

**Selectmen's Meeting Minutes**  
**January 7, 2016**  
**Harpswell Town Office**  
**Approved January 28, 2016**

At 5:00pm, Chairman Daniel moved, seconded by Selectman Multer to enter executive session pursuant to 1 M.R.S.A. § 405 (6) (e) regarding Town property; motion passed 3-0.

At 5:40pm, the Board recessed.

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:00 p.m.

**Selectmen Present:** Richard A. Daniel, Elinor Multer and Kevin E. Johnson

**Staff Present:** Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; Fred Cantu, Code Enforcement Officer; and Mark Eyerman, contracted Planner

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

**2. Public Comment:** None.

**3. Town Administrator's Report:** Administrator Eiane announced that nomination papers are available from the Town Clerk's office for Selectman, Tax Collector, Town Clerk and MSAD 75 Director. Papers are due back January 27. Administrator Eiane announced there will be a rabies clinic held at the Town Office on Saturday, January 9 from 9am – 11am. People can also register their dogs at that time.

**4. Selectmen's Announcements:** None.

**5. Consent Agenda:** Chairman Daniel moved, seconded by Selectman Johnson to approve the consent agenda [December 17 and 30 minutes; mileage reimbursement rate of .54 per mile; 2015 warrant #55 in the amount of \$44,052.69, 2016 warrant #2 in the amount of \$181,177.53, and payroll warrant #2 in the amount of \$14,544.62]; motion passed 3-0.

**6. Consider First Time Holding Tank Application:** Fred Cantu, Code Enforcement Officer, stated this application is for the barn only at 1583 Harpswell Neck Road. He stated it meets the Subsurface Wastewater Disposal Rules for a non-residential use. The barn hosts functions on a seasonal basis. Chairman Daniel asked why the new bathroom in the barn could not tie into the existing system; Mr. Cantu responded that since this holding tank is for non-residential use, the Rules allow for unreasonable costs to be considered as a factor in review. The owners are installing a 2,000 gallon holding tank when a smaller size is permitted. Chairman Daniel moved, seconded by Selectman Johnson to approve the application; motion passed 2-0 (Selectman Multer abstained).

**7. Next Steps Mitchell Field:** Administrator Eiane stated the Mitchell Field Committee presented its report to the Board at the last meeting. Mark Eyerman, the Town's contracted Planner, laid out the possible next steps with an emphasis on being ready for Town Meeting. One of the main issues is the deteriorating pier and finding out what State agencies will require the Town to do. When the pump house fell last year, the Department of Environmental Protection required the Town to remove the debris. However, in 2013, Barney Baker met with regulatory agencies and it was unclear at that time if the Town would be required to take action if the pier fell in the water. The Committee is recommending the Town hire Barney Baker in a limited role to assist with determining what would be required and/or allowed with respect to the pier. Administrator Eiane recommended the Board authorize up to \$2,000 from the planning office (contracted services) for Mr. Baker's assistance, including possibly meeting with agencies. Selectman Multer stated she hopes to get a sense on whether using the pier to form a reef is an option. Rob Roark, Mitchell Field Committee, stated a resident informed him of a new

process for blasting under water using a bubble curtain which limits the impact on the environment. Chairman Daniel suggested the Board consider organizing a group to spearhead raising funds for the boat launch, which would be similar to the group that produced the Bandstand. Administrator Eiane stated the Mitchell Field Committee is reaching out to Town committees and the public seeking input regarding the boat launch. Jane Covey, Mitchell Field Committee chair, stated she will use those forums to also discuss Chairman Daniel's funding idea. Ms. Covey noted the Committee provided draft warrant articles for the March Town Meeting, including asking Town Meeting to adopt the Committee's report. Selectman Multer moved, seconded by Selectman Johnson to authorize contracting with Barney Baker for up to \$2,000 for assistance relating to the pier; motion passed 3-0. Mr. Roark reviewed the warrant articles and stated the Committee feels it is important to have Town Meeting accept the waterfront vision similarly to how it accepted the Master Plan. Selectman Multer stated she is uncomfortable asking Town Meeting to adopt the report particularly since it includes projected costs for the different options. Mr. Roark noted the costs are estimates and if the report is approved, Town Meeting would be presented with future warrant articles to vote on. Without an authorizing article, it will limit the Town's ability to seek grant sources. The Board agreed to review the warrant articles at an upcoming meeting. Don Miskill, Mitchell Field Committee, stated the Committee took the language from the Master Plan article which did not commit the Town to the costs in the Master Plan at that time.

## **8. Consider Proposed Ordinance Amendments**

- A. Land Use Amendments for Town Meeting Warrant:** Mark Eyerman reviewed the proposed ordinance amendments, being recommended by the Planning Board, that have been through the hearing process. The amendments include one regarding the review of reconstruction of non-conforming structures and clarification on when Planning Board review is required. Another amendment provides for the placement of temporary shelters (such as a recreational vehicle) under certain rules while a principal structure is being built or reconstructed. Mr. Eyerman stated he would provide the proposed changes to the Department of Environmental Protection if approved by the Board. Selectman Multer asked if the temporary structure section prohibits the temporary structure to be lived in once the principal structure is completed. Mr. Eyerman responded affirmatively and reviewed the language.
- B. Possible Structure Height and Pesticide Ordinance Amendments:** Mary Ann Nahf, chair of Conservation Commission, stated the Commission has been working on the pesticide control ordinance. Ms. Nahf stated there is proposed legislation in Augusta on controlling pesticides which includes language that would not allow local controls to be stricter than the State's. There are other potential issues that could conflict with a local ordinance and Ms. Nahf stated she is working with Jay McCreight, State Representative, and Mr. Eyerman on further amendments. Chairman Daniel asked about the language regarding 'random sampling' and if it that can be done without cause. Ms. Nahf stated the Commission was using the current Insect Growth Regulator and Insecticide Control Ordinance as the base and making amendments to that ordinance. The random sampling language was in the original ordinance. Selectman Multer suggested the Board may want to reach out to its legislative representatives to express the importance of protecting our shorefront environment. Mr. Eyerman noted the Lobster Council is also tuned into the importance of controlling pesticides. He stated another hearing will be held on these proposed amendments and if additional changes are needed another hearing may be held although the Insect Growth Regulator and Insecticide Control Ordinance is a separate ordinance and does call for a specific procedure for amending.

Selectman Johnson stated he plans to meet with Mr. Eyerman tomorrow regarding language to increase the building height to 32 feet. Selectman Johnson checked with the three fire departments and there were no concerns with the proposal. Additionally the Code Office is in agreement. The Board agreed to proceed with language for a Planning Board hearing.

**9. Planning Services Contract Amendment:** Administrator Eiane stated Mark Eyerman has been providing planning services to the Town under Planning Decision and she recommended a contract extension to June 30. After June 30, Mr. Eyerman is interested in providing services as an individual contractor. The Board did not bid this service and indicated at a workshop it wanted to continue with Mr. Eyerman's services. The Selectmen

noted they have heard positive feedback regarding the services. Chairman Daniel moved, seconded by Selectman Multer to extend the contract to June 30; motion passed 3-0.

**10. Consider 2015 Carryover List:** The carry-over list with proposed categories and funds was reviewed as well as the items proposed to lapse. Chairman Daniel moved, seconded by Selectman Multer to approve the carryover list; motion passed 3-0.

EMS planning	1,094
Energy Conservation	2,502
Flood plain map revisions	2,961
Harpswell Neck Library	4,525
Land purchase map 42, lot 6	3,318
Boat & Motor Replacement Reserve	38,243
Recycling/Transfer Reserve	37,893
Vehicle & Equipment Reserve	69,065
Emergency Communications Equip Reserve	21,521
Dry Hydrant Reserve	12,780
Land Acquisition/Property Improvement Reserve	18,280
Pott's Point Pier Reserve	5,500
Mitchell Field capital	2,758
Failed Septic Reserve	22,649
Property Tax Assistance	15,875
Cedar Beach legal	46,751
Conservation Fund	5,000
Self-Insurance	1,650
Heating Assistance	26,392
Assessing/Revaluation	20,235
Contingency	13,610
	372,602

**11. Open Bids for Sale of Town Truck:** No bids were received. Chairman Daniel moved, seconded by Selectman Multer to re-advertise the truck without a minimum bid requirement understanding the Board has the right to refuse any and all bids; motion passed 3-0.

**12. Accept Donations:** Chairman Daniel moved, seconded by Selectman Multer to accept a donation from Mary and Jack Deislinger for \$20 and one for \$100 from Norman Breitner, both for the bandstand; motion passed 3-0.

**13. Consider Increasing Conservation Commission Membership and Appointments:** Deputy Administrator Sawyer stated there was a time when attendance at Conservation Commission meetings was low and the Board reduced its size to 5 members. Now there are people interested in joining and the Commission would prefer the size to be returned to 7. Chairman Daniel moved, seconded by Selectman Multer to expand the membership to 7; motion passed 3-0. Chairman Daniel moved, seconded by Selectman Johnson to appoint Wendy Batson as a member and Paul Ciesielski as a full member (no longer associate); motion passed 3-0.

**14. Consider Process Re: Additional Wage/Salary Adjustments:** Administrator Eiane stated as part of an employment offer Fred Cantu was offered an incentive of a minimum \$1.00/hour raise when he became a certified code officer and another minimum of a \$1.00/hour when he received the local plumbing inspector certification. The Board provided for more than \$1.00 when Mr. Cantu obtained the code officer certification and he has recently obtained the plumbing certification. Chairman Daniel stated he believed when greater than the minimum was provided the first time that it would affect his decision for the second time. However, after re-reading the employment offer, he believes the additional increase must be \$1.00. Administrator Eiane stated the minimum of \$1.00 would be pursuant to the offer and noted Mr. Cantu is performing well in this role. Chairman Daniel moved, seconded Selectman Multer to increase Mr. Cantu's pay by \$1.00 per hour; motion passed 3-0.

Administrator Eiane stated the Board held a workshop last fall and agreed to budget a 1.5% raise for all employees plus additional adjustments for employees who were furthest away from the grade's midpoint (the grade midpoints were determined by a contracted salary survey). Administrator Eiane reviewed the adjustments and noted they were discussed at an advertised workshop and upon consensus by the Board, information on the pay adjustments was provided to employees and incorporated in the 2016 budget. Recently someone came forward requesting a greater adjustment. Administrator Eiane asked how the Board wanted to handle such requests. After discussing the matter, Chairman Daniel and Selectman Multer did not wish to reopen the matter considering the analysis used was part of a systematic approach. Selectman Johnson stated he was concerned by some workloads and of some of the lower wages. Administrator Eiane noted the lower pay levels received substantial increases, such as 14%, in 2015 and the salary survey addresses the job responsibilities with the grades. Chairman Daniel stated budgets will remain as is and Board can review the matter again this coming year.

Selectman Multer stated when Fred Cantu was appointed his title was Alternate Code Officer. She suggested amending the Town's ordinances to clarify that any reference to the Code Officer includes the Alternate Code Officer. She will discuss the proposed language with Mr. Eyerman tomorrow.

**15. 2016 Budget Review:** Administrator Eiane provided an overview of the proposed 2016 budget total of \$4,924,760. The proposed budget complies with LD1 and proposed 2016 revenues were increased. Administrator Eiane reviewed the highlights of the proposed budget and noted items that were not included in the budget. The Board met with the Budget Advisory Committee earlier this week for a budget review. Administrator Eiane reviewed a projected possible tax rate using assumptions, such as MSAD 75, which shows a possible 7.1% increase. However, there are options for reducing that increase. The Board discussed the following budgets and concurred with the listed totals:

General Government	\$337,275 (memberships may change)		
Elected Officials	\$140,641	Emergency building	\$ 6,000
Assessing	\$ 78,219	Old Town House	\$ 5,500
Code Office	\$130,248	Town dock	\$ 4,280
Tax Collector	\$ 34,104	Town lands	\$ 12,000
Town Clerk	\$ 58,595	Cedar Beach easement	\$ 2,500
Planning	\$ 72,132	Cemeteries	\$ 6,000
Committees	\$ 5,110	Risk management	\$ 56,393
Treasurer	\$ 29,308	Employee benefits	\$355,954
Facilities	\$ 72,900	Contingency	no appropriation at this time

**16. Other Business:** The Board discussed which Cumberland County Development Block Grant applications staff should focus on and agreed on Robinhood Road and the swim program.

**17. Public Comment:** None.

**18. Administrative Matters:** The Board agreed to meet each week with the January 21 meeting to be on January 20, only if the meeting is necessary.

**19. Adjournment:** At 8:32 a.m. the Chair adjourned the meeting without objection.

Respectfully Submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator