master Plan: Selectman Henderson stated the Mitchell Field and Affordable Housing Committees met and discussed implementing the housing component at Mitchell Field and have suggested sending out a letter to Volunteers of America of Northern New England, Greater Brunswick Housing Authority and private developers to solicit ideas. Chairman Multer and Selectman Hawkes agreed the Town should wait to take this step until more is known about the infrastructure once the report is received in February. Administrator Eiane noted that the study is primarily focused on the Mitchell Field Marine Business District but it does include the road and its possible relocation which may impact the housing project. This item is to be placed on the agenda after Town Meeting.

14. Consider Final Review of Street Lights: The Board reviewed the remaining list of lights visited by the Board and reached a consensus of action on each one. Deputy Administrator Sawyer stated she added a visit to the light on pole 239 on Orr's Island as it was contested at the original hearing and was mistaken for another light. Individuals in this area conveyed that this light is needed for security and safety reasons including for driving. Chairman Multer and Selectman Henderson visited the site and reached a consensus it should be removed. Chairman Multer stated she felt for all the individuals that expressed concerns about removing lights that provided security but that if the Town provides security lighting for some residences, it will have the same obligation for others. Selectman Henderson moved, seconded by Chairman Multer to implement the changes to street lights effective after daylight savings time in March; motion passed 3-0.

15. Consider Sale of Boats: Administrator Eiane recommended the Board place the utility boat, outboard and trailer (\$1,000 minimum bid) and marine patrol boat, outboard and trailer (\$3,500 minimum bid) up for sale. The

usable equipment on the marine patrol boat will be removed prior to sale. Chairman Multer made one change to the description of the marine patrol boat to note the condition is poor. Chairman Multer moved, seconded by Selectman Hawkes to authorize staff to place the items out to bid; motion passed 3-0.

16. Authorize Use of Contingency: Administrator Eiane stated the final payment to Frank O'Hara for his consulting services regarding the Strategic Plan for Emergency Medical Services in Harpswell was made at the last meeting and the total exceeded what was appropriated by \$110. Administrator Eiane requested that the Board authorize this overage from contingency. Selectman Henderson moved, seconded by Chairman Multer to approve the use of contingency; motion passed 3-0.

17. Accept Donations for Harpswell Heating Assistance Program: Chairman Multer moved, seconded by Selectman Hawkes to accept \$980 in donations for the Harpswell heating assistance program with thanks to the donors; motion passed 3-0.

18. Other Business: Selectman Hawkes requested an update on the status of the water access off Hildreth Road. Administrator Eiane asked the Board to schedule an executive session regarding the Board's role and responsibilities on this topic; December 22 at 9:00 a.m. was set.

20. Authorization of the Warrants: Selectman Henderson moved, seconded by Selectman Hawkes to approve warrant #65 in the amount of \$661,279.62; motion passed 3-0. Payroll warrant #50 for \$14,021.64 was noted for the record.

21. Administrative Matters: The Board noted the action list and the holding tank application was removed pending updated information.

23. Adjournment: The meeting was unanimously adjourned at 11:10 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

Post Issuance Compliance Policy

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