

Board of Selectmen's Meeting Minutes
December 29, 2011
Harpswell Town Office
Approved on January 17, 2012

Page 1 of 3

5:30 P.M. Chairman Multer moved, seconded by Selectman Henderson to enter 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 5:50 p.m.

Selectmen Present: Elinor Multer, James S. Henderson and Alison S. Hawkes

Staff Present: Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Town Administrator

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.

2. Accept \$5,600 Donations from Cook's Lobster House Benefit Dinner and Auction for Harpswell Heating Assistance Program: Matthew Hillery, General Manager of Cook's Lobster House, presented \$5,600, the proceeds from Cook's annual benefit dinner and auction to Chairman Multer. Mr. Hillery thanked all of the contributors and attendees for making this community event so successful. Chairman Multer thanked Mr. Hillery and Cook's for the dedicated work associated with holding such an event and for helping assist those in need.

1. Adoption of the Agenda: Chairman Multer moved, seconded by Selectman Hawkes to adopt the agenda as printed; motion passed 3-0.

3. Public Comment: None.

4. Town Administrator's Report: Administrator Eiane reported the United States Navy has released its right, title or interest to the pipeline with a signed document recorded at the Cumberland County Registry of Deeds. The Maine Department of Environmental Protection Agency (DEP) played a significant role throughout the project including monitoring soil analysis. The affected property owners will be notified over the next couple of weeks with a copy of the recorded document, a confirmation letter from the DEP, and a fact sheet. Administrator Eiane recommended the Board send letters to its Congressional delegation and the DEP for the assistance provided in getting the project completed. Administrator Eiane extended appreciation to the Pipeline Advisory Committee for its tireless work and for keeping the focus on this project. With the project completed, the Committee can now be dissolved. Chairman Multer stated she wants to wait to dissolve the Committee until the property owners have received notification in case any Town action or assistance is needed. Administrator Eiane announced that nomination papers are available for the three elected positions: Selectman, Road Commissioner and MSAD 75 Director, all for three year terms. Papers must be filed at the Clerk's Office by January 25, 2012. Administrator Eiane stated that she and the Road Commissioner met with Ben Goodall, the Town winter road maintenance contractor, after the Wednesday morning icing incident. Goodall was told its company was not fulfilling the response time expected and he was put on notice that the Town will not accept inadequate winter road maintenance. Mr. Goodall assured the Town that the equipment and personnel is now at its full complement. Administrator Eiane reported the Town has repaired the pot holes on the water access road (Gravel Pit Road) off of Hildreth Road and that the abutter contacted the Town and expressed an interest in reaching a signed agreement with the Town. Administrator Eiane will report on further updates. Administrator Eiane announced the second tax payment was due on December 15 and since interest has accrued as of that date, she encouraged taxpayers to contact the Tax Office to obtain the payoff amount. Administrator Eiane stated that the Federal Emergency Management Agency (FEMA) contacted the Town to confirm receipt of the Memorandum of Understanding the Town sent and that FEMA will be in contact in February regarding the next step. Robert Gerber is representing the Town on this matter and has been provided this correspondence. Administrator Eiane reported three responses were received for the Cundy's Harbor tanker ranging from \$270,000 to \$313,000. The

Emergency Vehicles Committee will meet in January to prepare a recommendation to the Board on selecting a vendor.

5. Selectmen's Announcements: Selectman Henderson asked when the deadline is for taxpayers to pay outstanding taxes and avoid having one's name in the Town Report. The deadline is December 30, but if paid after that date and before the Town Report prints, an asterisk will be placed next to one's name showing that taxes have been paid.

6. Consider Consumer Fireworks Ordinance: Selectman Henderson stated there was confusion regarding what exactly is being prohibited for sale due to the language. Ben Wallace, Cundy's Harbor Fire Chief, recommended the Board not reference the federal statute and reference only the State statute which is clearer. Administrator Eiane noted the definition of consumer fireworks was taken directly from the State Statute. Chairman Multer asked about adding limits regarding hours of local use; it was noted the State Statute limits the days and times fireworks can be used. Mr. Wallace stated that sparklers are inadvertently listed in the definition of consumer fireworks and yet not meant to be included. Mr. Wallace suggested the Board consider banning use of all consumer fireworks. Selectman Henderson stated the Board was provided with statistics regarding the dangerous types and suggested that staff prepare a single comprehensive ordinance prohibiting sale and the use of certain types with some exceptions to be determined for the next meeting.

7. Graveyard Point Town Property Proposal: Deputy Administrator Sawyer stated the Board asked staff to prepare an improvement plan for Graveyard Point to include parking and making the ramp more passable. This proposal includes creating parking spaces, installing concrete planks on the ramp, marking the Town's property line with railroad ties and addressing the overgrown vegetation. Selectman Henderson agreed with the proposal and requested that a bench be added in the area of the retaining wall. Selectman Hawkes moved, seconded by Chairman Multer to add \$5,000 to the 2012 landing budget for this proposal; motion passed 3-0.

8. Accept Easement Deed for Doughty Cove Road Dry Hydrant: Administrator Eiane stated that Town Meeting authorized the Board to accept an easement deed from the property owners on Doughty Cove Road for a dry hydrant and the Town has recently received the signed easement. With an easement, the Town may proceed to repair the access road. Selectman Henderson suggested for future easements, that language be added to give the Town an option of automatic renewal at the end of the 20 year term. Selectman Henderson moved, seconded by Chairman Multer to accept the easement; motion passed 3-0.

9. Accept Donations for Harpswell Heating Assistance Program: Chairman Multer read the names of the donors. Selectman Hawkes moved, seconded by Selectman Henderson to accept \$7,300 [including donations from the Cook's Lobster House benefit dinner and auction]; motion passed 3-0.

10. Secret Ballot Items Due to the Clerk by January 25, 2012: Chairman Multer stated that the Curtis Memorial Library appropriation has been voted by secret ballot the past two years. Based on policy, it should be voted on the floor this year. Chairman Multer suggested having a non-binding referendum regarding West Harpswell School and offered to draft language for the next meeting. The Board agreed any uses of the property must include having a firm or individual to manage the property. The Board discussed placing the fireworks on secret ballot and decided to instead have it on the floor at this time.

11. Authorize Use of Contingency: Administrator Eiane recommended the Board authorize the use of \$208.32 from contingency to cover an overage in the Harbormaster's budget. Selectman Henderson moved, seconded by Selectman Hawkes to approve the use of contingency; motion passed 3-0.

12. Approval of the Minutes: Selectman Henderson moved, seconded by Selectman Hawkes to approve the minutes; motion passed 3-0.

13. Other Business: None

14. Public Comment: None

15. Authorization of the Warrants: Selectman Henderson moved, seconded by Selectman Hawkes to approve warrant #67 in the amount of \$80,942.51; motion passed 3-0. Chairman Multer moved, seconded by Selectman Henderson to approve warrant #1 for 2012 in the amount of \$132,563.50; motion passed 3-0. Payroll warrant #52 for \$17,131.77 was noted for the record.

16. Administrative Matters: The Board discussed the recent communication from the Abrahamsons and asked for the Town Attorney to provide information regarding resolution of the associated issues (road, abutting property) before entering discussions with the Abrahamsons about a possible easement over their portion of Cedar Beach Road. The Board scheduled January 11 at 2:00 for a workshop with the Greater Brunswick Housing Authority regarding West Harpswell School and at 3:00 for a budget reconciliation meeting with the Budget Advisory Committee. The Board discussed a letter received from Don Newburg, site evaluator, regarding the change in the Maine Subsurface Wastewater Disposal Rules to eliminate the need for a well release setback form. More information will be provided to the Board regarding the issue on a future agenda.

17. Adjournment: The meeting was unanimously adjourned at 7:30 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments:

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