

**WARRANT
ANNUAL TOWN MEETING
HARPSWELL, MAINE
MARCH 12, 2005**

Cumberland, s.s.

State of Maine

To any Constable or Resident of the Town of Harpswell:

You are hereby required in the name of the State of Maine to notify and warn the inhabitants of the Town of Harpswell qualified to vote in Town affairs to assemble at Harpswell Islands School, Route 24, Harpswell, Maine on Saturday the twelfth day of March, 2005 at 9:00 a.m. of said day, to act on Articles 1 through 6.

The business meeting to act on Article 7 and others that follow will begin at 9:30 a.m.

Art. 1 – To choose a Moderator to preside at said meeting.

(POLLS WILL OPEN AS SOON AS ARTICLE ONE HAS BEEN ACTED UPON AND WILL CLOSE AT 5:00 P.M.)

Art. 2 – To choose by secret ballot one Selectman, who shall be an Assessor and Overseer of the Poor, for a three-year term; and two M.S.A.D. # 75 Directors for three-year terms.

Art. 3 – To vote by secret ballot on the following Referendum Question:

To see if the Town will vote to raise and appropriate the following sum for continued access to Curtis Memorial Library in Brunswick (vote for only one):

(a) \$95,918 to continue the current relationship

*Recommended by Selectman Knight
Recommended by Library Committee*

(b) \$50,000 to pay for the library fees for full-time and seasonal residents

Recommended by Selectmen Theberge & Weil

(c) None

Art. 4 – To vote by secret ballot on the following Referendum Question:

To see if the Town will vote to have five selectmen effective with the 2006 Annual Town Meeting, their terms to be set as follows:

The terms of office of the two selectmen in office at the time of the 2006 Annual Town Meeting shall continue to the completion of their respective three-year terms;

Three additional selectmen shall be elected at the 2006 Annual Town Meeting and shall by lot, supervised by the Town Clerk, draw for terms of office, one of which shall be for two years and two of which shall be for three years; and

Thereafter, upon expiration of the terms of office specified in paragraphs 1 and 2, all terms of office will be for three years and shall end at the conclusion of the Annual Town Meeting.

*Recommended by Selectman Weil
Not recommended by Selectmen Knight & Theberge*

Art. 5 – To vote by secret ballot on the following Referendum Question:

Shall an ordinance entitled “Ordinance for the Recall of Elected Officials of the Town of Harpswell” be enacted?

*Recommended by Selectmen Theberge & Weil
Not recommended by Selectman Knight*

Ordinance for the Recall of Elected Officials
of the Town of Harpswell

SECTION 1. Authority

This Ordinance is adopted pursuant to Title 30-A MRSA § 2602 (6).

SECTION 2. Applicability

Any elected official of the Town of Harpswell, Maine, may be recalled and removed from office as herein provided for. The elected officials are Selectmen-Assessors-Overseers of the Poor, Road Commissioner, Tax Collector, Town Clerk and Treasurer. This Ordinance does not apply to Directors of S.A.D. 75.

SECTION 3. Grounds for Recall

An elected official may be recalled only on one or more of the following grounds and for no other reason, including, but not limited to, the manner and substance of his or her performance in office:

- a. Conviction for the commission of a Class A, B, C or D crime under the laws of the State of Maine or a felony under the laws of the United States or entry of a plea of guilty to such an offense; or
- b. In the case of Selectmen, absence from at least half of the regularly scheduled meetings of the Board of Selectmen during any six month period for any reason whatever, except as otherwise provided in the Ordinance; provided that this ordinance does not require the Selectmen to schedule meetings at any specified interval; or
- c. In the case of Tax Collector and Town Clerk, absence from his or her office for a period of 45 consecutive days for any reason whatever, except as otherwise provided in this Ordinance; or
- d. In the case of the Road Commissioner and Treasurer, failure to perform the duties, as described in law or ordinance, of the position for a period of 30 days after a written request of the Selectmen; or
- e. Two or more violations of the laws of the State of Maine with respect to the Maine Freedom of Access law or conflict of interest laws when determined by a court or other body of competent jurisdiction of such violations has made a final determination.
- f. Failure or refusal of a Selectman to order an election as provided in this Ordinance.

In the determination of absence, use of reasonable vacation time and sick leave in accordance with Town policy shall not be considered absence within the meaning of this Section.

SECTION 4. Petitions for Recall

- a. Only registered voters of the Town of Harpswell may sign petitions for recall. To be valid, a petition must contain a number of valid signatures equal to thirty-three percent (33%) of the number of votes cast for Governor in the last gubernatorial election in Harpswell.
- b. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition; if petitions for the recall of all Selectmen are submitted, then the petitions will be addressed to the Town Clerk.
- c. The petition shall state the name and office of the person whose removal is being sought and a statement of the reasons such removal is desired.
- d. If recall of more than one person is being sought, there shall be a separate petition for each person whose removal is being sought.
- e. Each page of the petition shall provide a space for the voter's signature, address and printed name.
- f. All petition pages shall be filed as a single document.

SECTION 5. Clerk's Certification

Within (10) days of the receipt of the petition, the Town Clerk, or Deputy Town Clerk in cases where the removal of the Town Clerk is sought, shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in Section 3 and 4 of this Ordinance. Should the petition be found insufficient, the petition will be filed in the Clerk's office and the voter who filed the petition will be notified.

SECTION 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the person or persons whose removal is being sought of such action.
- b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA § 2528 to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition and, in this case the Selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the selectmen's failure or refusal to order the required election.

d. If at any time between the time of ordering the election and the date of the election the person whose recall is sought requests a public hearing, the Selectmen will promptly schedule such a public hearing on the recall election.

SECTION 7. Ballots for the Recall Election

Unless the persons whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read: "SHALL _____ BE RECALLED?" with the name of the person whose recall is being sought inserted in the blank space.

SECTION 8. Result of Election

In the event of an affirmative vote by a two-thirds majority for removal, such vote shall take effect as of the recording of the tabulation into the records.

SECTION 9. Vacancies to be Filled

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions of Maine law.

Art. 6 – To vote by secret ballot on the following Referendum Question:

Shall a Charter Commission be established for the purpose of establishing a new municipal charter for the Town of Harpswell?

*Requested by Petition
Not recommended by Selectmen*

Art. 7 – To see if the Town will vote to adopt the Harpswell Comprehensive Plan as proposed by the Harpswell Comprehensive Plan Committee, which, if adopted, amends and replaces the Harpswell Comprehensive Plan adopted on March 13, 1993.

[The proposed Comprehensive Plan is available for review and inspection at the Town Clerk's Office, the Planning Office and will also be available at the Town Meeting.]

Art. 8 – Shall an Ordinance entitled “2005 Amendments to the Basic Land Use Ordinance Regarding Setbacks for Small Lots” be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 10, regarding Non-Conformance, as set forth below:

10.4. Non-Conforming Lots

10.4.2. Non-Conforming Lots: A non-conforming lot of record as of September 15, 1997 or the effective date of any amendment to this Ordinance creating any new non-conforming conditions may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage are met; provided, further, that reduced setback requirements may be applicable to those lots that meet the criteria set forth in Section 10.4.2.1. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

The status of a non-conforming lot of record shall not change as a result of realigning a common boundary line with the owner of a contiguous parcel of land, provided that (a) neither lot ends up more non-conforming after the transaction than it was prior to the transaction, as evidenced in writing by a land surveyor licensed to practice in Maine; (b) the parties cause copies of the recorded deeds to be submitted to the CEO within 30 days of the recording of the deeds at the registry; and (c) no permits or approvals relating to such non-conforming lot shall be issued unless or until the applicant complies with subsections (a) and (b) herein.

10.4.2.1. Setback Reduction for Small Non-Conforming Lots. The setback of structures from lot lines may be reduced to five (5) feet and the setback of structures from traveled ways may be reduced to ten (10) feet in order to allow the expansion or construction of a structure to be used solely for single family residential purposes or an accessory structure appurtenant to it, provided that the following conditions are met:

- (a) The non-conforming lot in question was lawfully created prior to September 15, 1997 and is evidenced by a recorded deed or subdivision plan;
- (b) The lot meets the following size requirements:
 - (i) less than one-quarter (1/4) acre (i.e., less than 10,890 square feet) in size; and
 - (ii) if, as determined by the Code Enforcement Office, less than one-half of the eligible owner(s) of lots under Section 10.4.2.1(b)(i) do not apply for the reduced setback described herein within two years of the adoption of this subsection, then owner(s) of lots less than (1/2) acre (i.e., less than 21,780 square feet) in size may apply for the reduced setback established herein; provided, however, that no more than fifty percent (50%) of the total number of eligible lots will be permitted the reduced setbacks described herein;
- (c) The lot is not located in whole or in part within the Shoreland Zone;
- (d) There exist two or more other non-conforming lots meeting the size requirement then applying under Section 10.4.2.1(b) that have been improved with single family residences within a five hundred (500) foot radius of the lot in question;
- (e) Neither Section 10.4.3 nor Section 10.4.4 apply to the lot; and

- (f) The owner or owners of the property located along the boundary line adjacent to which the setback reduction is requested consents in writing to the reduction; and
- (g) That any new structure constructed pursuant to this Section is consistent with the character of the local area in which it is to be situated, as determined by the Planning Board.

If a reduced setback is approved pursuant to this Section on previously unimproved lots, the lot coverage requirements set forth in Section 11.1.1 shall continue to apply.

If a reduced setback is approved pursuant to this Section on lots that have been previously improved with a structure, that structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure, and lot coverage requirement set forth in Section 11.1.1 shall not apply.

Art. 9 – Shall an Ordinance entitled “2005 Amendments to the Basic Land Use Ordinance Regarding the Appellate Standard of Review to be Applied by the Board of Appeals” be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 14, regarding Variances and Appeals, as set forth below:

14.2.2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

1. A concise written statement indicating the decision of the Planning Board, Codes Enforcement Officer or Local Plumbing Inspector being appealed from, the specific provisions of the applicable ordinance, to which the decision is ~~clearly contrary~~ alleged to be in error, and what relief is requested.
2. A sketch drawn to scale showing lot lines, location of existing structures and other physical features of the lot pertinent to the relief sought.

14.3.2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Codes Enforcement Officer, Local Plumbing Inspector or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide, or to grant any variance, or to settle a dispute about the Shoreland Zoning District boundary. When acting in an appellate capacity, the Board of Appeals may reverse the decision of the Planning Board only ~~upon a finding that the decision was clearly contrary~~ when there is an error in the Planning Board’s interpretation or application of ~~to~~ specific provisions of the ordinance. When acting in a *de novo* capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of the evidence.

Art. 10 – Shall an Ordinance entitled “2005 Amendments to the Shoreland Zoning Ordinance and the Basic Land Use Ordinance Regarding Standards for Reconstruction or Replacement of Non-Conforming Structures” be enacted?

Recommended by Selectmen

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 10.3, regarding Non-Conforming Structures, as set forth below:

10.3.2.2. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the maximum high water line of a water body, tributary stream, the upland edge of a wetland, or from a property line, and which is removed, damaged, or destroyed by more than 50% of the ~~market value~~ assessed value of the structure before such damage, destruction, or removal, as determined by the Planning Board, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided that such replacement is in compliance with the setback requirements to the greatest practical extent, as determined by the Planning Board, in accordance with the purposes of this Ordinance. In no case, shall a structure be reconstructed or replaced so as to increase its non-conformity.

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 10.3, regarding Non-Conforming Structures, as set forth below:

10.3.2.2. Reconstruction or Replacement: Any non-conforming structure that is located less than the required setback from a property line or road and which is removed, damaged, or destroyed by more than 50% of the ~~market value~~ assessed value of the structure before such damage, destruction, or removal, as determined by the Planning Board, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided such replacement is in compliance with the setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance; provided, however, that any non-conforming structure that is located less than the required setback from a property line or road and that is damaged or destroyed by fire or any cause other than the willful act or negligence of the owner or the owners agent may be reconstructed on the same footprint as the structure that was destroyed. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Art. 11 – Shall an Ordinance entitled “2005 Amendments to the Shoreland Zoning Ordinance Regarding Clearing of Vegetation for Development” be enacted?

Recommended by Selectmen

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 15.15.2.2, regarding Clearing of Vegetation for Development, as set forth below:

15.15.2.2. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation, including existing ground cover, shall be is maintained. For the purposes of this section a "well-distributed stand of trees" ~~and other vegetation~~ adjacent to a water body, tributary stream, or a wetland described in Section 3 of this Ordinance, shall be defined as maintaining a rating score of 8 or more in any 25x25 foot square area (625 feet) as determined by the following rating system:

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2-4"	1
> 4 - 12"	2
>12"	4

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4-1/2 feet above ground level may be removed in any ten (10) year period.

Pruning of dead tree branches, on the bottom one-third (1/3) of a coniferous tree is permitted.

In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Alternative plans in compliance with State of Maine Laws, developed by a licensed Maine Forester, may be submitted to the Planning Board for approval.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

Art. 12 – Shall an Ordinance entitled ‘2005 Amendments to the Basic Land Use Ordinance and the Shoreland Zoning Ordinance Regarding In-Law Apartments’ be enacted?

Recommended by Selectmen

The Town of Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 11.2, regarding In-Law Apartments, as set forth below:

11.12. "In-Law" Apartments. An apartment ~~for an elderly or dependent relation or in-law for a relative related by blood, marriage or adoption to the record owner(s) of the property~~ may be added to any dwelling unit provided that (a) the property is owner-occupied; (b) a building permit is obtained; (c) -and- all of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met; and (d) all

requirements of the Maine Subsurface Wastewater Disposal Rules in accordance with 22 M.R.S.A. § 42, as may be amended from time to time, are met. The immediate removal of the “in-law” apartment shall be required upon discontinued use or occupation of the “in-law” apartment by the above-qualified relative of the record owner(s). The record owner(s) shall be responsible for informing the Code Enforcement Office when such use or occupation is discontinued. The record owner(s) shall annually register with the Code Enforcement Officer the legal name, mailing address and relationship to the record owner(s) of the relative occupying the “in-law” apartment and shall maintain a certificate of compliance with the Code Enforcement Officer. The Code Enforcement Officer shall have the right to inspect all “in-law” apartments to ensure compliance with this section.

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Add Section 15.22, regarding In-Law Apartments, as set forth below:

15.22. "In-Law" Apartments. An apartment for a relative related by blood, marriage or adoption to the record owner(s) of the property may be added to any dwelling unit provided that (a) the property is owner-occupied; (b) a building permit is obtained; (c) all of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met; and (d) all requirements of the Maine Subsurface Wastewater Disposal Rules in accordance with 22 M.R.S.A. § 42, as may be amended from time to time, are met. The immediate removal of the “in-law” apartment shall be required upon discontinued use or occupation of the “in-law” apartment by the above-qualified relative of the record owner(s). The record owner(s) shall be responsible for informing the Code Enforcement Office when such use or occupation is discontinued. The record owner(s) shall annually register with the Code Enforcement Officer the legal name, mailing address and relationship to the record owner(s) of the relative occupying the “in-law” apartment and shall maintain a certificate of compliance with the Code Enforcement Officer. The Code Enforcement Officer shall have the right to inspect all “in-law” apartments to ensure compliance with this section.

Art. 13 – Shall an Ordinance entitled ‘2005 Amendments to the Basic Land Use Ordinance to Correct Minor Discrepancies’ be enacted ?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 2, regarding Authority, as set forth below:

SECTION 2. AUTHORITY

This ordinance is adopted under powers granted to the town by Title 30-A M.R.S.A. Subsection 3001 and 4352.

Throughout this ordinance there are "Citizen' s Notes". These notes shall not be considered part of this ordinance as adopted by the Town, but shall only be considered as aids for citizens to use this ordinance and as guides to the intent of ordinance provisions and their proper interpretation.

Section Titles of this Ordinance do not constitute official ordinance language. These Titles shall only be considered as an aid for citizens using this Ordinance.

Amend Section 8, regarding Amendments, as set forth below:

SECTION 8. AMENDMENTS

Amendments may be made by a majority vote of the Town at any Harpswell Town Meeting ~~at which a quorum is present~~ and shall take effect upon enactment unless otherwise specified.

Amend Section 11.3.2, regarding Height of Structures, as set forth below:

11.3.2. Height of Structures. All principal and accessory structures and expansions of existing principal and accessory structures which are permitted shall not exceed thirty (30) feet in height. This provision does not apply to structures having no floor area, such as transmission towers, windmills, antennas and similar structures.

The height of a structure shall be determined by using the vertical distance, as measured from halfway between the mean original grade at the downhill side of the structure and the mean original grade at the uphill side of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

Notwithstanding the preceding sentence, cupolas or similar portions of a structure having no floor area and exceeding any of the following dimensions (a) a side wall of 16 square feet; (b) a side wall of four feet in height; (c) 16 square feet of horizontal area; or (d) ~~a 12 pitch roof~~ 12/12 roof pitch, shall be included in the measurement of the height of a structure.

Art. 14 – Shall an Ordinance entitled ‘2005 Amendments to the Shoreland Zoning Ordinance Regarding Clearing of Vegetation for Development in the Shoreland Business District’ be enacted?

Recommended by Selectmen

The Town of Harpswell Shoreland Zoning Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 15.15, regarding Clearing of Vegetation for Development, as set forth below:

15.15.3. At distance greater than seventy-five (75) feet, horizontal distance, from the maximum high water line of a water body, tributary stream, or the upland edge of a wetland described in Section 3 of this Ordinance, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4-1/2 feet above ground level. Tree removal in conjunction with the development

of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared opening for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, twenty-five (25) percent of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the Commercial Fisheries I and II Districts and Shoreland Business District when for a commercial use.

Art. 15 – Shall an Ordinance entitled ‘2005 Amendments to the Basic Land Use Ordinance Regarding Violations’ be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 13.6, regarding Violations, as set forth below:

13.6. Violation, Enforcement, Penalties, and Legal Actions

13.6.1. Any violation of the Town' s land use ordinances shall be deemed to be a nuisance.

13.6.2. If the Codes Enforcement Officer finds that provisions of the Town' s land use ordinances are being violated, he or she shall notify personally or in writing, if necessary by certified mail return receipt requested, the person responsible for such violation indicating the nature of the violation, and ordering the action necessary to correct it. He or she shall order the discontinuance of illegal use of land, structures, or work being done, removal of illegal structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done or nuisance conditions; or shall take any other action authorized by this Article to ensure compliance with or to prevent violation of the provisions of the Town' s land use ordinances. A copy of such notice shall be submitted to the Board of Selectmen and shall be maintained as a permanent record.

13.6.3. Any person, including but not limited to a landowner, a landowner' s agent, or contractor who orders or conducts any activity in violation of the Town' s land use ordinances shall be penalized in accordance with 30-A; M.R.S.A. § 4452, as may be amended from time to time.

~~Citizen' s Note~~*Current penalties include fines of not less than \$100 nor more than \$2500, for each day the violation occurs.* Fines may be assessed for each day the violation occurs.

Art. 16 – Shall an Ordinance entitled ‘2005 Amendments to the Basic Land Use Ordinance Regarding Independent Consulting Fees’ be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Add Section 12.2.3.3, regarding Technical Review Fees, as set forth below:

12.2.3.3 Technical Review Fee

In addition to the application fee, every applicant to the Planning Board may also be required by the Planning Board to pay a technical review fee to defray the Town’s legal and technical costs of the application review. This fee must be paid to the Town and shall be deposited in an individual trust account, which is separate and distinct from all other Planning Board and Town accounts. When a technical review fee is required, the application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. If the initial fee proves to be insufficient to meet the Town’s legal and technical costs of reviewing the application, the Planning Board may assess an additional fee(s) to cover such legal and technical costs.

The technical review fee may be used by the Planning Board only to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The Town shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with conditions of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes.

Art. 17 – Shall an Ordinance entitled ‘2005 Amendments to the Basic Land Use Ordinance Regarding Minimum Road Frontage Outside of Subdivisions’ be enacted?

Recommended by Selectmen

The Town of Harpswell Basic Land Use Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 11.1 of the Basic Land Use Ordinance, regarding footnote 3, as set forth below:

3. For any road serving more than two lots or dwelling units, the road must comply with the requirements of the Town of Harpswell Road Ordinance. For any lot to which access is only by one or more roads terminating at the lot, no minimum road frontage is required provided that access to any development on the lot is wide enough to accommodate emergency vehicles but in no event less than 12 feet in width.

Art. 18 – Shall an Ordinance entitled ‘2005 Amendments to the Sign Ordinance’ be enacted?

Recommended by Selectmen

The Town of Harpswell Sign Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 3.3.2, regarding Business Advertising Signs, as set forth below:

3.3.2 Display Business Advertising Signs not over 32 sq. ft. in area, with the longest dimension not over 8 ft., and limited to one visible in each direction, may be displayed at the owner' s place of business. Signs in this category must meet the following criteria: They must be placed on the lot site of the business, not more than 100 ft. in either direction along the highway from said place of business and must be placed so as not to obstruct the vision of motorists in any direction from the highway. No sign shall be placed closer than 33 ft. from the center of the right of way, ~~except as granted by the Municipal Officers.~~

Amend Section 3.3.6, regarding Permits, as set forth below:

3.3.6 No person, firm or corporation shall erect or place any sign described in Section 3.3.1, 3.3.2, 3.3.4 and 3.3.5 without first obtaining a permit from the Municipal Officers; except that conforming signs already in place as of the effective date of this ordinance under Section 3.3.1, 3.3.2, 3.3.3, 3.3.4, and 3.3.5 will be permitted to remain in place. The price of the permit ~~will be \$5.00,~~ shall be of an amount as established by the Board of Selectmen from time to time.

Amend Section 3.5, regarding Fines, as set forth below:

3.5 Fines

Any person violating any of the provisions of this ordinance shall be subject to a fine ~~of not less than \$25.00, and each day' s violation shall be considered to be a separate offense~~ of an amount as established by the Board of Selectmen from time to time. Nothing herein shall be construed as preventing the Municipal Officers from seeking removal of any sign which is in violation of this ordinance.

Art. 19 – Shall an Ordinance entitled ‘2005 Amendments to the Road Ordinance’ be enacted?

Recommended by Selectmen

The Town of Harpswell Road Ordinance shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

Amend Section 2.2, regarding Applicability, as set forth below:

2.2 The ordinance is known as the Harpswell Road Ordinance and shall govern the construction of all collector roads, local roads, and driveways. All roads shall be constructed in accordance with this ordinance and Maine Department of Transportation (MDOT) standards. This ordinance repeals and replaces the Town Road Ordinance adopted March 16, 1996 and amended March 15, 1997.

Except as provided in Section 6 of this Ordinance or as may otherwise be required by law, Roads in existence as of March 9, 2002 do not need to be upgraded for development, ~~except for roads that serve any new subdivisions after March 9, 2002.~~ *see section 6.1.3

Amend Section 6, regarding Subdivision Roads, as set forth below:

Section 6. Subdivision Roads

6.4 New subdivisions connecting directly to existing public road(s) must upgrade the public road(s) to the applicable road construction standards if it is determined by the Planning Board that the subdivision will have a detrimental effect on the condition of the public road(s), the level of service at nearby intersections impacted by the subdivision and the carrying capacity of existing public road(s).

Art. 20 – Shall an Ordinance entitled “2005 Amendments to the Harpswell Shellfish Ordinance” be enacted?

Recommended by Selectmen

[The proposed Ordinance is available for review and inspection at the Town Clerk’s Office and will also be available at the Town Meeting.]

Art. 21 – Shall an Ordinance entitled ‘2005 Amendments to the Official Shoreland Zoning Map of the Town of Harpswell to Change the Zoning District Designation of Properties Currently identified as Tax Map 27, Lot 19 from Commercial Fisheries I and II to Shoreland Business; Tax Map 27, Lot 27 from Commercial Fisheries I and II to Shoreland Business; Tax Map 27, Lot 29 from Commercial Fisheries I and II to Shoreland Business; Tax Map 27, Lot 31 from Commercial Fisheries I to Shoreland Business; Tax Map 27, Lot 32 from Commercial Fisheries I to Shoreland Business; Tax Map 27, Lot 33 from Commercial Fisheries I to Shoreland Business; Tax Map 27, Lot 35 from Commercial Fisheries I and II to Shoreland Business; Tax Map 27, Lot 37 from Commercial Fisheries II to Shoreland Business; Tax Map 26, Lot 42 from Commercial Fisheries I and II to Shoreland Business; and Tax Map 26, Lot 50 from Commercial Fisheries I and II to Shoreland Business’ be enacted?

Recommended by Selectmen

Art. 22 – To see if the Town will vote to raise and appropriate \$30,400 for the purchase of a certain lot or parcel of land in Harpswell located across from the Town Offices on Mountain Road, approximately .25 acres in size, currently owned by Leslie Ricker and depicted as Lot 6 on Town Tax Map 42.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

[Note: The Town's current assessment of the parcel is \$31,300; purchase price is \$31,000; \$600 from the Town's land acquisition fund will be applied to the purchase.]

Art. 23 – To see if the Town will vote to raise and appropriate \$29,703 for the purchase of a certain lot or parcel of land in Harpswell located at the end of Holbrook Street, approximately .06 acres in size, currently owned by Pauline B. Toothaker, heir of Walter Toothaker, and depicted as Lot 156 on Town Tax Map 62.

*Recommended by Selectmen
Recommended by the Budget Advisory Committee*

[Note: The Town's current assessment of the parcel is \$30,500; purchase price is \$30,303; \$600 from the Town's land acquisition fund will be applied to the purchase.]

Art. 24 – To see if the Town will vote to authorize the Board of Selectmen to negotiate the terms of and accept delivery of easement deeds from Natalie Durant, Brian Durant, Russell Munsey and Martha A. Munsey for a ten foot wide easement adjacent to Field Road (a portion of Tax Map 63, Lots 53 and 55).

Recommended by Selectmen

Art. 25 – To see if the Town will vote to authorize the Board of Selectmen to negotiate the terms of and accept delivery of an easement deed for a dry hydrant fire protection system from Kalm Harbour, LLC on property located off Shore Acres Road (a portion of Tax Map 12, Lot 188), provided that Kalm Harbour, LLC pays for one-half of the construction cost in an amount not to exceed \$3,000 for its share.

Recommended by Selectmen

Art. 26 – To see if the Town will vote to designate (1) the wooded area of George J. Mitchell Field along the southern portion of the Field for conservation and non-intrusive uses, including but not limited to walking, picnicking and skiing; and (2) for recreational purposes the area beginning at the first road intersection after the main entrance gate of George J. Mitchell Field and extending to the road on which the generator building is located; provided, however, that no building other than a shed will be constructed without approval of the Town Meeting.

Recommended by Selectmen

GENERAL GOVERNMENT & OPERATIONS

Art. 27 – To see what sum the Town will vote to raise and appropriate for the following elected officials’ salaries, for which Tax Collector and Town Clerk are full-time positions, and travel allowances; and when the Selectmen fill a vacancy in any elected position, they are authorized to establish the annual payment, at their discretion, but in no case in an amount less than three-quarters of the amount in this Article. These are annual salary figures, which shall be prorated and effective from the time of election through December 31 of that year. (Previous year \$107,746)

	2005 Proposed Salary	& Expense/Travel	Previous Year
Selectman, Chair	\$2,500	\$1,000	\$8,000; same travel
Selectman	2,500	1,000	\$7,500; same travel
Selectman	2,500	1,000	\$7,500; same travel
Tax Collector	36,364	1,000	\$35,304; salary; same travel
Town Clerk	36,364	1,000	\$31,442; salary; same travel
Treasurer	6,000	500	No change
Road Commissioner	<u>5,500</u>	<u>1,000</u>	\$6,000; \$500 travel
	\$91,728	\$6,500	

*\$98,228 Recommended by Selectmen Theberge & Weil
Abstention by Selectman Knight
\$109,750 Recommended by Budget Advisory Committee*

Art. 28 – To see if the Town will vote to raise and appropriate the sum of \$321,365 for General Administration.

	2005 Proposed	Previous Year	
Administration	\$235,895	\$250,466	
Assessing	74,470	105,408	
Public Information	<u>11,000</u>	<u>9,000</u>	(separate article in 2004)
	\$321,365	\$364,874	

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 29 – To see if the Town will vote to raise and appropriate the sum of \$32,644 for the Tax Collector’s Office. (Previous Year \$35,327)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 30 – To see if the Town will vote to raise and appropriate the sum of \$48,515 for the Town Clerk’s Office. (Previous Year \$45,640 plus \$8,750 from contingency)

*Recommended by Selectmen Theberge and Weil
Abstention by Selectman Knight
Recommended by Budget Advisory Committee*

Art. 31 – To see if the Town will vote to raise and appropriate the sum of \$108,660 for Codes Enforcement. (Previous Year \$99,250)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 32 – To see if the Town will vote to raise and appropriate the sum of \$64,725 for the Planning Office. (Previous Year \$71,848 for the Planning Office)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 33 – To see if the Town will vote to raise and appropriate the sum of \$2,450 for the Treasurer’s Office. (Previous Year \$2,660)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 34 – To see if the Town will vote to raise and appropriate the sum of \$205,478 for employee benefits.

	2005 Proposed	Previous Year
Maine State Retirement	\$4,725	\$4,600
Health Insurance	117,673	125,900
Social Security/Medicare	61,200	62,436
Deferred Compensation	11,280	10,000
IAM Pension Fund	8,500	7,280
Short-term Disability	<u>2,100</u>	<u>2,000</u>
	\$205,478	\$212,216

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 35 – To see if the Town will vote to raise and appropriate the sum of \$55,125 for Risk Management (Insurance and Workers’ Compensation). (Previous Year \$53,578)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 36 – To see if the Town will vote to raise and appropriate the sum of \$50,000 for legal expenses. (Previous Year \$50,000)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 37 – To see if the Town will vote to raise and appropriate the sum of \$12,813 for memberships.

	2005 Proposed	Previous Year
Maine Municipal Association	\$6,987	\$6,940
Greater Portland Council of Governments	5,226	5,250
Chamber of Commerce	<u>600</u>	<u>600</u>
	\$12,813	\$12,790

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 38 – To see if the Town will vote to raise and appropriate the sum of \$5,070 for Town Boards/Committees’ expenses. (Previous Year \$4,000)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 39 – To see if the Town will vote to raise and appropriate the sum of \$68,178 for operations and maintenance of Town-owned buildings, properties, vehicles, and clean-up of Town properties.

	2005 Proposed	Previous Year
Town Bldgs, Prop, & Veh.	\$57,778	\$59,750
Old Town House & Commons	3,200	2,000
Town Clean-up	1,000	1,200
Town Dock	2,500	2,150
Mackerel Cove/Town Landings	<u>3,700</u>	<u>-</u>
	\$68,178	\$65,100

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

PUBLIC WORKS

Art. 40 – To see if the Town will vote to raise and appropriate the sum of \$406,000 for Public Works.

	2005 Proposed	Previous Year
Snow Removal	\$368,500	\$368,500
Road Maintenance	20,000	100,000
Road Commissioner Services	15,500 (<i>not to exceed</i>)	15,500
Road/Street Signs	<u>2,000</u>	<u>2,000</u>
	\$406,000	\$486,000

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

[Note: \$40,000 of 2004 unexpended road maintenance funds were carried forward to the 2005 road maintenance budget.]

Art. 41 – To see if the Town will vote to appropriate from undesignated fund balance the sum of \$59,000 for the 2004-2005 Road Capital Reconstruction Project.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 42 – To see if the Town will vote to raise and appropriate the sum of \$382,120 for Harpswell Recycling Center and Transfer Station operations and personnel. (Previous Year \$405,600)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

PROTECTION AND SAFETY

Art. 43 – To see if the Town will vote to raise and appropriate the sum of \$223,850 for Emergency Services.

	2005 Proposed		Previous Year
Oper./Ins./Train	\$132,000	<i>(Split evenly among 3 depts)</i>	\$132,000
Capital	75,000	<i>(Split evenly among 3 depts)</i>	65,000
ALS	10,000		10,000
EMS Coordination	1,200		1,200
Central Com. Maint.	750		1,000
Fire Warden	2,200		2,700
Emergency Manag't	2,000		2,000
911 Phone Access	<u>700</u>		<u>700</u>
	<u>\$223,850</u>		<u>\$214,600</u>

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 44 – To see if the Town will vote to raise and appropriate the sum of \$266,321 for Law Enforcement and Communications Services contracted with Cumberland County and to appropriate \$12,000 from the vehicle replacement capital reserve account for a law enforcement vehicle with Cumberland County Sheriff's Department, and to authorize the Board of Selectmen to enter a two-year contract for Communications Services. (Previous Year \$255,100 for Law Enforcement and Communications Services)

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 45 – To see if the Town will vote to raise and appropriate the sum of \$123,821 for Shellfish Conservation enforcement and boat operations.

	2005 Proposed	Previous Year
Cumberland County Marine Patrol Contract	\$121,821	\$116,275
Boat Operations	<u>2,000</u>	<u>1,000</u>
	<u>\$123,821</u>	<u>\$117,275</u>

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 46 – To see if the Town will vote to raise and appropriate the sum of \$1,600 for water quality testing, shoreline surveys and the New Meadows River Watershed Project.

	2005 Proposed	Previous Year
Water Quality Testing & Shoreline Surveys	\$600	\$5,600
Clam Flat Surveys	0	4,000
New Meadows River Watershed Project	<u>1,000</u>	<u>1,000</u>
	<u>\$1,600</u>	<u>\$10,600</u>

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 47 – To see if the Town will vote to appropriate funds in the Town's failed septic fund reserve account for (1) replacement of subsurface wastewater disposal systems when the property owner fails to deal with an urgent sanitary problem subject to recovery of funds from the property owner and (2) for the provision of grants on the basis of the same need criteria as applied by the State of Maine.

Recommended by Selectmen

Recommended by Budget Advisory Committee

[Note: There is \$14,956 in the failed septic fund reserve account.]

Art. 48 – To see if the Town will vote to raise and appropriate the sum of \$27,550 for Street Lighting. (Previous Year \$27,550)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 49 – To see what sum the Town will vote to raise and appropriate for Harbor Management.
(Previous Year \$17,950)

*\$20,250 Recommended by Selectmen
\$20,250 Recommended by Budget Advisory Committee*

Art. 50 – To see if the Town will vote to raise and appropriate the sum of \$22,275 for Animal Control.

	2005 Proposed	Previous Year
Animal Control	\$16,250	\$19,810
Coastal Humane Society	<u>6,025</u>	<u>6,025</u>
	\$22,275	\$25,835

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

HEALTH AND WELFARE

Art. 51 – To see if the Town will vote to raise and appropriate the sum of \$26,350 for Health and Welfare and related Agencies.

	2005 Proposed	Previous Year
General Assistance	10,000	9,000
Health Officer	1,600	1,600
CHANS	1,500	1,500
Jessie Albert Dental Clinic	0	1,000
Independence Association	1,500	1,500
CED	730	500
Coastal Transportation	1,000	1,000
People Plus	1,500	1,500
Senior Spectrum	1,630	1,000
Hospice	1,500	1,500
Family Crisis Shelter	500	500
Sexual Assault Response	240	250
Tedford Shelter	900	1,000
Big Brothers/Big Sisters	500	500
Respite	1,000	1,000
Hunger Prevention	2,000	2,000
Southern Maine Parent Awareness	<u>250</u>	<u>0</u>
	\$26,350	\$25,350

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

CULTURAL AND RECREATIONAL

Art. 52 – To see if the Town will vote to raise and appropriate the sum of \$25,000 for Cultural and Educational Programs.

	2005 Proposed	Previous Year
Orr’s Island Lib rary	10,000	10,000
Cundy’s Harbor Library	10,000	9,500
Cundy’s Harbor Portable Septic	1,000	0
Harpwell Historical Society	2,000	2,000
Pejepscot Historical Society	500	500
Memorial Observances	<u>1,500</u>	<u>1,500</u>
	\$25,000	\$23,500

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 53 – To see if the Town will vote to raise and appropriate the sum of \$35,000 for Harpswell Community Broadcasting Company. (Previous Year \$35,000)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 54 – To see if the Town will vote to raise and appropriate the sum of \$21,292 for Recreation, including Recreation Director compensation and departmental expenses. (Previous Year \$21,130)

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 55 – To see if the Town will vote to raise and appropriate \$7,255 for recreation programs and authorize the Board of Selectmen to appropriate revenue generated by recreation programs for recreational purposes and revenue generated by advertising and concession sales for operating expenses and capital improvement of Trufant-Summerton Field.

	2005 Proposed	Previous Year
Baseball	1,000	1,000
Basketball	1,000	1,000
Harrier	725	775
Skiing	1,030	1,030
Soccer	150	150
Summer Arts	600	600
Family Swim	150	150
Summer Swim	2,000	1,000
Contours	50	50
New Programs	<u>550</u>	<u>550</u>
	\$7,255	\$6,305

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

CAPITAL PLANS

Art. 56 – To see if the Town will vote to raise and appropriate the sum of \$33,500 to fund capital reserve accounts.

Boat & Motor Replacement	7,000
Voting Machines	3,000
Harpswell Community Broadcasting (<i>Digital conversion</i>)	5,000
Communications Repeater Replacement	1,000
Vehicle Replacement	<u>17,500</u>
	\$33,500

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 57 – To see if the Town will vote to raise and appropriate the sum of \$100,000 for a capital reserve road account and appropriate \$100,000 from undesignated fund balance for same capital reserve road account, provided that the funds shall only be spent upon a subsequent Town Meeting vote.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

Art. 58 – To see if the Town will vote to raise and appropriate the sum of \$35,000 for the Recycling Center reserve account for capital expenditures in 2005 and to appropriate \$58,600 from undesignated fund balance for future year Recycling Center capital expenditures consistent with the 2005 recycling center five-year capital plan.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

[Note: The existing \$40,637 in the Recycling Center capital reserve account will be combined with the \$35,000 appropriation for the acquisition of a backhoe in 2005.]

CONTINGENCY

Art. 59 – To see if the Town will vote to raise and appropriate the sum of \$15,356 for contingency reserve.

*Recommended by Selectmen
Recommended by Budget Advisory Committee*

[Note: \$15,356 replenishes the contingency reserve account to \$80,000. In 2004, a total of \$16,639 was charged to contingency: \$8,750 for the Town Clerk's Office; \$4,500 for the removal of two mobile homes due to automatic foreclosure; \$2,640 for Advance Life Support intercept services and \$749 for the General Law Enforcement contract with Cumberland County. The beginning balance in contingency for 2004 was \$81,283.]

OTHER ITEMS

Art. 60 – To see if the Town will vote to authorize the Board of Selectmen to appropriate an amount not to exceed \$200,000 from Municipal Revenue Sharing and \$1,500,000 of 2005 non-property tax revenue to reduce the tax commitment.

Recommended by Selectmen

Art. 61 – To see if the Town will vote to fix the date of October 15, 2005 as the date when the first one-half of taxes shall be due and payable, with interest on the first installment to start after that date, and the date of December 15, 2005 as the date when the second one-half of taxes are due and payable, with interest on the second installment to start after that date, and to see if the Town will vote to charge a 6.5% rate of interest on unpaid taxes.

Recommended by Selectmen

Art. 62 – To see if the Town will vote to authorize the Tax Collector to accept prepayment of taxes not yet committed, as a service to our taxpayers. Any excess prepaid in over the amount finally committed shall be repaid without interest. (36 M.R.S.A. § 506). (Excess payment of \$10.00 or less may be credited to 2005 taxes).

Recommended by Selectmen

Art. 63 – To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 2.5% for the period of assessment and to authorize such interest paid or abatements granted to be appropriated from overlay funds or, if necessary, from undesignated fund balance.

Recommended by Selectmen

Art. 64 – To see if the Town will vote to authorize and direct the Board of Selectmen, at their discretion, to sell by sealed bid or public auction and to convey by quit-claim deed any real estate acquired from tax sources by the Town, or to convey the property to the prior owner upon payment in full of all taxes, interest and charges incurred by the Town. The Board of Selectmen reserves the right to reject any and all bids.

Recommended by Selectmen

Art. 65 – To see if the Town will vote to authorize the Board of Selectmen to accept conditional and unconditional gifts of money and to appropriate such funds for any purpose for which the Town has appropriated funds.

Recommended by Selectmen

Art. 66 – To see if the Town will vote to accept the gift of picnic tables given by Wayne and Nancy Hurst.

Recommended by Selectmen

Art. 67 – To see if the Town will vote to authorize the Board of Selectmen to spend an amount not to exceed 3/12 of the budgeted amount in each budget category of the 2005 annual budget from January 1, 2006 to the 2006 Annual Town Meeting.

Recommended by Selectmen

Art. 68 – To see if the Town will vote to raise and appropriate the sum of \$552,772 for Debt Service.

Recommended by Selectmen

Recommended by Budget Advisory Committee

Art. 69 – To see if the Town will vote to authorize the Board of Selectmen to sell by public bid or other competitive process any and all personal property deemed excess by the Board of Selectmen pursuant to such restrictions as the Board of Selectmen may impose.

Recommended by Selectmen

Art. 70 – To see if the Town will vote to make the following findings of fact and to take the following action:

WHEREAS, the Town of Harpswell must maintain by summer and winter maintenance such public ways as have been established by law, including Steamboat Wharf Landing Road on Bailey Island as laid out by Town meeting vote in 1906; and

WHEREAS, a dispute has arisen as to the exact location of the northerly terminus of said road, facing the head of Mackerel Cove, which has traditionally been, and continues to be, an important point of public access for boaters in general and local fishermen in particular to access the water and for both to make visual checks on their boats moored in Mackerel Cove on said Bailey Island; and

WHEREAS, the Board of Selectmen, after public hearing, determined that the public exigency required the immediate taking by eminent domain of a public easement for municipal highway purposes and for emergency services access of the outstanding Steamboat Wharf Landing Road property interest(s), if any, at the northerly terminus of said road facing the head of Mackerel Cove to clarify that the northerly terminus of said road is coincident with the top of the banking facing the head of said Mackerel Cove, with said property interest being more particularly described in the attached Appendix A; and

WHEREAS, the Town meeting has determined that such taking and award of money damages as shown on Appendix A are necessary for public purposes to permit the continued use and maintenance of said road;

VOTED, pursuant to 23 M.R.S.A. §§ 3022-23, the Town takes a public easement for municipal highway purposes by eminent domain in the outstanding property interest(s), if any, in the Steamboat Wharf Landing Road parcel, described on the attached Appendix A, and that this Warrant Article, with the attached Appendix A, be filed with the Town Clerk and an attested copy of this Warrant Article be recorded in the Cumberland County Registry of Deeds and that an attested copy of this Warrant Article, Appendix A and a check in the amount of \$1.00 for said parcel, and made payable to the adjacent property owner and mortgagee, jointly, as shown on Appendix A, shall be served on one of them as payment in full for the real property interests taken hereby.

Dated: March 12, 2005

Recommended by Selectmen

APPENDIX A

Property Owner(s):

Elizabeth Ann Chaplin
21 Steamboat Wharf Landing Road
P.O. Box 22
Bailey Island, ME 04003

Marie-Louise Skillings (mortgagee of record)
c/o John Moncure, Esq.
P.O. Box 636
Brunswick, ME 04011-0636

Amount of Damages: \$1.00.

Description of Property Taken:

A public easement for municipal highway purposes in any and all outstanding property interests, whether real, personal or mixed, in that certain lot or parcel of land located at the northerly terminus of Steamboat Wharf Landing Road on Bailey Island in Harpswell, County of Cumberland, State of Maine, and being more particularly described as follows:

A certain lot or parcel of land in said Harpswell lying between the northerly terminus of Steamboat Wharf Landing Road, as laid out in 1906 by Town meeting vote, and the seaward, or northerly, edge of the top of the banking facing the head of Mackerel Cove, being thirty three (33) feet, more or less, in width.

The purpose of this eminent domain taking is to clarify that the northerly terminus of Steamboat Wharf Landing Road is coincident with the seaward edge of the top of the banking facing the head of Mackerel Cove.

Art. 71 – To see if the Town will vote to authorize the Board of Selectmen to negotiate the terms and accept delivery of easement deeds from Thomas J. Parciak, Marianne D. Parciak, Robert Skillings, E. James Skillings, Janice Skillings-Goff, Margaret Khaffaf, and James E. Davis for an eight-foot-wide pedestrian easement located off Steamboat Road on Bailey Island (a portion of Tax Map 23, Lots 75 and 77).

Recommended by Selectmen

Art. 72 – To see if the Town will vote to authorize the Board of Selectmen on behalf of the Town to execute a settlement agreement and to exchange release deeds with Burna Coolidge, the owner of the most southwesterly parcel of land at the end of Graveyard Point Road, to resolve certain disputed property rights issues and to establish a common lot line between her parcel and the Town' s right of way a shown on the April 5, 1999 survey plan of the area drawn by MidCoast Survey Company.

Recommended by Selectmen

Art. 73 – To see if the Town will vote to raise and appropriate \$1,000.00 for the purpose of participating in the Sagadahoc Region Rural Resource Initiative, a regional effort to preserve open space, rural character and natural resources.

Recommended by Selectmen

Art. 74 – To see if the Town will vote to change the name of the Harpswell Recycling Center to the Dennis Moore Recycling Center and Transfer Station in appreciation of his 26 years of service to the Town at that facility.

Recommended by Selectmen

The Selectmen hereby give notice that the Registrar of Voters will be available at the Town Office during regular business hours for the entire week preceding said meeting to receive applications of persons claiming the right to vote at said meeting and to make corrections to the list of voters. Registrations will be accepted at the meeting.

Given under our hand this fourth day of March, A.D. 2005.

James W. Knight

Lee E. Theberge

*Gordon L. Weil
Harpswell Board of Selectmen*